

CHAPTER 1

TITLE 3

Hazardous Waste Management Ordinance No. 12

(cite as eg.)

**(Scott County Hazardous Waste Management Ordinance No. 12
Section__)**

Administered by

Community Development Division - Environmental Health Dept.

SCOTT COUNTY HAZARDOUS WASTE MANAGEMENT ORDINANCE No. 12

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**SCOTT COUNTY
HAZARDOUS WASTE MANAGEMENT
ORDINANCE NO. 12**

1.00 PURPOSE AND AUTHORITY

1.01 Purpose. It is the purpose and intent of this Ordinance to establish rules, regulations and standards for Hazardous Waste management in Scott County, Minnesota for: the identification, labeling, and classification of Hazardous Waste; the handling, collection, transportation, and storage of Hazardous Waste; the treatment, processing and/or disposal of Hazardous Waste; requiring the licensing or registration of Hazardous Waste generators and Hazardous Waste facilities; payment of license or registration fees; penalties for failure to comply with the provisions of this Ordinance; issuing, denying, modifying, imposing conditions upon, suspending or revoking licenses and registrations; and other matters as determined to be necessary for the health, welfare and safety of the public. Further, this Ordinance shall be liberally construed so as to protect the natural environment from Hazardous Waste contamination.

1.02 Authority. This Ordinance is adopted pursuant to Minn. Stat. chs. 145A and 473.

2.00 GENERAL PROVISIONS

2.01 Administrative Procedures. Provisions of the Scott County Administrative Procedures Ordinance that are not covered by this Ordinance and do not conflict with provisions of this Ordinance shall apply as if fully set forth herein.

2.02 Administration. This Ordinance shall be administered by the Scott County Community Development Division, Environmental Health Department. The term "Department" where used in this Ordinance shall mean the Scott County Community Development Division, Environmental Health Department.

2.03 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:

- A. "Agency" shall mean the Minnesota Pollution Control Agency (MPCA).
- B. "County Board" shall mean the Scott County Board of Commissioners.
- C. "Embargo" shall mean a written order issued by the Department prohibiting the sale, movement, removal, transport, use, treatment, or disposal of a material or item which is, or is suspected to be, a Hazardous Waste and which is being mismanaged or which the

Department has reason to suspect is being or will be managed in violation of this Ordinance.

- D. "Hazardous Waste" shall mean 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.
- E. "Minimal Generator" shall mean any Very Small Quantity Generator who generates one or more of only the following wastes:
1. Any amount of used oil, used oil-contaminated sorbents, used oil filters or petroleum fuel filters;
 2. Any amount of lead-acid batteries;
 3. Any amount of mercury bearing lamps, such as fluorescent or high intensity discharge lamps;
 4. Special Hazardous Wastes as allowed by County Board resolution number 2002-023, as amended or succeeded;
 5. Any amount of photographic fixer solution and x-ray film which is shipped off site for recycling;
 6. Any amount of photographic fixer solution if treated to remove eighty (80) percent or more of the hazardous constituents;
 7. Any amount of fuel/water mixtures that are not stored or accumulated on site; or
 8. Ten (10) gallons or less per year of all other Hazardous Wastes that are not acute Hazardous Wastes as defined by Minn. Rules 7045.0020, subp. 3a.
- F. "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 or other legal representative of any of the foregoing or any other legal entity.

- 2.04 Compliance.** No Person shall cause or permit the generation, transportation, disposal or processing of Hazardous Waste, or the construction or operation of Hazardous Waste facilities, 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, transportation, disposal or processing. 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 Minnesota Pollution Control Agency shall apply to all Hazardous Waste generators and activities within Scott County, except as provided in this Ordinance.
- 2.05 Conditions.** The Department may impose conditions on any license, registration, permit, or variance as deemed necessary to monitor the operation and ensure the public health and safety. Violation of any condition imposed by the County on a license, registration, permit or variance shall be deemed a violation of this Ordinance and subject to the penalty provisions set forth in this Ordinance.
- 2.06 False Information.** Omission of any information or submission of false information may be deemed a violation of this Ordinance or may be deemed a violation of Minnesota Statutes.
- 2.07 Listing, Delisting and Waste Classification.** In the event the Agency modifies the lists of wastes by listing or delisting, or classifies a waste as hazardous, the County Board may, by resolution, amend the lists of wastes set forth in this Ordinance, or classify certain wastes as hazardous, to incorporate said Agency action.
- 2.08 Right of Entry.** Whenever necessary to perform an inspection to enforce any of the provisions of this Ordinance, or whenever the Department has reasonable cause to believe that Hazardous Waste exists in any building or upon any premises, the Department or its authorized agent may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Department by this Ordinance, provided that if such building or premises are occupied, the authorized agent shall first present proper credentials and demand entry; and if such building or premises are unoccupied, the Department shall first make a reasonable effort to locate the owner or other Persons having charge or control of the building or premises and demand entry. If such entry is refused, the Department shall have recourse to every remedy provided by law to secure entry including administrative search warrants.
- 3.00 STANDARDS FOR HEALTH, SAFETY AND ENVIRONMENTAL PRESERVATION**

3.01 Standards Adopted. Minn. Rules ch. 7045, except for Minn. Rules pts. 7045.1000 through 7045.1030, relating to Hazardous Waste, which were in effect on October 7, 2003, are hereby adopted by reference and made a part of this Ordinance.

3.02 Standards Amended. The above adopted rules are hereby amended as follows:

- A. Wherever the term "Minnesota Pollution Control Agency," or "agency" appears in these adopted rules, it shall mean the "Department" except in Minn. Rules pts.: 7045.0020, subps. 4, 9c; and 73h; 7045.0070; 7045.0075; 7045.0080; 7045.0129; 7045.0133; 7045.0135, subp. 1, paragraph 3; 7045.0139; 7045.0218; 7045.0243, subp. 3, item D; 7045.0261, subp. 5, item B and subp. 6; 7045.0275, subp. 2; 7045.0361; 7045.0395; 7045.0397; 7045.0450, subp. 1; 7045.0452, subp. 2; 7045.0468, subp. 2; 7045.0498 through 7045.0524; 7045.0546; 7045.0552, subp. 3, item A; 7045.0554; 7045.0556, subp. 2; 7045.0574, subp. 2; 7045.0608 through 7045.0624; 7045.0655, subp. 1; and where used with "Environmental Protection Agency," or "federal or state agency," where they shall remain unchanged.
- B. Wherever the term "commissioner" appears in these adopted rules, it shall mean "Department" except in Minn. Rules pts.: 7045.0020, subp. 6a, item B, and subps. 9c, 13a, 43b, and 73h; 7045.0075; 7045.0080; 7045.0125, subps. 4, item N (5) and 9D; 7045.0129; 7045.0131, subps. 1 and 7; 7045.0218; 7045.0261, subp. 9; 7045.0265; 7045.0294, subp. 1a, item B; 7045.0302; 7045.0310, subp. 3, items B and C, subp. 5, item C and subp. 6, item D (second occurrence only); 7045.0320, subps. 9 and 10; 7045.0474; 7045.0476, subp. 3, item A; 7045.0498 through 7045.0524; 7045.0528, subp. 4, item D(4); 7045.0545, subps. 1 through 7; 7045.0546; 7045.0580; 7045.0582, subp. 3, item A; 7045.0608 through 7045.0624; 7045.0628, subp. 4, item D(4); 7045.0652, subp. 2, item B; 7045.0665; 7045.0686; 7045.0845; 7045.0875, subp. 8 item B; 7045.0990; 7045.1309; 7045.1315, subp. 2, item G; and 7045.1360, where it shall remain unchanged.
- C. Wherever the term "permit," "permittee," "permitting" or "permitted" appears in these adopted rules, it shall mean "license," "licensee," "licensing" or "licensed" except in Minn. Rules pts.: 7045.0020, subp. 10b, subp.15, item A(4), and subps. 23a, 24, and 58a; 7045.0121, subp. 2, item D; 7045.0208, subp. 2 item C; 7045.0210; 7045.0261, subps. 2, 5 and 6; 7045.0310, subp. 6, item D; 7045.0320, subp. 9, item C; 7045.0397; 7045.0450, subp. 1; 7045.0498 through 7045.0524; 7045.0545, subps. 5 and 7; 7045.0546; 7045.0552, subp. 2; 7045.0554, subp. 1; 7045.0608 through 7045.0624; 7045.0790 subp. 7; 7045.1380, subp. 1, item A and where used with "National Pollutant Discharge Elimination System Permit," "State Disposal Permit," "Emission Facility Operating Permit," or "permit-by-rule," where they shall remain unchanged.

- D. The terms "Minnesota" or "State of Minnesota" shall mean "County of Scott" in Minn. Rules pts.: 7045.0210; 7045.0212; 7045.0214; 7045.0240; 7045.0261, subp. 5 and subp. 6 (except the phrases "Specific Minnesota" and "in Minnesota" which shall remain unchanged); 7045.0302, subp. 1; 7045.0351, subp. 1; 7045.0355 and 7045.0361.
- E. Minn. Rules pt. 7045.0020, subp. 66 is deleted in its entirety.
- F. Minn. Rules pt. 7045.0060 is amended to read as follows: "No variance may be granted if granting the variance would result in noncompliance with Environmental Protection Agency (EPA) regulations and Minnesota Pollution Control Agency (MPCA) rules for the generation, storage, processing, treatment, transportation or disposal of Hazardous Waste or the operation of Hazardous Waste facilities."
- G. Minn. Rules pt. 7045.0225, subp. 1 is amended by deleting the last two sentences in their entirety.
- H. The first paragraph of Minn. Rules pt. 7045.0230, subp. 1 is amended to read as follows: "**Information required.** An application must be on a form provided by the Department and must include the following information:..."
- I. Minn. Rules pt. 7045.0230, subp. 1a is deleted in its entirety.
- J. Minn. Rules pt. 7045.0240 is amended by the deletion of the second sentence in subp. 3.
- K. Minn. Rules pt. 7045.0243 is amended by the deletion of subp. 1 and subp. 3, item C.
- L. The first paragraph of Minn. Rules pt. 7045.0248, subp. 1 is amended to read as follows: "A licensed generator must submit a license renewal application to the Department on forms provided by the Department. A generator must submit the application and report by the January 31 preceding the expiration of the generator license. The application must contain the following information for each Hazardous Waste produced during the preceding calendar year:..."
- M. Minn. Rules pt. 7045.0248, subp. 1, item B is deleted in its entirety.
- N. Minn. Rules pt. 7045.0250 is deleted in its entirety.
- O. Minn. Rules pt. 7045.0261, subp. 5 is amended to read as follows:

"Subp. 5. **Permitted facilities.** The facilities shall be licensed or permitted by:

- A. the agency if the Hazardous Waste facility is located in Minnesota;
or
 - B. the state agency with a Hazardous Waste program authorized by the Environmental Protection Agency pursuant to Code of Federal Regulations, title 40, part 271 (1983); or
 - C. the Environmental Protection Agency; or
 - D. having interim status."
- P. In Minn. Rules pts. 7045.0292, subps. 1, 5, 6 and 8, the phrase "without a permit" is amended to read "without a facility permit." The word "permit" in these references remains unchanged.
- Q. The first paragraph of Minn. Rules pt. 7045.0302, subp. 2 is amended to read as follows:
- "Subp. 2. Notification. When shipping Hazardous Waste outside the State of Minnesota to a foreign country, the primary exporter must notify the commissioner, the Department and the EPA of an intended export before the waste is scheduled to leave the United States. A complete notification should be submitted 60 days before the initial shipment is intended to be shipped off site. This notification may cover export activities extending over a 12-month or lesser period. The notification must be in writing, signed by the primary exporter and include the following information:..."
- R. Minn. Rules pt. 7045.0460, subp. 1, item A is amended to read as follows:
- "A. Procedures are in effect which will cause the waste to be removed safely before flood waters can reach the facility to a location where the wastes will not be vulnerable to floodwaters. The location to which wastes are moved must be a facility which is either licensed by this Department, or permitted by the Environmental Protection Agency, or by a state with a Hazardous Waste management program authorized by the Environmental Protection Agency, or which has interim status."
- S. The term "in chapter 7001" is deleted wherever it appears.
- T. The phrase "under chapter 7046" is deleted wherever it appears.

3.03 Standards for Minimal Generators.

- A. Minimal Generators must manage their waste according to all applicable rules and regulations of the State and County.

- B. Minimal Generators who fail to comply with the waste management requirements of this Ordinance may, at the discretion of the Department, be deprived of their Minimal Generator status. The Department shall notify the Minimal Generator of the status change.
- C. Minimal Generators whose rate of waste generation exceeds that defined in Section 2.03 E shall forfeit their Minimal Generator status.
- D. Waste Accumulation. Minimal Generators that exceed any of the waste accumulation amounts listed in items 1-5 below may, at the discretion of the Department, be deprived of their Minimal Generator status. A Minimal Generator may accumulate up to:
 - 1. One thousand (1,000) gallons of used oil in tanks and up to two hundred (200) gallons in containers;
 - 2. One thousand (1,000) pounds each of used oil-contaminated sorbents, used oil filters and petroleum fuel filters;
 - 3. The accumulation limits allowed by County Board resolution number 2002-023 for Special Hazardous Waste, as amended or succeeded;
 - 4. The waste accumulation limits allowed for Very Small Quantity Generators for the following wastes: lead-acid batteries, mercury bearing lamps, photographic fixer solution and x-ray film; and
 - 5. Sixty-five (65) gallons of all other Hazardous Waste as provided in Section 2.03 E.

4.00 LICENSING AND REGISTRATION

4.01 License or Registration Required. Unless otherwise provided by this Ordinance, no Person shall, within the County, make or allow property under his or its control to be used for any activity which generates Hazardous Waste except at an individual generation site for which a Hazardous Waste generator license or registration has been granted by the Department. Unless otherwise provided by this Ordinance, no Person shall, within the County, store, deposit, keep, accumulate, process, treat, reclaim, dispose of, or otherwise handle, process or cause to be transported Hazardous Waste except at a site or facility for which a license or registration has been granted by the Department.

4.02 Licensing or Registration not Exclusive. The obtaining of a Hazardous Waste license or registration 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.

4.03 Fees.

- A. The County Board shall, by resolution, establish fees, including fees for the initial license, registration, initial application and plan review, and renewal of licenses.
- B. The County Board may, by resolution, establish other such fees as may be necessary for the administration of this Ordinance.
- C. Fees for new licenses and registration are due thirty (30) days after the billing date. Fees for renewal of licenses are due thirty (30) days prior to the expiration of the current license. As used herein, fees include license fees, registration fees, MPCA statewide program fees, application fees, reinspection fees, late penalty fees, and such other fees as may be prescribed by the County Board.
- D. Fees for license renewal shall be based on the past year's rate of generation. If the license is for new waste generation, the fee shall be based on an estimated rate of generation which is acceptable to the Department.

4.04 Minimal Generators. Minimal Generators shall comply with the following registration requirements:

- A. Minimal Generators shall register with the Department within 75 days of first generating Hazardous Waste;
- B. All currently licensed generators meeting the Minimal Generator definition and standards pursuant to Section 3.03 shall be converted by the County to registered status;
- C. Registration shall be effective as long as the generator meets the Minimal Generator definition and standards pursuant to Section 3.03;
- D. Minimal Generators shall notify the Department within thirty (30) days whenever any of the following occurs.
 - 1. The business closes;
 - 2. The business is sold or otherwise changes ownership;
 - 3. The business moves to a new location;
 - 4. The business produces other Hazardous Waste not disclosed in their current registration.
 - 5. The business assumes a new name; or

6. The generator's rate of generation no longer meets the Minimal Generator definition listed in Section 2.03 E.
- E. Any generator who no longer qualifies for Minimal Generator status pursuant to Section 3.03 shall be subject to the full generator licensing standards of this Ordinance. The generator shall not be eligible to regain Minimal Generator status for a period of two (2) full license years and to regain Minimal Generator status, the generator must be in compliance with the Minimal Generator standards defined in this Ordinance. An inspection by the Department may be required to confirm compliance with these standards;
- F. Any Minimal Generator may, by making written request to the Department, remain regulated as a Very Small Quantity Generator in lieu of the Minimal Generator requirements.

4.05 License Term. Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this Ordinance shall be nontransferable 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 fifteen (15) months, unless earlier suspended or revoked. The license year for Hazardous Waste generators shall be from April 1 through March 31. The license year for Hazardous Waste facilities shall be from July 1 through June 30.

4.06 License or Registration Application.

- A. Applications for registration, license or license renewal shall be submitted to the Department on forms provided by the Department. Applicants shall provide such information as may be needed for the administration of this Ordinance. Such information shall include, but not necessarily be limited to, the information specified in Minn. Rules pts. 7045.0230 or 7045.0248 as applicable. Applicants for a facility license shall submit to the Department, on request, all of the documents and supporting information required by the Agency in its permitting procedures.
- B. Applications for a generator license received more than seventy-five (75) days after first producing a Hazardous Waste, or applications for license renewal received after January 31, shall be considered late and subject to a late application penalty. Applications for license modification shall be deemed late, and subject to the late application penalty, if received later than as set forth in Minn. Rules pt. 7045.0243, subp. 3, item G.
- C. Applicants for a facility license shall not commence any construction or operation until the license application has been approved by the County Board, nor shall they commence any operation until a license is issued. A facility license shall not be issued until the facility construction has

been completed in compliance with this Ordinance and the approved plans, and has been approved by the County Board.

4.07 Incomplete or Non-Conforming Application.

- A. Generator. If an application for a generator registration, license or license renewal is not complete or otherwise does not conform with the requirements set forth in this Ordinance, the Department shall advise the applicant within sixty (60) 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.
- B. Facility. If an application for a facility license or license renewal 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.

4.08 Renewal.

- A. Generator. Generator applications for license renewal shall be received by the Department no later than January 31. 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 a generator license renewal application, which is complete and submitted on time, the current license shall continue in force until action is taken.
- B. Facility. Facility applications for license renewal shall be received by the Department no later than February 28. 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 a facility license renewal application, which is complete and submitted on time, the current license shall continue in force until action is taken.

4.09 Denial.

- A. Generator. Failure by the Department to act on an initial generator license or registration application within sixty (60) days from the date of receipt of a completed application shall constitute grounds for the applicant to request a hearing. Failure to act shall be construed as denial without prejudice.

- B. Facility. Failure by the County Board to act on an initial facility license application within one hundred twenty (120) days from the date of receipt of a completed application shall constitute grounds for the applicant to request a hearing. Failure to act shall be construed as denial without prejudice.

4.10 Waste Management.

- A. On-site Treatment. For licensing purposes, the Department may consider on-site treatment by the generator of on-site generated Hazardous Waste as part of the generator's licensure and may exempt such on-site treatment from facility licensing requirements. Such exemption shall be limited to the following types of treatment: the specific treatment activities allowed in Minn. Rules 7045.0450, subp. 3, item K; 7045.0652; and 7045.0855, subp. 3; and/or recovery of reusable solvents by distillation. The treatment must be described in the generator license application and approved by the Department. The Department may require generators who do on-site treatment, as identified above, to comply with the requirements of Minn. Rules pts. 7045.0558; 7045.0562, subps. 1 and 2; and 7045.0566 through 7045.0576 or may impose such license conditions as may be deemed necessary to monitor the treatment operation and ensure public health and safety.
- B. Sewered Wastes. Generators utilizing any sewer system for the disposal of Hazardous Wastes shall comply with all of the requirements of this Ordinance. They shall maintain, on site, a copy of any permits or reports required by the Metropolitan Council Environmental Services (MCES) or other Publicly Owned Treatment Works (POTW), or as a condition of a National Pollutant Discharge Elimination System (NPDES) or State Disposal System (SDS) permit concerning the character, concentration and quantity of the sewered Hazardous Waste for inspection by the Department. These reports shall be maintained for a period of three years from the report date. Generators shall obtain written authorization from the Department before treating or discharging Hazardous Waste or used oil to on-site sewage/septic tanks, soil absorption systems, or disposal systems.

4.11 Transfer, Storage, Resource Recovery, Disposal, Treatment and Other Handling or Processing Sites and Facilities.

- A. Bonds. Unless otherwise provided by the County Board, issuance of a Hazardous Waste transfer, storage, resource recovery, disposal, treatment or other handling or processing site or facility license, pursuant to the provisions of this Ordinance, shall be contingent upon the applicant furnishing to the Department a bond in an amount to be set by Resolution of the County Board and naming the County of Scott as the obligee with sufficient sureties duly licensed and authorized to transact corporate surety business in the State of Minnesota as sureties.

The condition of such bond shall be that if the principal fails to obey any of the requirements or do any of the acts required by this Ordinance or the license in the operation of the site or facility, or if, for any reason, ceases to operate or abandons the site or facility, and the County is required to expend monies or expend any labor or material to restore the site or facility to the condition and requirements as provided by the Ordinance or license, the principal and the sureties on its bond shall reimburse the County for any and all expenses incurred to remedy the failure of the principal to comply with the terms of the Ordinance or license, and that the principal and its sureties will indemnify and save 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 their license to operate and the Ordinance of the County. In lieu of the above, for facilities permitted or granted interim status by the Agency, the license applicant shall submit, in a form acceptable to the County Board, satisfactory evidence of compliance with the Agency's financial assurance requirements.

- B. Insurance. Unless otherwise provided by the County Board, issuance of a Hazardous Waste transfer, storage, resource recovery, disposal, treatment or other handling or processing site or facility license, pursuant to the provisions of this Ordinance, shall be contingent upon the applicant furnishing to the Department satisfactory evidence of compliance with Minn. Rules Pts. 7045.0518 and 7045.0620. The Department shall be notified thirty (30) days prior to the effective date of a cancellation or change of insurance.
- C. Change in Facility Operation. No change shall be made in the operation of a Hazardous Waste facility unless such change is first approved by the Department.

5.00 TERMINATION OF OPERATION

Any Person who, for any reason, terminates operations at a site, must remove all Hazardous Waste and materials contaminated with Hazardous Waste prior to termination of operations. Termination of operations may include the sale of an operation to a new entity, the simple shutdown of a business or site which is then not operated or the relinquishing of lease or rental rights to a property. This removal from the site must be accomplished in full compliance with this Ordinance and Minn. Rules ch. 7045. Materials remaining on the site of a terminated operation shall be considered waste materials. The continued storage of Hazardous Wastes on the site of a terminated operation shall be done in compliance with the Hazardous Waste storage facility rules in Minn. Rules chs. 7045 and 7001 and this Ordinance.

6.00 VIOLATIONS AND PENALTIES

- 6.01 Misdemeanor.** Any Person who fails to comply with the provisions of this Ordinance is guilty of a misdemeanor. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- 6.02 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.
- 6.03 Civil Action or Cost as a Special Tax.** If a Person fails to comply with the provisions of this Ordinance, the County may recover costs incurred for corrective action in a civil action in any court of competent jurisdiction, or at the discretion of the County Board, the costs may be certified to the County Auditor as a special tax against the real property.
- 6.04 Late Application and Payment Penalties.** The penalty for late initial license application, late license renewal application or late license fee payment shall be as follows:
- A. One (1) to fourteen (14) calendar days late, a twenty-five dollar (\$25) penalty.
 - B. Fifteen (15) to thirty (30) calendar days late, a fifty dollar (\$50) penalty.
 - C. Thirty-one (31) calendar days or more late, a one hundred dollar (\$100) penalty.

These penalties shall be assessed in addition to the license fees and to any other penalties which may be incurred.

- 6.05 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 Hazardous Waste and which is being mismanaged or which the Department has reason to suspect is being or will be 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.

7.00 MODIFICATION OF REQUIREMENTS

- 7.01 Waivers or Modifications.** The County Board may waive or modify the strict application of the provisions of this Ordinance by reducing or waiving certain requirements when such requirements are unnecessary or impractical, or by imposing additional requirements necessary to reduce risk of harm to Persons, property or the environment.

7.02 Agency Approval. No modification or waiver may be granted if it would result in noncompliance with Minn. Rules ch. 7045 unless such modification or waiver has been approved or granted by the Agency.

7.03 Closure/Post-Closure. For facilities permitted or granted interim status by the Agency, 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 Agency.

8.00 EFFECTIVE DATE

This Ordinance shall be effective upon the publication of the minutes of these proceedings in the official newspaper of the County.

9.00 PROVISIONS ARE CUMULATIVE

The provisions of this Ordinance are cumulative to all other laws, ordinances and regulations theretofore passed or which may be passed hereafter, covering any subject matter in this Ordinance.

Adopted by the Scott County Board of Commissioners on April 1, 1980.

Amended by the Scott County Board of Commissioners on:

- November 20, 1984
- July 23, 1985
- July 29, 1986
- July 21, 1987
- December 12, 1989
- January 17, 1995
- October 7, 2003