



Ramsey County

Hazardous Waste Management

Ordinance Resolution #2008-082

**Approved by the
Ramsey County Board of Commissioners
February, 19, 2008**

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HAZARDOUS WASTE MANAGEMENT ORDINANCE
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RAMSEY COUNTY HAZARDOUS WASTE MANAGEMENT ORDINANCE

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 Ramsey 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 of hazardous waste generators and hazardous waste facilities; payment of license fees; penalties for failure to comply with the provisions of this Ordinance; issuing, denying, modifying, imposing conditions upon, suspending or revoking licenses, and other matters as determined to be necessary for the health, welfare and safety of the public. 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, Chapters 145A and 473.

2.00 GENERAL PROVISIONS

- 2.01 Administrative Procedures. All of the provisions of the Ramsey County Administrative Procedures Ordinance that are not covered by this ordinance and do not conflict with the provisions of this 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.
- 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. "Appliance" shall mean any major appliance as defined in Minnesota Statute 115.A03 or any device which contains and uses a class I or II substance (as defined by Code of Federal Regulations (CFR), title 40, part 82, subpart A, as amended) as a refrigerant and which is used for household or commercial purposes, including any air conditioner, refrigerator, chiller, or freezer.
 - C. "Appliance Processor" shall mean any person maintaining, servicing, repairing, scrapping, recycling, or disposing of appliances in and/or from Ramsey County.
 - D. "Circuit Boards" shall mean 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.
 - E. "Circuit Board Trimmings" shall mean the pieces, including dust particles that are cut or trimmed off of circuit boards during the routing or punching process in order to make the boards the proper size for their intended use. This would also include circuit boards that are shred due to manufacturing flaws, over-production, or any other reason that would lead to their destruction.
 - F. "County Board" shall mean the Board of Ramsey County Commissioners.
 - G. "Demolition" shall mean the wrecking or removal of any load-supporting structural member of building or structure together with any related handling operations or intentional burning of same as defined in 40 CFR 61.141 (NESHAP).

- H. "Demolition Debris" shall have the meaning set forth in Minnesota Rules 7035.0300, subpart 30.
- I. "Department" shall mean the Saint Paul - Ramsey County Department of Public Health, its staff, and designated agents.
- J. "Electronic Component" shall mean subassemblies or other parts derived from the disassembly of electronic devices, which exhibit the toxicity characteristic of Minnesota Rules 7045.0131. Electronic component shall include circuit boards.
- K. "Electronic Devices" shall mean electronic equipment that contains one or more electronic circuit boards, cathode ray tubes, or other circuitry or parts that exhibit the toxicity characteristic under Minnesota Rules 7045.0131.
- L. "Electronics" shall mean electronic components and electronic devices.
- M. "Embargo" shall mean a written 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 which is being mismanaged or which the Department has reason to suspect is being or will be managed in violation of this ordinance.
- N. "Facility" shall have the meaning set forth in Minnesota Rules 7045.0020 subpart 24 and shall also include solid waste transfer facilities and facilities that collect, transfer, treat, store, or dispose of special hazardous wastes, universal wastes, appliances, used oil, or waste contaminated with used oil.
- O. "Generator" shall have the meaning set forth in Minnesota Rules 7045.0020 subpart 31 and shall include any person, by site, whose act or process produces a special hazardous waste or universal waste or whose act first causes a special hazardous waste or universal waste to become subject to regulation.
- This includes owners of property upon which hazardous waste or hazardous materials have been abandoned or released. "Generator" shall also mean all size generators, including large quantity generators (LQGs), small quantity generators (SQGs), very small quantity generators (VSQGs), and Self-Audit generators (S-AGs), unless specifically stated otherwise.
- P. "Hazardous Building Components" shall mean materials and articles containing cadmium, lead, mercury, oil, polychlorinated biphenyls (PCBs), refrigerants, asbestos containing materials, and other items posing risk to humans or the environment including, but not limited to, fluorescent and high intensity discharge (HID) lamps, neon lighting, lighting ballasts (both PCB and non-PCB containing ballasts), electrical capacitors, batteries, circuit boards, appliances, components of heating, ventilation, and air conditioning (HVAC) systems that contain the above referenced materials, and thermometers, gauges, switches, and relays containing mercury. Wastes included in this definition that are currently also regulated by Minnesota Rules Chapters 7000 through 7150 and CFR Title 40 shall continue to be regulated by those rules as applicable.
- Q. "Hazardous Waste" shall mean any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semi-solid, 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 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.

- R. "Inspection" shall mean 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 for hazardous waste management. 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, soil, products, and bi-products; and
 4. taking photographs; and recording by video, audio, or other electronic means.
- S. "License" shall have the meaning set forth in the Ramsey County Administrative Ordinance Section II Subsection 5.
- T. "Licensee" shall have the meaning set forth in the Ramsey County Administrative Ordinance Section II Subsection 6.
- U. "Person" shall mean any human being, any municipality or other governmental 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.
- V. "Risk Manager" shall mean the person or persons who review and evaluate the adequacy of bonds, letters of credit, or other forms of financial assurance and insurance as required under this Ordinance.
- W. "Self-Audit Generator" shall mean any hazardous waste generator who only generates silver as a reportable hazardous waste, regardless of quantity. A Self-Audit Generator may also generate amalgam or other wastes classified as universal waste or special hazardous waste.
- X. "Special Hazardous Waste" shall include the following hazardous wastes.
1. photographic and X Ray negatives and paper which exhibit the toxicity characteristic for silver under Minnesota Rule part 7045.0131.
 2. electronics except for "appliances" as defined by this ordinance.
- Y. "Universal Waste" shall have the meaning set forth in the Code of Federal Regulations (CFR) Title 40 Section 273.9.

2.04 Compliance.

- A. No person shall cause or permit the generation, storage, 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, storage, transportation, disposal, or processing.
- B. Compliance with the conditions of the 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 Agency shall apply to all Hazardous Waste Generators and activities within the County, except as provided in this Ordinance.

- C. Repeated failure to comply with orders issued to correct violations of this ordinance shall be handled under the Ramsey County Administrative Ordinance Section VI Enforcement.

2.05 Conditions.

- 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 this Ordinance.

2.06 False Information. Willful or negligent omission of any information or submission of false information is a violation of this Ordinance and may be deemed a violation of State and Federal law.

2.07 Listing, Delisting, and Modifying 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, in order to incorporate said Agency action.

3.00 STANDARDS FOR HEALTH, SAFETY, AND ENVIRONMENTAL PRESERVATION

3.01 Standards Adopted. Minnesota Rules Ch 7045, except for Minnesota Rules pts. 7045.1000 through 7045.1030, relating to hazardous waste, which were in effect on November 1, 2007 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", "Agency" or "agency" appears in these adopted rules, it shall mean the "Department" except in Minnesota Rules pts: 7045.0020 subparts 4, 9.c, and 73h; 7045.0070; 7045.0075; 7045.0080; 7045.0090 when referenced by 7045.0545 through 7045.0548; 7045.0125, subpart 9, item D; 7045.0129; 7045.0133; 7045.0135 subpart 1, paragraph 3; 7045.0139; 7045.0218; 7045.0243 subpart 3, item D; 7045.0261 subpart 5., item B and subpart 6.; 7045.0275 subpart 2.; 7045.0302; 7045.0361; 7045.0395; 7045.0397; 7045.0450 subpart 1.; 7045.0452 subpart 2.; 7045.0468 subpart 2., 7045.0498 through 7045.0524; 7045.0546 through 7045.0548; 7045.0552 subpart 3., item A; 7045.0554; 7045.0556 subpart 2.; 7045.0574 subpart 2., 7045.0608 through 7045.0624; 7045.0655 subpart 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 Minnesota Rules pts: 7045.0020 subparts 6a, item B, 9c, 13a, 43b. , 73h, and 85a.; 7045.0075; 7045.0080; 7045.0090 when referenced by 7045.0545 through 7045.0548; 7045.0125, subpart 9, item D; 7045.0125 subpart 4, item N; 7045.0129; 7045.0131, subparts 1 and 7; 7045.0218; 7045.0261, subpart 9; 7045.0265; 7045.0294, subpart 1a, item B, 7045.0302; 7045.0310 subpart 3. items B, C and D and subpart 5, item C; 7045.0320 subparts 9 and 10; 7045.0474; 7045.0476 subpart 3, item A; 7045.0498 through 7045.0524; 7045.0528 subparts 4, item D(4) and 8, item D (1).; 7045.0545 subparts 1 through 7; 7045.0546 through 7045.0548; 7045.0580; 7045.0582 subpart 3, item A; 7045.0608 through 7045.0624; 7045.0628 subpart 4, item D (4); 7045.0652 subpart 2, item B; 7045.0665; 7045.0686; 7045.0845; 7045.0875 subpart 8, item B; 7045.0990; 7045.1309; 7045.1315 subpart 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 Minnesota Rules pts: 7045.0020,

subparts 10b15 item A. (4), 23a., 24, and 58a.; 7045.0121, subpart 2, item D; 7045.0208 subpart 2, item C; 7045.0210; 7045.0261 subparts 2, 5, and 6; 7045.0310, subparts 3, item D and 6, item D; 7045.0320, subpart 9, item C; 7045.0397; 7045.0450, subpart 1, 7045.0498 through 7045.0524; 7045.0545 subparts 5 and 7; 7045.0546 through 7045.0548; 7045.0552 subpart 2., 7045.0554 subpart 1; 7045.0608 through 7045.0624; 7045.0790 subpart 7; 7045.1380 subpart 1, item A; and except where used with "National Pollutant Discharge Elimination System Permit", "NPDES Permit", "permit-by-rule", "State Disposal System Permit", "Emission Facility Operating Permit", or "air quality permit", where they shall remain unchanged.

- D. The terms "Minnesota" or "State of Minnesota" shall mean "County of Ramsey" in Minnesota Rules pts 7045.0210; 7045.0212; 7045.0214; 7045.0240; 7045.0261 subparts 5 and 6. (except the phrases "Specific Minnesota" and "in Minnesota" which shall remain unchanged); 7045.0302 subpart 1; 7045.0351 subpart 1; 7045.0355; and 7045.0361.
- E. Minnesota Rules pt 7045.0020 subpart 66 is deleted in its entirety.
- F. Minnesota 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. Minnesota Rules pt 7045.0125 subpart 9 is deleted in its entirety.
- H. Minnesota Rules pt 7045.0225 subpart 1 is amended by deleting the last two sentences in their entirety.
- I. The first paragraph of Minnesota Rules pt 7045.0230 subpart 1 is amended to read, "**Information required.** An application must be on a form provided by the Department and must include the following information:"
- J. Minnesota Rules pt 7045.0230 subpart 1a is deleted in its entirety.
- K. Minnesota Rules pt 7045.0240 is amended by the deletion of the second sentence in subpart 3.
- L. Minnesota Rules pt 7045.0243 is amended by the deletion of subpart 1 and subpart 3, item C.
- M. The first paragraph of Minnesota Rules pt 7045.0248 subpart 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:"
- N. Minnesota Rules pt 7045.0248 subpart 1 item B is deleted in its entirety.
- O. Minnesota Rules pt 7045.0250 is amended by the deletion of subparts 2, 3, and 4.
- P. Minnesota Rules pt 7045.0261 subpart 5. is amended to read as follows: "Subp. 5. **Permitted facilities.** The facilities shall be licensed or permitted by:
 - 1. the Department if the hazardous waste facility is located within Ramsey County, Minnesota; or
 - 2. 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
 - 3. the Environmental Protection Agency; or

4. having "interim status."

- Q Minnesota Rules pt 7045.0261, subpart 9 is amended to read as follows; "Subp 9. Number of Copies. The manifest must consist of at least the number of copies which will provide the generator, each transporter, and the owner or operator of the designated facility with one copy each for their records, another copy to be returned to the generator by the facility, and the required copies to be returned to the Commissioner or to the Hazardous Waste Manifest Program, pursuant to parts 7045.0265; 7045.0474, subp2, item D; and 7045.0580, subp 2, item D, and any addition copies required by the generator's or designated facility's state, if other than Minnesota. Copies sent to the Commissioner shall be sent to : Minnesota Pollution Control Agency, Hazardous Waste Division, 520 Lafayette Road, Saint Paul, Minnesota 55155, Attention: HWIMS. Copies to be returned to the Hazardous Waste Manifest Program shall be sent to an address so designed by the Department.
- R. Minnesota Rules pt 7045.0265 subpart 1 D is amended to read as follows: "D. send one copy to the Commissioner within five working days of the initial transporter's acceptance of the hazardous waste shipment if the generator is a large quantity or small quantity generator. Send one copy to the Hazardous Waste Manifest Program if the generator is a very small quantity generator."
- S. Minnesota Rules pt 7045.0265 subpart 2 B is amended to read as follows: "B. send one copy to the Commissioner within five working days of the initial transporter's acceptance of the hazardous waste shipment if the generator is a large quantity or small quantity generator. Send one copy to the Hazardous Waste Manifest Program if the generator is a very small quantity generator."
- T. Minnesota Rules pt 7045.0265 subpart 3 B is amended to read as follows: "B. send one copy to the Commissioner within five working days of the initial transporter's acceptance of the hazardous waste shipment if the generator is a large quantity or small quantity generator. Send one copy to the Hazardous Waste Manifest Program if the generator is a very small quantity generator."
- U. Minnesota Rules pt 7045.0265 subpart 4 A is amended to read as follows: "A. the copy of the hazardous waste manifest signed by the facility operator is sent to the Commissioner within 40 days of the acceptance of the hazardous waste by the hazardous waste facility if the generator is a large quantity or small quantity generator. The copy of the hazardous waste manifest signed by the facility operator is sent to the Hazardous Waste Manifest Program within 40 days of the acceptance of the hazardous waste by the hazardous waste facility if the generator is a very small quantity generator; and"
- V. In Minnesota Rules pts. 7045.0292 subparts 1, 5, 6, and 8, the phrase "without a permit" is amended to read " without a facility license or permit" The word "permit" in these references remains unchanged.
- W. Minnesota Rules pt 7045.0302 subpart 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:" The remainder of this Part remains unchanged.

- X. Minnesota Rules pt. 7045.0460 subpart 1.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."

- Y. The term "in Chapter 7001" is deleted wherever it appears.
- Z. The phrase "under chapter 7046" is deleted wherever it appears.

3.03 Standards for the Management of Special Hazardous Waste.

- A. Special Hazardous Wastes that are managed in compliance with the management requirements specified in this ordinance are not subject to the hazardous waste management requirements in Minnesota Rules pts. 7045.0205 to 7045.0990 and pts. 7045.1300 to 7045.1380, except for those provisions specified by reference in this ordinance. Special Hazardous Wastes that are not managed in compliance with the requirements specified in this ordinance must be managed in accordance with all applicable hazardous waste management requirements in Minnesota Rules pts. 7045.0205 to 7045.0990 and pts. 7045.1300 to 7045.1380.
- B. Applicability. The provisions of this section apply to all Generators, Collectors, Processors or Recyclers of Special Hazardous Waste. A person who collects Special Hazardous Waste from business or households must manage the waste in accordance with the requirements for Collectors or Processing/Storage Facilities, as applicable.
- C. Definitions:
 - 1. "Collector" means any facility, or part thereof, that receives or collects Special Hazardous Waste and where no disassembly or processing of Special Hazardous Waste occurs.
 - 2. "Processing/Storage Facility" means any site where Special Hazardous Waste is disassembled/processed for recycling or disposal, or a Collector that exceeds their time or quantity limits.
- D. License Required. A Special Hazardous Waste Processing/Storage Facility license is required, except for Generators and Collectors that have completed a notification form.
- E. Accumulation Time and Quantity Limits.
 - 1. Generator. A Generator may accumulate up to 10,000 pounds of Special Hazardous Waste for one year. A Generator may accumulate over 10,000 pounds of Special Hazardous Waste for longer than one year if such activity is solely for the purpose of accumulation of such quantities of waste as necessary to facilitate proper recovery, treatment, or disposal. However, the Generator bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of Special Hazardous Waste as necessary to facilitate proper recovery, treatment, or disposal. A Generator of Special Hazardous Waste who accumulates Special Hazardous Waste must be able to demonstrate the length of time that the Special Hazardous Waste has been accumulated from the date it becomes a waste. The Generator may make this demonstration by:
 - a) Placing the Special Hazardous Waste in a container and marking or labeling the container with the earliest date that any Special Hazardous Waste in the container became a waste;
 - b) Marking or labeling each individual Special Hazardous Waste with the date it became a waste;
 - c) Maintaining an inventory system on-site that identifies the date each Special Hazardous Waste became a waste;

- d) Maintaining an inventory system on-site that identifies the earliest date that any Special Hazardous Waste in a group of Special Hazardous Waste or a group of containers of Special Hazardous Waste became a waste;
 - e) Placing the Special Hazardous Waste in a specific accumulation area and identifying the earliest date that any Special Hazardous Waste in the area became a waste; or
 - f) Any other method which clearly demonstrates the length of time that the Special Hazardous Waste have been accumulated from the date it becomes a waste.
2. Collectors. A Collector may store up to 40,000 pounds of Special Hazardous Waste for up to one year. Upon reaching 40,000 pounds or one year, whichever is reached first, all Special Hazardous Waste must be shipped within ten days. A Collector may store less than 40,000 pounds of Special Hazardous Waste for greater than one year if such activity is solely for the purpose of accumulation of such quantities of waste as necessary to facilitate proper recovery, treatment, or disposal. However, the Collector bears the burden of proving that such activity is solely for the purpose of accumulation of such quantities of Special Hazardous Waste as necessary to facilitate proper recovery, treatment, or disposal. A Collector of Special Hazardous Waste who accumulates Special Hazardous Waste must be able to demonstrate the length of time that the Special Hazardous Waste has been accumulated from the date it becomes a waste. The Collector may make this demonstration by:
- a) Placing the Special Hazardous Waste in a container and marking or labeling the container with the earliest date that any Special Hazardous Waste in the container became a waste;
 - b) Marking or labeling each individual Special Hazardous Waste with the date it became a waste;
 - c) Maintaining an inventory system on-site that identifies the date each Special Hazardous Waste became a waste;
 - d) Maintaining an inventory system on-site that identifies the earliest date that any Special Hazardous Waste in a group of Special Hazardous Waste or a group of containers of Special Hazardous Waste became a waste;
 - e) Placing the Special Hazardous Waste in a specific accumulation area and identifying the earliest date that any Special Hazardous Waste in the area became a waste; or
 - f) Any other method which clearly demonstrates the length of time that the Special Hazardous Waste have been accumulated from the date it becomes a waste.
3. Collectors that exceed the time or weight limit must apply for a Processing/Storage Facility license.
4. Processing/Storage Facility. A Processing/Storage Facility must not collect Special Hazardous Waste in a manner that is considered speculative accumulation, as defined in Minnesota Rules 7045.0020.
- F. Accumulation/Storage. All Special Hazardous Waste shall be stored in containers or in a manner that:
- 1. prevents damage to or breakage of Special Hazardous Waste during normal handling conditions;
 - 2. are compatible with the waste being stored in the container;

3. will not leak or break open during normal handling conditions;
 4. protects Handlers and all other persons from physical injury caused by contact with Special Hazardous Waste; and
 5. prevent releases of Special Hazardous Waste, including components or residues of Special Hazardous Waste.
- G. Accumulation/Storage Areas. All Special Hazardous Waste accumulation and storage areas must comply with the following:
1. Storage of Special Hazardous Waste indoors or outdoors must be on a surface impermeable to the Special Hazardous Waste.
 2. Outdoor storage areas must prevent release to soil or water.
 3. Storage areas for Special Hazardous Wastes must have protection from damage including vehicular accidents and vandalism.
 4. Special Hazardous Waste containers must have adequate aisle space to allow unobstructed movement of personnel and equipment in an emergency.
- H. Labeling of containers. All containers of Special Hazardous Waste shall be labeled with, as applicable:
1. the words "used" or "waste" followed by a brief description of the waste in the container.; or
 2. a brief description of the waste in the container followed by the words "for recycling."
- I. Response to releases or detection of inadequate container. Any Generator, Collector, or Processing/Storage Facility shall conduct the activities set out in (1) to (4) below upon detection of storage that no longer meets the standards in item F. above or upon a release of a Special Hazardous Waste, including components or residues of a Special Hazardous Waste
1. Shall immediately stop and contain any release of a Special Hazardous Waste, including all components or residues of a Special Hazardous Waste.
 2. If a container storing a Special Hazardous Waste begins to leak or does not otherwise meet the container standards in item F., the Generator shall transfer all waste remaining in the leaking or inadequate container to a container that meets the requirements of item F. above.
 3. Prior to returning to service any leaking or otherwise damaged container, the Generator shall repair the container so that it meets the container standards of item F. above.
 4. If a release may cause pollution of the environment, a Generator shall immediately notify the Minnesota Duty Officer by calling (651) 649-5451.
- J. Treatment.
1. A Generator is prohibited from conducting any treatment of Special Hazardous Waste, except for activities associated with:
 - a) responding to a release as set out in item I above;

- b) transferring a type of Special Hazardous Waste from one storage container into another storage container containing the same type of Special Hazardous Waste;
 - c) shredding or cutting up circuit boards, hard drives, or photographic film/negatives.
2. A Collector is prohibited from conducting any treatment of Special Hazardous Waste except for the activities associated with:
- a) responding to a release as set out in item I above;
 - b) transferring a type of special hazardous waste from one storage container into another storage container containing the same type of special hazardous waste
- K. Transportation. All Special Hazardous Waste must be shipped to a Collector, a licensed Processing/Storage Facility, a Recycler, or a Permitted Hazardous Waste Facility. Shipments must be accompanied by a shipping paper, bill of lading, or manifest. The shipping documents must include the name of shipper, the date of shipment, the amount of waste, and the destination facility's name, address and phone number.
- L. Training. A Processing/Storage Facility must document that all employees that handle Special Hazardous Waste are familiar with the management requirements for Special Hazardous Waste. Documentation is not required for Generators or Collectors.
- M. Recordkeeping. All shipping papers for the receipt and shipment of Special Hazardous Waste, and employee training records, if applicable, must be kept available onsite for a minimum of three years.
- N. Financial Assurance. A Processing/Storage Facility must establish and maintain financial assurance that is acceptable to the County as specified in Section 4.10 of this Ordinance.

3.04 Standards for the Management of Universal Waste.

- A. Generators and facilities utilizing the Universal Waste exemption must manage their waste in accordance with Minnesota Rules pts. 7045.1400 and this ordinance.
- B. 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. pt. 7045.1400, shall mean the following:
 - 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. A generator of Universal Waste must keep a record of each shipment of Universal Waste. Each record shall be maintained on site for a period of three years from the date the shipment was initiated by the generator. The record may take the form of a log, invoice, manifest, bill of lading or other shipping document. The record for each shipment of Universal Waste sent must include the following information:
 - 1. The name, address and telephone number of the destination to which the Universal Waste was sent;

2. The type and quantity of each Universal Waste sent (e.g., batteries, pesticides, thermostats); and
 3. The date the shipment of Universal Waste left the generator site.
- E. Additional Standards for mercury containing devices. Mercury containing devices must be stored in a container. The container must be closed, 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 other means.

3.05 Standards for Appliance Processors.

- A. Appliance Processors must manage their waste in accordance with all applicable federal, state, and local rules and regulations.
- B. Appliance Processors shall ensure that all capacitors and /or light ballasts that may contain polychlorinated biphenyls (PCBs) are removed and managed as a hazardous waste.
- C. Appliance Processors shall remove and reclaim, destroy, or properly dispose of chlorofluorocarbon (CFC) or hydrochlorofluorocarbon (HCFC), which are commonly referred to by the trade name "Freon", refrigerants. In order to perform the activities in 3.05 C., the Appliance Processor shall comply with the following:
 1. shall comply with the self-certification requirements and technician certification requirements of state and/or federal rules and regulations
 2. shall provide proof of such certifications if requested by the County.
 3. shall obtain a signed statement from the final disposal facility, to include, but not limited to scrap recyclers, verifying that all refrigerants have been removed pursuant to 40 CFR part 82.156.
 4. shall maintain said statements on-site and provide to the County for inspection upon request.
- D. Appliance Processors shall remove and properly manage any hazardous solutions or vapors contained in gas air conditioners and/or gas refrigerators as hazardous waste.
- E. Appliance Processors shall remove and properly manage switches, relays, temperature devices, lamps, and other components containing mercury.
- F. After complying with Section 3.05 A. through E., the appliances will be considered scrap metal as defined by Minnesota Rules 7045.0020, subpart 79a. Appliance Processors shall recycle or reuse the scrap metal.
- G. Appliance Processors shall be licensed as hazardous waste generators.

3.06 Standards for Demolition Sites and Wastes from Demolition Sites.

- A. These standards apply to any site where demolition debris is being generated, removed, transferred, processed, treated, recycled, or stored prior to disposal.
- B. All Hazardous Building Components and other Hazardous Wastes, Universal Wastes, and Special Hazardous Wastes must be removed prior to demolition. If Hazardous Building Components and other Hazardous Wastes, Universal Wastes, or Special Hazardous Wastes cannot be removed, except during the demolition, that information must be included in the Agency's "Notification of Intent to Perform a Demolition Form". A copy of the Notification of Intent to Perform a Demolition Form

shall be provided to the Department prior to the start of any demolition. If Hazardous Building Components and other Hazardous Wastes, Universal Wastes, or Special Hazardous Wastes are found during demolition, those items must be handled according to the provisions of this section; however, no additional Notification of Intent to Perform a Demolition form is necessary. All solid waste, to include hazardous wastes, universal wastes, and special hazardous wastes, must be sent to a disposal site that has been approved for the particular type of solid waste.

- C. The Hazardous Building Components and other Hazardous Wastes, Universal Wastes, or Special Hazardous Wastes at a demolition site may be removed by the building owner or its contractors or by a special waste contractor unless otherwise specified in state or federal legislation and rules such as those that pertain to asbestos removal. When Hazardous Building Components and other Hazardous Wastes, Universal Wastes, or Special Hazardous Wastes are removed, the person or persons specified in the contract referenced in item D. below as responsible for the proper management of the Hazardous Building Components and other Hazardous Wastes, Universal Wastes, and Special Hazardous Wastes is designated as the generator. Otherwise the building owner and/or manager is designated as the generator.
- D. Contracts for demolition must specify who has the responsibility for the proper management including the identification, sampling, testing, management, removal, disposal, and recycling of Hazardous Building Components and other Hazardous Wastes, Universal Wastes, and Special Hazardous Wastes. The building owner and/or manager shall provide a copy of said contracts to the Department, if so requested.
- E. No generator license or facility license is required in cases where the Hazardous Building Components and other Hazardous Wastes, Universal Wastes, and Special Hazardous Wastes are managed in conformance with the requirements of this ordinance. When shipped, the Hazardous Building Components and other Hazardous Wastes, Universal Wastes, and Special Hazardous Wastes must be transported directly from the demolition site to an authorized treatment, disposal, transfer, storage, or recycling facility. The building owner and/or manager shall maintain copies of all Hazardous Building Components and other Hazardous Wastes, Universal Wastes, and Special Hazardous Wastes management records including manifests, shipping papers, invoices, receipts, or bills of lading for a period of three (3) years following the completion of the demolition project and make said records available to the Department, if so requested.
- F. Processing, treatment, or disposal of Hazardous Building Components and other Hazardous Wastes, Universal Wastes, or Special Hazardous Wastes at the demolition site is prohibited unless the Department has granted approval for said activity.

3.07 Standards for Discharged Wastes.

- A. Sewered Wastes or Wastes Discharged to Waters of the State. Generators utilizing any sewer system or waters of the state for the disposal of hazardous wastes, or the disposal of residuals of hazardous waste after treatment, shall comply with all federal, state, and local laws, including requirements of this ordinance. 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 hazardous waste or residuals of a hazardous waste after treatment. These records shall be maintained on-site for a period of three (3) years from the report date and be easily available for inspection by the Department.
- B. Prohibited Discharge. Disposal of hazardous waste or industrial waste into Class V Injection Wells, as defined by 40 CFR 140.6, including septic tanks and dry wells, is prohibited.

4.00 LICENSING

4.01 License Required.

- A. Generator License. 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 wastes regulated by this ordinance except at an individual generation site for which the Department has granted a hazardous waste generator license.
- B. Facility License. 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 wastes regulated by this ordinance except at a site or facility for which the Department has granted a hazardous waste facility license.

4.02 License on Premises. The generator or facility shall post the license in a public area of the business. If there is not a public location at the site available to post the license, the license shall be maintained on-site and presented for viewing on request.

4.03 Licensing Not Exclusive. The obtaining of a hazardous waste 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 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. Fees for renewal of licenses are due thirty (30) days prior to the expiration of the current license. As used above, fees may include county license fee, MPCA statewide program fee, application fee, and penalties for late renewal, and any such other fees as outlined in Section 6.04.
- D. Fees for license renewal shall be based on the past year's rate of generation of hazardous waste, or an alternative fee structure as approved by the County Board. 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.

4.05 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 hazardous waste facilities shall be from July 1 to June 30 and the license year for hazardous waste generators shall be from May 1 to April 30.

4.06 License Application.

- A. Applications for 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 Minnesota 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 commencement of operation, 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 fee, if received later than as set forth in Minnesota Rules pt 7045.0243, subp 3., item G. The date of receipt is the postmark date if mailed or the Department date of receipt if hand delivered.
- C. Unless interim operating approval has been granted under Section 4.10, item D., applicants for a facility license shall not commence any construction or operation until the license application has been approved by the Department, 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 Department.

4.07 Incomplete or Non-Conforming Application.

- A. Generator, including Self-Audit Generators. If an application for a generator 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, except for Self-Audit Generators. 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.
- C. Self-Audit Generators. Self-Audit Generator applications for license renewal shall be received by the Department no later than November 15. 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 Self-Audit Generator 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, including Self-Audit Generators. Failure by the Department to act on an initial generator 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. The request for a hearing shall be done in accordance with Section VII HEARINGS of the Ramsey County Administrative Ordinance. Failure to act shall be construed as denial without prejudice.
- B. Facility. Except as provided in Section 4.11, item D., failure by the 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. The request for a hearing shall be done in accordance with Section VII HEARINGS of the Ramsey County Administrative Ordinance. Failure to act shall be construed as denial without prejudice.

4.10 Generators, including Self-Audit Generators.

- 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: elementary neutralization for pH adjustment; pretreatment prior to sewerage; recovery of reusable solvents by distillation; combustion with fuel for energy recovery of D001 wastes; thermal treatment of aqueous wastes to reduce volume; and/or any other specific treatment activities allowed in Minnesota Rules pts. 7045.0450, subp. 3, item K; 7045.0652; and 7045.0855, subp. 3.

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 Minnesota Rules 7045.0558; 7045.0562, subps 1 and 2; and 7045.0566 through 7045.0576 or may impose license conditions as may be deemed necessary to monitor the treatment operation to ensure the health, safety, and well-being of the public and the environment.

- B. Sewered Wastes. Generators utilizing the sanitary sewer system for the disposal of hazardous wastes, or the disposal of residuals of hazardous waste after treatment, 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 any 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 of sewered waste who are subject to Minnesota Rules pt 7045.0305 must comply with the requirements of Minnesota Rules pts. 7045.0558; 7045.0562, subps. 1 and 2; and 7045.0566 through 7045.0576 and with such license conditions as may be deemed necessary by the Department to monitor the treatment operation and ensure the health, safety, and well-being of the public and the environment.

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

- A. Bonds or Letters of Credit. Unless otherwise approved by the Risk Manager, 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 or irrevocable letter of credit in an amount and form to be set by the Risk Manager. The amount of the bond or letter of credit shall be calculated to include the following factors: estimated cost, submitted by the applicant and approved

by the Department, for an independent third party contractor to dispose of the maximum inventory of hazardous wastes that will be on site at any one time, and to decontaminate the facility and all equipment in the facility, or to dispose of any equipment that cannot be decontaminated, 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 shall be that if the principal fails to obey any of the requirements or do 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, and the Department determines that chemical analysis or testing and/or remediation are required to restore the site or facility to the condition and requirements as provided by the Ordinance, notice, order or license, the principal and the sureties on its bond shall pay for any and all expenses required for chemical testing and 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, 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 his license to operate and the Ordinance of the County. In lieu of the above, for facilities permitted or granted interim status by the agency, or otherwise required by the Agency to establish financial assurance for closure or corrective action, the license applicant shall submit, in a form acceptable to the Risk Manager, satisfactory evidence of compliance with the agency's financial assurance requirements.

- B. Insurance. Unless otherwise provided by the Risk Manager, 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 Minnesota 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. Unless otherwise provided by the Risk Manager, issuance of a license to a transfer, recycling or any other hazardous waste facility which is not required by the Agency to meet the liability requirements of Minnesota Rules pts. 7045.0518 or 7045.0620, pursuant to the provisions of this ordinance, shall be contingent upon the applicant furnishing to the Department a certificate of insurance showing that the applicant maintains the following minimum coverage:
1. A commercial general liability insurance policy covering all premises and operations 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. Environmental impairment liability coverage including remediation, clean-up and legal liability for \$1 million per occurrence;
 3. An automobile liability insurance policy covering owned, non-owned and hired autos, if applicable, with limits of \$1,000,000 per accident for death or bodily injury and/or damages to any one person, \$1,000,000 for total bodily injuries and/or damages arising from any one accident and with limits of not less than \$1,000,000 per accident for property damage;
 4. Workers compensation and employer's liability coverage at the limits of \$500/500/500,000.

The Department shall be notified thirty (30) days prior to the effective date of cancellation or change of insurance. The Department shall be named as a Certificate Holder for these coverages. Upon request of the Risk Manager, a copy of the requested insurance policies shall be submitted to the Department.

- 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.

D. Interim Operating Approval. In order to operate a hazardous waste site or facility prior to licensing, a person must obtain interim operating approval from the Department. Interim operating approval shall require said person to operate the hazardous waste site or facility in conformance with this Ordinance and Minnesota Rules pts. 7045.0552 through 7045.0606 and 7045.0626 through 7045.0642 if operating as a treatment, storage or disposal facility, or in conformance with Minnesota Rules pt 7045.0125 if operating as a recycling facility. The Department may impose additional conditions deemed necessary to monitor the operation and to ensure public health and safety and will require compliance with the insurance requirements specified in Section 4.10, item B. The requirements under interim operating approval shall remain in force until the Department acts to grant or to deny the license application. If the Department finds that the hazardous waste site or facility is not being operated in compliance with the requirements of interim operating approval, such approval may be terminated. Any person operating in full compliance with this paragraph shall be considered to be in compliance with Section 4.01 until the Department acts to grant or deny the license application. Any person who, on an interim basis, within compliance with this section, owns or operates a hazardous waste transfer, storage, disposal, resource recover, treatment or other handling or processing site or facility shall apply for a hazardous waste facility license within one hundred twenty (120) days of commencement of operation.

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 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, 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 hazardous waste is no longer generated. Removal of the waste from the site must be accomplished in full compliance with this Ordinance and Minnesota Rules Chapter 7045. Materials remaining on the site of a terminated operation shall be considered waste materials. The continued storage of hazardous waste on the site of a terminated operation shall be done 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, universal waste, special hazardous waste, materials contaminated with same, or hazardous materials have been abandoned must remove all hazardous materials, waste, and contamination within a timeframe established by the Department. Removal shall be accomplished in full compliance with this Ordinance and Minnesota Rules Chapter 7045. Continued storage of these wastes on the property 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 an Assessment. If a person fails to comply with the provisions of this Ordinance, the County may recover cost incurred for corrective action in a civil action in any court of competent jurisdiction or, 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 Minnesota Statute 145A.08.

- 6.04 Late Application Penalties. The penalty for late initial application, which shall be assessed in addition to the license fee, shall consist of a sum equal to the license fee for the then current license period. The penalty for late renewals 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 new license applications.
- 6.05 Citations. Citations may be issued by the Department pursuant to Section VI of the Administrative Ordinance.
- 6.06 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 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 Variances. The Department may waive or modify the strict application of the provisions of the 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. Requests for variances shall be made in accordance with Section IV LICENSING PROCEDURES Subsection 11. Variances of the 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.
- 7.02 Agency Approval. No modification or waiver may be granted if it would result in noncompliance with Minnesota Rule Chapter 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 INSPECTIONS

- 8.01 Standards. Inspections shall be conducted in accordance with Section 5.00 INSPECTION of the Ramsey County Administrative Ordinance.

9.00 ADDITIONAL REQUIREMENTS

- 9.01 Additional Requirements Authorized. For purposes of protecting and providing for the health, safety and welfare of the public and the environment, the Department may impose additional requirements consistent with the intent of this ordinance in order to regulate the generation of hazardous waste and the operation of hazardous waste sites or facilities.

10.00 SEPARABILITY

- 10.01 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:

- A. 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.
- B. If any court of competent jurisdiction shall adjudge the application of any provision of this ordinance to a particular structure, site, facility or operation, to be invalid such judgment shall not affect the application of said provision to any other structure, site, facility, or operation not specifically included in said judgment.

11.00 PROVISIONS ARE ACCUMULATIVE

11.01 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.

12.00 NO CONSENT

12.01 Nothing contained in this ordinance shall be deemed to be consent, license, or permit to locate, construct, operate, or maintain any hazardous waste site, facility, or operation, or to carry on any activity.

13.00 EFFECTIVE DATE

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

14.00 RESOLUTION

FURTHER RESOLVED, That the foregoing Ramsey County Hazardous Waste Management Ordinance supercedes the original Ramsey County Hazardous Waste Management Ordinance passed by the County Board on March 24, 1980 (Resolution #80-302) and subsequent amendments passed by the County Board on April 18, 1983 (Resolution #83-267), December 17, 1984 (Resolution #84-915), June 24, 1985 (Resolution #85-414), March 17, 1986 (Resolution #86-156), April 27, 1987 (Resolution #87-246), May 12, 1992 (Resolution #92-330) and May 6, 1997 (Resolution #97-174).

Adopted by the Board of Ramsey County Commissioners this 19th day of February 2008, by Resolution #2008-082.

Bonnie Jackelen
Chief Clerk, Ramsey County Board