

The Ramsey County Board of Commissioners met with the following members present: Bennett, Carter (late), McDonough, Ortega, Rettman and Chair Parker – 6. Absent: Reinhardt – 1. Also present were Julie Kleinschmidt, County Manager, and Darwin Lookingbill, Director, Civil Division, County Attorney's Office.

PLEDGE OF ALLEGIANCE

All in attendance recited the Pledge of Allegiance.

AGENDA

Commissioner Bennett moved approval of the Agenda of the October 20, 2009 Board Meeting, seconded by Commissioner Ortega. Roll Call: Ayes – McDonough, Ortega, Rettman, Bennett, Parker – 5. Nays – 0.

(Commissioner Carter arrived at this point in the meeting.)

MINUTES

Commissioner Bennett moved approval of the Minutes of the October 13, 2009 Board Meeting, seconded by Commissioner Ortega. Roll Call: Ayes – Carter, McDonough, Ortega, Rettman, Bennett, Parker – 6. Nays – 0.

COMMUNITY HUMAN SERVICES – Chemical Dependency – Need Determination for Outpatient Treatment

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner McDonough. Roll Call: Ayes – Carter, McDonough, Ortega, Rettman, Bennett, Parker – 6. (2009-355)

WHEREAS, True Foundation Counseling Services has requested a Statement of Need for a proposed outpatient treatment program at 739 Selby Avenue, St. Paul, MN 55104; and

WHEREAS, The program intends to serve homeless adults with co-occurring chemical dependency and mental illness, individuals from the African American community and Spanish speaking individuals; and

WHEREAS, True Foundation Counseling Services has also requested a host-county contract to receive referrals and serve individuals from the Ramsey County Human Services Department; and

WHEREAS, The Chemical Dependency Service Team is recommending denial as the capacity of existing service programs is sufficient to serve the needs of the populations True Foundation Counseling proposes to serve; and

WHEREAS, Hennepin County has reviewed a similar request from True Foundation for program in Brooklyn Park; and

WHEREAS, Hennepin County has recommended to the state denial of that request for need determination due to the same sufficiency of current capacity; and

(Continued)

WHEREAS, The Minnesota Department of Human Services will review Ramsey County's recommendation as part of an overall review and consideration of whether to license True Foundation Counseling; and

WHEREAS, The state could decide to approve the license to serve individuals referred by health plans and from other sources; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners authorizes the County Manager and the Director of Human Services to sign a letter to the Commissioner of the Minnesota Department of Human Services denying the need for the program proposed by True Foundation Counseling Services.

COUNTY ATTORNEY – Recovery Act: Byrne Competitive – Domestic Violence Charging Project

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner McDonough. Roll Call: Ayes – Carter, McDonough, Ortega, Rettman, Bennett, Parker – 6. (2009-356)

WHEREAS, The Minnesota of Justice Programs awarded an Edward Byrne Memorial Justice grant for the Domestic Violence Charging Project to Ramsey County; and

WHEREAS, The award is \$397,193 for a two year period and funds two positions: 1.0 FTE attorney and 1.0 FTE paralegal; and

WHEREAS, The grant provides staff for the office to consolidate the review and charging of domestic abuse cases into a single charging desk thus ensuring consistency and enhancing communication with law enforcement investigators and to provide funding for the costs of developing special reports and the fees for an evaluator; and

WHEREAS, The goal of the project is to improve prosecution outcomes, increase offender accountability/consequences and increase victim safety while embodying the best practices identified in the St. Paul Blueprint for Safety, an inter-agency compact to change the criminal justice system's response to domestic violence; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners ratifies the grant application to the Department of Public Safety-Minnesota Office of Justice Programs for a Domestic Violence Charging Project; and Be It Further

RESOLVED, The Board approves the grant agreement with the Minnesota Office of Justice Programs for an Edward Byrne Memorial Justice Grant award from January 1, 2010, through December 21, 2011, in the amount of \$397,193; and Be It Further

RESOLVED, The Board authorizes the County Manager to execute the Agreement with the Department of Public Safety- Minnesota Office of Justice Programs on behalf of Ramsey County in a form approved by the County Attorney; and Be It Further

RESOLVED, The Board authorizes the County Manager to execute any amendments and renewals of this Agreement in a form approved by the County Attorney; and Be It Further

(Continued)

RESOLVED, The Board authorizes the County Manager to make all necessary budget adjustments, including increasing estimated revenue and appropriations; and Be It Further

RESOLVED, The Board approves an increase to the personnel complement of 2.0 FTEs: 1.0 FTE attorney and 1.0 FTE paralegal, which shall be starred in the budget and contingent upon the continued availability of funding; and Be It Further

RESOLVED, The Board reaffirms its directive to the County Manager to minimize layoffs and to communicate all job postings, requirements, and opportunities to applicable staff.

COUNTY MANAGER – Joint Powers Agreement with Ramsey County Regional Railroad Authority

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner McDonough. Roll Call: Ayes – Carter, McDonough, Ortega, Rettman, Bennett, Parker – 6. (2009-357)

WHEREAS, The Ramsey County Regional Railroad Authority has worked to advance the Union Depot Multi-Modal Transit and Transportation Hub to the benefit of the citizens of Ramsey County; and

WHEREAS, The Ramsey County Regional Railroad has applied for Federal funding under the American Recovery and Reinvestment Act (ARRA) High Speed and Intercity Passenger Rail (HSIPR) program and Transportation Investments Generating Economic Recovery (TIGER) programs to complete the project; and

WHEREAS, The ARRA program and the Union Depot project schedule require construction to begin in 2010 and be completed in 2012; and

WHEREAS, The use of a design/build procurement process allowed by Ramsey County would aid RCRRA in meeting this shortened timeframe; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners hereby approves a Joint Powers Agreement with Ramsey County Regional Railroad Authority; and Be It Further

RESOLVED, The Board authorizes the Chair and Chief Clerk to execute the agreement on behalf of the County.

PUBLIC WORKS – Recovery Act: White Bear Avenue (CSAH 65) and County Road D (CSAH 19) Highway Infrastructure Investment Grant

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner McDonough. Roll Call: Ayes – Carter, McDonough, Ortega, Rettman, Bennett, Parker – 6. (2009-358)

WHEREAS, The Minnesota Department of Transportation (MnDOT) and the Metropolitan Council formulated a process to award American Recovery and Reinvestment Act (ARRA) funds to projects; and

(Continued)

WHEREAS, Ramsey County, as authorized by Resolution 2009-173, submitted an application for ARRA funding for SP 62-665-44 and SP 62-619-30, the reconstruction of White Bear Avenue (CSAH 65) between Beam Avenue and I-694 and of County Road D (CSAH 19) between White Bear Avenue and Southlawn Avenue; and

WHEREAS, Through the prescribed process, MnDOT and the Metropolitan Council awarded \$2,548,086 in ARRA funds to Ramsey County to fund approximately 22% of the total construction costs of SP 62-665-44 and SP 62-619-30; and

WHEREAS, MnDOT is the primary recipient of ARRA Transportation funds and will distribute the \$2,548,086 allocated to Ramsey County in accordance with the methods prescribed in the ARRA legislation; and

WHEREAS, Approximately 50-75 workers will be employed on the project and long-term benefits to the community include reduced travel time, increased safety for drivers using the White Bear Avenue corridor and County Road D, and improved access to the commercial areas in and around Maplewood Mall; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners ratifies the submittal of the Public Works Department's American Recovery and Reinvestment Act application for ARRA funding for the reconstruction of White Bear Avenue, from Beam Avenue to I-694 (SP 62-665-44) and County Road D, from White Bear Avenue to Southlawn Avenue (SP 62-619-30); and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the County Manager to accept ARRA funds in the amount of \$2,548,086 on behalf of the County and to make the necessary budget adjustments to appropriate the funds to the project budget; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the County Manager to execute all agreements, amendments, and renewals necessary to ensure conformance with all regulations and stipulations pertaining to recipients of ARRA funds.

PUBLIC WORKS – Amendment of the Professional Engineering Services Cost Share Agreement PW2008-16 with the City of Maplewood for the White Bear Avenue and County Road D Reconstruction Projects

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner McDonough. Roll Call: Ayes – Carter, McDonough, Ortega, Rettman, Bennett, Parker – 6. (2009-359)

WHEREAS, Ramsey County, in cooperation with the City of Maplewood, has been preparing final design plans for the White Bear Avenue (CSAH 65) reconstruction project; project changes have been identified; and

WHEREAS, The City of Maplewood has contracted with Kimley-Horn and Associates, Inc. for final design services for the County Road D (CSAH 19) reconstruction project; and

WHEREAS, Ramsey County and the City of Maplewood entered into Cost Share Agreement PW 2008-16 dated December 12, 2008 for cost sharing for final design services for the White Bear Avenue (CSAH 65) reconstruction project ("Project"); and

(Continued)

WHEREAS, It is necessary to amend the Cost Share Agreement PW2008-16 to identify the cost share and funding responsibilities for the additional White Bear Avenue (CSAH 65) reconstruction project design services and incorporation of the County Road D (CSAH 19) reconstruction project final design services; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners approves an amendment to Cost Share Agreement PW2008-16 between Ramsey County the City of Maplewood related to the final design services for the White Bear Avenue (CSAH 65) and County Road D (CSAH 19) reconstruction project; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the County Manager to execute the amendment, in a form approved by the County Attorney's Office, on behalf of Ramsey County; and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes the following budget adjustment:

INCREASE ESTIMATED REVENUE

2007	17304	550880	00000	314617	CSAH Engineering Fee Reim	P033202	\$275,000
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TRANSFER TO/INCREASE APPROPRIATION

2007	17304	550880	00000	442109	White Bear Ave @-I694 Engineering Services	P033202	\$275,000
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and Be It Further

RESOLVED, The Ramsey County Board of Commissioners authorizes a temporary cash loan in an amount not to exceed \$275,000.00 from the County General Fund to the Road and Bridge CIP fund until receipt of State Aid and participating funds.

PUBLIC WORKS – Construction Status Report for the period July 1, 2009 through September 30, 2009

Commissioner Carter introduced the following resolution and moved its adoption, seconded by Commissioner McDonough. Roll Call: Ayes – Carter, McDonough, Ortega, Rettman, Bennett, Parker – 6. (2009-360)

WHEREAS, County Board Resolution 91-061 requires the Public Works Department to submit periodic reports on the financial status of each project and any modifications that have been authorized within the limits set by County Board Resolution 2001-93; and

WHEREAS, The contract modifications include items such as cost quantity changes, change orders, and supplemental agreements; Now, Therefore, Be It

RESOLVED, The Ramsey County Board of Commissioners accepts the Construction Status Report for the period of July 1, 2009 through September 30, 2009.

PUBLIC HEALTH – Amendments to the Ramsey County Solid Waste Ordinance

(Continued)

Commissioner Bennett introduced the following Ordinance and moved its approval, seconded by Commissioner Rettman. Roll Call: Ayes – Carter, McDonough, Ortega, Rettman, Bennett, Parker – 6. Nays – 0. (2009-361)

WHEREAS, Ramsey County desires to continue to protect and ensure the public health, safety, welfare and environment of the County's residents and businesses through sound management of solid waste generated in the County; and

WHEREAS, The Ramsey County Board of Commissioners adopted the Solid Waste Ordinance on September 14, 1970 (Resolution #9-281), and has amended it 21 times, most recently on November 3, 2003 (Resolution #2003-371); and

WHEREAS, Amendments to the Solid Waste Ordinance are necessary to ensure that the Solid Waste Ordinance is consistent with State rules and regulations; and

WHEREAS, Section 5.02 of the Ramsey County Home Rule Charter requires that every proposed ordinance and amendment receive two full readings: the first at the time the amendment is presented and the second at the time of the public hearing; and

WHEREAS, Section 5.02 of the Ramsey County Home Rule Charter further provides that the full reading may be waived if a copy of the ordinance or amendment is supplied to each member of the County Board prior to its introduction; and

WHEREAS, On September 22, 2009, the Ramsey County Board of Commissioners waived the first reading of the proposed amendments to the Ramsey County Solid Waste Ordinance (Resolution #2009-329); and

WHEREAS, On October 13, 2009, the Ramsey County Board of Commissioners waived the second reading of the proposed amendments to the Ramsey County Solid Waste Ordinance (Resolution #2009-353); Now, Therefore, Be It

ORDAINED, That the Ramsey County Board of Commissioners hereby approves the Ramsey County Solid Waste Ordinance as amended:

SOLID WASTE ORDINANCE

SECTION 1.00 PURPOSE AND AUTHORITY

1.01 Purpose. It is the purpose and intent of this Ordinance to establish rules, regulations and standards in Ramsey County, Minnesota for:

- For the handling, collection, transportation, and storage of Solid Waste;
- For the treatment, Processing and/or Disposal of Solid Waste;
- To require the licensing of Solid Waste Haulers and Solid Waste Facilities;
- To establish design and construction requirements for Solid Waste Facilities;
- For control of special Solid Wastes;
- To establish and provide for an enforcement agency;
- To establish financial assurance requirements for Facilities and Sites Licensed pursuant to this Ordinance;

(Continued)

- To establish penalties for failure to comply with the provisions of this Ordinance
- To establish fees for Licenses and permits granted pursuant to this Ordinance;
- To establish standards and procedures for issuing, denying, modifying, imposing conditions upon, suspending or revoking Licenses or permits; and
- To establish and administer the County's service charge for Solid Waste Management services.

This Ordinance shall be liberally construed so as to ensure the health, welfare and safety of the citizens of Ramsey County and the general public and to protect the natural environment from Solid Waste contamination.

1.02 Authority. This Ordinance is adopted pursuant to Minnesota Statutes Chapters 115A, 145A, 375, 400, and 473 and the Ramsey County Home Rule Charter.

SECTION 2.00 ADMINISTRATION

2.01 Administrative Procedures. All of the provisions of the Ramsey County Administrative Ordinance shall apply as if fully set forth herein.

2.02 Administration. This Ordinance shall be administered by the Saint Paul - Ramsey County Department of Public Health (hereinafter "Department"). Its duties shall include, but not be limited to, the following:

- A. To review and consider all License applications submitted to conduct Solid Waste Management activities and for operation of Solid Waste facilities within the County;
- B. To inspect Solid Waste Management activities and facilities as herein provided and to investigate complaints of violations of this Ordinance;
- C. To recommend, when necessary, to the County Attorney's Office that legal proceedings be initiated against a certain Person, activity, Site or Facility to compel compliance with the provisions of this Ordinance or to terminate and abate the operation of the same;
- D. To encourage and conduct studies, investigations, and research relating to aspects of Solid Waste Management such as methodology, chemical and physical considerations, and engineering;
- E. To advise, consult, and cooperate with other governmental agencies in the furtherance of the purposes of this Ordinance;
- F. To review and consider all Licenses for collection and transportation of Solid Waste submitted to the Department; and
- G. To administer the County's Solid Waste Management service charge.

2.03 Compliance.

- A. No Person shall cause or permit the collection, storage, transportation, Disposal, or Processing of Solid Waste, or the construction or operation of Solid Waste Facilities and Sites except in full compliance with the provisions of this Ordinance, including but not limited to all provisions requiring full disclosure of information regarding such Generation, storage, transportation, Disposal, or Processing.
- B. Compliance with the conditions of this Ordinance does not preclude nor relieve compliance with any other applicable Federal, State, or local rule, regulation, or requirement. Whenever two regulatory standards appear to conflict, the more stringent shall apply. The standards, rules, and regulations of the MPCA shall apply to all Solid Waste Management activities within the County, except as provided in this Ordinance.

2.04 Conditions.

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- A. The Department may impose conditions on any License, permit, approval, or variance as deemed necessary to monitor the operation and ensure the health, safety and well being of the public and the environment.
 - B. Violation of any condition imposed by the Department on a License, permit, approval, or variance, shall be deemed a violation of this Ordinance and subject to the penalty provisions set forth in the Ramsey County Administrative Ordinance Section 6.00 Enforcement.
 - C. More Restrictive Conditions. Where requirements imposed by the provisions of this Ordinance differ from comparable conditions imposed by any other applicable law, Ordinance, rule and regulation, the provision that establishes the higher standards for the promotion and protection of the public health, safety and general welfare shall apply.
- 2.05 False Information. Omission of any information or submission of false information required by a provision of this Ordinance is unlawful and may be punished as provided by law.

SECTION 3.00 DEFINITIONS.

The following words and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section.

- 3.01 Acceptable Household Quantities: means Solid Waste that is otherwise Unacceptable Waste, but which is contained in Garbage, Refuse, and municipal Solid Waste from normal household activities. For the purposes of this definition, "household" includes any residential dwelling unit or place of transient residence.
- 3.02 Acceptable Non-Household Waste: means Solid Waste that is otherwise Unacceptable Waste, but which is contained in Garbage, Refuse, and municipal Solid Waste generated from commercial, industrial, or community activities, where the quantity of such Unacceptable Waste contained in any load delivered to the Facility does not constitute a significant portion of such load. Provided, however, that no amount of Hazardous Waste that is regulated by law shall be Acceptable Waste.
- 3.03 Acceptable Waste: means Solid Waste that is acceptable at the Facility. Acceptable Waste shall include Garbage, Refuse, and other municipal Solid Waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, and which is not otherwise defined herein as Unacceptable Waste. No amount of Hazardous Waste or Infectious Waste that is regulated by law is acceptable at the Facility. Acceptable Waste shall also include Acceptable Household Quantities and Acceptable Non-Household Waste, as defined herein.
- 3.04 Bulking Agent: means the material added to a compost system to provide structural support and prevent the settlement and compaction of the decomposing waste.
- 3.05 Certificate of Rejection: means the written documentation provided by the Facility to a collector stating that a load of waste has been rejected as unacceptable.
- 3.06 Cleanfill: means materials consisting of at least 90 percent natural soils and rock with the remaining 10 percent maximum composed of concrete, concrete block, brick, glass, or similar Inert Material which has been crushed to a diameter no greater than six (6) inches and approved in writing by the Department.
- 3.07 Closure: means actions to prevent or minimize the threat to public health and the environment posed by a closed Facility including removing contaminated equipment,

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- removing liners, applying final cover, grading and seeding final cover, installing monitoring devices, constructing ground water and surface water diversion structures, and installing gas control systems, as necessary.
- 3.08 Closure Document: means an order, stipulation agreement, or other document issued or negotiated by the Department that defines specific Closure and Post Closure Care requirements executed at the time a Solid Waste Facility is closed.
- 3.09 Closure Plan: means a plan for the Closure of a Solid Waste Facility prepared in accordance with MPCA Rules Part 7035.2625.
- 3.10 Co-Composting: means the Composting of MMSW with a nutrient source or Bulking Agent.
- 3.11 Commingle: means placing two or more source separated Recyclable Materials in the same container for Recycling.
- 3.12 Compost Facility: means a Site used to Compost or Co-compost Solid Waste, including all structures or Processing equipment used to control drainage, collect and treat Leachate, and storage areas for the incoming waste, the final product, and residuals resulting from the Composting process.
- 3.13 Composting: means the controlled microbial degradation of organic waste to yield a humus-like product.
- 3.14 Construction Debris: means waste building materials, packaging, and rubble resulting from construction, remodeling, repair, and Demolition of buildings and roads.
- 3.15 Contingency Action Plan: means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of Solid Waste, Waste By-products, residuals, or Leachate that could threaten human health or the environment.
- 3.16 County: means Ramsey County, Minnesota.
- 3.17 County Board: means the Board of Ramsey County Commissioners.
- 3.18 Counties: means Ramsey and Washington Counties, Minnesota.
- 3.19 Cover Material: means material that has been approved in writing by the Department that is used to cover compacted Solid Waste in a Land Disposal Facility. Important general characteristics of a good Cover Material are low permeability, uniform texture, cohesiveness, and compactibility.
- 3.20 De-construction: means disassembly of a structure in a manner that maximizes the amount of the construction materials and other items found in the structure that can be recycled or reused rather than disposing the material as Demolition Waste.
- 3.21 Demolition: means the tearing down of a structure, with little or no attempt to reuse materials, although materials may be sorted out for recycling either on-site or at a sorting facility, and with the remaining materials being disposed of as Demolition Waste.
- 3.22 Demolition Cleanfill: means material consisting of more than 10%, but less than 50% concrete, concrete block, brick, glass, or similar Inert Material which has been crushed to a diameter no greater than six (6) inches and approved in writing by the Department with the remaining percentage comprising of natural soils. Asphalt and asphalt materials are not acceptable for Demolition Cleanfill.
- 3.23 Demolition Waste: means Solid Waste resulting from the Demolition or De-construction of buildings, roads, and other man-made structures, including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees and tree trimmings, rock, plastic building parts, and other Inert Materials which has been approved in writing by the Department. Demolition Waste does not include friable asbestos wastes or materials containing friable asbestos.

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- 3.24 Demolition Waste Land Disposal Facility: means a Site used for the Disposal of Demolition Waste.
- 3.25 Department: means the Saint Paul - Ramsey County Department of Public Health.
- 3.26 Designation: means the requirement contained in Section 19.00 of this Ordinance that all or any portion of the Acceptable Waste that is generated within the County's boundaries or any service area thereof be delivered to the Facility.
- 3.27 Designation Area: means the Counties of Ramsey and Washington, Minnesota.
- 3.28 Designation Plan: means that document entitled "Joint Designation Plan" which detailed the Counties' proposal for the Designation of waste, and which was approved by the Metropolitan Council on December 13, 1984, pursuant to the statutory Designation procedures contained in Minn. Stat. 115A.80 et seq.
- 3.29 Disposal or Dispose: means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any Solid Waste into or on any land or water so that the Solid Waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.
- 3.30 Disposal Facility: means a Solid Waste Facility that is designed and operated for the purpose of disposing of Solid Waste on or in the land, together with any appurtenant facilities needed to process Solid Waste for Disposal or transfer to another Solid Waste Facility.
- 3.31 Effective Designation Date: means the date from and after which waste must be delivered to the Facility, as specified in Section 19.09 of this Ordinance.
- 3.32 Facility: means a Solid Waste Facility to which MMSW generated in the County is required to be delivered pursuant to Section 19 of this Ordinance.
- 3.33 Garbage: means discarded material resulting from the handling, Processing, storage, preparation, serving, and consumption of food.
- 3.34 Generation: means the act or process of producing waste.
- 3.35 Generator: means any Person who generates waste.
- 3.36 Hazardous Waste: means any Refuse, Sludge, or other waste material or combinations of Refuse, Sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may: a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or Disposed of, or otherwise managed. Categories of Hazardous Waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous Waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended. Hazardous Waste shall include all materials designated as hazardous and regulated by State or Federal laws.
- 3.37 Holidays: means those Holidays when the Facility will be closed. Holidays will be Christmas Day, New Year's Day, Memorial Day, July 4th, Labor Day, and Thanksgiving. These Holidays may be changed by resolution of the County Board.
- 3.38 Incineration: means the process by which Solid Wastes are burned for the purpose of volume and weight reduction in facilities designed for such use.
- 3.39 Industrial Solid Waste: means all Solid Waste generated from an industrial or manufacturing process and Solid Waste generated from nonmanufacturing activities such as service and commercial establishments. Industrial Solid Waste does not include office

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- materials, restaurant and food preparation waste, discarded machinery, Demolition Waste, or household Refuse.
- 3.40 Industrial Solid Waste Land Disposal Facility: means a Site used to Dispose of Industrial Solid Waste in or on the land.
- 3.41 Inert Material: means a material that displays either no chemical activity or chemical activity only under special or extreme conditions, to include the uncompostable material remaining in a compost system after decomposition.
- 3.42 Infectious Waste: means laboratory waste, blood, regulated body fluids, sharps, and research animal waste that has not been decontaminated.
- 3.43 Land Disposal Facility: means any tract or parcel of land, including any constructed Facility, at which Solid Waste is Disposed of in or on the land.
- 3.44 Land Application/Bioremediation: means the placement of Solid Waste or Waste By-products on or incorporated into the soil, on the land's surface, or in a controlled pile or container. Composting is deemed to be a separate process from Land Application/Bioremediation.
- 3.45 Land Application/Bioremediation Site: means any land used for the purpose of land application or bioremediation of waste or Waste By-products.
- 3.46 Leachate: means liquid that has percolated through Solid Waste and has extracted, dissolved, or suspended materials from it.
- 3.47 Leachate Management System: means the structures constructed and operated to contain, transport, and treat Leachate, including liners, collection pipes, detention systems, holding areas, and treatment facilities.
- 3.48 License / Licensee: shall have the meanings as set forth in Sections 2.05 and 2.06 of the Ramsey County Administrative Ordinance.
- 3.49 Market: means any Person/business that accepts and recycles Recyclable Materials.
- 3.50 Marketed: means delivery of Recyclable Materials to and acceptance by a Market.
- 3.51 Medical Waste: means Infectious Waste and waste originating from the diagnosis, care, or treatment of a Person or animal, or waste resulting from biological research, whether or not the waste has been decontaminated.
- 3.52 Metropolitan Area: means the Counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.
- 3.53 Mixed Municipal Solid Waste (MMSW): means Garbage, Refuse, and other Solid Waste from residential, commercial, industrial, and community activities that the Generator of the waste aggregates for collection, but does not include auto hulks, street sweepings, ash, Construction Debris, Demolition Waste, mining waste, Sludges, tree and agricultural wastes, tires, lead acid batteries, used oil, and other materials collected, processed, and Disposed of as separate waste streams.
- 3.54 Mixed Municipal Solid Waste Land Disposal Facility: means a Site used for the Disposal of MMSW in or on the land.
- 3.55 MPCA: means the Minnesota Pollution Control Agency.
- 3.56 Nonconforming Solid Waste Disposal Site or Facility: means a public or private Solid Waste Disposal Site or Facility that does not hold a current License by the County and a current permit from the MPCA.
- 3.57 Open Dump: means a land Disposal Site at which Solid Waste is Disposed of in a manner that does not protect the environment, is susceptible to open burning and is exposed to the elements, flies, rodents, and scavengers.

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- 3.58 Operator: means the Person or Persons responsible for the operation of a Solid Waste Facility, Site, or activity.
- 3.59 Owner or Solid Waste Facility Owner: means the Person or Persons who own a Solid Waste Facility, Site, or part of a Solid Waste Facility or Site.
- 3.60 Person: means any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity, but, except as applies to Section 23.00 of this Ordinance, does not include the MPCA.
- 3.61 Post-closure/Post-closure Care: means actions taken for the care, maintenance, and monitoring of a Solid Waste Facility after Closure that will prevent, mitigate, or minimize the threat to public health and environment posed by the closed Solid Waste Facility.
- 3.62 Post-closure Care Plan: means the plan for Post-closure Care prepared in accordance with MPCA Rules Part 7035.2645.
- 3.63 Problem Material: means a material that, when it is processed or Disposed of with MMSW contributes to one of the following results:
- 1) the release of a hazardous substance, or pollutant contaminant, as defined in Minn. Stat. Section 115B.02, subdivisions 8,13, and 15;
 - 2) pollution of water as defined in Minn. Stat. 115.01, subdivision 5;
 - 3) air pollution as defined in Minn. Stat. Section 116.06, subdivision 3; or
 - 4) a significant threat to the safe or efficient operation of a Solid Waste Processing Facility.
- 3.64 Processing: means the treatment of Solid Waste after collection and before Disposal. Processing includes but is not limited to reduction, separation, exchange, Resource Recovery, physical, chemical, or biological modification.
- 3.65 Processing Facility: means a Site used to process Solid Waste.
- 3.66 Putrescible Material: means Solid Waste that is capable of becoming rotten and which may reach a foul state of decay or decomposition.
- 3.67 Recyclable Materials: means materials that are separated from Mixed Municipal Solid Waste for the purpose of Recycling, including paper, glass, plastics, metals, automobile oil, and batteries. Refuse-Derived Fuel or other material that is destroyed by Incineration is not a Recyclable Material.
- 3.68 Recycling: means the process of collecting and preparing Recyclable Materials and reusing the materials in their original form or using them in manufacturing processes that do not cause the destruction of Recyclable Materials in a manner that precludes further use.
- 3.69 Recycling Facility: means a Site used to collect, process, and repair Recyclable Materials and reuse them in their original form or use them in manufacturing processes.
- 3.70 Refuse: means putrescible and nonputrescible Solid Wastes, including Garbage, Rubbish, ashes, incinerator ash, incinerator residue, street cleanings, and Market and Industrial Solid Wastes, and including municipal treatment wastes which do not contain free moisture.
- 3.71 Refuse-Derived Fuel: means the product resulting from techniques or processes used to prepare Solid Waste by shredding, sorting, or compacting for use as an energy source.
- 3.72 Rejected Waste: means Unacceptable Waste that is rejected at the Facility pursuant to Section 19.00 of this Ordinance.
- 3.73 Resource Recovery: means the reclamation for sale, use, or reuse of materials, substances, energy, or other products contained within or derived from waste.

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- 3.74 Resource Recovery Facility: means a Solid Waste Facility established and used primarily for Resource Recovery, including related and appurtenant facilities such as transmission facilities and Transfer Stations primarily serving the Resource Recovery Facility.
- 3.75 Rubbish: means nonputrescible Solid Wastes, including ashes, consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery, or litter of any kind.
- 3.76 Run-off: means any liquid that drains over land from any part of a Solid Waste Facility/Site.
- 3.77 Run-on: means any liquid that drains over land onto any part of a Solid Waste Facility/Site.
- 3.78 Sewage Sludge: means the solids and associated liquids in municipal wastewater that are encountered and concentrated by a municipal wastewater treatment plant. Sewage Sludge does not include incinerator residues and grit, scum, or screenings removed from other solids during treatment.
- 3.79 Shoreland: means land located within the following distances from the ordinary high water elevation of public waters:
 - 1. Land within 1,000 feet from the normal high watermark of a lake, pond, reservoir, impoundment, or flowage; and
 - 2. Land within 300 feet of a river or stream or the landward side of flood plain delineated by Ordinance on such a river or stream, whichever is greater.
- 3.80 Site: means a location that is designed, operated, and Licensed/permitted for the purpose of disposing of Solid Waste on or in the land, together with any appurtenant facilities needed for the proper operations of the Solid Waste Management activity, such as Land Application and Bioremediation.
- 3.81 Sludge: means any solid, semisolid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air contaminant treatment Facility, or any waste having similar characteristics and effects.
- 3.82 Sludge Waste: means inorganic waste in a semi-liquid state, excluding Hazardous Waste, but including waste from automobile wash racks and steam cleaning products, ceramic, pottery and glass wastes, muddied water from laundries, and similar non-toxic materials.
- 3.83 Solid Waste: means Garbage, Refuse, Sludge from a water supply treatment plant or air contaminant treatment Facility, and other discarded waste materials and Sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include Hazardous Waste; animal waste used as fertilizer; earthen fill, boulders, rock; Sewage Sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under Section 402 of the federal Water Pollution Control Act, as amended; dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.
- 3.84 Solid Waste Collection and Transportation: means the gathering of Solid Waste from public or private Sites and conveying the Solid Waste from one point to another, by means of a vehicle, rail car, water vessel, conveyer, or other means.
- 3.85 Solid Waste Collection and Transportation Vehicle: means a vehicle, regardless of capacity, size, number of axles, or other differentiating features, that is used for Solid Waste Collection and Transportation.

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- 3.86 Solid Waste Facility: means all property, real or Personal, including easements and water and air rights, which is or may be used for the Processing or Disposal of Solid Waste. A License is required under the provisions of this Ordinance for all Solid Waste Facilities, except property used for the collection of the Solid Waste at the generation site and property used primarily for the manufacture of scrap metal or paper. A Solid Waste Facility includes but is not limited to Transfer Stations, Processing Facilities, and Disposal Sites and Facilities.
- 3.87 Solid Waste Management: means activities that are intended to affect or control the Generation of Solid Waste and activities which provide for or control the collection, transportation, Processing, treatment, and Disposal of waste.
- 3.88 Solid Waste Reduction: means an activity that prevents Generation of Solid Waste including reusing a product in its original form, increasing the life span of a product, reducing material used in production or packaging, or changing procurement, consumption, or waste Generation habits to result in smaller quantities of waste generated.
- 3.89 Source Separation: means the separation of Recyclable Materials by the Generator prior to collection for Recycling.
- 3.90 Tipping Fee: means the fees charged to collectors and citizens for waste delivered to the Facility.
- 3.91 Transfer Station: means an intermediate Solid Waste Facility in which Solid Waste collected from any source is temporarily deposited to await transportation to another Solid Waste Facility.
- 3.92 Unacceptable Waste: means Solid Waste that is not acceptable at the Facility. Unacceptable Waste shall include waste which would pose a threat to health or safety, or which may cause damage to, or materially adversely affect the operation of the Facility including but not limited to: explosives; Medical Waste; commercial, industrial, and community Hazardous Waste, as regulated by federal, state and local law; chemicals and radioactive materials; oil Sludges, asbestos in identifiable quantities; cesspool, domestic sewage or other Sewage Sludge; human or animal remains; street sweepings; ash; mining waste; Sludges; Demolition Waste; Construction Debris; waste in liquid state; hazardous Refuse of any kind, such as cleaning fluids, used crank case oils, cutting oils, paints, acids, caustics, poisons, drugs; and any other materials that the Facility Operator and the Counties shall agree, or that any other governmental MPCA or unit having appropriate jurisdiction shall determine, is harmful or of a toxic or dangerous nature.
- 3.93 Waste By-products: means the liquids, gases, or other residues resulting from Solid Waste Disposal, Processing, or treatment activities.
- 3.94 Waste Tire: means a pneumatic tire or solid tire for motor vehicles that has been discarded or that can no longer be used for its original intended purpose because of wear, damage, or defect.
- 3.95 Waste Tire Collection Site: means a County Licensed and MPCA permitted Site or a Site exempted from License or permit, used for the storage of Waste Tires.
- 3.96 Waste Tire Dump: means an unlicensed, unpermitted Site being maintained, operated, used, or allowed to be used for the collection, storage, keeping, or depositing of unprocessed Waste Tires.
- 3.97 Waste Tire Processing Facility: means a Licensed Solid Waste Facility used for the shredding, slicing, producing, or manufacturing of usable materials, including fuel, from Waste Tires including incidental temporary storage activity. Processing does not include the retreading of Waste Tires.

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SECTION 4.00 LICENSING OF SOLID WASTE FACILITIES AND SITES

4.01 License Required. No Person shall make nor allow any land or property under their control to be used for Solid Waste Management or Disposal purposes unless such land or property has been duly Licensed pursuant to the provisions of this Ordinance.

The procedures for License issuance, denial, variance, revocation, suspension, renewal, administration, and fees shall be governed by the Ramsey County Administrative Ordinance, to the extent that said procedures do not conflict with provisions of this Ordinance.

- 4.02 License on Premises. A Solid Waste Facility or Site shall post the License, required by Section 4.01 of this Ordinance, in a public area of the business. Additionally all other required Licenses, to include but not limited to, City Licenses, MPCA permits/permits-by-rule, National Pollutant Discharge Elimination System (NPDES) permits, shall be posted in a public area of the business. If there is not a public location at the Facility or Site available to post said Licenses and/or permits, they shall be maintained on-site and presented for viewing on request.
- 4.03 Licensing Not Exclusive. Obtaining a Solid Waste Facility, Site, or Hauler License shall not be deemed to exclude the necessity of obtaining other appropriate Licenses or permits except as expressly provided herein. Compliance with the provisions of this Ordinance shall not relieve any Person of the need to comply with any and all other applicable rules, regulations and laws.
- 4.04 Other Solid Waste Facility or Site: Any Solid Waste Facility or Site to be used for any method of Solid Waste Management not otherwise provided for in this Ordinance must be Licensed by the Department before operation may commence. The License application shall include a set of complete plans, specifications, design data, ultimate land use plan, and proposed operating procedures prepared by a professional engineer registered in the State of Minnesota.
- 4.05 Fees.
- A. The County Board shall, by resolution, establish fees, including fees for the initial License, initial application and plan review, and renewal of Licenses.
 - B. The County Board may, by resolution, establish such other fees as may be necessary for the administration of this Ordinance.
 - C. Fees for new Licenses are due thirty (30) days after the billing date, unless a specific due date other than the thirty (30) days has been established on the invoice.
 - D. Fees for renewal of Licenses are due thirty (30) days prior to the expiration of the current License. This may include the License fee, an application fee, as well as penalties for late renewal, and any such other fees as imposed by the Ramsey County Administrative Ordinance.
- 4.06 License Term. Unless otherwise provided by the County Board, each License granted pursuant to the provisions of this Ordinance shall be non-transferable and shall be for a period of not more than one year, except that initial Licenses may be issued for a period of up to 15 months, unless earlier suspended or revoked. The License year for all licenses issued pursuant to this Ordinance is from July 1 to June 30.
- 4.07 License Application.

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- A. License applications shall be submitted to the Department on forms provided by the Department. Applicants shall provide any additional information as may be required by the Department for the administration of this Ordinance.
 - B. Applications for renewal of licenses received after April 30th shall be considered late and subject to a late application fee.
 - C. The date of receipt is the postmark date if mailed or the Department date of receipt if hand delivered.
- 4.08 Incomplete or Non-Conforming Application. If an initial application for a Facility or Site License is not complete or otherwise does not conform with the requirements set forth in this Ordinance, the Department shall advise the applicant within one hundred twenty (120) days of application receipt, in writing, of the reasons for non-acceptance and may request that the applicant resubmit, modify, or otherwise alter the application. The applicant shall comply with such requests within the time specified by the Department.
- 4.09 License Renewal. Applications for renewal of a Facility or Site License shall be submitted to the Department by no later than April 30th of each year. Applications for License renewal must be accompanied by a statement of any change in information submitted in the last approved License or in the License renewal application. If there are no changes, it shall be so stated in the License renewal application. If the Department does not act on an application for renewal of a License, which is complete and submitted on time, the current License shall continue in force until action is taken.
- 4.10 License Denial. Failure by the Department to act on an application for an initial Facility or Site License within sixty (60) days from the date of receipt of a completed application shall constitute grounds for the applicant to request a hearing pursuant to the provisions of the Ramsey County Administrative Ordinance. Failure by the Department to act on any application shall be construed as denial without prejudice.
- 4.11 Financial Assurance/Insurance:
- A. Financial Assurance.
 - 1. Issuance of a Solid Waste Facility or Site License pursuant to the provisions of this Ordinance shall be contingent upon the Operator furnishing to the Department proof of financial assurance in an amount and form to be established by the County.
 - 2. The amount of the financial assurance shall be calculated to include the following factors: estimated cost, submitted by the Operator and approved by the Department, for an independent third party contractor to Dispose of the maximum inventory of Solid Wastes that may be on the Facility or Site at any one time and to perform any other activities necessary to ensure that the Facility does not pose a threat to human health or the environment, plus an additional thirty-five (35) percent to cover unanticipated costs and administrative costs that the Department might incur. The condition of such bond, insurance, or letter of credit shall be that if the principal fails to obey any of the requirements or perform any of the acts required by this Ordinance, an order or notice issued by the Department, or conditions of the License in the operation of the Site or Facility, or if, for any reason, ceases to operate or abandons the Site or Facility, the principal and the sureties on its bond, insurer, or obligor on its letter of credit shall pay for any and all expenses required to remedy the failure of the principal to comply with the terms of the Ordinance, orders or notices of the Department, or conditions of the License.

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3. The principal will defend, indemnify and hold the County harmless from all losses, costs and charges that may occur to the County because of any default of the principal under the terms of its License.
 4. In lieu of complying with the requirements of §4.11(A)(2), above, for facilities permitted or granted interim status by the MPCA, or otherwise required by the MPCA to establish financial assurance for Closure or corrective action, the Operator shall submit, in a form acceptable to the County, satisfactory evidence of compliance with Minnesota Rules §7035.2695.
- B. Insurance. Issuance of a Solid Waste Facility or Site License shall be contingent upon furnishing to the Department a certificate of insurance evidencing the following minimum coverage:
1. Commercial General Liability Insurance:
 - a. \$1,000,000 per occurrence /\$2,000,000 aggregate
 - b. All policies shall be written on an occurrence basis using ISO form CG 00 01 or its equivalent.
 - c. Ramsey County shall be added to the policy as an additional insured with respect to the permit/License under this Ordinance.
 2. Automobile Insurance:
 - a. Coverage shall be provided for hired, owned and non-owned auto.
 - b. Minimum limits: \$1,000,000 combined single limit.
 - c. Policy shall include CA9948 Pollution Liability-Broadened Coverage for Covered Autos or its equivalent.
 - d. If hauling Hazardous Waste, the policy will be endorsed with Form MCS-90 Motor Carrier Policies of Insurance for Public Liability.
 3. Environmental impairment liability including remediation, clean-up and legal liability
 - a. Minimum limits: \$2,000,000 per occurrence/\$2,000,000 annual aggregate.
 - b. Ramsey County shall be added to the policy as an additional insured with respect to the permit/License under this Ordinance.
 4. Workers' Compensation as required by Minnesota Statutes.
 5. Employer's Liability minimum limits in the amount of \$500,000/\$500,000/\$500,000.
 6. Umbrella Liability:
 - a. Minimum limits in the amounts of \$5,000,000 per occurrence/\$5,000,000 general aggregate
 - b. The policy will provide excess coverage over the commercial general liability and automobile liability policies.
 - c. Ramsey County shall be added to the policy as an additional insured with respect to the permit/License under this Ordinance.
- C. All Certificates of Insurance shall provide that the insurance company gives the County thirty (30) days prior written notice of cancellation, non-renewal and/or any material change in the policy.
- D. The above paragraphs establish minimum insurance requirements, and it is the sole responsibility of the Licensee to purchase and maintain additional insurance that may be necessary in connection with this its operation of the Facility or Site.
- E. The Licensee shall not operate the Site or Facility until it has obtained the required insurance and filed an acceptable Certificate of Insurance with the County. Copies of insurance policies shall be submitted to the County upon request.

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- F. Certificates shall specifically indicate if the Policy is written with an admitted or non-admitted carrier. Best's Rating for the insurer(s) shall be noted on the certificate, and shall be no less than an A-.
- 4.12 Change in Facility or Site Operation. No change shall be made in the operation of a Solid Waste Facility or Site unless such change is first approved by the Department.
- 4.13 Municipal Compliance: The applicant shall submit written proof of compliance with any applicable municipal or township Ordinances and regulations with all applications required by this Ordinance, to include zoning, occupancy, Licenses, permits, and approvals.

SECTION 5.00 TERMINATION OF LICENSED OPERATION AND ABANDONMENT

- 5.01 Termination of Operation. Any Person who, for any reason, terminates or ceases operations at a Solid Waste Facility or Site must remove all Solid Waste and accumulated materials, to include Recyclables, prior to termination of operations. Termination of Operations may include the sale of an operation to a new entity; a business which dissolves or otherwise ceases to operate; the relinquishing of a lease or rental rights to a property; or a change in operation such that Solid Waste is no longer managed. Removal of the waste from the Site must be accomplished in full compliance with this Ordinance and Minnesota Rules Chapter 7035. Materials remaining on the Site of a terminated operation shall be considered waste materials. The continued storage of Solid Waste on the Site of a terminated operation shall be done in compliance with the Solid Waste storage Facility rules in Minnesota Rules Chapters 7001 and 7035 and this Ordinance.
- 5.02 Abandonment. Any Person who owns property on which Solid Waste or other accumulated materials, to include Recyclables, have been abandoned must remove all Solid Waste and accumulated materials, to include Recyclables, within a timeframe established by the Department. Removal shall be accomplished in full compliance with this Ordinance and Minnesota Rules Chapter 7035. Continued storage of these wastes on the property is prohibited and shall be considered a violation of this Ordinance.

SECTION 6.00 SOLID WASTE FACILITY/SITE OPERATIONS

- 6.01 State Rule Adopted: The general Solid Waste Management Facility and Site requirements shall be in accordance with MPCA Solid Waste Management Rules 7035.2535 which is hereby incorporated by reference as part of this Ordinance.
- 6.02 General Design and Construction Requirements: The following items shall be established, constructed, or provided for at all Solid Waste Facilities, unless specifically exempted by the Department:
 - A. Sanitary facilities and shelter shall be available for Site Personnel.
 - B. Litter control devices such as portable fences.
 - C. Electrical service for operations and repairs.
 - D. Firefighting facilities on Site adequate to insure the safety of employees.
 - E. Emergency first aid equipment to provide adequate treatment for accidents including those resulting from hazardous and toxic wastes.
 - F. A potable water supply for Site Personnel.
 - G. Shelter for maintenance and storage of Site equipment.
 - H. Adequate facilities to ensure that no vehicle desiring entry into the Site may have to wait outside the perimeter of the Site.
 - I. Adequate communication facilities shall be provided for emergency purposes.

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- J. The Site shall be fenced and a gate shall be provided at the entrance to the Site and kept locked when an attendant is not on duty.
- K. An all-weather haul road to the unloading area.
- L. Visual screening of the Site, as approved by the Department, shall be provided by use of natural objects, trees, plants, seeded soil berms, fences, or other suitable means.
- M. An area shall be designated to inspect and store Solid Waste to determine whether or not Unacceptable Waste is contained in the Solid Waste deposited at the Site.
- N. If weight scales are provided, scales must be annually certified as to accuracy by the State of Minnesota.

6.03 Personnel Safety Measures

- A. All fire exits shall be readily marked as required by the State Fire Code and shall be maintained in a manner that shall allow unobstructed exiting in the case of an emergency.
- B. All fire extinguishers shall be marked, maintained, and readily accessible as required by the State Fire Code. Inspection tags shall be attached and show dates of monthly inspections and who conducted the inspection.
- C. If eye wash and shower stations are provided, they shall be marked, maintained, and readily accessible as required by the Occupational Safety and Health Administration (OSHA). Inspection tags shall be attached and show dates of monthly inspections and who conducted the inspection.
- D. All areas shall be marked as necessary for Slip/Trip/Fall/Low Headroom hazardous as required by OSHA.
- E. All equipment shall be equipped with back-up alarms that are maintained and functional as required by OSHA.
- F. Safety glasses, hearing protection, proper footwear, work clothes, hard hats, reflective safety vests, or other items designed or required by OSHA or the Facility/Site Operational Plan for Personnel safety shall be provided and worn at all times within the Facility during operational activities.
- G. No food, drink, gum, cigarettes, cigars, or smoking pipes shall be consumed or used at any time within the Facility or Site during operational activities.

6.04 General Operating Procedures: Any Person who has been granted a License by the Department to operate a Solid Waste Facility or Site shall comply with the following general operating procedures:

- A. Open Burning. Open burning of Solid Waste is prohibited.
- B. Scavenging. Scavenging of any materials by any Person, once Disposed of at the Facility or Site, is prohibited.
- C. Salvaging. Salvaging of Recyclables or materials for reuse, once Disposed of at the Facility or Site, shall be allowed only upon conditions approved in writing by the Department.
- D. Wind-Blown Material. Unloading of Solid Waste shall be confined to as small an area as practicable and surrounded with appropriate materials to confine possible wind-blown material within the area. At the conclusion of each day of operation, all wind-blown material resulting from the operation shall be collected and returned to the area by the Owner or Operator.
- E. Cover and Compaction of Putrescible Materials. Putrescible Materials, if allowed to be Disposed of at the Facility or Site, which have reached a foul state of decay or decomposition, shall be immediately covered and compacted.

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- F. Public Nuisance Control. Control of vectors, such as rodents and flies, and of odors, dust, wind-blown material and other potential public nuisances shall be sufficient to prevent or eliminate any public nuisance. Should the Department so prescribe, an exterminator or pest control agent, at the Licensee's expense, shall be engaged to inspect the Facility or Site on at least a monthly basis. The Licensee shall send a copy of each inspection report to the Department immediately upon its receipt.
- G. Reports. The Owner or Operator of the Facility or Site shall prepare and submit the following reports to the Department on forms provided by the Department and in a manner as instructed by the Department.
 - 1. Monthly Reports. A monthly report of the Facility's or Site's operation shall be submitted to the Department. This report shall include, but not be limited to, the amount of each type of Solid Waste delivered to the Facility or Site by County of origin, final deposition of each type of waste by County of origin and Recycling operation information.
 - 2. Other Reports. The Department may require the Licensee to submit other reports and information as necessary to determine that the Facility or Site has managed all Solid Waste and operated in accordance with all applicable laws, statutes, rules, regulations and Ordinances.
 - 3. Record Retention Times. Operating records must be kept on-site for a minimum of three (3) years unless required under state or federal rules or laws to be held for a longer period of time.
- H. Supervisor/Operator. A Facility or Site supervisor or Operator, who has been identified on the License application, must be on-site at all times that the Facility or Site is open for business and conducting operational activities.

SECTION 7.00 COLLECTION AND TRANSPORTATION OF SOLID WASTE.

This section shall apply to Haulers who own, operate or lease vehicles for the purpose of collection and transportation of Mixed Municipal Solid Waste in Ramsey County and the seven County Metropolitan Area.

- 7.01 Definitions: Unless specifically defined herein, terms used in this section shall have common usage meaning. For purposes of this section, the words "must" and "shall" are mandatory and not permissive. Terms, which are defined in the Waste Management Act, Minnesota Statute 115A.01 et seq., shall have the same definition in this Ordinance.
- A. Base County: shall mean the metropolitan County in which a Hauler's office, records, and vehicles are primarily located. If differing parts of the Hauler's business are located in more than one Metropolitan County, the Base County shall be the Metropolitan County in which most of the Hauler's vehicles are kept, as determined by the Department at the time of licensing. The Base County for Haulers based in a County not participating in the Regional Hauler Licensing Program shall be an adjacent Metropolitan County as determined by the Department.
 - B. Base License: shall mean the License obtained by the Hauler from the Base County as a precondition to obtaining an Operating License from the County.
 - C. Counties: shall mean Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington Counties or, if one or more of said Counties withdraws from the Regional Hauler Licensing Program, the remaining Counties.

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- D. Hauler: shall mean any Person, firm, corporation, association, partnership, or other entity, other than an individual resident hauling his or her household waste, who collects or transports Mixed Municipal Solid Waste that is generated in the Counties.
 - E. Operating County: shall mean any of the Counties, including the Base County, in which the Hauler collects or transports Mixed Municipal Solid Waste.
 - F. Operating License: shall mean the License, issued by an Operating County, to operate within each Operating County, including in the Base County, in which the Hauler collects or transports Mixed Municipal Solid Waste and which may contain specific conditions imposed by the issuing County.
 - G. Regional Hauler Licensing Program: shall mean the cooperative Hauler licensing program established by joint powers agreement of February 1, 1995, by and between Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties.
 - H. Solid Waste Management Coordinating Board or "SWMCB": shall mean the joint powers board established by agreement of the Counties for the coordination of Solid Waste Management issues in the Metropolitan Area.
- 7.02 State Rule Adopted: The collection and transportation of Solid Waste shall be performed in accordance with Solid Waste Rule 7035.0800 which is hereby adopted by reference as part of this Ordinance.
- 7.03 License Required: No Hauler shall collect or transport Mixed Municipal Solid Waste generated in Ramsey County unless the Hauler has a valid Base License from the Base County and a valid Ramsey County Operating License. On the expiration date of the current License, any activity for which the License is required shall cease.
- A. General Licensing Requirements. The following information shall be submitted to the Department as part of the application process for obtaining a Base and/or Operating License.
 - 1. License Application for Base and Operating Licenses. The Hauler shall submit a completed application to the Base County on forms provided by the Base County. The Hauler shall submit to the Base County all License application information necessary to obtain a Base License and all Operating Licenses. Information necessary to obtain Base and Operating Licenses shall be set forth on the application forms as determined by the Department. Applications, which are not complete, may be returned to the Hauler. An application will be deemed incomplete if information is omitted, incomplete, inaccurate or non-compliant, or if the required fees do not accompany the application.
 - a. Incomplete or Non-Conforming Application. If an application for a Base or Operating License is not complete or otherwise does not conform to the requirements set forth in this Ordinance, the Department shall notify the applicant, in writing, of the reasons for nonacceptance and may request that the applicant resubmit, modify or otherwise alter the application. The notification required in this subpart shall be served upon the applicant by first class mail sent to the address provided on the application form.
 - b. License Fees. The Hauler shall pay all License fees to the Base County for a Base License and all Operating Licenses issued pursuant to the Regional Hauler Licensing Program. Such License fees shall be established by the Solid Waste Management Coordinating Board. No License fee shall be prorated for a portion of a year and no License fee shall be refunded.
 - c. Late Fees. Complete applications received after the due date established in 7.03 A.1.e. on this Section shall be subject to the following late fees:

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1. One to seven days late - Twenty-five percent (25%) Late Fee
 2. Eight to thirty days late - Fifty percent (50%) Late Fee
 3. More than thirty days late - One hundred percent (100%) Late Fee
 - d. No Bar to Enforcement Action. Payment of the License fee together with payment of any late fees shall not bar other enforcement action by the County.
 - e. Application Due. Hauler License renewal applications must be submitted to the Base County by April 30 each year. A License renewal application received after April 30 shall be subject to a late fee.
 - f. Failure to Act on License Application. If the Base County does not act on a License renewal application, which is complete and submitted by June 30, the current Base License and Operating Licenses shall continue in force until action is taken. If the Department fails to act within sixty (60) days of receipt of a completed initial application, the applicant may request a hearing on the application. The request for a hearing shall be as set forth in the Ramsey County Administrative Ordinance.
 - g. License Transfer. All Base Licenses and Operating Licenses are non-transferable.
 - h. License Year. The License year shall be July 1 through June 30.
 - i. License Issuance. Base and Operating Licenses shall be issued by the Department consistent with this Ordinance.
 - j. False Information. Submission of false information shall be deemed a violation of this Ordinance.
- B. Base License Required: A Hauler, which collects or transports Mixed Municipal Solid Waste in the County shall obtain and maintain a Base License from the Base County. A hauler which collects or transports Mixed Municipal Solid Waste generated in any of the other Counties shall obtain and maintain a Base License from the County, if the County is the Hauler's Base County.
1. Vehicles Licensed. All vehicles used by the Hauler for the collection or transportation of Mixed Municipal Solid Waste generated within the Counties shall be included in the Hauler's Base License application.
 2. Decalomania. Each vehicle used by a Hauler for the collection or transportation of Mixed Municipal Solid Waste generated within the Counties shall be identified by a License decal issued by the Base County for that vehicle for the current License year. The Hauler must affix the decal in a conspicuous place on the left side of the cab of the vehicle for which it was issued, as directed by the Department. The Hauler must maintain the License decal so that it is readily visible and legible at all times. Any vehicle not bearing the required decal shall be considered unLicensed. If a vehicle is put into service during the License year, the Hauler shall submit the required information for this vehicle to the Base County and shall not use the vehicle to collect or transport Mixed Municipal Solid Waste within the Counties until a decal has been issued and affixed to the new vehicle.
 3. Insurance. The Hauler shall obtain and submit certificates of insurance issued by insurers duly Licensed by the State of Minnesota providing the following coverage, or a self-insurance plan certified by the Department of Commerce providing equivalent coverage:
 - a. General liability coverage in the amount of \$500,000 for bodily injury per occurrence, \$250,000 for property damage per occurrence, or \$500,000 combined single limit; and

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- b. Automobile liability coverage in the amounts of \$500,000 for property damage, \$250,000 for bodily injury per Person and \$500,000 for bodily injury per accident, or \$500,000 combined single limit.
- c. Workers Compensation insurance in accordance with Minn. Stat. 176.

Nothing in this provision shall prohibit a Hauler from providing insurance with limits higher than the limits provided herein. All such required policies shall name the Solid Waste Management Coordinating Board, Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties as additional insureds. All policies and certificates shall be endorsed to require that the insurer provide at least a sixty (60) day written notice to the County prior to the effective date of policy cancellation, non-renewal, or material adverse change in coverage terms. The Hauler shall maintain insurance in compliance with this paragraph throughout the term of the Base License.

- 4. License Suspension or Revocation: The Department may suspend or revoke any Hauler's Base License issued by the County for violation of any of the requirements set forth in 7.03 B. of this Ordinance or violation of any Base License conditions.
- C. Operating License Required: Any Hauler, which collects or transports Mixed Municipal Solid Waste in the County must obtain and maintain an Operating License from the County. A Hauler shall obtain and maintain a Base License from the Base County in order to be eligible for an Operating License.
- 1. Standards. The issuance of an Operating License shall be subject to the provisions of County Solid Waste and Administrative Ordinances and any other conditions set forth in this Ordinance or established by the County Board of Commissioners.
 - 2. Vehicles Licensed. All vehicles used by the Hauler for the collection or transportation of Mixed Municipal Solid Waste within the County shall be included in the Hauler's Base License application to the Base County.
 - 3. Vehicle Decals. The Hauler must affix the decal required by the Base County in a conspicuous place on the left side of the cab of the vehicle for which it was issued as directed by the Base County. The Hauler must maintain the License decal so that it is readily visible and legible at all times. Any vehicle not bearing the required decal shall be considered unlicensed.
 - 4. License Suspension or Revocation. The Department may suspend or revoke any Hauler's Operating License issued by the County for violation of any of the requirements set forth in Section 7.00 of this Ordinance or violation of any Operating License conditions. Suspension or revocation of a Hauler's Base License by the Base County shall constitute sufficient basis for the summary suspension or revocation of the Hauler's Operating License issued by the County.
 - 5. Route Description. The Department may require that the applicant submit a detailed description of the daily route(s) to be followed by each of the applicant's vehicles during the collection or transportation of Solid Waste. Route information received by the Department pursuant to this section is nonpublic data as defined in Minnesota Statutes Sections 13.37 and 13.02, Subdivision 9.
 - 6. Additional Data. The applicant shall submit additional data requested by the Department regarding the applicant, the business and/or the License application.
- 7.04 Equipment and Operation Requirements:
- A. Equipment Requirements. All Mixed Municipal Solid Waste Collection and Transportation Vehicles and containers shall be easily cleanable, leak-proof, durable, and be covered with metal, canvas, or fishnet type material made for this purpose.

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- B. Maintenance. All Mixed Municipal Solid Waste Collection and Transportation Vehicles shall be maintained in a safe and sanitary manner. Brooms, shovels, and spill absorbent material shall be provided on each vehicle for the purpose of cleaning spilled material. All safety equipment including but not limited to horns, lights, and reflectors shall be operable. All decals, labeling and License plates shall be maintained so that they remain readily visible and legible at all times.
- C. Identification. The business name and telephone number of the Hauler shall be printed or painted in legible characters on both sides of all vehicles and at a minimum the front and back of all containers, regardless of size, used by the Hauler to store, collect or transport Mixed Municipal Solid Waste generated within the County. Characters used in said labeling shall be at least four (4) inches in height for all vehicles and at least two (2) inches in height for all containers. This provision shall not apply to containers owned and maintained by a Mixed Municipal Solid Waste Generator.
- D. Inspection. The Department may inspect and approve all Solid Waste Collection and Transportation Vehicles and containers.
- E. Storage in Vehicles. The Hauler shall not allow Mixed Municipal Solid Waste to remain or be stored in any collection or transportation vehicle or container, following collection, in excess of 24 hours, except over a Sunday or holiday when the Facility is closed or in the event of an emergency such as inclement weather, equipment breakdown or accident.
- F. Protecting Private Property. The Hauler shall take reasonable care to protect the property of customers being served. The Hauler shall be responsible for any damage or spillage of Mixed Municipal Solid Waste as a result of operational activity.
- G. Smoking, Smoldering or Burning Solid Waste. The Hauler shall not collect and transport Mixed Municipal Solid Waste materials that are smoking, smoldering or burning.
- H. Dumping in an Emergency. The Hauler shall be responsible for the cleanup of any Mixed Municipal Solid Waste that must be dumped in an emergency. The Operator of the vehicle shall immediately notify the Department, the local municipality, the appropriate law enforcement agency, the MPCA, and the Minnesota Duty Officer of such a dumping and clean the area within a time limit set by the Department.
- I. Discharge of Liquid Waste. The Hauler shall not discharge nor allow the discharge of liquid waste from Mixed Municipal Solid Waste Collection and Transportation Vehicles or containers at any location, except at the Facility or another designated Solid Waste Facility as part of a load.
- J. Volume or Weight Based Rates and Charges. The Hauler shall impose charges on residential and commercial customers for the collection of Mixed Municipal Solid Waste that increase with the volume or weight of the waste collected. The Hauler shall provide to new residential customers, and twice per year to all residential customers, written notice of the volume or weight based structure. The Hauler shall provide, upon request of a residential customer, a schedule of the Hauler's charges.
- K. Charges for Recycling. The Hauler shall not impose a greater charge for the collection of Mixed Municipal Solid Waste on residential customers that recycle than on residential customers that do not recycle.
- L. Collection Records. The Hauler shall maintain records regarding the volume or weight, type, and origin of Solid Waste collected. Each day, a record of the origin, type, and weight of the Solid Waste collected that day and the identity of the Solid Waste Facility at which that day's collected Solid Waste is deposited must be kept on the Solid

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Waste collection vehicle. If the Solid Waste is measured by volume at the Solid Waste Facility at which it is deposited, the record may show the volume rather than the weight of the Solid Waste. For the purposes of this section "origin" means a general geographical description that at a minimum names the local government unit within the County, and "type" means a best estimate of the percentage of each truck load that consists of residential, commercial, industrial, Demolition debris or any other general type of Solid Waste.

M. Volume Requirement. A Hauler that charges residential customers for the collection of Mixed Municipal Solid Waste based on volume instead of weight shall establish a multiple unit pricing system with a base unit volume determined by the County and prices which ensure that amounts of waste generated in excess of the base unit volume are priced higher than the base unit volume price. The base unit volume shall be established by resolution by the County Board after consultation with Licensed collectors.

- 7.05 Conditions: Violation of any condition imposed by the County on a License or variance shall be deemed a violation of this Ordinance and subject to the enforcement provisions set forth in this Ordinance.
- 7.06 Interpretation: In their interpretation, the provisions of this Ordinance shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers or authority granted by Minnesota Statutes or Rules or other Ordinance.
- 7.07 Termination or Cancellation of Regional Hauler Licensing Program: Upon termination of the Regional Hauler Licensing Program or the withdrawal of the County, any Hauler Licenses in effect at that time, shall continue in force until the end of the current License year, unless otherwise suspended or revoked.

SECTION 8.00 MIXED MUNICIPAL SOLID WASTE LAND DISPOSAL FACILITIES.

This section applies to Solid Waste Facilities designed, constructed, maintained, or operated as a Mixed Municipal Solid Waste Land Disposal Facility.

- 8.01 State Rule Adopted: The design, construction, and operation of Mixed Municipal Solid Waste Land Disposal Facilities shall be in accordance with MPCA Solid Waste Management Rules Part 7035.2815 which is hereby adopted by reference as part of this Ordinance.
- 8.02 Additional Requirements for a Mixed Municipal Solid Waste Land Disposal Facility License. The following information and materials prepared by a professional engineer registered in the State of Minnesota shall be submitted to the Department as additional requirements to the requirements set forth in Section 4.00 of the Ordinance..
- A. Existing Conditions Plan. A current map or aerial photograph of the area showing land use and zoning with 1/4 mile of the Solid Waste Land Disposal Facility. The map or aerial photography shall be of sufficient scale to show all homes, buildings, lakes, ponds, water courses, wetlands, dry runs, rock outcroppings, roads, and other applicable details and shall indicate the general topography with contours and drainage patterns. Wells shall be identified on the map or aerial photography, U.S.G.S. datum shall be indicated, and a north arrow drawn. A location insert map shall be included.
- B. Plot Plan. A plot plan including at least the legal description of the Facility and immediate adjacent area showing dimensions, location of soil borings, present and planned pertinent features including but not limited to roads, fencing and cover

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stockpiles. The plan of development including any excavation, trenching and fill shall be shown progressively with time. Cross sections shall be included on the plot plan or on separate sheets showing progressively with time the original and proposed elevation of excavation, trenching and fill. The scale of the plot plan should not be greater than 200 feet per inch.

- C. Land Use Plan. An ultimate land use plan, including intermediate stages, identifying the total and complete land use. The scale of the ultimate land use plan shall not be greater than 200 feet per inch.
- D. Report. A report shall accompany the plans indicating:
 - 1. Population and areas expected to be served by the proposed Facility.
 - 2. Anticipated type, quantity and source of material to be Disposed of at the Facility.
 - 3. Geological formations and ground water elevations to a depth of at least ten (10) feet below proposed excavation and lowest elevation of the Facility, including the high-water table. Such data shall be obtained by soil borings or other appropriate means.
 - 4. Source and characteristic of Cover Material and method for protecting Cover Material for winter operation.
 - 5. Type and amount of equipment to be provided at the Facility for excavating, earth moving, spreading, compacting and other needs.
 - 6. Area of Facility in acres.
 - 7. Owner of Facility and the Owner of the property on which the Facility is located.
 - 8. Persons responsible for actual operation and maintenance of the Facility and intended operating procedures.

8.03 Design and Construction Requirements: The following items shall be established, constructed, or provided for at the Facility, in addition to the requirements as set forth in Section 6.00 SOLID WASTE FACILITY AND SITE OPERATIONS 6.02 General Design and Construction Requirements in this Ordinance and in the MPCA Rules Part 7035.2815:

- A. Equipment sufficient for spreading, compacting, and covering operations to include sufficient reserve equipment or arrangements to provide for all operations within 24 hours of equipment breakdown.
- B. At each entrance to the Facility the Licensee shall erect and maintain a sign stating the name of the Solid Waste Facility, the schedule of days and hours the Solid Waste Facility is open to the public, prices for use of the Solid Waste Facility and MPCA permit number and penalty for nonconforming dumping. Plans and specifications for the sign wordage and its proposed placement shall be submitted to the Department for its approval prior to the sign's installation. Any changes to the sign after initial installation are also subject to approval by the Department.
- C. Suitable Disposal facilities shall be provided for individuals who wish to transport and Dispose of their own Solid Waste provided said Solid Waste has been determined by the Department to be acceptable at the Facility.
- D. The fill and trench areas of a Mixed Municipal Solid Waste Land Disposal Facility are prohibited within Shoreland.

8.04 Operating Procedures: Any Person who has been granted a License by the Department to operate a Mixed Municipal Solid Waste Land Disposal Facility shall comply with the requirements as set forth in Section 6.00 SOLID WASTE FACILITY AND SITE OPERATIONS 6.04 General Operating Procedures, in addition to the requirements in the MPCA Rules Part 7035.2815:

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SECTION 9.00 CONSTRUCTION AND DEMOLITION WASTE LAND DISPOSAL FACILITIES.

This section applies to all Solid Waste Facilities designed, constructed, or operated for the land Disposal of Demolition Waste, regardless of size or duration of operation. Construction and Demolition Cleanfill Sites shall be included in this section, as indicated.

9.01 State Rule Adopted: The design, construction, and operation of a construction and Demolition Waste Land Disposal Facility shall be in accordance with MPCA Solid Waste Management Rules Part 7035.2825 which is hereby adopted by reference as part of this Ordinance.

9.02 Additional Requirements for a Construction and Demolition Waste Land Disposal Facility License. The following information and materials prepared by a professional engineer registered in the State of Minnesota shall be submitted to the Department as additional requirements to the requirements set forth in Section 4.00 of this Ordinance..

- A. Existing Conditions Plan. A current map or aerial photograph of the area showing land use and zoning within 1/4 mile of the Solid Waste Land Disposal Facility. The map or aerial photography shall be of sufficient scale to show all homes, buildings, lakes, ponds, water courses, wetlands, dry runs, rock outcroppings, roads, and other applicable details and shall indicate the general topography with contours and drainage patterns. Wells shall be identified on the map or aerial photography, U.S.G.S. datum shall be indicated, and a north arrow drawn. A location insert map shall be included.
- B. Plot Plan. A plot plan including legal description of the Facility and immediate adjacent area showing dimensions, location of soil borings, present and planned pertinent features including but not limited to roads, fencing and cover stockpiles. The plan of development including any excavation, trenching and fill shall be shown progressively with time. Cross sections shall be included on the plot plan or on separate sheets showing progressively with time the original and proposed elevation of excavation, trenching and fill. The scale of the plot plan should not be greater than 200 feet per inch.
- C. Land Use Plan. An ultimate land use plan, including intermediate stages, identifying the total and complete land use. The scale of the ultimate land use plan shall not be greater than 200 feet per inch.
- D. Report. A report shall accompany the plans indicating:
 1. Population and areas expected to be served by the proposed Facility.
 2. Anticipated type, quantity and source of material to be Disposed of at the Facility.
 3. Geological formations and ground water elevations to a depth of at least ten (10) feet below proposed excavation and lowest elevation of the Facility, including the high-water table. Such data shall be obtained by soil borings or other appropriate means.
 4. Source and characteristic of Cover Material and method for protecting Cover Material for winter operation.
 5. Type and amount of equipment to be provided at the Facility for excavating, earth moving, spreading, compacting and other needs.
 6. Area of Facility in acres.
 7. Owner of Facility and the Owner of the property on which the Facility is located.
 8. Persons responsible for actual operation and maintenance of the Facility and intended operating procedures.

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- 9.03 Design and Construction Requirements: The following items shall be established, constructed, or provided for at the Site, in addition to the requirements as set forth in Section 6.00 SOLID WASTE FACILITY AND SITE OPERATIONS 6.02 Design and Construction Requirements in this Ordinance and in the MPCA Rules Part 7035.2825:
- A. Equipment sufficient for spreading, compacting, and covering operations to include sufficient reserve equipment or arrangements to provide for all operations within 24 hours of equipment breakdown.
 - B. At each entrance to the Facility the Licensee shall erect and maintain a sign stating the name of the Solid Waste Facility, the schedule of days and hours the Solid Waste Facility is open to the public and prices for public use of the Solid Waste Facility if so approved, and MPCA permit number and penalty for nonconforming dumping. Plans and specifications for the sign wordage and its proposed placement shall be submitted to the Department for its approval prior to the sign's installation. Any changes to the sign after initial installation are also subject to approval by the Department.
 - C. Suitable Disposal facilities shall be provided for individuals who wish to transport and Dispose of their own Solid Waste provided the Department has approved public usage at the Facility.
 - D. The fill and trench areas of a Construction and Demolition Waste Land Disposal Facility are prohibited within Shoreland.
- 9.04 Operating Procedures: Any Person who has been granted a License by the Department to operate a Construction and Demolition Waste Land Disposal Facility shall comply with the requirements as set forth in SECTION 6.00 SOLID WASTE FACILITY AND SITE OPERATIONS 6.04 General Operating Procedures, the following operational requirements, in addition to the requirements in the MPCA Rules Part 7035.2825:
- A. Public Use Prohibited. No public usage will be allowed except where specifically approved.
 - B. Pest Eradication. Before any materials from demolished structures may be deposited, the Licensee must submit proof acceptable to the Department that the demolished structure has been subjected to satisfactory pest eradication prior to Demolition.
 - C. Refuse Prohibited. No paper, plastic, cardboard, cans, bottles, tires, appliances, vehicles, or other materials not specifically permitted by this Ordinance shall be deposited.

SECTION 10.00 INDUSTRIAL SOLID WASTE LAND DISPOSAL FACILITIES.

This section applies to all Solid Waste Facilities designed, constructed, maintained, or operated as an Industrial Solid Waste Land Disposal Facility.

- 10.01 State Rule Adopted: The design, construction, and operation of Industrial Solid Waste land Disposal facilities shall be in accordance with MPCA Solid Waste Management Rules Parts 7035.1590 - 7035.2500 which are hereby adopted by reference as part of this Ordinance.
- 10.02 Additional Requirements for an Industrial Solid Waste Land Disposal Facility License. The following information and materials prepared by a professional engineer registered in the State of Minnesota shall be submitted to the Department as additional requirements to the requirements set forth in Section 4.00 of this Ordinance.
- A. Existing Conditions Plan. A current map or aerial photograph of the area showing land use and zoning within 1/4 mile of the Industrial Waste Land Disposal Facility.

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The map or aerial photography shall be of sufficient scale to show all homes, buildings, lakes, ponds, water courses, wetlands, dry runs, rock outcroppings, roads, and other applicable details and shall indicate the general topography with contours and drainage patterns. Wells shall be identified on the map or aerial photography, U.S.G.S. datum shall be indicated, and a north arrow drawn. A location insert map shall be included.

- B. Plot Plan. A plot plan including legal description of the Facility and immediate adjacent area showing dimensions, location of soil borings, present and planned pertinent features including but not limited to roads, fencing and cover stockpiles. The plan of development including any excavation, trenching and fill shall be shown progressively with time. Cross sections shall be included on the plot plan or on separate sheets showing progressively with time the original and proposed elevation of excavation, trenching and fill. The scale of the plot plan should not be greater than 200 feet per inch.
- C. Land Use Plan. An ultimate land use plan, including intermediate stages, identifying the total and complete land use. The scale of the ultimate land use plan shall not be greater than 200 feet per inch.
- D. Report. A report shall accompany the plans indicating:
 - 1. Population and areas expected to be served by the proposed Facility.
 - 2. Anticipated type, quantity and source of material to be Disposed of at the Facility.
 - 3. Geological formations and ground water elevations to a depth of at least ten (10) feet below proposed excavation and lowest elevation of the Facility, including the high-water table. Such data shall be obtained by soil borings or other appropriate means.
 - 4. Source and characteristic of Cover Material and method for protecting Cover Material for winter operation.
 - 5. Type and amount of equipment to be provided at the Facility for excavating, earth moving, spreading, compacting and other needs.
 - 6. Area of Facility in acres.
 - 7. Owner of Facility and the Owner of the property on which the Facility is located.
 - 8. Persons responsible for actual operation and maintenance of the Facility and intended operating procedures.

10.03 Design and Construction Requirements: The following items shall be established, constructed, or provided for at the Site, in addition to the requirements as set forth in SECTION 6.00 SOLID WASTE FACILITY AND SITE OPERATIONS 6.02 General Design and Construction Requirements in this Ordinance and in the MPCA Rules Part 7035.1590 - 7035.2500:

- A. Equipment sufficient for spreading, compacting and covering operations to include sufficient reserve equipment or arrangements to provide for all operations within 24 hours of equipment breakdown.
- B. At each entrance to the Facility the Licensee shall erect and maintain a sign stating the name of the Solid Waste Facility, the schedule of days and hours the Solid Waste Facility is open to the public and prices for public use of the Solid Waste Facility if so approved, and MPCA permit number and penalty for nonconforming dumping. Plans and specifications for the sign wordage and its proposed placement shall be submitted to the Department for its approval prior to the sign's installation. Any changes to the sign after initial installation are also subject to approval by the Department.

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- C. The fill and trench areas of an Industrial Solid Waste Land Disposal Facility are prohibited within Shoreland.
- 10.04 Operating Procedures: Any Person who has been granted a License by the Department to operate an industrial waste Land Disposal Facility shall comply with the requirements as set forth in SECTION 6.00 SOLID WASTE FACILITY AND SITE OPERATIONS 6.04 General Operating Procedures, the following operational requirements, in addition to the requirements in the MPCA Rules Part 7035.1590 - 7035.2500:
 - A. Public Use Prohibited. No public usage will be allowed except where specifically approved.
 - B. Pest Eradication. Before any materials from demolished structures may be deposited, the Licensee must submit proof acceptable to the Department that the demolished structure has been subjected to satisfactory pest eradication prior to Demolition.
 - C. Refuse Prohibited. No paper, plastic, cardboard, cans, bottles, tires, appliances, vehicles, or other materials not specifically permitted by this Ordinance shall be deposited.

SECTION 11.00 LAND APPLICATION/BIOREMEDIATION OF SOLID WASTE.

This section applies to all Facilities/Sites designed, constructed, or operated for the Land application or Bioremediation of Solid Waste.

- 11.01 State Rules Adopted: The general requirements and standards for a Solid Waste Land Application/Bioremediation Facility or Site shall be in accordance with MPCA Solid Waste Management Rules Parts 7035.2535 to 7035.2655 which are hereby adopted by reference as part of this Ordinance.
- 11.02 Approval Required: It is unlawful for any Person to establish, operate, or maintain a Solid Waste Land Application/Bioremediation Facility or Site without first being granted approval to do so by the Department.
- 11.03 Approval Requirements: The applicant shall submit the following:
 - A. An Operational/Procedural Plan, a Contingency Action Plan and a Closure Plan. If the Facility or Site will be accepting and managing wastes classified as Industrial Waste, an Industrial Waste Plan must also be included. Once the Facility or Site is in operation, these documents must be updated, maintained, and kept accessible on-site at all times that the Facility or Site is in operation. The plans shall include as a minimum:
 1. Complete plans and specifications, proposed operating procedures for the land application or bioremediation Facility or Site, equipment to be used, and if not land applied on-Site, the final Disposal location.
 2. A Contingency Action Plan identifying procedures and actions to be taken in the event of fire, spill, chemical release, physical injury or other emergency situations at the Facility or Site.
 3. A description of the overall operation and a functional description of all equipment to be used, including design and anticipated performance.
 4. The procedures for Facility or Site start-up, and scheduled and unscheduled shut down operations.
 5. A description of potential safety hazards and methods of control including, but not limited to: fire and smoke detection; air monitoring; fire control devices; odor, ventilation, and exhaust control systems.

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6. A description of worker protection, training and safety equipment to be employed on-Site.
 7. A description and schedule of cleaning procedures to be employed at the Facility or Site.
 8. A description of the methods of weighing or measuring the Solid Waste accepted at the Facility or Site.
- B. A description and analysis of each waste type proposed for deposit. Data on waste types shall include, at minimum, the following information:
1. the sources, processes, or treatment systems from which the wastes originate;
 2. the waste pretreatment or waste Processing technique required prior to Land Application or Bioremediation;
 3. the volumes of Solid Waste to be land spread and, if applicable, stored prior to Land Application or Bioremediation;
 4. the physical and chemical characteristics of the waste obtained from representative waste samples.
- C. Estimated start date and time required for completion of the project.
- D. An assessment and analysis of data including conclusions drawn concerning the potential benefits and adverse effects of the Land Application or Bioremediation program. Such assessment shall include a demonstration that the waste has value as a soil conditioner or fertilizer. Demonstration methods may include:
1. documentation of previous successful uses of the Solid Waste, or other Solid Wastes with similar compositions, properties, and characteristics;
 2. documentation of compliance with existing regulations pertaining to the licensing and Marketing of fertilizers or soil conditioners.
- E. A description of information of the characteristics of the Site(s) to be used for Land Application or Bioremediation program including at least the following:
1. Site locations including copies of soils maps, plat maps and U.S.G.S. topographic maps;
 2. Description of the contracts or agreements covering use of the land including Owner's name, address and telephone number;
 3. Description of on-site land uses and current land uses on surrounding properties;
 4. Description of the Site geology and hydrogeology;
 5. Location of all homes and private wells within 1/4 mile of the Site;
 6. Description of the crops to be grown or dominant vegetation of the Site;
 7. Soil test results from samples taken on-site. Parameters to be analyzed shall be those deemed necessary for analysis and design of the proposed operation; and
 8. Description of other soil additives to be used on the Site.
- F. Information on Site design, Site development and operation plans including at least the following:
1. Provisions for interim waste storage or Disposal when normal Land Spreading Sites are unavailable or inaccessible, including:
 - a. type of storage or Disposal;
 - b. location of storage or Disposal Facility;
 - c. capacity of storage or Disposal Facility;
 - d. construction details;
 - e. property interest or contractual agreement allowing use of the storage or Disposal Facility;
 - f. future anticipated use of the storage or Disposal Facility;

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- g. evaluation of environmental effects resulting from use of the storage or Disposal Facility.
 2. Proposed mode of Solid Waste transportation, including:
 - a. the transporter of the Solid Waste;
 - b. the method of transportation;
 - c. the type of vehicle used for Solid Waste transportation;
 - d. spill contingency plans and notification procedures.
 3. Proposed maximum rates of application (annual and cumulative) for parameters specified by the Department.
 4. Proposed crop monitoring, soil, groundwater and surface water monitoring.
 5. Proposed record keeping and reporting procedures to be used for monitoring waste volumes applied, application rates, Disposal locations, and cumulative waste loading applied to each Site.
 - G. Proposed Site Closure, maintenance, and long-term care procedures and final land use plans for each Land Application or Bioremediation Site.
- 11.04 Operation Requirements: Upon approval being granted, the Land Application or Bioremediation Site/Facility shall be operated as follows:
- A. The Site shall not be open to the public.
 - B. The Operator shall contract directly with the approved source of the Solid Waste. Only one source shall be used for the term of the approval, except that approved yard waste land application Sites may be permitted to use more than one source.
 - C. The Site shall have sufficient security to control Site usage and access.
 - D. The waste shall be a least five (5) feet above the seasonal high water table after incorporation and ten (10) feet in uniform sandy soils.
 - E. Site slopes shall not exceed four (4) percent.
 - F. Sites shall not be closer than three hundred (300) feet to surface water.
 - G. Land Application and/or Bioremediation shall occur between April 15 and November 1 annually.
 - H. Petroleum contaminated soils shall not be applied in a thickness exceeding four (4) inches, unless specifically approved by the Department.
 - I. Spread soil must be incorporated with the upper four (4) to six (6) inches of native soil within 48 hours after application.
 - J. The Land Application and/or Bioremediation shall not be permitted to alter or obstruct surface drainage so as to adversely affect other properties.
 - K. There shall be no drainage into the Land Application and/or Bioremediation area, impounding of water in the Land Application and/or Bioremediation area, or drainage or other discharge of waste material to other properties, surface waters, wetlands, or public right-of-ways.
 - L. Unauthorized materials left at the Site shall be immediately removed and properly Disposed of by the Operator.
 - M. Adequate equipment shall be provided for delivery, storage, mixing, spreading, incorporation, fertilization, cultivation and other operations.
 - N. No waste shall be before 6:00 A.M. or after 8:00 P.M. and no equipment operation after 10:00 P.M. If municipal Ordinances set different times, the most restrictive shall take precedence.
 - O. The Operator shall maintain the Site so that it is free of litter and other nuisances.
 - P. Only approved waste types shall be Disposed at the Site. Plans to accept additional Solid Waste types require separate written approval from the Department.

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- Q. The Solid Waste Land Application and/or Bioremediation plan may be amended at any time, subject to written approval of the Department. Any proposed amendment shall contain the same type of information required in the original Land Application and/or Bioremediation plan. The amended plan may not be put into effect until it has been approved by the Department.
 - R. Depending on the type of operation to be conducted, Solid Waste materials shall be plowed, disked, or otherwise incorporated into the surface soil layer at appropriate intervals as specified in the Solid Waste Land Application and/or Bioremediation plan to minimize surface water Run-off and surface leaching and to control objectionable odors.
 - S. No Solid Waste shall be in areas containing ponded or standing water.
 - T. Maximum one time and/or cumulative Site specific application rates for parameters designated by the Department shall be strictly observed for Disposal on land used for growing food chain crops.
 - U. For Solid Waste materials determined by the Department to contain significant numbers of pathogens, pre-processing shall be required prior to Land Application and/or Bioremediation.
 - V. Food chain crops grown on Solid Waste Land Application and/or Bioremediation Sites which have received Solid Waste applications containing pesticides or persistent organic materials shall not be Marketed or used for human or animal consumption unless the crops comply with all applicable contaminant levels as established by law.
- 11.05 Closure: The Operator shall close the Site according to the following:
- A. The Operator shall notify the Department, in writing, prior to the termination of the operation on a schedule determined by the Department. This notice shall include the following information:
 - 1. The proposed final date by which all Solid Waste Disposal or Land Application and/or Bioremediation operations will be terminated;
 - 2. The current Solid Waste types, sources, and volumes of Solid Wastes being at the Site;
 - 3. The cumulative volumes of Solid Waste, which were applied to the Site during active operations;
 - 4. The proposed future land uses of those areas previously used for waste deposit, if different from originally approved end use;
 - 5. The proposed Site Closure, Site monitoring, and long-term care procedures to implemented following Site Closure, if different from the originally approved Closure Plan.
- 11.06 Reporting Requirements:
- A. An annual report shall be submitted to the Department in compliance with Minn. Rules 7035.2585.
 - B. The Operator shall submit monthly inspection and operation reports on forms provided by the Department, if deemed necessary by the Department.
 - C. Record Retention Times. Operating records must be kept on-Site for a minimum of three (3) years unless required under state or federal rules or laws to be held for a longer period of time.

SECTION 12.00 TRANSFER STATIONS.

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This section applies to all Solid Waste Transfer Stations designed, constructed, established, maintained and operated in accordance with the following provisions, regardless of size or category.

- 12.01 State Rule Adopted: The design, construction, and operation of Solid Waste Transfer Stations shall be in accordance with MPCA Solid Waste Management Rules Part 7035.2870 which is hereby adopted by reference as part of this Ordinance.
- 12.02 Transfer Station License Category. All Solid Waste Transfer Stations shall be categorized as to the type and amount of Solid Waste transferred at the Transfer Station. The License categories shall be established as part of the County Board action that establishes License fees as set forth in Section 4.05 of this Ordinance.
- 12.03 Transfer Station Throughput. The throughput of a Transfer Station is the amount of Solid Waste the Transfer Station can effectively transfer in an operating day without creating a public nuisance or conditions that may affect the public's health, safety and welfare. This throughput shall be determined by an independent third party consultant at the expense of the applicant. The throughput for Solid Waste Transfer Station shall be stated as follows: mixed waste Transfer Stations in tons per day (TPD), Construction/Demolition Transfer Stations in cubic yards per year (CYPY), and Industrial Waste Transfer Stations in cubic yards per year (CYPY).
- 12.04 Annual Transfer Station Capacity. The total amount of Solid Waste transferred at a Transfer Station during any License year shall not exceed the Transfer Station's annual capacity as set forth in the Transfer Station's MPCA permit/permit-by-rule, unless so authorized by the MPCA, the municipality in which the Transfer Station is located, and the Department. The Department may set a lower annual capacity limit than that set by the MPCA if the throughput analysis required in 12.03 of this Section shows that the Transfer Station cannot effectively handle the established MPCA permit capacity. Failure to comply with annual Transfer Station capacity limits shall be a violation of the Ordinance.
- 12.05 Additional Requirements for a Solid Waste Transfer Station License. The following information and materials prepared by a professional engineer registered in the State of Minnesota shall be submitted to the Department as additional requirements to the requirements set forth in Section 4.00 of the Ordinance.
 - A. Site Plan. The Site Plan shall have a scale of one (1) inch equal to not more than fifty (50) feet and have a vertical contour interval not greater than five (5) feet. The Site plan shall include all land within 1,000 feet of property of the proposed Transfer Station. The following shall be included as a minimum:
 - 1. Name and address of the Transfer Station and property Owner, and the Transfer Station Operator.
 - 2. City and/or township boundaries.
 - 3. North arrow, section line, section number.
 - 4. Water of the State, floodplains and floodways.
 - 5. Land use and zoning of the Transfer Station and neighboring properties within a 1,000-foot radius of the Transfer Station's property lines.
 - 6. Adjacent residences and property Ownership.
 - 7. Roads and railroads.
 - 8. Easements and utilities.
 - 9. Location, size and Ownership of the land upon which the Transfer Station will operate.

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- B. Non-conforming Zoning and/or Land Use. If the operation of a Transfer Station is not an approved use per the zoning code for this Site, a copy of the conditional use approval from the municipality must be included.
- C. Engineering Plans. The engineering plans shall include as a minimum:
 - 1. Roads, screening, fencing, gates, dimensions of building(s), dimensions of storage areas, loading and unloading zones, location of existing and proposed utilities.
 - 2. Dikes, berms, walls, dividers.
 - 3. Landscape and grading plans.
 - 4. The Department may request a report on the subsurface condition at the proposed Transfer Station. The Department may request data that is adequate to indicate suitable soils, geological and ground water information at the Site. The above data will be detailed on cross sections, the location of which will be indicated on the Site plan.
- D. An Operational/Procedural Plan, a Contingency Action Plan and a Closure Plan. If the Transfer Station will be accepting and managing wastes classified as industrial waste, an Industrial Waste Plan must also be included. Once the Transfer Station is in operation, these documents must be updated, maintained, and kept accessible on-site or readily available for review during an inspection anytime that the Transfer Station is in operation. The plans shall include as a minimum:
 - 1. Complete Site plans and specifications, proposed operating procedures for the Transfer Station, place of Final Disposal and equipment to be used.
 - 2. A Contingency Action Plan identifying procedures and actions to be taken in the event of fire, spill, chemical release, physical injury or other emergency situations at the Transfer Station.
 - 3. A description of the Solid Waste proposed to be collected, stored, and transferred at the Transfer Station.
 - 4. A description of the overall operation and a functional description of all equipment to be used, including design and anticipated performance. The operations must describe the flow of Solid Waste, including Recyclable Materials, through the Transfer Station.
 - 5. The procedures for Transfer Station start-up, and scheduled and unscheduled shut down operations.
 - 6. A description of potential safety hazards and methods of control including, but not limited to: fire and smoke detection; air monitoring; fire control devices; odor, ventilation, and exhaust control systems.
 - 7. A description of worker protection, training and safety equipment to be employed on-site.
 - 8. A description and schedule of cleaning procedures to be employed at the Transfer Station.
 - 9. A description of the methods of weighing or measuring the Solid Waste accepted and transferred at the Transfer Station.
- E. Rates and charges for the use of the Transfer Station by the public, if the Transfer Station is authorized for use by the public.
- F. A statement of the basis of the rates and charges for use of the Transfer Station, if the Transfer Station is authorized for use by the public.
- G. A copy of the MPCA permit application or permit-by-rule notification.

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- 12.06 General Design and Construction Requirements: The following general design and construction requirements shall be in accordance with Section 6.02 General Design and Construction Requirements of this Ordinance and the MPCA Rules Part 7035.2870:
- A. Entrance Sign. At each entrance to the Transfer Station the Licensee shall erect and maintain a sign stating the name of the Transfer Station, the address of the Transfer Station, the MPCA permit number or, if applicable, permit-by-rule number, the schedule of days and hours the Transfer Station is open, the penalty for nonconforming dumping and, if the Transfer Station is open to the public, the prices for use of the Transfer Station. Plans and specifications for the sign wordage and its proposed placement shall be submitted to the Department for its approval prior to the sign's installation. Any changes to the sign after initial installation are also subject to approval by the Department.
 - B. Non-commercial Disposal Transfer Stations. For Transfer Stations open to the public, suitable Disposal Transfer Stations shall be provided for individuals who wish to transport and Dispose of their own Solid Waste.
 - C. Minimal Interference with Other Activities. The Transfer Station shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area.
- 12.07 General Operating Procedures: Any Person who has been granted a License by the Department to operate a Transfer Station shall comply with the requirements as set forth in Section 6.00 SOLID WASTE FACILITY AND SITE OPERATIONS 6.04 General Operating Procedures, the following operational requirements, in addition to the requirements in the MPCA Rules Part 7035.2870:
- A. Waste Removal and Clean up. When stated in and as a part of the License, the Licensee shall clean and maintain the Transfer Station and either remove from the Site or properly store in containers all Mixed Municipal Solid Waste at the end of each operating day.
 - B. Orderly Maintenance. The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.
 - C. Traffic Control. All incoming and outgoing traffic shall be controlled by the Licensee in such a manner as to provide orderly and safe ingress and egress. A queuing area shall be provided on the Transfer Station itself or on the street as allowed by local traffic laws. If the queuing area is to be off site, written approval shall be obtained from the local authorities for the on-street queuing. This approval shall contain the approved area and any restrictions on the number or type of vehicles and time of the day that the queuing is authorized.
 - D. Delivery of Solid Waste. No Solid Waste may be delivered to or transported from a Transfer Station unless the Owner or Operator has reasonable belief that the Hauler transporting the Solid Waste or the Facility receiving the Solid Waste may lawfully do so under applicable federal, state, or local rules. Reasonable belief means that the Owner or Operator has verified that the Hauler transporting the Solid Waste or Facility receiving the Solid Waste holds a valid License, permit, or other approval, or that no such approval is required. The only exception would be for a private citizen disposing of their own waste.
 - E. Unloading. All unloading of Solid Waste from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside the Transfer Station.

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- F. Nuisance Control. All operations shall be conducted so as to minimize nuisances to surrounding properties, including but not limited to: minimizing the generation of litter; picking up litter on a daily basis; minimizing dust generation, and providing all necessary utilities and equipment to promptly and effectively control dust emissions, both on-site and beyond the property boundaries, created as a result of Licensed activities; minimizing noise transmission beyond property boundaries; minimizing odor; and controlling rodents and vermin. All open box or roll-off loads shall be tarped.
- G. Major Appliance Management. All major appliances, as defined in Minnesota Statutes, Section 115A.03, Subd. 17a, shall be properly managed. For the purposes of this section, properly managed shall be defined as:
1. All major appliances shall be separated from incoming loads.
 2. If major appliances will be stored on-site, they shall be stored in a manner that protects them from any intentional and/or accidental damage that may cause a release of a hazardous material (e.g. chlorofluorocarbon, PCBs, mercury). If storage is to occur outside, the storage shall also comply with any and all municipal requirements for external storage.
 3. All major appliances shall be recycled or reused. For the purposes of this section, Recycling includes:
 - a) the removal of capacitors that may contain PCBs;
 - b) the removal of ballasts that may contain PCBs;
 - c) the controlled evacuation and capture of chlorofluorocarbon refrigerant gas;
 - d) the removal of fluorescent lamps;
 - e) the removal of mercury switches and/or other components containing mercury; and
 - f) the Recycling or reuse of all metals, including mercury.
 4. Recycling of major appliances may occur either at the Transfer Station or at an approved major appliance Recycling Facility. Major appliances shall only be processed at Transfer Stations that have obtained all the required Licenses/permits for such an operation (i.e. County Hazardous Waste Generator License, MPCA Recycling Facility permit). Individuals removing, recovering, and/or recycling chlorofluorocarbon refrigerant gas must be certified by the State of Minnesota to do this type of operation.
 5. All Processing of major appliances shall comply with the standards set forth in Section 3.05 Standards for Appliance Processors in the Ramsey County Hazardous Waste Management Ordinance.
 6. The Transfer Station shall maintain records of major appliance management activities, to include the number and type of each major appliance arriving at the Transfer Station, the Processing method, the disposition of all materials generated by Processing activities, and refrigerant certification documentation. If Processing occurs at an approved major appliance Recycling Facility, the records need indicate only the arrival and disposition information.
- H. Hazardous Waste Management. All Hazardous Waste generated at the Site shall be properly managed per the Ramsey County Hazardous Waste Management Ordinance. The Transfer Station shall also maintain a Ramsey County License as a Hazardous Waste Generator.
1. All incoming loads of Solid Waste shall be inspected for Hazardous Waste/hazardous materials. Said inspection shall consist of a general

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observation of the waste during unloading, handling of the material, and loading of the outgoing containers and/or vehicles.

- a. Hazardous Waste that is removed from incoming loads of Solid Waste shall be deemed generated by the Transfer Station.
 - b. Observed Hazardous Waste from either commercial or residential loads separated out from the waste shall be managed in accordance with the Hazardous Waste rules and Ordinance.
- I. Reports. As a condition of maintaining its License, the Owner or Operator of the Solid Waste Transfer Station shall prepare and submit the following reports on a schedule and in a manner established by the Department:
1. Monthly Reports. This report shall include, but not be limited to, the amount of each type of Solid Waste delivered to the Transfer Station by County of origin, final deposition of each type of waste by County of origin, and material Recycling information.
 2. Other Reports. The Department may require the Licensee to submit other reports and information as necessary to determine that the Transfer Station or Site has managed all Solid Waste and operated in accordance with all applicable laws, statutes, rules, regulations and Ordinances.
 3. Record Retention Times. Operating records must be kept on-site for a minimum of three (3) years unless required under state or federal rules or laws to be held for a longer period of time.
- J. Transfer Station Supervisor. A Transfer Station supervisor or designated Operator must be on-site at all times that the Transfer Station is open for business and conducting operational activities.

SECTION 13.00 SOLID WASTE PROCESSING FACILITIES.

This section applies to all Solid Waste Processing Facilities designed, constructed, established, maintained and operated in accordance with the following provisions.

- 13.01 State Rules Adopted: The design, construction, and operation of Solid Waste Processing facilities shall be in accordance with MPCA Solid Waste Management Rules Parts 7035.2525 - 7035.2655, 7035.2845, and 7035.2875 which are hereby adopted by reference as part of this Ordinance.

If the Solid Waste Processing Facility processes Solid Wastes by Composting, it shall also be subject to the provisions of MPCA Solid Waste Management Rules Part 7035.2836 which is hereby incorporated by reference as part of this Ordinance.

If the Solid Waste Processing Facility processes Infectious or Medical Wastes, it shall also be subject to the provisions of MPCA Solid Waste Management Rules Parts 7035.9100 – 7035.9150 which are hereby incorporated by reference as part of this Ordinance.

- 13.02 Additional Licensing Requirements. For a Solid Waste Processing Facility License, the following information and materials prepared by a professional engineer registered in the State of Minnesota shall be submitted to the Department as additional requirements to the requirements set forth in Section 4.00 of this Ordinance.

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- A. Site Plan. The Site Plan shall have a scale of one (1) inch equal to not more than fifty (50) feet and have a vertical contour interval not greater than five (5) feet. The Site plan shall include all land within 1,000 feet of the proposed Facility. The following shall be included as a minimum:
 - 1. Name and address of the Facility and property Owner, and the Facility Operator.
 - 2. City and/or township boundaries.
 - 3. North arrow, section line, section number.
 - 4. Water of the State, floodplains and floodways.
 - 5. Land use and zoning of the Facility and neighboring properties within a 1,000-foot radius of the Facility's property lines.
 - 6. Adjacent residences and property Ownership.
 - 7. Roads and railroads.
 - 8. Easements and utilities.
 - 9. Location, size and Ownership of the land upon which the Facility will operate.
- B. Non-conforming Zoning and/or Land Use If the operation of a Solid Waste Processing Facility is not an approved use per the zoning code for this Facility, a copy of the conditional use approval from the municipality must be included.
- C. Engineering Plans. The engineering plans shall include as a minimum:
 - 1. Roads, screening, fencing, gates, dimensions of building(s), dimensions of storage areas, loading and unloading zones, location of existing and proposed utilities.
 - 2. Dikes, berms, walls, dividers.
 - 3. Landscape and grading plans.
 - 4. The Department may request a report on the subsurface condition at the proposed Facility. The Department may request data that is adequate to indicate suitable soils, geological and ground water information at the Facility. The above data will be detailed on cross sections, the location of which will be indicated on the Site Plan.
- D. An Operational/Procedural Plan, a Contingency Action Plan and a Closure Plan. If the Facility will be accepting and managing wastes classified as industrial waste, an Industrial Waste Plan must also be included. The plans shall include as a minimum:
 - 1. Complete Site plans and specifications, proposed operating procedures for the Solid Waste Processing Facility, place of Final Disposal and equipment to be used.
 - a. A Contingency Action Plan identifying procedures and actions to be taken in the event of fire, spill, chemical release, physical injury or other emergency situations at the Facility.
 - 3. A description of the Solid Waste proposed to be collected, stored, and processed at the Facility.
 - 4. A description of the overall operation and a functional description of all equipment to be used, including design and anticipated performance. The operations must describe the flow of Solid Waste, including Recyclable Materials, through the Facility.
 - 5. The procedures for Facility start-up, and scheduled and unscheduled shut down operations.
 - 6. A description of potential safety hazards and methods of control including, but not limited to: fire and smoke detection; air monitoring; fire control devices; odor, ventilation, and exhaust control systems.

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7. A description of worker protection, training and safety equipment to be employed on-Site.
 8. A description and schedule of cleaning procedures to be employed at the Facility.
 9. A description of the methods of weighing or measuring the Solid Waste accepted and transferred at the Facility.
- E. A copy of the MPCA permit application or permit-by-rule notification.
- 13.03 General Design and Construction Requirements: The following general design and construction requirements shall be in accordance with Section 6.00 WASTE FACILITY AND SITE OPERATIONS 6.02 General Design and Construction Requirements of this Ordinance and the MPCA Rules Parts 7035.2525 - 7035.2655, 7035.2845, and 7035.2875:
- A. The Solid Waste Processing Facility shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area.
 - B. Storage facilities for by-products, to include residuals and recyclables, shall be provided to prevent vector intrusion and aesthetic degradation.
 - C. The Site shall be sized, or a separate area provided, for a location for transportation vehicles to park while waiting to unload or load material without having to wait on a public thoroughfare.
 - D. A Solid Waste delivery area shall be designated and all Solid Waste delivered to the Solid Waste Facility shall be confined to that area until incorporated into the Processing system.
 - E. If the Processing Facility is a Solid Waste Composting Facility, a Leachate collection and treatment system shall be provided for the Compost Facility and shall be designed and constructed so to be able to handle any Run-off or Run-on water that has made contact with the composted waste, materials stored for Composting or residual waste.
- 13.04 General Operating Procedures: Any Person who has been granted a License by the Department to operate a Solid Waste Processing Facility shall comply with the requirements as set forth in SECTION 6.00 SOLID WASTE FACILITY AND SITE OPERATIONS 6.04 General Operating Procedures, the following operational requirements, in addition to the requirements in the MPCA Rules Parts 7035.2525 - 7035.2655, 7035.2845, and 7035.2875.
- A. Waste Removal and Clean up. When stated in and as a part of the License, the Licensee shall clean and maintain the Solid Waste Processing Facility and either remove or properly store all Solid Waste at the end of each day.
 - B. Orderly Maintenance. The premises, entrances and exits shall be maintained in a clean, neat and orderly manner at all times.
 - C. Traffic Control. All incoming and outgoing traffic shall be controlled by the Licensee in such a manner as to provide orderly and safe ingress and egress. A queuing area shall be provided on the Facility itself or on the street as allowed by local traffic laws. If the queuing area is to be off site, written approval shall be obtained from the local authorities for the on-street queuing. This approval shall contain the approved area and any restrictions on the number or type of vehicles and time of the day that the queuing is authorized.
 - D. Delivery of Solid Waste. No Solid Waste may be delivered to or transported from a Solid Waste Processing Facility unless the Owner or Operator has reasonable belief that the hauler transporting the Solid Waste or the Facility receiving the Solid Waste may lawfully do so under applicable federal, state, or local rules. Reasonable belief

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- means that the Owner or Operator has verified that the Hauler transporting the Solid Waste or Facility receiving the Solid Waste holds a valid License, permit, or other approval, or that no such approval is required.
- E. Unloading. All unloading of Solid Waste from contributing vehicles shall be conducted in such a manner as to eliminate odor and litter outside the Solid Waste Processing Facility.
 - F. Nuisance Control. All operations shall be conducted so as to minimize nuisances to surrounding properties, including but not limited to: minimizing of odor; minimizing the Generation of litter; picking up litter on a daily basis; minimizing dust Generation, and providing all necessary utilities and equipment to promptly and effectively control dust emissions, both on-Site and beyond the property boundaries, created as a result of Licensed activities; minimizing noise transmission beyond property boundaries; and controlling rodents and vermin. All open box or roll-off loads shall be tarped.
 - G. Hazardous Waste Management. All Hazardous Waste generated at the Site shall be properly managed per the Ramsey County Hazardous Waste Management Ordinance. The Solid Waste Processing Facility shall also maintain a Ramsey County License as a Hazardous Waste Generator.
 - 1. All incoming loads of Solid Waste shall be inspected for Hazardous Waste/hazardous materials. Said inspection shall consist of a general observation of the waste during unloading, handling of the material, and loading of the outgoing containers and/or vehicles.
 - 2. Hazardous Waste that is removed from incoming loads of Solid Waste shall be deemed generated by the Processing Facility.
 - 3. Observed Hazardous Waste from either commercial or residential loads separated out from the waste shall be managed in accordance with the Hazardous Waste rules and Ordinance.
 - H. Management of Waste with Radioactivity.
 - 1. If the Solid Waste Processing Facility is Processing infectious or Medical Waste, all incoming containers of said waste shall be screened for radioactivity prior to being processed.
 - 2. The scanning monitor/device shall be capable of detecting radiation at the microrem (uR) level and shall be calibrated annually against a Cobalt 57 source. Records of calibration shall be accessible on Site.
 - 3. Containers recording a radiation level of:
 - a. less than or equal to 50 uR/hour shall be processed as normal;
 - b. greater than 50 uR/hour and less than 500 uR/hour shall be returned to the Generator within 24 hours of delivery. The Generator shall be notified of the radioactive waste violation; and
 - c. greater than 500 uR/hour shall be returned to the Generator. The Generator shall be immediately notified of the radioactive waste violation. Transportation of the radioactive waste shall be arranged for with a Licensed low-level radioactive waste transporter.
 - 4. All containers exceeding 50 uR/hour shall be labeled with the word “Radioactive” shall be stored in a locked secure area while awaiting return to the Generator.
 - 5. During the time the containers are being held on-site, the containers shall be monitored for radiation level, if the level should drop to a level of 50 uR/hour or less prior to leaving the Facility, the waste may be processed

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6. A log of all containers exceeding 50 uR/hour shall be maintained and be readily accessible on site. The following information shall be provided on the log:
 - a. Identification number of container;
 - b. Name and address of Generator;
 - c. Date and time of reading;
 - d. Radiation level; and
 - e. Disposition of container:
 1. if held on Site: subsequent scanning readings, date and time of Processing and
 2. if returned to Generator: subsequent radiation readings, date and time container left Site.
- I. Reports. The Owner or Operator of the Solid Waste Processing Facility shall prepare and either submit the following reports to the Department or have them available and readily accessible for review on Site by the Department as determined by the Department.
 1. Operational Reports. Reports of the Facility's operations may include, but not be limited to:
 - a. the source, quantity and characteristics of the Solid Waste being processed;
 - b. the source, quantity and characteristics of any other material added to the Solid Waste, such as bulking, catalyst, or nutrient agents;
 - c. a description of the process to reduce pathogens, if required, and the corresponding test results;
 - d. records of daily temperature readings, pressure readings, chemical additions, retention times, or other information as may be required by the Department;
 - e. records of the quantity and classification of the processed Solid Waste;
 - f. records of the quantity and type of by-products removed from the Solid Waste; and
 - g. a description of the end-product distribution and Disposal system.
 2. Other Reports. The Department may require other reports from the Licensee as necessary to determine that Solid Waste managed at the Facility was done so in accordance with all applicable laws, statutes, rules, regulations and Ordinances.
 3. Record Retention Times. Operating records must be kept on-site for a minimum of three (3) years unless required under state or federal rules or laws to be held for a longer period of time.
- J. Facility or Site Supervisor. A Facility or Site supervisor or designated Operator must be on-site at all times that the Facility or Site is open for business and conducting operational activities.

SECTION 14.00 WASTE TIRE COLLECTION SITES AND PROCESSING FACILITIES.

This section applies to all Waste Tire Collection Sites and Processing Facilities designed, constructed, maintained, and operated in accordance with the following provisions.

- 14.01 State Rule Adopted: The design, construction, and operation of Solid Waste Processing facilities shall be in accordance with MPCA Solid Waste Management Rules Parts 7035.2525 - 7035.2655 which are hereby adopted by reference as part of this Ordinance.

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- 14.02 License Required Exceptions: A License shall not be required for the following Waste Tire Collection Sites and Processing Facilities:
- A. A retail tire seller for the retail-selling site if no more than 500 Waste Tires are kept on the business premises.
 - B. An Owner or Operator of a tire retreading business for the business Site if no more than 3,000 Waste Tires are kept on the business premises.
 - C. An Owner or Operator of a business who, in the ordinary course of business, removes tires from motor vehicles if no more than 500 Waste Tires are kept on the premises.
 - D. A Licensed and permitted Land Disposal Facility Operator with less than 10,000 Waste Tires stored above ground on-site.
 - E. A Person using Waste Tires for agricultural purposes if the Waste Tires are kept on the site of use.
- 14.03 Additional Requirements for a Waste Tire Collection Site and/or Processing Facility License. The following information and materials prepared by a professional engineer registered in the State of Minnesota shall be submitted to the Department as additional requirements to the requirements set forth in Section 4.00 of this Ordinance.
- A. A plat map showing the location, size and Ownership of the land upon which the Solid Waste Processing Facility will operate.
 - B. The general zoning description of property use within 1/4 mile of the Waste Tire Collection Site and/or Processing Facility and the zoning classification of the property to be used. If the operation of a Waste Tire Collection Site and/or Processing Facility is not an approved use per the zoning code for this Site, a copy of the conditional use approval from the municipality must be included.
 - C. Complete plans and specifications, to include the Site plan, building plans and specifications and proposed operating procedures for the Waste Tire Collection Site and/or Processing Facility.
 - D. An Operations/Procedural Manual, a Contingency Action Plan and a Closure Plan for the Waste Tire Collection Site and/or Processing Facility. If the Facility will be accepting and managing wastes classified as industrial waste, an Industrial Waste Management Plan must also be included.
 - E. A copy of the MPCA permit application or permit-by-rule notification.
- 14.04 General Design and Construction Requirements: The following general design and construction requirements shall be in accordance with Section 6.00 WASTE FACILITY AND SITE OPERATIONS 6.02 General Design and Construction Requirements of this Ordinance and the MPCA Rules Parts 7035.2525 - 7035.2655:
- A. The Licensee shall maintain a minimum separating distance of fifty (50) feet between the Waste Tire Collection Site or Processing Facility operations and the adjacent property line.
 - B. The Licensee shall divert surface water drainage around and away from the collection area.
 - C. The Licensee shall provide adequate visual screening to reduce visibility of above-grade operations from housing or public right-of-ways by use of natural objects, trees, plants, seeded soil berms, fences, or other means deemed suitable by the Department.
 - D. The Waste Tire Collection Site and/or Processing Facility shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area.

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- 14.05 General Operating Procedures: Any Person who has been granted a License by the Department to operate a Waste Tire Collection Site and/or Processing Facility shall comply with the following operation regulations, in addition to the requirements in the MPCA Rules Parts 7035.2525 - 7035.2655:
- A. The Licensee shall accept only Waste Tires at the collection Site.
 - B. The Licensee shall prohibit piling of Waste Tires within the following regions:
 - 1. Shoreland
 - 2. Regional flood plain for a 100-year flood.
 - 3. Wetlands
 - C. The Licensee shall:
 - 1. Confine Waste Tires to as small an area as practical with individual piles not more than 2500 square feet in area and 20 feet in height;
 - 2. Provide a minimum twelve (12) foot separation between the piles of Waste Tires to allow access for trucks and emergency vehicles;
 - 3. Provide trenching or other adequate measures to minimize the potential for fire spreading; and
 - 4. Construct piles of Waste Tires to minimize the accumulation of stagnant water.
- 14.06 Waste Tire Reduction: Waste Tire Collection Sites, Processing facilities, and tire dumps in existence prior to the effective date of this provision shall reduce the accumulation of Waste Tires by Processing and/or Marketing to amounts, and within time limits established by the Department, and shall be approved by the local zoning authority.
- 14.07 Cessation of Operation: Upon cessation of Waste Tire Processing Facility operations, the Licensee, Owner, and Operator shall be responsible for removing all Waste Tires and tire products from the Site and ensure their proper management pursuant to this Ordinance and Minnesota Statute 115A.90 - 115A.914.
- 14.08 Reports. The Owner or Operator of the Waste Tire Collection Site and/or Processing Facility shall prepare and either submit the following reports to the Department or have them available and readily accessible for review on Site by the Department as determined by the Department.
- A. Operational Reports. Reports of the Waste Tire Collection Site and/or Processing Facility's operations may include, but not be limited to: number of Waste Tires arriving, number of Waste Tires processed, number of Waste Tires stored on-site.
 - B. Other Reports. The Department may require the Licensee to submit other reports and information as necessary to determine that the Waste Tire Collection Site and/or Processing Facility has managed all Solid Waste and operated in accordance with all applicable laws, statutes, rules, regulations and Ordinances.
 - C. Record Retention Times. Operating records must be kept on-site for a minimum of three (3) years unless required under state or federal rules or laws to be held for a longer period of time.
- 14.09 Facility or Site Supervisor. A Facility or Site supervisor or designated Operator must be on-site at all times that the Facility or Site is open for business and conducting operational activities.

SECTION 15.00 DEMOLITION OR DE-CONSTRUCTION SITES.

This section applies to Persons engaged in the renovation, Demolition, or De-construction (i.e., disassembly) of structures, or portions of structures, including Demolition by burning for the purpose of Disposal, where authorized by law, or for fire training. The purpose of

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this section is to: 1) ensure that all hazardous materials, items, or wastes are removed from residential and commercial/nonresidential structures, or portions of said structures, prior to or during Demolition or De-construction activities; and 2) that said hazardous materials, items, or wastes generated as a result of the Demolition or De-construction activities are properly characterized, and Disposed of, reused, or recycled; and 3) that efforts are taken to maximize the amount of Solid Waste, building components, and other salvageable materials generated as a result of the Demolition or De-construction activities are properly characterized and reused or recycled.

15.01 Definitions. For purposes of this section:

- A. "Commencement of renovation, Demolition or De-construction" means to take any action that results in the physical alteration of the interior or exterior of a structure for the purpose of renovating or removing the structure, and includes alteration or removal of walls, ceilings, floors, or roofs or associated structural components such as porches and garages. Physical alterations necessary to comply with this part, for example, removal of a wall as needed to remove a hydraulic oil tank, do not constitute commencement of renovation or Demolition, provided that the physical alteration does not result in the disturbance of items listed in Section 15.04 other than the targeted item. Actions that do not result in physical alteration of the structure, such as grubbing or removal of sidewalks, parking surfaces, or uncontaminated soil, do not constitute commencement of renovation or Demolition.
- B. "Friable asbestos material" means any material containing more than one percent asbestos by microscopic visual estimation by area, that hand pressure can crumble, pulverize, or reduce to powder when dry. Friable asbestos material includes previously nonfriable asbestos material which becomes damaged to the extent that when dry all or a portion of the material may be crumbled, pulverized, or reduced to powder by hand pressure.
- C. "Structures" includes buildings used or formerly used for residential, recreational, governmental, agricultural, commercial, or industrial purposes and other buildings of a relatively permanent nature such that they may contain fixtures and devices associated with electrical, plumbing, heating, cooling, safety, or lighting systems.

15.02 Removal requirements.

- A. Notifications to the Department:
 - 1. Municipalities shall provide a copy of issued Demolition permits to the Department by fax or electronically within one (1) day of issuance.
 - 2. A Person conducting a Demolition or De-construction shall provide either an original, if not submitting the original to the MPCA, or a copy of the completed Notification of Intent to Perform a Demolition and documentation of any and all assessments completed at the Site seven (7) workdays prior to the start of any Demolition or De-construction activity.
- B. The Owner of the structure(s), Person authorizing the renovation, Demolition or De-construction of the structure(s), and Person conducting the renovation, Demolition, or De-construction of the structure(s) shall ensure that the items and materials listed in Section 15.04 are removed prior to the commencement of renovation, Demolition or De-construction activities. If the structure has CFC-containing devices that cannot be removed without potentially releasing CFCs, a Certified CFC Technician shall properly evacuate and document said evacuation of the CFCs prior to the

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commencement of the Demolition or De-construction. Major appliances shall be removed from the structure in a manner that prevents damage to the appliance that either releases CFCs or hinders the ability of appliance processors to access and properly recover items identified in 15.04 of this Section, such as PCB-containing ballasts and capacitors, mercury switches, and fluorescent lamps.

- C. Inspections. Department staff shall be allowed access to inspect the proposed Demolition/Deconstruction Site prior to the actual Demolition/De-construction activities to determine if any items identified in Section 15.04 are present. If items identified in Section 15.04 are present, they shall be removed prior to or during Demolition or De-construction without creating a danger to the health, safety, or welfare of the public or environment.
- D. Records.
 - 1. Demolition contractors shall retain Recycling, reuse, and/or Disposal records for minimum three (3) years following Demolition/De-construction of a structure.
 - 2. Demolition contractors shall provide copies of Recycling, reuse, and/or Disposal receipts and any other records associated with the Demolition project to the Department.

15.03 National Emissions Standard for Hazardous Air Pollutants (NESHAP) facilities.

- A. For Persons conducting Demolition or De-construction of a NESHAP Facility, as defined under 40 CFR §61.141, and regulated under Minnesota Rules Parts 7011.990 and 9920, the items and materials shall be removed two (2) working days prior to the start date identified on the most recently submitted ten working day notification form submitted as required under 40 CFR §61.145 (b).
- B. For all structures where friable asbestos material abatement has occurred in preparation for remodeling, Demolition, or De-construction, clearance air sampling shall be conducted and documented in accordance with Minnesota Department of Health Rule 4620.3594 Clearance Air Sampling.
- C. For purposes of Section 15.03, “working days” means Monday through Friday and includes Holidays that fall on any of the days Monday through Friday.

15.04 Item and Material Removal. All items and materials to be removed before renovation, Demolition, or De-construction. All items and materials removed must be properly characterized, tested, managed, and Disposed of and reused or recycled in accordance with applicable standards. Waste from a Demolition project may not be land applied or used as Cleanfill without written authorization from the Department and written approval from the local jurisdiction of the Site to be used. Persons authorizing or conducting renovation, Demolition or De-construction or arranging for removal of items are encouraged to contact the Department regarding opportunities to reuse or recycle the items and materials listed in this subsection, as well as other materials comprising the structure, and to obtain checklists or other guidance documents that have been developed to assist with compliance with this section. The following items and materials must be removed prior to the commencement of renovation, Demolition, or De-construction:

- A. Items that would normally be Disposed of as Mixed Municipal Solid Waste including, but not limited to, Garbage, Refuse, furniture, carpeting unattached to the substrate, bedding, mattresses, clothing, small appliances, food, and food waste or any of these materials from a fire damaged structure;
- B. Household Hazardous Waste (HHW) as defined in Minnesota Statutes, Section 115A.96, subdivision 1, including, but not limited to, automotive fluids, lawn and

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- garden chemicals, pest control products, household cleaners, paint, and home improvement products. HHW may be managed through the County's HHW vender with prior authorization from the Department;
- C. Materials that constitute Industrial Solid Waste or Hazardous Waste, to include poisons used in pest control applications within the structure prior to Demolition or De-construction;
 - D. Waste Tires as defined in Section 3.92 of this Ordinance;
 - E. Appliances that meet the definition of "major appliances" in Minnesota Statutes, Section 115A.03, subdivision 17a;
 - F. Items that may contain elemental mercury, including, but not limited to, the following:
 - 1. batteries found in smoke detectors, emergency lighting systems, elevator control panels, exit signs, and security systems and alarms;
 - 2. lighting, including fluorescent lamps and high intensity discharge lamps, such as metal halide, high pressure sodium, mercury vapor, and neon;
 - 3. switches;
 - 4. thermostats and similar devices, including aquastats, pressurestats, firestats, manometers, and thermometers;
 - 5. devices associated with boilers, furnaces, heaters, and tanks, including mercury flame sensors by pilot lights, manometers, thermometers and gauges, pressure-trol, float, or level controls, and space heater controls;
 - 6. devices associated with electrical systems, including load meters and supply relays, phase splitters, microwave relays, and mercury displacement relays; and
 - 7. miscellaneous devices that may contain mercury;
 - G. Items that may contain polychlorinated biphenyls (PCBs), including, but not limited to, transformers, transistors, capacitors in old appliances and electronic equipment, heat transfer equipment, and light ballasts;
 - H. Items that may contain chlorofluorocarbons (CFCs) as defined in Minnesota Statutes, Section 116.70, subdivision 3, including, but not limited to, fire extinguishers; both portable and installed halon suppression systems; rooftop, room, and central air conditioners; walk-in coolers for refrigeration or cold storage areas; water fountains and dehumidifiers; refrigerators, freezers, and chillers; heat pumps; vending machines; and food display cases;
 - I. Oils, including, but not limited to, used oil, hydraulic oils in door closers and elevator-related tanks and piping, and oils located in heating oil tanks, piping, sumps, and traps;
 - J. Lead-containing items, including, but not limited to, lead-acid batteries, lead pipes, lead sheeting, lead flashing in roof vents, and lead paint that is not firmly adhered to the substrate. For purposes of this item, "lead paint" means a coating that contains one-half of one percent (0.5 percent) or more or 5,000 parts per million (5,000 ppm) or more of total lead by weight in the dried film, as determined by acid digestion and analysis, or contains one milligram per square centimeter (1.0 mg/cm²) or more of lead, as determined by X-ray fluorescence analyzer;
 - K. Electronic products containing a cathode ray tube, as described in Minnesota Statutes, Section 115A.9565, including, but not limited to, televisions and computers;
 - L. Electronic products containing a circuit board;
 - M. Asbestos that is required to be removed under Minnesota Statutes, sections 326.70 to 326.81, Minnesota Rules, Parts 4620.3000 to 4620.3724, and Minnesota Rules Part 7011.9920;

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- N. Material trapped in sumps and traps, unless characterized as nonhazardous and nonliquid;
 - O. Radioactive waste as defined in Minnesota Statutes, Section 116C.71, subdivision 6; and
 - P. Other materials or items that are prohibited from Disposal at the Facility intended to receive the renovation or Demolition Waste for Processing or Disposal.
 - Q. Aboveground and Underground Tanks in accordance with Minnesota Rules Parts 7045.0528 s 9, 7150.0410 - 7150.0430, 7151.8200, and 7151.8400 – 7151.8500.
- 15.05 Exemption.
- A. The requirement to remove items or materials listed in Section 15.04 prior to commencement of renovation or Demolition does not apply under the following circumstances:
 - 1. the structure is unsafe to enter as determined by a local government authority;
 - 2. the items and materials uncovered during the course of renovation or Demolition could not have been reasonably identified prior to commencement;
 - 3. the items or materials are within components of the structure, such as elevators, vertical lifts, or lighting, that need to remain intact during the course of renovation or Demolition, provided that the items or materials are removed after use of the component is no longer required; or
 - 4. the items or materials cannot be removed in a timely manner due to the fact that the Demolition or renovation is being performed in response to an emergency maintenance situation. For purposes of this subpart, an “emergency maintenance situation” means Demolition or renovation that is necessary due to a sudden and unexpected event, such as an equipment failure, that if not immediately attended to presents a safety or health hazard or is necessary to protect the structure or items within the structure from costly damage.
 - B. If the removal of hazardous materials or items is not required as provided under Section 15.05 A, the Owner, Person who will authorize renovation, Demolition, or de-construction and Person who will conduct the renovation, Demolition, or de-construction must comply with the requirements of this part to the extent reasonable, by removing the items and materials listed in Section 15.04 that are accessible before or after renovation or Demolition.
- 15.06 Duties under other law. Other federal and state laws establish requirements for the management of asbestos, CFCs, tank systems, and waste, and other federal, state, and local laws establish requirements governing noise, air emissions, storm water controls, and worker safety. Nothing in this Section shall be construed as relieving any Person from the duty to comply with any applicable federal, state, or local requirement. In particular, nothing in this Section shall be construed as relieving any Person of requirements under state or federal law governing inspection and removal of regulated asbestos-containing materials. Nothing in this Section shall be construed as relieving any Person of duties related to the proper management of solid or Hazardous Waste or CFCs. Nothing in this Section shall be construed as relieving any Person of duties related to the prevention of fugitive emissions.
- 15.07 Debris characterization. If the Owner or Person authorizing renovation, Demolition, or De-construction or Person conducting the renovation, Demolition, or De-construction knows or has reason to know that portions of the structure may be contaminated by hazardous substances or petroleum as defined in Minnesota Statutes, Section 115C.02,

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subdivision 10, based on past uses of the structure, such as a medical building, laboratory, or manufacturing Facility, the Owner or Person authorizing renovation, Demolition, or De-construction or Person conducting the renovation, Demolition, or De-construction shall, prior to the commencement of renovation, Demolition, or De-construction, obtain appropriate samples and receive results from laboratory analysis as necessary to ensure the proper management and Disposal of contaminated structural elements and any resulting debris generated. All Persons are encouraged to contact the Department for assistance with compliance with this part.

- 15.08 Cease and Desist Order. If conditions exist that pose an imminent and substantial danger to the health, safety, and welfare of the public or the environment as a result of the failure to comply with this Section, the Department may issue an emergency order to direct the immediate discontinuance of the renovation, Demolition, or De-construction activities and order the abatement of the conditions until such time that the Department determines that the conditions have been abated.

SECTION 16.00 VARIANCES AND NONCONFORMING SITES.

- 16.01 Variances: Requests for variances from the requirements of this Ordinance shall be made in accordance with Ramsey County Administrative Ordinance. The Department will notify the County Board upon receiving a request for a variance and of the subsequent action taken by the Department.
- 16.02 MPCA Approval. No modification or variance may be granted if it would result in noncompliance with Minnesota Rule Chapter 7035 unless such modification or variance has been approved or granted by the MPCA.
- 16.03 Closure/Post-Closure. For facilities permitted or granted interim status by the MPCA, amendments to the Facility Closure/post-Closure Plans and extensions to the Closure/post-Closure period shall be granted by the Department only where said amendments or extensions have been approved by the MPCA.

SECTION 17.00 ILLEGAL DUMPING.

- 17.01 Unauthorized Dumping: It shall be a violation of this Ordinance for any Person to Dispose of Solid Waste within Ramsey County at any place except at a Solid Waste Facility authorized by this Ordinance.
- 17.02 Unlicensed Open Dumps: It shall be a violation of this Ordinance for any Person to operate an Open Dump; and, the Owner or Operator of any land being used as an Open Dump shall cease operations and close it in accordance with the following provisions. The Owner or Operator shall:
- A. Close access to the Site and prohibit the public from using the Site. Signs indicating that dumping is not allowed shall be posted.
 - B. Stop burning.
 - C. Eradicate rodents.
 - D. Conduct a water monitoring program pursuant to "Procedures for Ground Water Monitoring: MPCA Guidelines" and take measures to protect ground and surface water. Plans to protect the ground and surface water shall be approved by the Department prior to implementation.
 - E. Divert surface water drainage around and away from the Disposal area.

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- F. Compact the Refuse and cover it with at least two and one-half (2 1/2 feet) of compacted Cover Material. Cover Material shall comply with the specifications set forth in this Ordinance in either Section 8.00 for a Mixed Municipal Solid Waste Land Disposal Facility, Section 9.00 for a Construction and Demolition Waste Land Disposal Facility, or Section 10.00 for an Industrial Solid Waste Land Disposal Facility.
 - G. Seed the Cover Material so that adequate turf is present.
 - H. Establish and maintain a final grade sufficient to promote water Run-off without excessive erosion.
 - I. The Owner of the property on which the Open Dump is located shall place on record an instrument with the Ramsey County Recorder, in a form prescribed by the Department, placing the public on notice of the existence and location of the Open Dump and of the obligations placed upon the parties holding an interest in the property and the restrictions which may affect the use of the property.
- 17.03 Open Burning: It shall be a violation of this Ordinance for any Person to permit the open burning of Solid Waste within Ramsey County, unless authorized by the Department to abate a public health nuisance.
- 17.04 Unauthorized Burying of Solid Waste or other Materials: It shall be a violation of this Ordinance for any Person to permit the burying of Solid Waste or other materials within Ramsey County, unless authorized by the Department to abate a public health nuisance. In the event that Department approval has not been applied for and/or issued prior to the operation occurring, the Department may require the Owner or Operator of the fill operation to provide documentation of what Solid Waste or other materials were buried as well as what was used as fill material and/or may require the Owner or Operator to provide inspection excavations on the site at locations selected by the Department to determine what was buried on the site. The Owner or Operator will be responsible for all costs associated with post-determination of buried Solid Waste or other materials and/or fill material.
- 17.05 Unauthorized Cleanfill and/or Demolition Cleanfill Activities. If concrete, concrete block, brick, glass, or similar Inert Material, which has not been crushed to a diameter no greater than six (6) inches, is proposed to be a component of a fill operation or if concrete, concrete block, brick, glass, or similar Inert Material, which has been crushed to a diameter no greater than six (6) inches, will comprise more than 50% of the fill material, said material and fill activity must be approved in writing by the Department prior to its use. Additionally, all Cleanfill and Demolition Cleanfill activities must be issued fill permits by the municipality in which the fill operation is to occur. In the event that the Department approval or the municipal permit has not been applied for and/or issued prior to the operation occurring, the Department may require the Owner or Operator of the fill operation to provide documentation of what was used as fill material and/or may require the Owner or Operator to provide inspection excavations on the site at locations selected by the Department to determine what was buried on the site. The Owner or Operator will be responsible for all costs associated with post-determination of fill material.

SECTION 18.00 SOLID WASTE STORAGE.

- 18.01 State Rule Adopted: Solid Waste shall be stored in accordance with Solid Waste Rule 7035.0700 which is hereby adopted by reference as part of this Ordinance.

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- 18.02 Time Limit for Storage: Solid Waste shall not be stored on public or private property for more than two (2) weeks without the written approval of the Department.
- 18.03 Storing Recyclables: Materials, which have been separated for the purpose of Recycling shall not be stored on public or private property in a manner which creates a nuisance.

SECTION 19.00 DESIGNATION OF SOLID WASTE.

- 19.01 Delivery Requirements: To the extent authorized by law, all Acceptable Waste generated within the County must be delivered to the Facility and may not be delivered to any other Solid Waste Facility except as provided in 19.03 and 19.04 herein. The County may from time to time designate additional Solid Waste facilities. This provision is binding on all Persons, including without limitation, political subdivisions, Solid Waste Land Disposal Facility Operators, Solid Waste Generators, and Solid Waste collectors in the County.
- 19.02 Acceptance Requirements: The Facility must accept all Acceptable Waste delivered to the Facility, unless the County has declared an interruption of Designation as provided in 19.09 herein.
- 19.03 Delivery of Unacceptable Waste:
 - A. Rejection of Unacceptable Waste. No Person may deposit Unacceptable Waste at the Facility. The Facility Operator may reject any load for which there is a reasonable basis to believe the load contains Unacceptable Waste by refusing to allow Disposal of the load at the Facility. At the time of such rejection, the Facility Operator shall provide the vehicle Operator with a Certificate of Rejection stating the reason or reasons therefore. The Facility Operator shall transmit a copy of the Certificate of Rejection to the Department in a timely manner.
 - B. Disposal of Rejected Waste. Rejected Waste must be Disposed of in accordance with all applicable federal, state, and local laws and regulations. A Certificate of Rejection must be presented to the Operator of any alternative Solid Waste Facility used for Rejected Waste. No Solid Waste Facility may permit any Solid Waste subject to Designation to be deposited at such Solid Waste Facility unless the Person or collector seeking deposit presents a Certificate of Rejection from the Facility. Any Person or collector who deposits Unacceptable Waste at the Facility must recover all such Unacceptable Waste immediately upon demand of the Facility Operator. Such Unacceptable Waste shall be considered Rejected Waste, and must be Disposed of in accordance with this section and all applicable federal, state, and local laws and regulations.
- 19.04 Receiving Hours: Acceptable Waste must be delivered to the Facility between 6:00 a.m. and 6:00 p.m. Monday through Saturday, excluding Holidays, or at such other times as the County may determine. The Facility Operator will not be required to allow delivery of Acceptable Waste at any times other than those specified herein.
- 19.05 Tipping Fees:
 - A. Payment. All Persons must pay a Tipping Fee to the Facility Operator for Solid Waste accepted at the Facility.
 - B. Establishment of Fees.
 - 1. Procedure. The County Board of Commissioners shall establish or amend the Tipping Fee by resolution. The resolution shall state the effective date of the Tipping Fee.

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2. Principles. The County shall set the Tipping Fee and any amendments thereto at a reasonable amount, taking into account any of the following factors:
 - a. the cost to the County of Solid Waste Management services including those provided by the Facility;
 - b. the cost to and savings by the collectors of delivering Solid Waste to the Facility;
 - c. the Tipping Fees charged at the Solid Waste land Disposal facilities in the Metropolitan Area;
 - d. any economic incentive the County may provide;
 - e. the County of origin of waste processed or transferred by the Facility; and
 - f. any other factors which the County may determine to have an impact on the reasonableness of the Tipping Fee at the Facility.
- 19.06 Exemptions: The following Acceptable Waste shall be exempt from Designation:
- A. Recycled Materials. Materials that are separated from Mixed Municipal Solid Waste by the Generator and recovered for reuse in their original form or for use in manufacturing processes. For the purpose of this section "manufacturing process" does not include the treatment of waste after collection for the purpose of Composting. Recyclable Materials that are Commingled for Recycling, and which are actually recycled are exempt from Designation. The residual materials that remain after the Processing of Commingled Recyclable Materials are exempt from Designation if there is at least an 85 percent volume reduction in the material processed at the Recycling Facility and the residuals are managed as separate waste streams. Mixed Municipal Solid Waste that remains after the Processing of Commingled Recyclable Materials is subject to Designation if there is not at least an 85 percent volume reduction in the material processed at the Recycling Facility or the Mixed Municipal Solid Waste material is not managed as separate waste stream, and shall be delivered to the Facility. A Person may request a variance from the Designation requirement for the Mixed Municipal Solid Waste subject to Designation, as described herein, resulting from the Processing of Commingled Recyclable Materials. The process for consideration of such a request shall be pursuant to 16.01 Variances of this Ordinance. The Department shall grant a variance if it finds that:
 1. The Mixed Municipal Solid Waste resulting from the Processing of Commingled Recyclable Materials will be processed at a Resource Recovery Facility;
 2. The Person requesting the variance has not been found in violation of the Designation provision in the six months prior to filing for a variance; and
 3. The Person requesting the variance agrees to report and actually reports to the Department the quantities of materials, by categories to be specified by the Department, that are recycled from the Processing of the Commingled Recyclable Materials and the quantity of Mixed Municipal Solid Waste that are processed at a Resource Recovery Facility. Materials that have been separated for Recycling that cannot be Marketed, as determined by the Person that owns the materials, are no longer considered Recyclable Materials and are subject to the Designation requirement if they become Mixed Municipal Solid Waste.
 - B. Statutory Exemption for Existing Resource Recovery Facilities. Acceptable Waste processed at another Resource Recovery Facility, provided that:
 1. Such Facility was in operation at the time of approval by the Metropolitan Council of the Counties' Designation Plan, on December 13, 1984;

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2. Such Acceptable Waste shall be exempt only at the Processing capacity of such other Facility in operation at the time of approval of the Designation Plan;
 3. The Owner of the Resource Recovery Facility shall provide documentation to the Department within 30 days following a written request to do so by the Department, substantiating the following: the existence of the Resource Recovery Facility at the time of Designation Plan approval; the amount and type of Acceptable Waste materials processed at the Resource Recovery Facility at that time; that the Resource Recovery Facility remains in operation; and such other information as the Department may require.
- C. Materials Delivered Under Contracts. Acceptable Waste otherwise subject to Designation for which negotiated contractual arrangements exist that will require and affect the delivery of such Solid Waste to the Facility for the term of the contract; provided that this exception shall apply only during the term of such contract and only while the collector is not in default there under.
- D. Public Health and Safety Exemptions. Acceptable Waste, which the Department determines on a case-by-case basis, should be exempt for reasons of public health and safety, under such conditions as the Department may specify. The Department shall make its determination based upon written application and following receipt of an application fee. At its option, the Department may convene an informal hearing with the applicant to consider the application. The Department will act upon the request with 30 days of receipt of the application. Failure of the Department to act upon the request within 30 days shall constitute a denial of the application, without prejudice to the applicant to reapply.
- E. Material Separated at Transfer Stations. Materials that are separated at a Transfer Station that is permitted by the MPCA and Licensed by the Department and that is located within the boundaries of Ramsey County for the purpose of Recycling if (1) the Transfer Station was in operation on January 1, 1991; or (2) the materials were not being separated for Recycling at the Facility at the time the Transfer Station began separation of the materials. For the purpose of this section, "manufacturing processes" does not include the treatment of waste after collection for the purpose of Composting. The exemptions in this section apply only to those materials separated from Mixed Municipal Solid Waste that are managed in a manner appropriate to the characteristics of the waste stream and where a management practice is used which as been identified by Minnesota Statutes Section 115A.02 paragraph (b) as preferred over the primary management method of the Facility. The residual materials left after separation of the Recyclable Materials shall be delivered to the Facility.
- 19.07 Petition for Exclusion: Any Person proposing to own or operate a Solid Waste Processing Facility using Solid Waste materials subject to these Designation provisions, may petition the County for exclusion of the materials from the Designation provisions. In order to qualify for the exclusion of materials under this section, the petitioner shall submit with the petition a written description of the proposed Solid Waste Processing Facility, its intended location, its Solid Waste supply sources, purchasers of its products, its design capacity, and other information that the County may reasonably require. The petitioners shall pay a petition review fee to the Department. The County, after appropriate notice and hearing, shall issue a written decision with findings of fact and conclusions on all material issues. The County shall grant the petition if it determines that:

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- A. the materials will be processed at another Resource Recovery Facility, and
- B. the exclusion can be implemented without impairing the financial viability of the Facility or impairing the contractual obligations or preventing the performance of contracts by the Facility Owner or Operator, the County, or users of the Facility. Any Person aggrieved by the decision of the County may appeal to the Metropolitan Council. The review is confined to the record. The decision of the Metropolitan Council must be based on the standards stated in this section. If the Metropolitan Council approves the petition, the Designation provisions must be amended in conformance with the decision of the Metropolitan Council. The petition may be amended during the proceedings by agreement between the petitioner and the County.

19.08 Exclusion of Materials Separated at Certain Facilities:

- A. The County shall exclude, subject to approval by the Metropolitan Council, materials that the Department determines will be separated for Recycling at a Transfer Station located outside of Ramsey County if:
 - 1. The residual materials left after separation of the Recyclable Materials are delivered to a Solid Waste Facility designated by the County; and
 - 2. Each collector who would otherwise be subject to the Designation provision and who delivers waste to the Transfer Station has not been found in violation of the Designation provision in the six months prior to filing for an exclusion; and
 - 3. The materials separated at the Transfer Station are delivered to a recycler and are actually recycled; and
 - 4. The Owner or Operator of the Transfer Station agrees to report and actually reports to the Department the quantities of materials, by categories to be specified by the Department, that are recycled by the Transfer Station that otherwise would have been subject to the Designation provision.
- B. In order to qualify for an exclusion under this section, the Owner of a Transfer Station shall file with the Department a written description of the Transfer Station, its operation, location, and Solid Waste supply sources, the quantity of Solid Waste delivered to the Transfer Station by the Owner of the Transfer Station, the Market for the materials separated for Recycling, where the Recyclable Materials are delivered for Recycling, and other information the Department may reasonably require, as well as a filing review fee. Information received by the Department is nonpublic data as defined in Minnesota Statutes Section 13.02 subdivision 9. Within 10 business days following receipt of the filing the Department shall determine whether the application is complete, and indicate to the applicant in writing the information needed to make the application complete if the application is incomplete. At its option, the Department may convene an informal hearing with the applicant to gather additional information and to consider the application. The Department shall act upon the request with 60 days of receipt of the completed application. Notice of the Department's decision shall be made in writing, and shall be delivered by certified mail to the applicant.
- C. The exclusion shall not be effective until the County has received written notice from the Metropolitan Council that it has approved the exclusion, and the Department has issued written notice to proceed with the exclusion.

19.09 Interruption of Designation Requirement:

- A. The Director of the Department or the Director's Designee may interrupt the Designation requirement of Subsection 1 herein for a period up to 72 hours if the

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Facility is inoperative. Any interruption greater than 72 hours shall require approval of the County Board.

- B. If the County Board or Department interrupts the Designation requirement of 19.01 herein, no Person may deliver any Solid Waste to the Facility until such time as the Designation requirement has been reinstated. This provision does not relieve any Person of any obligation to comply with all other applicable federal, state or local laws or Ordinances. The County Board or Department will provide reasonable notice of any suspension and subsequent reinstatement of the Designation requirement to collectors, municipalities, and Solid Waste Land Disposal Facility Operators in the County.

SECTION 20.00 PROHIBITION ON SOLID WASTE DISPOSAL.

- 20.01 Prohibition: No Person shall collect and deliver to be placed, allow to be placed, or place processed or unprocessed Solid Waste that has been generated in the County in a portion of a Land Disposal Facility if said Facility does not comply with the minimum requirements for design, construction, and operation of a new Land Disposal Facility for the type of Solid Waste being Disposed as set forth in MPCA Rules.

SECTION 21.00 VIOLATIONS AND PENALTIES.

- 21.01 Misdemeanor. Any Person who violates this Ordinance, or who shall permit such a violation to exist on the premises under their control, or who shall fail to take action to abate the existence of the violation within the specified time period when ordered or notified to do so by the Department, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished, as provided by law. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- 21.02 Injunctive Relief. In the event of a violation or a threat of violation of this Ordinance, the County may institute appropriate actions or proceedings, including requesting injunctive relief to prevent, restrain, correct, or abate such violations or threatened violations.
- 21.03 Recovery of Abatement Costs. If a Person fails to comply with the provisions of this Ordinance, the County may recover cost incurred for corrective action by any means allowable by law. In the discretion of the County Board, the costs may be certified to the Director of the Department of Property Taxation as an assessment against the property on which the violation occurred pursuant to Minn. Stat. §145A.08.
- 21.04 Late Application Penalties. The penalty for receipt of a completed initial License application after the scheduled due date shall consist of a sum equal to the License fee for the current License period. The penalty for receipt of a completed License renewal application after the scheduled due date shall consist of 10 percent of the License fee for the coming year. Renewal applications forms received after the expiration of the License year shall be considered as initial License applications. The penalty for the late payment of fees will be assessed pursuant to the Ramsey County Administrative Ordinance Section 4.04.
- 21.05 Citations. Citations may be issued by the Department pursuant to Ramsey County Administrative Ordinance Section 6.02.
- 21.06 Embargo. The Department may embargo and forbid the removal, transport, Disposal, treatment, or use of any material which is or is suspected to be a Solid Waste and which is being mismanaged or which the Department has reason to suspect is being or will be

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managed in violation of this Ordinance. The Department shall place a tag to indicate the embargo on the suspect material. No Person shall remove the tag or remove, transport, Dispose, treat, or use such embargoed material except as authorized by the Department. Such action by the Department shall not be considered to impute Ownership or management responsibility upon the County.

- 21.07 Civil Penalties. To the extent authorized by law, the County may impose civil penalties for violations of Section 19.00 of this Ordinance. A civil penalty imposed under this provision shall be payable to the County and shall not exceed \$10,000 per day of violation plus the cost of mitigating any damages caused by the violation and the attorney fees and court costs incurred by the County to enforce the Ordinance.

SECTION 22.00 INSPECTIONS.

- 22.01 Standards. The Department shall conduct inspections in accordance with the Ramsey County Administrative Ordinance.

SECTION 23.00 SERVICE CHARGE

- 23.01 Purpose and Authority: Pursuant to Minnesota Statutes Sections 400.08 and 473.811, subd. 3a, the County hereby imposes on all Generators a service charge for Solid Waste Management services provided by the County or by those under contract with the County. The amount of the service charge is intended to be based upon the quantity of Mixed Municipal Solid Waste produced by a Generator as measured by the fair Market value of Waste Management Services utilized by the Generator. The Person paying for those Waste Management Services is responsible for payment of the Charge.
- 23.02 Definitions: The following words and phrases, when used in this section, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this subsection. Other words and phrases used in this section have the meaning ascribed to them in Section I of this Ordinance.
- A. Charge: is the service charge established under 23.01.
 - B. Nonresidential Rate: is the rate of the Charge imposed on any Person who pays for Waste Management Services for Mixed Municipal Solid Waste generated from any source in Ramsey County other than a Residential Building.
 - C. Operating License: is the License required by Section 4.00 of this Ordinance.
 - D. Residential Building: is a single family home, a duplex, a tri-plex, a four-plex, an apartment building, a mobile home, a condominium, a townhouse, a cooperative housing unit, or any other residential building as determined by the County.
 - E. Residential Rate: is the rate of the Charge imposed on a Person who pays for Waste Management Services for Mixed Municipal Solid Waste generated from a Residential Building.
 - F. Self-Hauler: is a Person who transports for Disposal its own waste.
 - G. Waste Management Services: means collection, transportation, Processing, or Disposal of Mixed Municipal Solid Waste generated in Ramsey County, including but not limited to regularly scheduled service, on-call service, one-time service, rental and other use of equipment such as waste containers, compactors, compactor boxes, and the like, and any other service that involves or facilitates collection, transportation, Processing, or Disposal of waste materials as Mixed Municipal Solid

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Waste. It does not include the sale of equipment used for the collection, transportation, Processing, or Disposal of Mixed Municipal Solid Waste. It does not include collection, transportation, or management of Recyclable Materials, yard waste, food waste, source separated compostable materials, Problem Materials, or other waste materials when these materials are segregated by the Generator for the purpose of Recycling or Composting and are delivered to a Recycling Facility or Compost Facility, or the sale, rental, or other use of equipment necessary to facilitate collection or transportation of these materials.

23.03 Billing and Collection:

- A. The County Board shall determine the manner in which the rates and Charges shall be billed and collected.
- B. Each Hauler shall bill the Charge to and collect the Charge from all Persons to whom they provide Waste Management Services, according to the rates and provisions established under 23.08 and 23.09. In the event a municipality contracts or otherwise arranges for Waste Management Services on behalf of Generators residing in a Residential Building, elects to bill the Charge to and collect the Charge from Persons who are billed for such services, and subsequently remits all Charges collected to the County pursuant to an agreement with the County, a Hauler is not required to bill the Charge to or collect the Charge from such municipalities.
- C. Each Transfer Station open to the public shall bill the Charge to and collect the Charge from Generators who haul their own Mixed Municipal Solid Waste to the Transfer Station, according to the rate and provisions established under 23.08 and 23.09. Transfer Stations are not required to bill or collect the Charge on Haulers or Licensed Self-Haulers that deposit waste.
- D. Self-Haulers shall pay the Charge directly to the County, if not paid to a Hauler or a Transfer Station, according to the rates established under 23.08 and 23.09. The Charge shall be based on the Disposal portion of incurred costs of Waste Management Services, regardless of the location of the Facility at which the waste is deposited.
- E. If a Generator does not pay the Charge to a Hauler, a Transfer Station, or directly to the County, the County may directly bill the Generator or the Owner, occupant, or lessee of the property on which the waste was generated. The amount billed will be calculated on the cost of Waste Management Services incurred by the Generator. If the incurred cost is not known, the County may establish the Charge based on a reasonable estimate of such incurred costs.
- F. Each Hauler and Transfer Station shall make reasonable efforts to collect the Charge.
- G. Noncompliance with the provisions of this Section shall constitute a basis for denial of an application for a License or renewal of a License, or the suspension or revocation of a License.

23.04 Remittance:

- A. Each Hauler or Transfer Station must remit all collected Charges to the County on a schedule and in a manner established by the County. Remittance shall be accompanied by a report in accordance with instructions and on forms provided by the County.
- B. Each Licensed Self-Hauler must remit all Charges owed to the County on a schedule and in a manner established by the County. Remittance shall be

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accompanied by a report in accordance with instructions and on forms provided by the County.

- C. Non-Licensed Self-Haulers must remit any Charges owed on a schedule and in a manner established by the County, if not paid to a Hauler or Transfer Station.
- D. In the event a Hauler or Transfer Station does not receive the full amount billed on a statement or invoice when the statement or invoice includes the Charge, all payments the Hauler or Transfer Station actually receives shall be divided on a pro rata basis between the amount owed the Hauler or Transfer Station and the Charge owed the County. The Hauler or Transfer Station must remit the pro rata amount of the Charge to the County.
- E. A late payment penalty shall be imposed on a Hauler or Transfer Station if Charges collected are not remitted to the County on or before the due date established by the County. The penalty shall be \$15 per incident of lateness, plus 1.5% of the late remittance amount for each month past due. If a Hauler or Transfer Station fails to bill the Charge as required, the Hauler or Transfer Station shall pay the Generator's Charge plus a 1.5% per month late payment penalty, calculated from the date the Charge should have been remitted to the County. These penalties shall be in addition to any other remedy available to the County.
- F. A late payment penalty shall be imposed on a Licensed Self-Hauler if the Charges owed by the Licensed Self-Hauler are not remitted to the County on or before the due date established by the County. The penalty shall be \$15 per incident of lateness, plus 1.5% of the late remittance amount for each month past due.
- G. In addition to any late fee or penalty imposed by this Ordinance, noncompliance with the provisions of this Section shall constitute a basis for denial of an application for a license or renewal of a license, or suspension or revocation of a license.

23.05 Statements:

- A. Each Hauler and Transfer Station shall separately itemize the Charge on any statement or invoice issued for payment of Waste Management Services. The Charge must be identified as "County Environmental Charge" and no other name or description. Failure to separately itemize the Charge or to properly identify the Charge is a violation of this Ordinance.
- B. Each Hauler is required to provide notification of the Charge to all Persons that are billed for Waste Management Services.

23.06 Examination of Records: The County or its duly authorized agent shall be allowed access at all reasonable times to inspect and copy at reasonable cost all business records related to a Hauler, Licensed Self-Hauler, or Transfer Station's collection, transportation, and/or Disposal of waste to the extent necessary to ensure that all Charges required to be collected or paid have been remitted to the County. Such records shall be maintained by the Hauler, Licensed Self-Hauler, or Transfer Station for no less than six (6) years.

23.07 Unpaid Charges:

- A. Taxable Properties. On or before October 15 in each year, the County Board may certify to the Department of Property Records and Revenue any unpaid outstanding Charges, as reported to the County by Haulers and Transfer Stations, and a statement of the description of the lands which were serviced and against which the Charges arose. A property Owner may prepay the outstanding Charges before the Charges are extended to the tax rolls of the County by remitting to the Department of Property Records and Revenue the Charges, in full, plus interest of six percent per

(Continued)

annum calculated from the date the Charges are reported to the County as unpaid to December 31 of the year in which said prepayment is made. Such prepayment must occur on or before the date provided in Minnesota Statutes Section 429.061 for prepayment of special assessments in order to prevent the Charges from being extended to the tax rolls of the County. If the Charges are not prepaid as provided in this section, the Department of Property Records and Revenue shall extend the Charges upon the tax rolls of the County with interest of six percent per annum calculated from the date the Charges are reported to the County as unpaid to December 31 of the year that the Charges appear. The Charges with interest shall be carried into the property tax becoming due and payable in the following year, and shall be enforced and collected in the manner provided for the enforcement and collection of real property taxes in accordance with the provisions of the laws of the state. The Charges, if not paid on time as part of the property tax, shall become delinquent and be subject to the same penalties and the same rate of interest as real property taxes under the general laws of the state.

- B. Tax-Exempt Properties. Unpaid Charges may be collected as otherwise provided in this Section.
- C. Civil Action. In addition to each and every other remedy available to the County, unpaid Charges, penalties, and interest may be recovered in a civil action against a property Owner, lessee, or occupant or a Generator, Hauler, Self-Hauler, or Transfer Station.

23.08 Imposition: The Charge is imposed on the sales price of Waste Management Services as incurred by any Person paying for Waste Management Services. If the sales price does not represent the fair Market value of the Waste Management Services provided by the Hauler or Transfer Station, the Charge shall be calculated on the fair Market value of those Waste Management Services. Any sales tax or other tax or charge imposed by a unit of government is not subject to the Charge.

23.09 Rate Payable beginning in 2004: The Charge imposed beginning in 2004 is:

Residential Rate: 28.0%

Nonresidential Rate: 53.0%

Transfer Station rate: 28.0%

23.10 Effective Date: The Charge shall be placed on all Waste Management Services provided on or after April 1, 2003. The Hauler or Transfer Station must collect and remit the Charge for any Waste Management Services provided on or after April 1, 2003, notwithstanding the fact that the Hauler or Transfer Station may have billed or invoiced prior to April 1, 2003, for Waste Management Services to be provided on or after April 1, 2003.

SECTION 24.00 INDEMNIFICATION.

This Ordinance shall not be construed to hold the Department or the County or any officer or employee responsible thereof for any damage to Persons or property by reason of the inspection or re-inspection authorized herein provided, or by reason of the approval or disapproval of equipment or licensing herein, nor for any action in connection with the inspection or control of Solid Waste or in connection with any other official duties. With the exception of the provisions of Section XIV herein, these amendments shall be effective upon passage by the County Board and publication according to law.

(Continued)

SECTION 25.00 ADDITIONAL REQUIREMENTS.

25.01 Additional Requirements Authorized. For purposes of protecting and providing for public health, safety and welfare, the Department, may impose additional requirements consistent with the intent of this Ordinance in order to regulate the collection and transportation of Solid Waste and for the operation of Solid Waste Sites or facilities. The Department will notify the County Board of any additional requirements that are being imposed.

SECTION 26.00 SEPARABILITY.

It is hereby declared to be the intention of the County Board that the several provisions of this Ordinance be separable in accordance with the following:

26.01 If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of the Ordinance not specifically included in said judgment.

26.02: If any court of competent jurisdiction shall adjudge the application of any provision of this Ordinance to a particular structure, Site, Facility or operation, such judgment shall not affect the application of said provision to any other structure, Site, Facility, or operation not specifically included in said judgment.

SECTION 27.00 PROVISIONS ARE ACCUMULATIVE.

The provisions in this Ordinance are accumulative and additional limitations upon all other laws and Ordinance heretofore passed or which may be passed hereafter, covering any subject matter in this Ordinance.

SECTION 28.00 NO CONSENT.

Nothing contained in this Ordinance shall be deemed to be consent, License, or permit to locate, construct, or maintain any Solid Waste Site, Facility, or operation, or to carry on any Solid Waste related activity within the County.

SECTION 29.00 EFFECTIVE DATE.

This Ordinance shall be effective upon passage by the County Board and its publication in accordance with law.

FURTHER ORDAINED, That the foregoing Solid Waste Ordinance supersedes the original Solid Waste Ordinance passed by the County Board on September 14, 1970 (Resolution #9-281) and amendments passed by the County Board on May 1, 1972, December 18, 1972, February 25, 1974, May 29, 1979 (Resolution #79-603), May 14, 1984 (Resolution #84-374), June 3, 1985 (Resolution #85-333), September 9, 1985 (Resolution #85-569), March 17, 1986 (Resolution #86-157), February 11, 1992 (Resolution #92-142), August 11, 1992 (Resolution #92-476), February 15, 1994 (Resolution #94-078), November 1, 1994 (Resolution #94-497), March 28, 1995 (Resolution #95-149), November 14, 1995 (Resolution #95-494), November 5, 1996 (Resolution #96-479), November 4, 1997 (Resolution #97-484), November 3, 1998

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(Resolution #98-448), November 2, 1999 (Resolution #99-433), November 7, 2000 (Resolution #2000-383), November 13, 2001 (Resolution #2001-373), December 3, 2002 (Resolution #2002-433) , and November 4, 2003 (Resolution #2003-371).

Adopted by the Board of Ramsey County Commissioners this 20th day of October 2009, by Ordinance #2009-361.

PUBLIC HEALTH – Amendments to the Ramsey County Administrative Ordinance

Commissioner Carter introduced the following Ordinance and moved its approval, seconded by Commissioner McDonough . Roll Call: Ayes – Carter, McDonough, Ortega, Rettman, Bennett, Parker – 6. Nays – 0. (2009-362)

WHEREAS, The Ramsey County Board of Commissioners adopted the Ramsey County Administrative Ordinance on February 23, 1981 (Res. No. 81-166), and amended the Ordinance on September 17, 1991 (Res. No. 91-531), December 10, 1996 (Res. No. 96-521), and March 13, 2001 (Res. No. 2001-79); and

WHEREAS, The County Board wishes to amend the Administrative Ordinance to provide technical changes necessary to ensure that the Administrative Ordinance is consistent with State statutes, rules, and regulations, and to make necessary format changes, such as renumbering of sections to be consistent with other County ordinances and be in the preferred format of the court system; and

WHEREAS, Section 5.02 of the Ramsey County Home Rule Charter requires that every proposed ordinance and amendment receive two full readings: the first at the time the amendment is presented and the second at the time of the public hearing; and

WHEREAS, Section 5.02 of the Ramsey County Home Rule Charter further provides that the full reading may be waived if a copy of the ordinance or amendment is supplied to each member of the County Board prior to its introduction; and

WHEREAS, On September 22, 2009, the Ramsey County Board of Commissioners waived the first reading of the proposed amendments to the Ramsey County Administrative Ordinance (Resolution #2009-327); and

WHEREAS, On October 13, 2009, the Ramsey County Board of Commissioners waived the second reading of the proposed amendments to the Ramsey County Administrative Ordinance (Resolution 2009-354); Now, Therefore, Be It

ORDAINED, That the Ramsey County Board of Commissioners hereby approves the Ramsey County Administrative Ordinance as amended:

RAMSEY COUNTY ADMINISTRATIVE ORDINANCE

1.00 APPLICATION OF ORDINANCE

(Continued)

- 1.01 Application: The provisions of this Ordinance shall apply to all activities, conditions, premises and persons within the County of Ramsey, which are regulated by Ramsey County.
- 1.02 Other Provisions: If provisions of a Ramsey County Ordinance conflict with provisions of this Ordinance, the more restrictive provisions shall prevail. If neither provision is more restrictive, the provision in the program-specific Ordinance shall prevail.

2.00 DEFINITIONS

The following words and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the meaning ascribed to them in this section.

- 2.01 County: shall mean the County of Ramsey.
- 2.02 County Board: shall mean the Board of Ramsey County Commissioners and their authorized representatives.
- 2.03 Department: shall mean a separate part, division, bureau, sub-unit or branch of Ramsey County authorized by the County Board to carry out or enforce any provision of a County Ordinance.
- 2.04 Fees: shall mean any and all fees assessed by the Department for the regulated activity, including, but not limited to: license fees, application fees, penalties for late renewals, state program fees, review fees and mandated surcharges.
- 2.05 License: shall mean the whole or part of any permit, certificate, approval, registration, or similar form of permission or renewal required by a County Ordinance or State Law administered by the County for the operation of any business, service or facility. The term "license" shall not include any license, lease or permit issued by any County Department solely for the use of any County property or facility by the licensee.
- 2.06 Licensee: shall mean the person who has been given the authority by the issuance of a license by the Department to establish, operate, and/or maintain a facility or activity regulated by County Ordinances.
- 2.07 Person: shall mean any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, employee, or other legal representative of any of the foregoing, or any other legal entity.

3.00 UNLAWFUL ACTIVITIES

- 3.01 It is unlawful for any person:
 - A. To engage in any activity, trade, profession, business, or privilege or to operate any site, facility or establishment for which a license is required by any provision of a County Ordinance unless such person has first obtained such license.
 - B. To engage in any activity, trade, profession, business or privilege or operate any site, facility, or establishment in Ramsey County for which a license is required by any provision of a County Ordinance when any license granted

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for the conduct of such activity, trade, profession, business or privilege or operation of such site, facility or establishment has been revoked or suspended.

- C. Who possesses a valid license issued pursuant to County Ordinance to engage in any such activity, or operate any such licensed facility, establishment, profession, business, or privilege in such a way as to knowingly violate any requirement of any Ramsey County Ordinance applicable to such activity, trade, profession, business, privilege, site, facility or establishment.
- D. To fail or refuse to correct any condition or method of operation, which violates any Ramsey County Ordinance applicable to the conduct of any licensed activity, trade, profession, business, privilege, site, facility, or establishment after being ordered to do so by the County.

4.00 LICENSING PROCEDURES

Unless provided for by other County Ordinances, the procedure for application for issuance, denial, suspension, or revocation of any license required by County Ordinance shall be as set forth herein.

- 4.01 Application: Application for a license or license renewal shall be made to the Department and shall be on forms furnished by the Department. The application shall not be considered complete until the Department has received all information required.
- 4.02 Financial Assurance and Insurance: Issuance of any license pursuant to the provisions of any County Ordinance shall be contingent upon the applicant furnishing to the County financial assurance in a form and amount to be determined by the County. The applicant shall also furnish to the County certificates of insurance issued by insurers duly licensed with the State of Minnesota in the types and amounts specified by the County.
- 4.03 Payment of Fee: The fees required for a license shall be paid to the County in the manner specified by the Department. Unless otherwise provided by the County Board, no license fee shall be prorated for a portion of a year and no license fee shall be refunded. No license shall be issued until all required fees have been paid in full.
- 4.04 Penalty for Late Payment: Every person who submits payment for an initial or renewal license after the due date specified by the Department shall be subject to the following penalty:
 - A. If the payment is submitted one to thirty days late, a twenty-five percent (25%) penalty, with a minimum penalty of twenty-five dollars (\$25.00).
 - B. If the payment is submitted more than thirty days from the due date,
 - 1. the license application may be denied,
 - 2. the activity for which a license is required shall cease, and
 - 3. if a new license is approved within one calendar year of the denial date, the fee shall consist of the amount set forth for new licenses, plus the late penalty fee that was not paid for the previous application.

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- 4.05 Issuance or Denial of License: Unless otherwise provided in the Ordinance under which a license is issued, and except in the initial licensing of solid waste transfer stations as provided herein, the Department shall have thirty (30) days after receipt of a complete application to grant or renew a license.
- A. When a license is denied, the Department shall state the basis for its decision and the notice of its decision shall be served on the applicant either personally or by certified mail at the address designated in the license application. The denial shall become effective on the eleventh (11th) County working day after service of the notice unless prior to that date the applicant has either paid the required fees or requested a hearing. Any request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance and any such hearing shall be conducted pursuant to Section 7.00 of this Ordinance.
 - B. Prior to issuing an initial license for a solid waste transfer station the Department shall commence a 30-day public comment period, seeking written comments from the public. A comment period shall begin only after the Department has determined that the license application is complete. The Department shall notify the appropriate local government and landowners within 350 feet of the property boundary of the proposed transfer station. The applicant must include the names of landowners within 350 feet of the property boundary in the license application. If requested by members of the public to hold a public meeting or the municipality or planning district council in which the proposed facility is located, and if the municipality or Minnesota Pollution Control Agency does not hold a public meeting, then, following the 30-day comment period, the Department will host a public meeting for the purpose of taking comments on the application. Following the comment period the Department will prepare a written summary of the comments. The Department will issue or deny the license within thirty days of the later of the close of the comment period or the date of the hearing.
- 4.06 Suspension: Any license required under County Ordinance may be suspended by the Department for violation of any provision of any County Ordinance.
- A. Upon written notice to the licensee said license may be suspended by the Department until the violation is corrected but in no event for longer than sixty (60) days.
 - B. Such suspension shall not occur earlier than ten working days after written notice of suspension has been served on the licensee either personally or by certified mail at the address designated in the license application. The notice shall contain the effective date of the suspension, the nature of the violation or violations constituting the basis for the suspension, the facts which support the conclusion that a violation or violations have occurred, and that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.
- 4.07 Summary Suspension: If the Department finds that there is an imminent risk of substantial harm to the public health, safety, or welfare it may summarily suspend a license.
- A. Written notice of such summary suspension shall be served on the licensee personally ~~or~~ by certified mail at the address designated in the license application. In addition, the Department may post copies of the notice of

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- summary suspension of the license on the licensed facility or property being used for the licensed activity. Said posting shall constitute the notice required under this section.
- B. The notice shall state the nature of the violation requiring emergency action, the facts which support the conclusion that a violation or violations have occurred, and a statement that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.
 - C. The summary suspension shall not be stayed pending review by the Department or an appeal to the County Board.
- 4.08 Suspensions, Re-inspections: Upon written notification from the licensee that all the violations for which a license was suspended have been corrected, the Department shall re-inspect the facility or activity within a reasonable length of time. If the violations constituting the grounds for the suspension have been corrected, the Department shall immediately dismiss the suspension by written notice, which shall be served upon the licensee either personally or by certified mail at the address designated in the license application.
- 4.09 Revocation: Any license granted pursuant to a County Ordinance may be revoked by the Department for violation of a material provision of any County Ordinance.
- A. Revocation shall not occur earlier than ten (10) County working days from the time that written notice of revocation is served on the licensee or, if a hearing is requested, until written notice of the County Board action has been served on the licensee.
 - B. The notice shall state the violation(s) constituting the basis for the revocation, the facts which support the conclusion that a violation or violations have occurred, and a statement that a request for a hearing shall be made in accordance with the requirements of Section 7.00 of this Ordinance.
- 4.10 Variance
- A. Variance Permitted: If, because of exceptional circumstance, the strict enforcement of any provision of a Ramsey County Ordinance would cause unnecessary hardship, or that strict conformity with an Ordinance would be unreasonable, impractical, or not feasible a variance may be granted by the Department.
 - B. Variance Conditions: A variance may be granted upon findings by the Department that:
 - 1. The conditions causing the hardship are unique to the property, applicant, or licensee.
 - 2. The variance is proved necessary in order to secure for the applicant a right or rights enjoyed by other persons in the same area or district.
 - 3. Granting the variance will not be contrary to public interest or adverse to the rights of other persons similarly situated or properties in the same area or district.
 - 4. Granting the variance will not be detrimental to the public health, safety, and welfare.
 - 5. No variance shall be granted simply because there are no objections, because those who do not object outnumber those who do, or for any reason other than a proved hardship.

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- C. Informal Administrative Hearing: Unless otherwise provided, the Department shall conduct an informal administrative hearing within thirty (30) days of receipt of an application for variance. The applicant or his/her designated representative shall attend the hearing and present the facts or conditions upon which the application for variance is based. The Department shall prepare a written decision, with its reasons therefore, and serve it on the applicant personally or by certified mail by the close of business on the tenth (10th) County working day following the hearing.
- D. Request for Formal Hearing: In the event that the Department decides to deny the application for variance, the applicant may request a formal hearing. The request shall be in writing stating the grounds upon which the request is based and served personally or by certified mail on the Department by the close of business on the tenth (10th) County working day after the Department's decision was placed in the United States mail or personally served upon the applicant. The hearing shall be conducted pursuant to Section 7.00 of this Ordinance.

5.00 INSPECTION

5.01 Routine Inspections: Routine inspection and evaluation of activities, trades, professions, businesses, privileges, sites, facilities and establishments shall be made by the Department with such frequency as to insure consistent compliance by the applicant or licensee with the provisions of the County Ordinance. Inspections consist of the physical presence of Department staff at a site or facility for the purpose of observing and evaluating existing conditions and past occurrences, in order to determine the degree of compliance with existing Ordinances, rules, regulations and standards. As deemed necessary by staff, the scope of an inspection may include, but is not limited to the following:

1. reviewing files, records, plans, and other documents, in both paper and electronic form;
2. physical access to all areas of a site or facility;
3. collecting environmental samples, including, but not limited to, samples of air, water, food, soil, products, bi-products, and wastes; and
4. taking photographs and recording by video, audio, or other electronic means.

The licensee shall allow free access to authorized representatives of the County or any other governmental agency at any reasonable time for the purpose of making such inspections as may be necessary to determine compliance with the requirements of County Ordinances, or any other applicable statute, Ordinance, or regulation. Failure of the applicant or licensee to permit such inspection shall be grounds for revocation, suspension, or denial of a license. The licensee shall be provided with written and documented notice of any deficiencies, requirements for their correction, and the date when the corrections shall be accomplished.

5.02 Right of Entry: Whenever necessary to make an inspection to enforce any provision of a County Ordinance, the Department or its authorized agent may enter any building, premises, or property in or upon which a regulated activity takes place at all reasonable times to inspect the same or to perform any duty

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incumbent upon the Department, provided that if such building, premises, or property be occupied, the authorized agent shall first present proper credentials and request entry; and if such building, premises, or property be unoccupied, the Department shall first make a reasonable effort to locate the owner or other persons having charge or control thereof and request entry. If such entry is refused, the Department shall have recourse to every remedy provided by law to secure entry, including administrative warrants.

- 5.03 Authorization to Issue Orders: Whenever the Department or its authorized agents find any unlawful or dangerous condition or activity it may issue such orders as may be necessary to protect the public health, safety, or welfare.
- 5.04 Compliance Required: The owner, operator, or other person responsible for the condition or violation to which the order or notice pertains shall comply with any order issued by the Department within such time as determined by the Department. If the building, premises, or property is owned by one person and occupied by another and the order or notice requires immediate compliance such order or notice shall be served on the owner and occupant and both the owner and the occupant shall ensure compliance with the order or notice.

6.00 ENFORCEMENT

- 6.01 Misdemeanor: Any person who violates a Ramsey County Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished as provided by law. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.
- 6.02 Citations: Any person charged with the responsibility of administration and enforcement of any Ramsey County Ordinance shall have the power to issue citations for violations thereof.
 - A. Form of Citations: Citations shall be in a form as may be approved from time to time by the Judges of the Second Judicial District.
 - B. Issuance: The citation shall be issued to the person charged with the violation, or in the case of a corporation or municipality, to any officer or agent expressly or implicitly authorized to accept such issuance.
- 6.03 Other Actions: Other actions may be taken as follows:
 - A. In the event of a violation or a threat of violation of any Ramsey County Ordinance, the Ramsey County Attorney may take appropriate action to enforce the Ordinance including application for injunctive relief or other appropriate action to prevent, restrain, correct, or abate violations or threatened violations.
 - B. If a licensee, owner, or operator of any activity, trade profession, business, privilege, site, facility or establishment fails to comply with an applicable Ramsey County Ordinance, the County may take the necessary steps to correct such violations. The costs thereof may be recovered in a civil action or may be certified, at the discretion of the County Board, to the Director of the Department of Property Taxation as a special assessment against the real property on which the violation occurred.

7.00 HEARINGS

(Continued)

- 7.01 Right to a Hearing: A licensee or applicant may contest the following Departmental actions by requesting a hearing: denial of a license; denial of renewal of a license; suspension of a license; summary suspension of a license; revocation of a license; or denial of a request for variance.
- 7.02 Request for a Hearing: The request for a hearing shall be in writing and specifically state the grounds for appeal. The request shall be served personally or by certified mail on the Department by the close of business on the tenth (10th) County working day following service of the notice of the Departmental action by the County on the applicant or licensee. Failure to request a hearing in a timely manner will result in a forfeiture of the right to appeal or seek review of the County's action.
- 7.03 Public Hearings to be Held: The hearing shall be held before the County Board, or a hearing examiner as provided below, and shall be open to the public.
- 7.04 Timelines for Holding Hearings: Requests for extensions of time must be in writing and directed to the Chair of the County Board. Unless an extension is granted, the hearing will commence no later than forty-five (45) calendar days after the date of service of the request for a hearing on the County, exclusive of the date of service.
- 7.05 Hearing Notice: Notice of the time and place of hearing shall be mailed to the applicant or licensee at least fifteen (15) working days prior to the hearing.
- 7.06 Hearing Examiner: The County Board may appoint a hearing examiner to conduct the hearing and to make proposed findings of fact, conclusions, and recommendations to the County Board, which shall be submitted in a written report. The County Board may adopt, modify, or reject the recommendations.
- 7.07 Conduct of Hearing: The applicant or licensee may be represented by counsel. All parties shall have an opportunity to respond to and present evidence, cross-examine witnesses, and present argument. The County Board or hearing examiner may also examine witnesses.
- 7.08 Burden of Proof: The Department shall have the burden of proving its position by a preponderance of the evidence, unless a different burden is established by law.
- 7.09 Evidence: All evidence which possesses probative value, including hearsay, may be admitted if it is the type of evidence on which prudent persons are accustomed to relying upon in the conduct of their serious affairs.
- 7.10 Failure to Appear: If the applicant or licensee fails to appear at the hearing in person or by counsel, the right to a hearing shall be forfeited.

8.00 SEVERABILITY

It is hereby declared to be the intention of the County Board that the several provisions of this Ordinance be severable in accordance with the following:

- 8.01 If any court of competent jurisdiction shall adjudge any provisions of this Ordinance to be invalid, such judgment shall not affect any other provisions of the Ordinance not specifically included in said judgment.
- 8.02 If any court of competent jurisdiction shall adjudge the application of any provision of this Ordinance to a particular person, site, facility or operation, such judgment shall not affect the application of said provision to any other person,

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site, facility, or operation not specifically included in said judgment.

9.00 PROVISIONS ACCUMULATIVE

The provisions of the Ordinance are cumulative and are additional limitations upon all other laws and Ordinances heretofore passed or which may be passed hereafter covering any subject matter in this Ordinance.

10.00 NO CONSENT

Nothing contained in the Ordinance shall be deemed to be consent, license, or permit to locate, construct, or maintain any site, facility, or establishment, or carry on any activity, trade, or profession.

11.00 EFFECTIVE DATE

This Ordinance shall be effective upon passage by the County Board and its publication in accordance with law.

FURTHER ORDAINED, That the foregoing Administrative Ordinance supersedes the original Administrative Ordinance passed by the County Board on February 23, 1981 (Resolution #81-166) and amended by the County Board on September 17, 1991 (Resolution #91-531), December 10, 1996 (Resolution #96-521), and March 13, 2001 (Resolution #2001-79).

Adopted by the Board of Ramsey County Commissioners this 20th day of October, 2009, by Ordinance #2009-362.

COMMUNITY HUMAN SERVICES – Cash Assistance, Food Support, and Medical Programs

Mary Nelson, Division Director, Financial Assistance Services, Community Human Services, provided information on the impacts of the economic crisis within this division. This division is responsible for three major components of the financial support system for Ramsey County residents. They handle the publically supported medical programs, the food support programs, and cash assistance.

The recession is having a dramatic impact on applications and eligibility for the medical and food support programs. There has been recent growth in the cash programs as well, but that has been much smaller. While doing everything possible to keep up, the systems are being overwhelmed.

Commissioner Ortega asked for a brief definition of cash assistance, food support, and medical programs.

Ms. Nelson said the publically funded medical programs include the state program General Assistance Medical Care (GAMC), which is slated to end after the first of the year. It also includes all of the Medicaid programs that are federally funded, which are largely medical care programs for the disabled, families, and children. They also administer the food support program, which comes from the Department of Agriculture, and is the program that subsidizes people's ability to purchase food based on their eligibility factors. That program was formally known as food stamps, now called the Food Support Program. Cash assistance covers an array of programs – the Minnesota Family Investment Program (MFIP) and the Diversionary Work Program (DWP) – both are cash assistance

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programs for families. The General Assistance (GA) Program is a state-funded cash program for singles, available to a very narrow portion of the single population – if you are employable, you would not be eligible for the GA program. The Minnesota Supplemental Assistance (MSA) Program is a supplement for people who receive SSI (Social Security Insurance) for the disabled. There is a program called Group Residential Housing (GRH), used to help pay for people in specific living arrangements, frequently around needs such as chemical dependency or mental health. There is a refugee cash assistance program, which serves a small number of people, generally directed at single refugees.

Commissioner Bennett asked where someone would go if they need assistance.

Ms. Nelson said most people walk into the office at 160 East Kellogg Boulevard at the corner of Kellogg and Robert Streets for assistance. They are able to talk with a screener, who would determine if that person is eligible for cash assistance or any of the other programs. If so, they would be scheduled for an appointment, provided an application form, and told what verification would be needed.

Various slides were shown during this presentation. The first slide grafted the growth in the requests for public assistance over the last six years, using July of each year for consistency. Requests for assistance drift up and down. To make that clear, a trend line was used, which showed a significant upward trend being experienced. The number of requests for July 2007, prior to the current economic crisis, was about 450 fewer requests than for July 2009, which represents an approximate 11% increase. The slide lists monthly numbers. In 2008 there were approximately 42,000 requests for assistance; that number is not unduplicated.

Commissioner Ortega asked if all those requests are for Ramsey County residents. Ms. Nelson responded affirmatively.

Commissioner Rettman asked if the number 42,000 is monthly or annually. Ms. Nelson said 42,000 was for the year 2008, and the numbers are unduplicated.

The second slide showed the average number of days it takes for somebody to get an appointment. The average wait time has grown to as much as six weeks. That is a significant burden on applicants. People don't generally come to the Department until they have a definitive need for help. Once they get there, they find they have that length of a waiting period before processing their application. During this same time period staffing has stayed mostly flat. Today, the days a person waits are not significantly different than they were when the figure was done for July. There is a triage process to identify emergencies, and there are ways to try to meet the most significant emergencies. Ms. Nelson said she would be surprised if the Commissioners are not hearing from more constituents about the significant wait times in the Intake Department.

Commissioner Ortega said he has heard from constituents. Most folks wait until they are in crisis before requesting assistance. If someone said that in six weeks they will be in a crisis and wanted to request help now, is that addressed? Not all 42,000 are emergencies. The Department is triaging, somebody will fall behind the line, but will not be in less a crisis than the person before them.

Ms. Nelson said a couple things are being done that will make a significant impact on this. One is that many of the applications are for health care programs; many are mail-in applications so not all of them are walking into the lobby. For the medical program applications, they are processed first where someone identifies having an emergency medical need. Many people will request help for medical but don't have an immediate crisis medical need; they simply need medical coverage because they've lost it due to loss of job or some other reason. Those are relatively easy to triage. There is also an expedited system to help people with food support as they are seen and screened at the front desk for help for one-two months with very little verification; a future appointment is scheduled. There are emergency appointments for people being evicted. There is no process that would meet every emergency need.

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Commissioner Carter said she understands this is a difficult process, and it sounds as though the resources don't necessarily meet the need, at least in terms of time. When setting an appointment, is that set for the introduction of the application, or does the application come in and then the appointment follows? Are there additional automated ways to apply? Some things are done through automated telephone answering. Is anything being done by computer to test some innovations?

Ms. Nelson said there is no automated process to apply for assistance in the State of Minnesota; some other states use on-line application forms. However, at a meeting with the Department of Human Services (DHS), they talked about doing an RFP to hire a vendor to work on an on-line application. It is assumed the vendor will be hired around the first of the year. This is a very first step, and would not be a fully automated process. In essence, it is a way to fill out an application on-line and to send it in to the appropriate county; it will not automatically populate the computer systems with that information. In terms of technology, Minnesota is operating with some old technology. The system used for our cash programs right now began in 1991. It is the same system, and it has had changes and additions made, but it has not substantively changed since 1991. We are at a point now where the DHS with the budget constraints that they have is doing very little to update that system. What happens instead is that there are more and more "work-arounds" to try to enable workers to do the things they need.

Commissioner Carter said there are a number of programs for which individuals qualify for if meeting certain guidelines. It may be difficult for people to understand what those programs are. What is the manner in which that information is provided in an easy to use format, either on-line, on our systems, or at our locations?

Ms. Nelson said there is information available on the DHS website http://www.dhs.state.mn.us/main/idcplg?IdcService=GET_DYNAMIC_CONVERSION&RevisionSelect ionMethod=LatestReleased&dDocName=Health_Care about all the programs in the eligibility criteria and Ramsey County's website <http://www.co.ramsey.mn.us/hs/financialassistance.htm> links people to that web-based information. In addition, the Children's Defense Fund has built a tool called Bridge to Benefits <http://mn.bridgetobenefits.org/> now becoming available throughout the community that does some screening of potential eligibility for an array of programs, including the Earned Income Tax Credit. As part of the on-line application process, DHS is developing a screening tool. Whether they will take on to the Bridge to Benefits or look at doing something larger than that, has not yet been decided, but there is opportunity to do some on-line screening of eligibility.

Commissioner McDonough referred to the opportunity to move to an on-line automated application system. Does it have to happen statewide; could it happen in the individual counties?

Ms. Nelson responded that it is possible to look at developing our own on-line application. Some of the difficulty is that while we might be able to do the on-line form for people to fill out, we don't own or control the systems that the information goes to, making it more difficult to think of it as a more complete package. Hennepin County is working with the DHS on the development of an on-line application. With the state getting ready to do this the first of the year, it would seem to make the most sense to try to tag onto that if that is developed.

Chair Parker said anyone listening to this discussion might agree that six weeks is too long to wait for these services. What are the obstacles in reducing the wait time to two weeks? Is it just a matter of providing additional emergency intake staff, or a problem with getting the services they need, or other limitations?

Ms. Nelson said it is a combination of two things. The number of intake staff is a significant issue. Seeing many more people coming through the door with no additional resources makes it very hard to keep up. In addition to being about staff, this is also about other types of resources such as technology, for example Electronic Data Management Services. Human Services is one of the pilot

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sites because it is seen as critical to the work being done. There are probably other more sophisticated technologies around things like the on-line application and being able to populate the information. A tremendous amount of verification is done around people's resources. A lot of states do that electronically and are able to verify things automatically. That is not something that has been done to any large extent in Minnesota. Some of that has to do with the fact that Minnesota has very stringent data practices laws. Some of it is based in our own inability to get to that point because of the way those laws were set up.

There are also technology issues around the fact that we don't own the systems that we use. An example of that is the child support folks use one system that is state operated; Ramsey County uses another system that is state operated. Information needs to be shared back and forth. Every month we get messages on all our cases where child support has been paid. The problem is that rather than that information going into the budget where it belongs, it comes as a message, which staff has to load themselves. Staff have estimated that if the state could do that automatically, it would save us three to four staff. But the state, given their budget constraints and the fact that this is a very large project between two separate systems, isn't prepared to move forward to try to make that an automated process. There are a lot of things that enter into this, but staff is a major problem.

Chair Parker asked what it would cost to fix this.

Ms. Nelson said she hasn't determined the cost. Another part of the problem is that it takes a long time to train a financial worker, as it is a very complicated and difficult job. Training people is labor intensive. People are put through almost six months of training before they are of much use at a desk. The people doing intake are at a higher level than those folks. One of the issues when trying to solve this problem is that it is not a quick fix. They don't have the trained people to hire and place in the job to solve the problem. They have been using funds both from stimulus dollars and from the food stamp bonuses in the past for overtime and for temps. They hire former financial workers who are interested in coming back as temps. One of the problems is finding a trained pool of people who can do this work.

Chair Parker said a few years ago the Property Records and Revenue Department was behind in their process – houses were selling fast and people were complaining about the backlog. Temporary employees were hired to help with the backlog. It took a long time to get caught up. This seems like a similar situation. This is a service being deluged. Six weeks is not acceptable and we need to figure out a way to get that to a reasonable level.

Commissioner Carter said when people come to us in dire need, is there a sense of what percentage of folks who come in and complete an application qualify for some kind of aid. Would the initial screening itself, be a place to focus?

Ms. Nelson said she doesn't have the numbers with her. The initial screening for people who walk through the door helps us get to a point where we have a high rate of approval on those cases. Where we don't have a high rate of approval, which is true across all the counties, are the mail-in health care applications coming in from hospitals and clinics throughout the county. If you are a clinic or hospital with someone who does not have insurance, you would have the individual fill out a health care application and send it in to the local county to see if there is a way to get paid. The problem with that is that the application isn't initiated by the individual, and frequently, finding those individuals once they get the application or it is found that they don't send in the verifications needed in order to process the application, or sometimes they are just not eligible. There is a much higher denial rate with those mail-in applications as opposed to people walking in and talking to someone face-to-face. There would be a differential in that screening number.

Commissioner Carter said given the rate of eligibility and approval with those screened walk-ins, that would be a place to look at additional resource to help identify whether or not they likely qualify, and to help speed the application process.

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Ms. Nelson said staff keeps up with the screening process. There are about 100 walk-in requests for assistance every day, and the screeners talk to each of those people, determine if they should go through the application process and screen them for expedited food support and issue the expedited food support if eligible. The cases that might be more helpful if screened better are the cases coming in through the community as mail-in applications. That is where a large percentage of the people are not eligible, but they still have to deal with each application and try to process them. If there was a way to reduce the number of those applications based on likely eligibility, there would be fewer applications to deal with. About 46% of the applications are now coming in as mail-in applications for health care.

Commissioner Carter said she understands the logic about getting to those who don't qualify so that they are out of that string allowing for the Department to get to those that likely would qualify faster. The disconnect for her is that once a person has come in and talked with us, has been screened, we still have that application process that is taking a certain amount of time, and the need for an appointment.

Ms. Nelson said staff have talked frequently about whether or not to skip the screening step because it would give more resources to put into just processing applications. One of the problems with that is the dilemma that then no one would be screened out who is not eligible, ending up with no significant gain there. People are not happy when coming through the door to find that it might not be worth their time to apply for assistance; people like that initial contact.

Chair Parker referenced ARRA funds, and said it seems that this is a perfect example of a temporary need that would fit in -- with all the unemployed people that there would be people capable of being trained as financial workers. There is an abundance of people looking for work and we should be able to put them to work to help solve this problem.

Ms. Nelson said she is not saying they couldn't use people to solve this problem, they absolutely could. However, time is needed to train people for these positions. If we could hire 10-20 intake workers on a temporary basis to catch things up, that would absolutely help, but it is not a quick fix because it takes a long time to train people. In this situation they would be temporarily promoting people to do this work because of the process that has to be followed. They would be pulling people out of the case management section, solving the problem in intake while creating another problem for the ongoing caseloads. People would have to be hired to fill behind them who have to be trained.

Commissioner Rettman said she would like to say there is plenty of money. These statistics were available during presentation of the budget so these things have been taken into consideration. The Department is now providing a preview of part of the Human Services budget. It is that delicate balance. In order to continue to get the types of money the County gets, there has to be specific documentation and records retention. Those are technical steps. Social workers want to do the work, but the paperwork is not part of what they want to do, however, the specificity for the dollars is important. It is a challenge for the workers, and everyone appreciates that everyone has to do more with less. The fix has to come from the state to make a substantive change in the form. The data privacy is part of this and complicates some of the triaging, the processing, and other things. The budget could go higher, but would not fix this for six months at least, and would not do a systems change that is needed.

Commissioner Bennett asked how much retraining and time is needed for retraining as the state makes changes, which is another major problem.

Ms. Nelson said two different kinds of retraining are done. There is retraining around new programs that come up. For example, the work benefit program related to the MFIP.

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Commissioner Bennett asked if that is done in-house, or does someone come in who has taken the time to research what state and federal governments have written into their rules and regulations.

Ms. Nelson said they recently moved to a model where a training unit has been formed. There are three staff who are experts in training. They do all the training for the new financial workers and do remedial training for workers if there is an area with a lot of mistakes. They also help with training on new programs. Sometimes the state provides some training on the new programs but their training resources are also stretched so typically, we do our own training.

Commissioner Bennett said the state is working with 20-year old technology, doing everything by hand, passing that along to counties so that we can't use the new technology because we cannot build the system because it should be a state system. We have to have more staff than would be needed if we had the technology.

Ms. Nelson said the technology is a huge part of what could help us do our jobs better, and wished the state were in a position to do more with technology that would be of value to us. We were hopeful that the medical system the state was doing, Health Match, would be a help to staff, but the state pulled the plug on that project.

Commissioner Bennett asked if anyone has analyzed what would be saved in time and dollars that could be further distributed to people with problems if the technology were changed.

Ms. Nelson said she was not sure if that work was done. The state is very aware of the counties' desires to have improved technology.

Commissioner Bennett said speaking of the state encompasses the legislature, the Governor, and Departments, but the action would have to come at the legislative and Governor's offices as they appropriate the money.

Ms. Nelson referred to the slide on the caseload growth over the past six years. There has been an increase of about 3300 cases since the beginning of 2009, which is incredibly rapid growth and unprecedented in her experience.

Commissioner Rettman referred to the first slide showing the number of requests for public assistance at 42,000 which was duplicated. The caseload growth slide shows unduplicated cases at 48,000.

Ms. Nelson said those are two different things. The requests for assistance are the actual applications received that need to be processed. People may apply multiple times in the same year. The 48,000 are new requests in that year – a base-line caseload is always carried – these are people that may be added at any point in time, while at the same time with the 48,000 cases, people are going off – it is a moving target.

Commissioner Rettman asked if it is an aggregate amount.

Ms. Nelson said this number for caseload size is a point in time number; it is very difficult to unduplicate the caseload over a year because of the way the data is kept across programs.

Commissioner Rettman asked if there is a guesstimate of the number of unduplicated amount.

Ms. Nelson said the 48,000 number is the real amount at that point in time, and are unduplicated. What couldn't be determined is unduplicated, how many cases were served over the entire year. It is very difficult the way the data is stored.

Chair Parker said the 48,000 at any point in time is the current caseload – that is almost 10% of the County's population.

Ms. Nelson said those are cases, not individuals. Some cases are for more than one person; some represent families. Keeping in mind that the cash assistance for families is a small percentage of that number, but there are a lot of families on the medical programs as well. In the next slide, most of the growth has been in the areas of food support and medical.

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In real terms, what these caseload numbers mean is that staff have caseloads that range from about 275 to 500 cases. That is a broad range for ongoing cases, and the reason is that it is the difference between serving family cases and serving single cases. The contacts, demands and emergency-type things dealt with on family cases are significantly higher than the single cases so those caseloads are smaller. If we were to take on average what that caseload would be and then figure out how much time that leaves for staff to deal with each of those cases on a monthly basis, it is about 20-22 minutes per month, per case. For the number of reviews that staff do every month, possibly 90-100 on their caseloads – address changes, calls for clarification about grant amounts, status on grants, income reports – the time to spend with people is all eaten up with paperwork processes. There is very little time anymore to actually help people understand the programs or helping to explain to them what is happening on their case. Staff are spending their time trying to process the paperwork that assures the benefits will continue to go out to them resulting in a different kind of relationship with people on their caseloads that they would have had years ago when caseloads were smaller.

Cash for families is not where growth is being shown, as indicated on another slide. The MFIP and the DWorkP caseloads are still at some of the lowest levels they've seen since beginning this data in the 1980s. The lowest point was actually at 7500 cases in 2008, now up to about 7900. However, this caseload has been as high as 11,500 in 1994 and at around 9500 cases when welfare reform started in 1993. It is not unusual for cash caseloads to lag behind the economy, probably a function of people still having resources, access to unemployment insurance, etc.

Another slide showed that medical is an area where growth is being seen, and that the most significant growth in medical has happened in the last year, tying that back to the economic crisis. The percent of growth isn't great here, but that is because the base number is so high. Growth here is just more people needing to apply for health care because they no longer have access to it, not because there have been changes in the program.

Chair Parker asked if those would be people who have become unemployed who used to have health insurance through their employer.

Ms. Nelson said that data is not tracked, but is a good intuitive guess – loss of jobs, hours cut, or employer has dropped health care coverage for them.

Another slide showed growth in food support. This is an area of most dramatic growth. There was a gradual growth until last year when it dramatically went up. This is a reflection of the economy, but there was also a rule change that significantly added to the number of people able to apply for and stay on food support. In the past, if you were an employable single, you were only eligible for three months worth of food support out of every 36 months. Because of the high unemployment rate, the federal government has suspended that rule so those single folks are eligible for food support on an ongoing basis, and a tremendous amount of growth is being seen in that particular population. The Human Services Department had previously requested Board approval to apply for a grant through the Sundance Foundation to try to get a food stamp outreach position. They received the grant, and around the first of the year, they will work with the food shelves and congregate dining sites to figure how to send this individual out in the community to get more people on the food support program who might be eligible to receive it.

The next slide talks about the impacts or implications of having this kind of growth in staff workload. Those areas are customer service, with long wait times for people to get in. There are providers waiting for payments because of those long wait times, impacting not just the clients, but landlords, or medical providers. There are significant delays in paperwork processing in the case management areas, as much as ten days, with the same impact as those long wait times. At time of very high need in the community, the Department is not able to provide the level of service that they would like to provide. This inability to provide good customer service is hard on staff. There is a lot of

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stress for financial workers and all staff at this time under these conditions. This also impacts the error rates; more mistakes are being made than previously. A good example of that is for federal fiscal year 2007, the food stamp error rate was 2.4%, bringing down the state average and assuring that the county would receive enhanced food stamp funding. The current error rate is at 5.1%, going from being one of the best in the state to being average. That matters for a couple reasons, one being that food stamp bonus money, which the County has gotten for the last three or four years, and it is likely we won't get that money for this federal fiscal year. That money is used for overtime and temps so that has an impact on where we get money to try to help resolve the problem. Because the error rates are going up, Minnesota has gotten where we could be under threat of penalty from the feds based on our particular error rate. That is a statewide problem, but a significant worry for the state and all the counties that deal with the food support program. In the end, errors mean people are not getting the right amount of benefits. They may be getting less than what they are eligible for, or they may be getting more than they are eligible for. The bad news if they are getting more than they are eligible for and that is figured out, they have to pay it back – under federal law. Staff dislike making errors in people not getting what they should get and being put in the position of paying back on errors staff have made.

Commissioner McDonough asked what is the trigger point where there is a penalty – is there a percentage of errors?

Ms. Nelson said there is. There are various different areas looked at. The error rates can vary in those areas. That information could be provided to the Commissioners. The last time the error rates were done, Minnesota was within 10ths of a point of being under threat of penalty.

Commissioner McDonough asked if the state deducts the error rates by counties so the whole state is not penalized.

Ms. Nelson responded affirmatively. They have worked in the past with some of the counties that had some of the highest error rates to figure out ways to bring that down. Ramsey County has never been in the position of being a high-error rate county.

Commissioner McDonough asked if Ramsey County has been in a position of being penalized by the feds in this area.

Ms. Nelson said she is not aware that Ramsey County has ever been penalized in this area.

Commissioner McDonough said he would take the position that if there a group of counties that would put the state in jeopardy or trigger a penalty, what is the state's plan? Is the penalty imposed statewide across the board proportionately to all the counties, or are the counties that caused the problem to suffer the consequences?

Ms. Nelson said it is her understanding on how the penalties work is that there is a certain amount assessed to the state; a percentage assessed to the counties, which is assessed across the board, not based on individual county areas.

There are compliance issues. About 45% of the medical applications meet the processing timeline. That means there are people waiting for benefits, vendors aren't getting paid. They have had a legislative auditor's report that showed that we were not verifying possible unreported income in a timely manner. That means that people may be getting benefits that they are not eligible for, or they may not be eligible at all. The bottom line is they just simply have less time to pay attention to accuracy, timeliness, customer service, and potential fraud, and those are things they are focused on – simply getting the benefits out and those are the things that suffer as a result of that.

The final slide talks about what the Department is trying to do that helps a bit with what is happening to us. They are involved in process analysis working with two management analysts nearly on a full-time basis reviewing the processes, the structure, to see if there are things that can be done differently that would be more efficient, to improve the ability to move people through this backlog. Staff have also been engaged in this process and getting input about what they see as

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possible solutions and what they would identify as possible problems. Some things have been identified that they can move forward on quickly, and some other things that will take longer to work through. One of the things to be done in the next month or two in the family case management section is moving to a simplified, streamlined, centralized emergency assistance processing in an effort to pull that work out of each caseworker's daily task, and to centralize it in a way to more efficiently process it quickly and meet those emergency needs.

They are also trying to maximize the use of staff. That means they are using stimulus dollars and the food support bonus money for overtime and temps. They are working with the other community human services divisions to allow for some hiring and training before actually having a vacancy occur. The financial worker classification is a large classification. There is a significant amount of turnover, much of it because they hire good staff who are able to move on to the other divisions or other part of the County. Because of the significant amount of turnover and this very long timeline to train somebody, they are hiring some additional people who were using vacancies in other parts of the department to hire over what the financial worker compliment would be to get those people trained to have somebody before the next vacancy occurs. They are doing that right now, but when looking at the budget for 2010, it is a tightly proposed budget, and they may not be able to continue to do this in 2010.

Resources have been reallocated to support a new process for all the new mail-in applications. About 46% of the new applications are mail-in applications. That processing has been centralized, reducing the number of those applications on the shelf from about 1,800 to closer to an average of 400-500. That is a huge part of the work they do. They are waiving as many face-to-face interviews as possible if it makes sense and if it saves time, and can get the information without that interview. They are using protected phone time to maximize processing time in the case management areas.

The number of appointments workers have to see have been increased. They are doing the expedited food support at the front desk, which is a significant increased work for the screeners, but they feel good about that. They have been very positive and have done a great job implementing that change in workload.

Some technology is being looked at, they have added a switchboard to family case management in an effort to manage the overwhelming number of phone calls that come in. They are prepared to pilot the EDMS for the County, working with Workforce Solutions. They hope to pilot the use of instant messaging. Clients come into the building on the fourth floor; all the ongoing staff are located on the fifth floor. When phones are tied up all the time, it is hard to get the message that someone is in the lobby to see them. While people could send an email, they might not see that when working in another program. The instant messaging function is always up in the corner of the computer screen and messages don't go away. They hope to utilize that as a way to get a message back and forth between the front desk staff and case management staff to shorten some of the wait time for the clients. There are some severe limitations in this area because the systems used are not our own system.

The message today is about the increase in the workload and what those implications have been for both the Department and for our customers. A handout in the documentation is an attempt to answer some of the common questions or myths around public assistance to help respond to calls from constituents. One example is that the cash and food support programs are not a major part of the state's general fund – people frequently think all that cash assistance is costing us a lot of money – it is not a large part of the budget, only about 1.4% of the 2010-2011 state budget. The cash grants in Minnesota have not increased since 1985; there is no annual increase to the cost of those cash programs, unless the caseload grows, which it is starting to do. The vast majority of the Health and Human Services budget is spent on health care; 60% of that is for health care and long term care for the disabled and the elderly, and another 20% is on health care for the poor.

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Commissioner Rettman asked what the EDMS is going to do. It showed up as a line item in the budget. Does it involve a tutorial that is updated with all the changes going in or is it just for document retrieval?

Ms. Nelson said she is not an expert of this system. There are two different parts of this that are important to the Department. One is storing documents on-line. She signs requests on a weekly basis for another file cabinet for another worker because they don't have room to keep all their cases. There isn't space for all these file cabinets because the offices were configured to hold only two of these large file cabinets. From a paper standpoint, there are four intake clerks, who full time deal with locating, retrieving, reassigning case files. EDMS is a huge deal for them because of the space savings, the ability not to have to track down a file because somebody is in for a program. You just simply pull it up on-line. They handle a tremendous amount of paper – all the eligibility reviews, the income reports that come in on an ongoing caseload, they lose a lot of that paper. By having a central place that scans that information as it comes in, it is available on-line for the worker. The potential for managing the work is incredible. Agencies in other counties already using EDMS say they save an incredible amount of time when not having to handle, possibly losing paper.

Commissioner Rettman referring to the comment that one program uses a different system than another, asked if this will bridge that. The CAFÉ system was to have been a great system. Will this get past the real or artificial silos, so that a case number stays with an individual, becoming a retrieval mechanism, no matter what program is pulled up – will it bridge the silo gap?

Ms. Nelson said they are talking about specific pieces of paper so it doesn't have to interact with the state's system; it has to be stored, making it easier for staff to retrieve paper. There are certain pieces of paper that might be important across all the county programs – a birth verification, citizen verification. In her mind, a system like this might work is that they have very specific pieces of paper that are only used by financial assistance, and those papers would be stored in a way that they are available to all financial workers who might have to work on that case. Other pieces of paper that cross more than one program could be stored with a different accessibility so that if social services also needs a birth verification, there is only one on-line in the EDMS.

Commissioner Rettman said if you have to duplicate something every time entering a system, that is a frequent frustration for people. This should help the workers tremendously regardless of where they work in the spectrum.

Ms. Nelson said that is why they are partnering with Workforce Solutions in the pilot, specifically focusing on the MFIP population. With employment counselors, there is a need for joint types of information – income reports, status reports, information that flows back and forth. Having that electronic, it means that clients do not have to duplicate giving a paper to more than one person, and it means we can speed up the process of sharing information.

Chair Parker thanked Ms. Nelson for bringing the information forward. She did an excellent job summarizing the current dilemma with the increase in customers and business. This is counter-cyclical – as the economy goes bad, our business goes up, and this was all laid out clearly. Also laid out clearly was the downward spiral that we are in danger of getting into if we are not already in it. As caseloads and error rates go up, and the compliance issues get worse, we lose the bonus money, the additional staff, and it makes it work. It behooves us to try to do the short term fixes at the same time that we are working on the long term, the technology changes and paperwork, etc. She would like to pursue this in additional discussions, have staff come back with more specific recommendations; if there are policies the Board needs to look at. As policymakers, we need to address the wait time. This was done with the Property Records and Revenue issue. The Board decided the wait time for the public being served was too long, and there is a similar situation here. We should set a standard for how much time is appropriate for people to wait for service, and what does it take to get there. She felt the wait time should be two weeks rather than six weeks. Six weeks is insulting to people

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who are eligible for service, and yet can't get through the bureaucracy in order to get the assistance they are eligible for.

Commissioner Carter said there ought to be some relief on that wait time, but would not like to increase the amount of time, appreciating that we do triage and identify emergencies and are able to in some cases provide same-day support. She would want to make certain that we continue to prioritize doing that work as we try to bring down the overall wait time for all cases.

Commissioner Rettman asked Ms. Nelson to send thanks and appreciation from the County Board to all the staff.

Ms. Nelson said they will have an all-staff meeting next week and she would take that message back.

Commissioner Ortega said he would like to have a better handle on all the technology, not just the interfacing with the state. It sounds as though we are lacking a central intake system, where one department could go for the documents. He would like to know where that is in our plan in terms of IT. We have to move the County forward in technology as a whole; we have pieces lacking behind when other pieces are moving forward. When talking about extra file cabinets and finding a piece of paper, it sounds like the 1970s. For him, this is a long term issue to address. We could hire a lot of temporary workers, but then they are gone and the backlog creeps up again. He would like a better handle from the County Manager and IT Department on where we are moving on these things. We have a full plate in a lot of areas, but now is the time to develop a road map.

Chair Parks expressed thanks for this well-done presentation and for the attachment dispelling a lot of myths, which will be helpful when speaking to constituents.

OUTSIDE BOARD AND COMMITTEE REPORTS

Commissioner Carter reported:

- On meeting with some young men from Boys Totem Town, who are part of the Save Our Sons mentoring program. She heard from them that what we are doing in juvenile detention reform is a positive prospect in their lives and are looking forward to doing better in our community.
- On the strategic planning session for the Community Action Program of Ramsey and Washington Counties (CAPRW) at which the director Clarence Hightower shared that he heard from the State of Minnesota that this particular program is considered its premiere community action program. She attended five program board meetings over the past week and a half – the Head Start Council, the Executive Committee, the Bylaws and Governance Committee, the board meeting, and the strategic planning meeting. Other Commissioners also participated in many of these meetings.

Commissioner Rettman agreed that being part of the CAPRW is a huge time commitment. At the board meeting, Mr. Hightower's contract was extended to the end of 2012. There was a four-hour deliberation to hire an auditor for CAPRW because of the ARRA dollars.

- On the Feel Better Minnesota campaign, the week of October 29. This is a St. Paul Ramsey County Public Health initiated campaign to help people live better, eat better, exercise, take care of changing at-risk behaviors to help improve the health status of our entire community. Information is available at http://www.co.ramsey.mn.us/ph/ship/exercise_your_right_to_feel_better_minnesota.htm The campaign will be kicked off with a video with educational materials.

(Continued)

Chair Parker said she saw excerpts of this well-done video.

Commissioner McDonough:

- Expressed thanks to the County Manager's Office, Regional Railroad Authority Office, the County Board and all other staff for work on the event held during Secretary LaHood's visit to the Union Depot; he was impressed with our project.

Chair Parker thanked Commissioner McDonough for all his work on this worthwhile event.

Commissioner Rettman reported:

- On a clean-up in District 5 for rethinking, recycling, reusing as much waste as possible, reducing the amount going to landfill.
- On a meeting of the Metro Families Alliance. The County Board has gone on record on several items it would like to see in the health bill, up to and including home visiting nurses. By unanimous vote, certain principles are to be supported in any bill because it is critical to keep the money in Title V, not in Title IV because it would change the dynamic. She would provide the Commissioners with more information in a written document.

ADJOURNMENT

There being no further business, Chair Parker declared the meeting adjourned.

Bonnie C. Jackelen, Chief Clerk – County Board

(Continued)