

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 Services Division - Environmental Health & Inspections 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. The purpose of this Ordinance is to establish rules, regulations and standards for hazardous waste management in Scott County, Minnesota, for the identification, labeling, and classification of hazardous waste; the generation, handling, collection, transportation, and storage of hazardous waste; the treatment, processing and disposal of hazardous waste; the licensing or registration of hazardous waste generators and hazardous waste facilities; the payment of license or registration fees; the penalties for failure to comply with the provisions of this Ordinance; the issuance, denial, modification, suspension and revocation of licenses and registrations; the imposition of conditions upon licenses; 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 Minnesota Statutes (Minn. Stat.), Chapters (Ch.) 145A and 473.

The Scott County Board of Commissioners does ordain:

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.

2.02 Administration. The Scott County Community Services Division, Environmental Health and Inspections Department shall administer this Ordinance.

2.03 Definitions. Unless the context clearly indicates otherwise, the following words and phrases shall have the meanings ascribed to them in this section:

- A. “Agency” means the Minnesota Pollution Control Agency (MPCA).
- B. “Appliance” means any major appliance, as defined in Minnesota Statutes, section 115.A03, that contains components regulated under this Ordinance. Appliances shall include any device that contains and uses a class I or II substance (as defined by Code of Federal Regulations, title 40, section 82.3, subpart A, as amended) as a refrigerant and that is used for household or commercial purposes, including any air conditioner, dehumidifier, refrigerator, chiller or freezer.
- C. “Appliance Generator” means any person that uses, installs, replaces, maintains, services, or repairs appliances and, as a result, generates appliances or appliance parts that are regulated under this Ordinance.
- D. “Appliance Processor” means any person that scraps, recycles, or disposes of appliances.

- E. “Circuit Boards” means electrical equipment panels consisting of fiberglass, a paper and epoxy blend, or other inert material and electrical conductors, traces, or foils. Circuit boards shall include circuit board trimmings.
- F. “Circuit Board Trimmings” means the pieces, including dust particles, that are cut or trimmed off of circuit boards during the routing, drilling or punching process in order to make the boards the proper size for use.
- G. “County Board” means the Scott County Board of Commissioners.
- H. “Department” means the Scott County Community Services Division, Environmental Health and Inspections Department, its staff, and designated agents.
- I. “Electronics” means electronic devices and/or electronic components.
- J. “Electronic Component” means subassemblies or other parts derived from the disassembly of electronic devices that exhibit the toxicity characteristic defined in Minnesota Rules, part 7045.0131. Electronic components shall include circuit boards.
- K. “Electronic Device” means electronic equipment that contains one or more electronic circuit boards, cathode ray tubes, or other circuitry or parts that exhibit the toxicity characteristic defined in Minnesota Rules, part 7045.0131.
- L. “Embargo” means an order by the Department prohibiting the movement, removal, transport, use, treatment, sale, or disposal of a material which is, or is suspected to be, a hazardous waste and that is being mismanaged or that the Department has reason to suspect is being or will be managed in violation of this Ordinance.
- M. “Facility” shall have the meaning set forth in Minnesota Rules, part 7045.0020, subpart 24, and shall also include:
 - 1. Facilities that handle, collect, treat, process, recycle, reclaim, store, or dispose of wastes subject to regulation under this Ordinance, including but not limited to: amalgam, material contaminated with amalgam, lead acid batteries, batteries other than lead acid, electronics, lamps, mercury containing equipment, pesticides, precious metal bearing hazardous waste, recyclable fuel, used oil, used oil filters, material contaminated with oil, universal wastes, or waste received at a very small quantity generator program or household hazardous waste collection program.
 - 2. Transfer facilities storing any amount of hazardous waste for any period of time. However, transfer facilities are not regulated under this part if the waste is never unloaded from the transport vehicle while it is at the site and enters and leaves the site in the same vehicle within ten days.
- N. “Generator” has the meaning in Minnesota Rules, part 7045.0020, subpart 31, and shall include any person, by site, whose act or process produces a universal waste or electronic waste or whose act first causes a universal waste or electronic waste to

become subject to regulation. This includes owners of property upon which hazardous waste or hazardous materials have been abandoned or released.

- O. “Hazardous Waste” means any refuse, sludge, spent solutions or other waste material or combinations of refuse, sludge, spent solutions 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 (42 U.S.C. § 2014), as amended.
- P. “Minimal Generator” means any very small quantity generator which generates one or more of only the following wastes:
1. Any amount of the following wastes:
 - a. Used oil, waste contaminated with used oil, used oil filters or petroleum fuel filters;
 - b. Spent lead-acid batteries managed under Minnesota Rules, part 7045.0685;
 - c. Universal wastes and electronic wastes as defined by this Ordinance;
 - d. Waste photographic fixer solution that is shipped off site for recycling;
 - e. Waste photographic fixer solution if treated on site to remove eighty (80%) or more percent of the hazardous constituents;
 - f. Waste recyclable fuel that is not stored or accumulated on site; or
 2. One hundred (100) pounds or less per year of hazardous waste not listed in item 1 above, including feedstocks and by-products. None of the waste can be acute hazardous waste.
- Q. “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.
- R. “Release,” “Released” or “Releases” means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of a waste into the environment.
- S. “Universal Waste” shall have the meaning given in the Code of Federal Regulations, title 40, section 273.9.

- 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.
- 2.05 Conditions.** The Department may impose conditions on any license, registration, permit, or variance as deemed necessary to monitor the operation, ensure the public health and safety and to protect the environment. A person who violates any condition imposed by the Department on a license, registration, permit or variance shall be deemed in violation of this Ordinance and subject to the penalty provisions in this Ordinance.
- 2.06 False Information.** Any person who omits any information or submits false information is in violation of this Ordinance and subject to the penalty provisions in this Ordinance.
- 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 Agency Program Management Decisions and Policies.** The Department may allow generators and facilities to abide by lesser standards as set forth in Program Management Decisions and Policies published and authorized by the Agency. If the generator or facility fails to abide by any Program Management Decision or Policy standards, the generator or facility is subject to all applicable regulations in Minnesota Rules, Chapter 7045 and this Ordinance.
- 2.09 Inspection.** To ensure compliance with the provisions of this Ordinance, the Department may inspect and evaluate hazardous waste facilities, short-term storage facilities, transfer facilities, generators, or other sites where the Department has reason to believe hazardous wastes are or have been present. The Department shall provide the owner and/or operator with notice of any deficiencies, recommendations for their correction and the date by which the corrections shall be accomplished. The owner and/or operator shall allow the Department or its authorized agent access for the purpose of making such inspections as may be necessary to determine compliance with the requirements of this Ordinance. At the Department's election, the owner/operator shall provide free of charge or shall allow the Department or its agent to collect samples of waste, soils, surface waters, ground waters, air, raw materials, sewage discharges, or other materials or residues present at or emanating from the site for testing. The owner and/or operator shall allow for free access at all reasonable times to inspect and copy all business records related to an owner's and/or operator's generation, collection, processing, and transportation of waste. The owner and/or operator shall keep all records required to be kept under this Ordinance at the licensed site and shall make the records readily available for review during the inspection. The owner and/or operator shall allow the Department to record and document its findings in any reasonable and appropriate manner including, but not limited to, notes, photographs, photocopies, readouts from analytical instruments, videotapes, audio recordings, and computer storage systems or electronic media. When requested by the Department, the owner and/or operator shall provide photocopies of records.

2.10 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 is occupied, the authorized agent shall first present proper credentials and demand entry; and if such building or premises is 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. Advance notice is not required. If such entry is refused, or cannot be obtained, the Department shall have recourse to every remedy provided by law to secure entry, including administrative search warrants. If the owner or other person having control of the premises has threatened an authorized agent of the Department that they will refuse to allow the Department entry for inspection in the future, then the Department shall have the authority to obtain an administrative search warrant in advance of an inspection at that premises, without first being denied entry.

3.00 STANDARDS FOR HEALTH, SAFETY AND ENVIRONMENTAL PRESERVATION

3.01 Standards Adopted. Minnesota Rules, Chapter 7045, except for Minnesota Rules, parts 7045.1000 through 7045.1030, relating to hazardous waste, which were in effect on November 19, 2013, 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,” “Pollution Control Agency,” or “agency” appears in these adopted rules, it means “Department” except in the following Minnesota Rules:

7045.0020, subparts 4, 9c and 73h;	7045.0397;
7045.0070;	7045.0450;
7045.0075;	7045.0452, subpart 2;
7045.0080;	7045.0468, subpart 2;
7045.0090 when referenced by	7045.0498 through 7045.0524;
7045.0545, 7045.0546, 7045.0547 and	7045.0540;
7045.0548;	7045.0546;
7045.0125, subpart 9, item D;	7045.0552, subpart 3, item A;
7045.0129;	7045.0554;
7045.0133;	7045.0556, subpart 2;
7045.0135, subpart 5, item E;	7045.0574, subpart 2;
7045.0218;	7045.0608 through 7045.0624;
7045.0243, subpart 3, item D;	7045.0645;
7045.0261, subpart 6;	7045.0655, subpart 1;
7045.0275, subpart 2;	where used with “Environmental
7045.0302;	Protection Agency,” or “federal or
7045.0361;	state agency.”
7045.0395;	

For all exceptions cited above, the referenced terms remain unchanged.

- B. Wherever the term “commissioner” appears in these adopted rules, it means “Department” except in the following Minnesota Rules:

7045.0020, subpart 6a, item B and subparts 9c, 22, 34, 43b, 73h and 85a;	7045.0395;
7045.0075;	7045.0476, subpart 3, item A;
7045.0080;	7045.0498 through 7045.0524;
7045.0090 when referenced by 7045.0545, 7045.0546, 7045.0547 and 7045.0548;	7045.0528 subpart 4, item D(4);
7045.0120, subpart 1, item X;	7045.0545;
7045.0125, subpart 4, item N and subpart 9, item D;	7045.0546;
7045.0129;	7045.0552, subpart 1a;
7045.0218;	7045.0582, subpart 3, item A;
7045.0265, subparts 1, 2, 3 and 4;	7045.0608 through 7045.0624;
7045.0294, subpart 1a, item B;	7045.0628, subpart 4, item D(4);
7045.0302;	7045.0652, subpart 2, item B;
7045.0310, subpart 3, items B and C and subpart 5, items C and D;	7045.0665;
7045.0320, subparts 9 and 10;	7045.0686;
	7045.0845;
	7045.0875, subpart 8, item B;
	7045.0990;
	7045.1309;
	7045.1315, subpart 2, item G.

For all exceptions cited above, the term “Commissioner” remains unchanged.

- C. Wherever the term “permit,” “permittee,” “permitting” or “permitted” appears in these adopted rules, it means “license,” “licensee,” “licensing” or “licensed” except in the following Minnesota Rules:

7045.0020, subparts 10b, 15, 23a, 24 and 58a;	7045.0546;
7045.0121, subpart 2, item D;	7045.0552;
7045.0135, subpart 5, item E;	7045.0554, subpart 1;
7045.0208;	7045.0608 through 7045.0624;
7045.0210;	7045.0692, subpart 6, item F;
7045.0261, subparts 2 and 6;	7045.0790, subpart 7;
7045.0310, subpart 3, item D and subpart 6, item D;	where used with “National Pollutant Discharge Elimination System Permit,” “NPDES Permit,” “State Disposal System Permit,” “Emission Facility Operating Permit,” “permit-by-rule,” or “Air Quality Permit.”
7045.0320;	
7045.0397;	
7045.0450;	
7045.0498 through 7045.0524;	

For all exceptions cited above, the referenced terms remain unchanged.

- D. The term “Minnesota” or “State of Minnesota” means “County of Scott” in the following Minnesota Rules:

7045.0210;	7045.0302, subpart 1;
7045.0212;	7045.0351, subpart 1;
7045.0214;	7045.0355;
7045.0240;	7045.0361.

- E. Minnesota Rules, part 7045.0020, subpart 66 is deleted.
- F. Minnesota Rules, part 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 or 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. Minnesota Rules, part 7045.0135, subpart 5, item C(4) is amended to read as follows:

“the fee requirements of the Department, unless a generator demonstrates performance of a PCB phase-out agreement under Minnesota Statutes, section 116.07, subdivision 2b(b).”
- H. Minnesota Rules, part 7045.0225, subpart 1 is amended by deleting the last two sentences.
- I. The first paragraph of Minnesota Rules, part 7045.0230, subpart 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:”
- J. Minnesota Rules, part 7045.0230, subpart 1a is deleted.
- K. Minnesota Rules, part 7045.0240 is amended by the deletion of the second sentence in subpart 3.
- L. Minnesota Rules, part 7045.0243 is amended by the deletion of subpart 1 and subpart 3, item C.
- M. The first paragraph of Minnesota Rules, part 7045.0248, subpart 1 is amended to read as follows:

“Applicability. 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.”
- N. Minnesota Rules, part 7045.0248, subpart 1, item B is deleted.
- O. Minnesota Rules, part 7045.0250 is amended by the deletion of subparts 2, 3 and 4.
- P. In Minnesota Rules, part 7045.0292, subparts 1, 5, 6 and 8, the phrase “without a permit” is amended to read “without a facility permit or license.” The word “permit” in these references remains unchanged.

- Q. The first paragraph of Minnesota Rules, part 7045.0302, subpart 2 is amended to read as follows:

“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. The primary exporter must submit a complete notification 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.”

- R. The third paragraph of Minnesota Rules, part 7045.0302, subpart 2 is amended to read as follows:

“The primary exporter must provide the commissioner, the Department and the EPA with written renotification of any changes to the notification, except for changes to the telephone number, decreases in the quantity indicated in item B, subitem (3), and changes in the means of transport in item B, subitem (5). The waste shall not be shipped until the primary exporter receives an EPA Acknowledgment of Consent reflecting the receiving country’s consent to the changes.”

- S. Minnesota Rules, part 7045.0460, subpart 1, item A is amended to read as follows:

“Procedures are in effect which will cause the waste to be removed safely before floodwaters 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 that is either licensed by this Department, or permitted by the EPA or by a state with a hazardous waste management program authorized by the EPA, or which has interim status.”

- T. The phrase “in chapter 7001” is deleted wherever it appears.

- U. The phrase “under chapter 7046” is deleted wherever it appears.

3.03 Standards for Minimal Generators.

- A. Management. Minimal generators must manage their waste in accordance with all applicable federal, state and local rules and regulations, including this Ordinance. A generator that fails to comply with these requirements may lose or be denied minimal generator status and be subject to generator standards and fees as described in this Ordinance.
- B. Generation Limits. Minimal generators whose hazardous waste generation does not conform to the limits defined in section 2.03 P shall lose minimal generator status.
- C. Waste Accumulation. A minimal generator must dispose of each of its wastes within six (6) years of the accumulation start date or as otherwise required by the Department, this Ordinance or federal universal waste regulations, whichever occurs first. Minimal generators that fail to ship wastes as required in this section or that exceed any of the waste accumulation amounts listed in items 1-3 below may lose 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. Sixty-five (65) gallons of hazardous waste as described in section 2.03 P above.

3.04 Standards for the Management of Electronic Waste.

- A. Management. Electronic wastes that are managed in compliance with the management standards specified in this section are not subject to the hazardous waste management requirements in Minnesota Rules, parts 7045.0205 to 7045.0990 and parts 7045.1390 to 7045.1400, except for those provisions specified by reference in this Ordinance. Electronic wastes that are not managed in compliance with the standards specified in this section must be managed in accordance with all applicable hazardous waste management requirements in Minnesota Rules, parts 7045.0205 to 7045.0990 and parts 7045.1390 to 7045.1400. The provisions of this section apply to all generators and facilities. Facilities must not accumulate electronic waste in a manner that is considered speculative accumulation as defined in Minnesota Rules, part 7045.0020.
- B. Household Electronic Waste. A person who collects electronic waste generated by households or commingles electronic waste generated by households with any electronic waste defined in this Ordinance shall manage the collected electronic waste or commingled electronic waste under the requirements of this Ordinance.
- C. Storage and Handling. Electronics must be handled and stored in a manner to prevent damage, breakage or harm to human health or the environment. Indoor and outdoor storage areas must be designed to prevent release of electronic waste, including components or residues of electronics, to soil or water and protect electronics from exposure to precipitation. Electronics must be stored to allow for adequate aisle space and for the unobstructed movement of personnel and equipment in an emergency.
- D. Storage limits.
 1. Accumulation Time and Quantity Limits.
 - a. Generator: A generator may accumulate electronic waste no longer than one (1) year from the date the waste is generated or up to ten thousand (10,000) pounds, whichever occurs first. Generators may not exceed the one year time limit or the 10,000 pound quantity limit without prior written approval from the Department.
 - b. Facility: A facility may store up to 40,000 pounds of electronic waste for up to one year. Upon reaching 40,000 pounds or one year, whichever occurs first, all electronic waste must be shipped within ten days. Facilities must not exceed these time or quantity limits without prior written approval from the Department.

- c. Generators and facilities must be able to demonstrate the length of time that the electronic waste has been accumulated from the date it becomes a waste.
- E. Labeling of Containers. Generators and facilities shall label each waste container with a brief description of the waste such as the words “used electronics,” “waste electronics” or “electronics for recycling.”
- F. Responses to Releases or Detection of Inadequate Container. In the event of a release, any electronic waste generator, collector, or facility shall immediately stop and contain any release of an electronic waste, including all components or residues of an electronic waste.
- G. Treatment.
 - 1. A generator is prohibited from conducting any treatment of electronic waste except for activities associated with shredding or cutting up circuit boards or hard drives.
 - 2. The Department will establish site specific licensing conditions governing treatment by facilities. No treatment of electronics is allowed without prior written approval by the Department.
- H. Record Keeping. Any person, generator or facility shipping electronic waste must keep records for all shipments and shall make the records immediately available during an inspection. Each record shall be maintained on-site for a period of three (3) years from the date the shipment was initiated. The records or shipping documents must include the following information:
 - 1. The name, address, and telephone number of the shipper.
 - 2. The name, address, and telephone number of the destination(s) where the electronic waste was sent.
 - 3. The description and quantity of each type of electronic waste sent.
 - 4. The date the shipment of electronic waste left the site.

3.05 Standards for the Management of Universal Waste.

- A. Management. Generators and facilities must manage universal waste in accordance with Minnesota Rules, part 7045.1400 and this section. Universal wastes that are not managed in accordance with the standards in Minnesota Rules 7045.1400 and this section are subject to all applicable hazardous waste management requirements in Minnesota Rules, parts 7045.0205 to 7045.0990 and part 7045.1390.
- B. Household Universal Waste. A person who collects universal waste generated by households or commingles universal waste generated by households with any universal waste shall manage the collected universal waste or commingled universal waste under the requirements of this Ordinance.

- C. Applicability. The term handler adopted in Minnesota Rules, part 7045.1400 shall mean:
1. Generator: when the universal waste activity meets the definition of “generator” in this Ordinance.
 2. Facility: when the universal waste activity meets the definition of “facility” in this Ordinance.
- D. Record Keeping. Any person, generator or facility shipping universal waste must keep records of all shipments and shall make the records immediately available during an inspection. Each record shall be maintained on-site for a period of three years from the date the shipment was initiated. The record may take the form of a log, invoice, uniform hazardous waste manifest, bill of lading, or other shipping document. The record for each shipment of universal waste must include the following information:
1. The name, address, and telephone number of the shipper.
 2. The name, address, and telephone number of the destination(s) where the universal waste was sent.
 3. The description and quantity of each type of universal waste sent.
 4. The date the shipment of universal waste left the site.
- E. Storage and Handling. Universal wastes must be handled and stored in a manner to prevent damage, breakage or harm to human health or the environment. Universal wastes must be stored to allow for adequate aisle space and for the unobstructed movement of personnel and equipment in an emergency. Wastes stored outside must be placed in a closed, structurally sound non-leaking container that is compatible with the contents.
- F. Additional Storage Standards. Any person, generator or facility must store mercury or mercury containing equipment in a securely closed container. The container must be structurally sound, compatible with the contents, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means.

3.06 Standards for Appliance Generators and Processors.

- A. Appliance generators and processors shall manage their waste in accordance with all applicable federal, state and local rules and regulations.
- B. Appliance generators and processors must not accumulate appliances or appliance waste in a manner that is considered speculative accumulation as defined in Minnesota Rules, part 7045.0020.
- C. Appliance processors shall ensure that all capacitors and light ballasts that may contain PCBs are removed and managed as hazardous waste.

- D. Appliance processors shall remove and reclaim, destroy or properly dispose of chlorofluorocarbon (CFC) or hydrochlorofluorocarbon (HCFC) (commonly called by the trade name “Freon”) refrigerants.
- E. Appliance processors shall remove and properly manage any hazardous solutions or vapors contained in gas air conditioners and gas refrigerators as hazardous waste.
- F. Appliance processors shall remove and properly manage switches, relays, temperature devices, lamps, and other components containing mercury.
- G. After complying with 3.06 A through F, the appliance is scrap metal as defined by Minnesota Rules, part 7045.0020, subpart 79a and, if recycled, may be excluded from further regulation under this Ordinance.
- H. Appliance processors shall be licensed as a hazardous waste facility.
- I. Appliance generators that generate no other hazardous wastes do not need a generator license unless the Department determines that the appliance generator is not managing its waste in accordance with all applicable federal, state and local rules and regulations. In that case, the Department may require that the appliance generator obtain a Very Small Quantity Generator license, subject to the license terms in Section 4.12, item C for denial of minimal generator status.
- J. Appliance processors shall comply with the refrigerant technician certification requirements in Code of Federal Regulations, title 40, part 82 and shall provide proof of certification if requested by the Department.
- K. Persons who take the final step in the disposal process of appliances (including but not limited to scrap recyclers) must obtain a signed statement from the persons from whom the appliance or shipment of appliances is received pursuant to Code of Federal Regulations, title 40, section 82.156. The signed statement must verify that all refrigerants have been removed from the appliances and must be made available to the Department upon request.
- L. Storage and Handling. Appliances must be handled and stored in a manner to prevent damage, breakage or harm to human health or the environment. Appliances must be stored to allow for adequate aisle space and for the unobstructed movement of personnel and equipment in an emergency.
- M. Record Keeping. Appliance generators and processors shall keep records for all shipments they make of appliances that contain hazardous components and hazardous components that have been removed from appliances. Appliance generators and processors shall maintain each record on site for a period of three (3) years from the date the shipment was initiated and shall keep the records easily available for inspection. The record may take the form of a log, invoice, uniform hazardous waste manifest, bill of lading, or other shipping document. The record for each shipment must include the following information:
 - 1. The name, address, and telephone number of the shipper.

2. The name, address, and telephone number of the destination(s) where the appliances or hazardous components were shipped.
3. The description and quantity of each type of appliance or hazardous component shipped.
4. The date the shipment of waste left the site.

4.00 LICENSING, REGISTRATION AND MANAGEMENT

4.01 License or Registration Required. Unless otherwise provided by this Ordinance, no person shall, within the County, make or allow property under that person's control to be used for any activity that generates wastes regulated under this Ordinance 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, collect, accumulate, process, treat, reclaim, recycle, dispose of, or otherwise handle, process or cause to be transported, wastes regulated under this Ordinance except at a site or facility for which a facility license has been granted by the Department. The Department may allow a person that does not possess a facility license to accept at the site wastes regulated under this Ordinance if: the person is regulated by the Department, the Agency is not requiring a permit for that facility activity, the person is in full compliance with this Ordinance, and taking the waste is only an ancillary service and source of revenue to the person's primary business activity.

4.02 Licensing or Registration not Exclusive. Obtaining any license or registration required by this Ordinance does not exclude the necessity of obtaining other appropriate licenses or permits except as expressly provided in this Ordinance. 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. Generators and facilities shall pay fees as established by resolution of the County Board.
- 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 generator licenses are due on the last day of February prior to the expiration of the current license. Fees for renewal of facility licenses shall be received by the Department no later than May 31. As used herein, this includes all fees as established by resolution of the County Board.
- D. Fees for generator license renewal are based on the past year's rate of generation. If the license is for new waste generation, the fee is based on an estimated rate of generation which is acceptable to the Department.

4.04 License Term. Unless otherwise provided by the County Board, each license granted pursuant to the provisions of this Ordinance is nontransferable and valid for a period of not more than one year, except that initial generator 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.

4.05 License or Registration Application.

- A. Applications. Applicants shall submit applications for registration, license or license renewal to the Department on forms provided by the Department. Applicants shall provide such information as may be needed for the administration of this Ordinance.
- B. Generators. Generators shall submit to the Department a license or registration application. The license or registration application shall include the information specified in Minnesota Rules, parts 7045.0230 or 7045.0248, or as requested by the Department. Applications for a generator license or registration received more than seventy-five (75) days after first producing a hazardous waste, or applications for license renewal received after January 31, are late and subject to a late application penalty. Applications for license modification are late and subject to the late application penalty if received later than provided in Minnesota Rules, part 7045.0243, subpart 3, item G. The date of receipt is the postmark date if mailed or the Department date of receipt if hand delivered or submitted electronically.
- C. Facilities. All facilities shall submit to the Department a license application. Where an Agency permit is required, applicants shall also submit, on request, all of the documents and supporting information required by the Agency in its permitting process. The County Board or Department shall impose license conditions as deemed necessary to monitor the operation, ensure public health and safety, and to protect the environment. A facility shall not commence any activity or operation that would require a facility license until the facility has been issued a facility license by the Department. The facility license must be posted in a public area at the site.
- D. Collection Events. A collection event is the collection of waste as defined by this Ordinance by a person for a period of not more than three (3) consecutive days. Collection event applicants must register with and submit the required fee, if any, to the Department ten (10) days prior to the actual collection event. Applicants shall provide such information as may be needed for the administration of this Ordinance on forms provided by the Department. If the registration is not complete, does not conform with the requirements of this Ordinance or the requirements of the city and/or township in which the collection event is taking place, or may otherwise cause harm to the public or environment, the application may be denied. The collection event may not commence until such time that the registration is approved by the Department and any required fee is paid. Applications and fees submitted less than 10 (ten) days prior to the proposed collection event shall be subject to a late application penalty fee as established by resolution of the County Board.

4.06 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 in this Ordinance,

the Department shall advise the applicant within thirty (30) days of application receipt 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 in this Ordinance, the Department shall advise the applicant within forty-five (45) days of application receipt 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.

4.07 Renewal.

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.

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.

4.08 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.
- B. Facility. Failure by the County Board or Department to act on an initial facility license application within sixty (60) days from the date of receipt of a completed application shall constitute grounds for the applicant to request a hearing.
- C. Denial For Cause. The Department may deny a license when there is evidence of noncompliance with this Ordinance. The Department may deny a license in cases where a local unit of government has informed the Department that the applicant's site is not zoned for a specific type of hazardous waste activity or when the hazardous waste activity may otherwise cause harm to human health or the environment.

4.09 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 or registration 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 Minnesota Rules, parts 7045.0450, subpart 3, item K; 7045.0652; and 7045.0855, subpart 3; and/or recovery of reusable solvents by distillation. The treatment must be described in the generator license or registration 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 Minnesota Rules, parts 7045.0558; 7045.0562, subparts 1 and 2; and 7045.0566 through 7045.0576 or may impose such license or registration conditions as may be deemed necessary to monitor the treatment operation and ensure public health and safety.

- B. Speculative Accumulation. A person, generator or facility must not accumulate waste in a manner that is considered speculative accumulation as defined in Minnesota Rules, part 7045.0020.
- C. Use of Household Hazardous Waste Collection Site. Delivery of waste regulated under this Ordinance to a household hazardous waste collection site is prohibited.
- D. Sewered Wastes or Waste Discharged to Waters of the State. Facilities and generators utilizing any sewer system or waters of the state for the disposal or conveyance of hazardous wastes, or the disposal of residuals of hazardous waste after treatment, shall comply with all federal, state, and local laws, including the requirements of this Ordinance. Facilities and generators shall maintain 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 or residuals of hazardous waste after treatment. Facilities and generators shall maintain these records on site and make them easily available for inspection by the Department for a period of three years from the report date. The Department may impose conditions to a facility or generator license as deemed necessary to monitor the discharge operation and ensure public health and safety.
- E. Prohibited Discharge. Any disposal of hazardous waste or industrial waste into Class V Injection Wells, as defined by Code of Federal Regulations, title 40, section 144.6, including septic tanks, trenches and dry wells, is prohibited.

4.10 Financial Assurance and Insurance.

- A. In General.
 - 1. Facilities Licensed by the County Board. A facility license shall be contingent upon the applicant furnishing financial assurance in accordance with section 4.10 B below and proof of adequate insurance in accordance with section 4.10 C below.
 - 2. Generators and Facilities Licensed by the Department.
 - a. Unless otherwise provided by the County Board or Department, applicants for a generator or facility license issued by the Department are not required

to provide evidence of financial assurance or insurance as a condition to licensure.

- b. Whenever the Department concludes that hazardous waste has been mismanaged by a licensed generator or facility, or that it is likely the generator or facility will not be able to meet its financial obligations to properly manage its hazardous waste, the Department may require that the generator or facility furnish to the Department financial assurance in accordance with section 4.10 B below. The amount and form of the financial assurance are subject to the approval of the County Risk Manager and the County Attorney's Office.

B. Financial Assurance.

1. License Contingent on Financial Assurance. When required by this Ordinance and unless otherwise provided by the County Board, issuance of any license pursuant to the provisions of this Ordinance shall be contingent upon the applicant furnishing to the Department financial assurance in an amount and form set by the County Board and naming the County as obligee.

At the time of renewal or extension of any facility or generator license for which financial assurance was required, the amount and financial assurance mechanism previously approved shall continue to be required, unless otherwise changed by the Department as provided in section 4.10 B. 3 below.

2. Requirements for Financial Assurance Mechanisms. When financial assurance is required, the licensee shall provide financial assurance through a financial institution acceptable to the County Risk Manager and the County Attorney's Office using one or a combination of the following mechanisms:
 - a. Single Access Cash Account. The funds in this account may only be withdrawn by, or with the consent of, the County. The Department shall notify the licensee when financial assurance funds are being withdrawn and shall state the reasons for such withdrawal.
 - b. Irrevocable Letter of Credit.
 - c. License and Permit Bond. Acceptable surety companies include those companies that are licensed and authorized to transact corporate surety business in the State of Minnesota and that are listed as acceptable sureties on federal bonds in Circular 570, issued by the United States Department of the Treasury, as published annually in the Federal Register on July 1.
3. Annual Review and Adjustment. All financial assurance required by this Ordinance is subject to annual review by the Department. Adjustments shall be based on published economic indicators deemed relevant by the County Risk Manager and the County Attorney's Office, modifications to the specifications or operations of the licensed facility or generator, and/or changes in the licensee's costs to manage its hazardous waste. The licensee shall have the right to appeal the adjustment to the County Board.

- C. Insurance. Issuance of a facility license shall be contingent upon the applicant furnishing to the County satisfactory evidence of compliance with Minnesota Rules, parts 7045.0518 and 7045.0620, or as otherwise required by the County Board or the Department . The County shall be notified 30 days prior to the effective date of a cancellation or change of insurance. Cancellation or significant change of coverage relative to the concerns of a license are cause for revocation of a license.

Unless otherwise provided by the County Board or Department, issuance of a license to a facility shall be contingent upon the applicant furnishing to the County a certificate of insurance showing that the applicant maintains the following minimum coverage:

1. A commercial general liability insurance policy covering all premises and operation with limits of not less than \$1,000,000 for personal injuries arising from one occurrence, \$1,000,000 for damages arising from death and/or total bodily injuries arising from one occurrence, and \$1,000,000 for property damage arising from one occurrence, or a combined single limit thereof, with a \$2,000,000 annual aggregate.
2. A business automobile liability insurance policy, if applicable, with limits of \$1,000,000 per accident for death, bodily injury and/or damages to any one person, \$1,000,000 for total bodily injuries and/or damages arising from one accident and with limits of not less than \$1,000,000 per accident for property damage.
3. Workers compensation coverage at the statutory limits or written confirmation that the applicant is a qualified self-insured or is otherwise exempt under Minn. Stat. § 176.041.

4.11 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.

4.12 Minimal Generators. Minimal generators shall comply with the following registration requirements:

- A. Registration Term. Registration shall be effective as long as the generator meets the minimal generator definition and standards pursuant to section 3.03 above.
- B. Registration Modification. 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.

6. The generator's hazardous waste generation does not conform to the limits defined in section 2.03 P above.
- C. Loss of Minimal Generator Status. Any generator who loses or is denied minimal generator status pursuant to section 3.03 above 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.

Once minimal generator status has been lost or denied, the generator shall not gain minimal generator status except under the terms defined in section 3.03 above.

5.00 TERMINATION OF OPERATION OR ABANDONMENT

5.01 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 a site or operation to a new entity, the forfeiture of a property, the simple shutdown of a business or site that is then not operating, the relinquishing of lease or rental rights to a property, or a change in operation eliminating all generation of hazardous waste. The person must remove the waste from the site in a timely manner as determined by the Department and accomplished in full compliance with this Ordinance and Minnesota Rules, Chapter 7045.

The person must retain copies of records demonstrating compliance with this section, including reports, contracts, evaluation documentation meeting the requirements of Minnesota Rules, part 7045.0214, uniform hazardous waste manifests, shipping papers, invoices, receipts, or bills of lading, for at least three (3) years and shall make the records available for inspection if requested by the Department.

Materials remaining on the site of a terminated operation are waste materials. A person who continues to store hazardous waste(s) on the site of a terminated operation shall do so in compliance with the hazardous waste storage facility rules in Minnesota Rules, Chapters 7045 and 7001 and this Ordinance.

5.02 Abandonment.

Any person who owns property on which hazardous waste or materials contaminated with hazardous waste has been abandoned must remove all waste and contaminated materials. The person must remove the waste and contaminated materials in full compliance with this Ordinance and in a timely manner as determined by the Department. Continued storage of the waste on the abandonment site is prohibited.

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 real property.
- 6.04 Embargo.** The Department may embargo and forbid the movement, removal, transport, disposal, treatment, sale, or use of any material that is or is suspected to be a hazardous waste or material contaminated with hazardous waste and that is being mismanaged or that 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, sell, 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 Minnesota Rules, Chapter 7045 unless such modification or waiver has been approved or granted by the Agency.
- 7.03 Closure and Post-Closure.** For facilities permitted or granted interim status by the Agency, the Department shall grant amendments to the facility closure and post-closure plans and extensions to the closure and post-closure period only where the amendments or extensions have been approved by the Agency.

8.00 EFFECTIVE DATE

- 8.01** This Ordinance is effective upon the publication of the minutes of these proceedings in the official newspaper of the County.

8.02 This Ordinance shall not be construed to hold the Department or County of Scott or its officers or employees responsible for any damage to persons or property by reason of the inspection or re-inspection authorized; or by reason of the approval or disapproval of equipment or licensing; nor for any action in connection with the inspection or control of hazardous waste or related business records or in connection with any other official duties.

9.00 SEVERABILITY.

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

- A. Validity of Provisions. If any Court of competent jurisdiction determines that any provision of this Ordinance is invalid, such determination shall not affect any of the provisions of this Ordinance not specifically included in said judgment.
- B. Application to Site or Facility. If any Court of competent jurisdiction determines that the application of any provision of this Ordinance to a particular structure, site, facility or operation is invalid, such determination shall not affect the application of the provision to any other structure, site, facility or operation not specifically included in the Court's ruling, judgment, or action.

10.00 PROVISIONS ARE CUMULATIVE

The provisions of this Ordinance are cumulative to all other current and future laws, ordinances and regulations 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
- November 19, 2013