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## 6.0 Enforcement

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### 6.1 ORDINANCE REVIEW

#### 6.1.1 Solid Waste Ordinance No. 10

Olmsted County Solid Waste Ordinance No. 10 (Attachment F) was established to benefit, protect and ensure the public health, safety and welfare of its residents through sound management of solid waste generated in and existing within the county. Minnesota Statutes and Rules grant the County the authority to provide for, establish, conduct and regulate Solid Waste management programs and services that protect the water, air and land resources of the county, thereby promoting the public health, safety and welfare of its residents. It is the County's intent to remove and abate actual or potential threats to public health such as Public Health Nuisances, sources of filth or causes of sickness found on any property.

Pursuant to Minnesota Statutes Olmsted County's Solid Waste management practices constitute the State hierarchy, in order of preference: waste reduction and reuse, waste recycling, composting of yard and food waste, resource recovery through Mixed Municipal Solid Waste composting or incineration, and land disposal. The County wishes to insure the full and public participation of its residents in the solid waste management practices with the goals of landfill abatement, coordination of waste management, and energy recovery. One aspect of Olmsted County's management role shall be to provide information and education to obtain compliance with the Ordinance.

The current Solid Waste Ordinance #10 requires that residential generators ensure the segregation and delivery of recyclable materials to a recycling center either by self-hauling or by contract with a licensed hauler. Commercial site owners/or managers must provide a central collection location for recyclable materials generated on its premises and assure delivery to a recycling center.

Haulers are also required by this ordinance to offer volume or weight-based fees for MSW collection as an incentive to reduce MSW production. (5.03, subs. 1), and same-day curbside collection of recyclable materials is also required for those who wish to contract for such services. (5.03, Subs. 2)

The Ordinance regulates the exclusion of 5 categories of recyclables from the solid waste stream (glass bottles and jars, aluminum cans, cardboard, newspaper and for businesses, it also includes office paper). The purpose of the ordinance is to abate the need for landfill disposal of MSW bypassed from the OWEF, improve the efficiency of

the OWEF, recover and reuse recyclable materials, and to meet the recycling requirements mandated by the State.

Authority of this ordinance is based on MN Statutes 400.16, 115A.931 and 115A.94, together with the general authority of counties to enact measures to implement the legislative policies of MN with respect to solid waste management. Recyclables collection in the County is primarily the responsibility of the private sector. Solid Waste Ordinance #10 contains regulations specifying the following items:

- Solid waste collection must occur in designated sections on specified days.
- Curbside recycling collection must be offered on the same day as solid waste collection.
- Every hauler must set collection fees on a volume or weight basis to provide the financial incentive for the waste generator to reduce their quantity of MSW generated.
- Recyclable material is prohibited from the MSW stream.
- Solid waste haulers are required to obtain licenses.

### **6.1.2 Environmental Services Administrative Ordinance**

This ordinance establishes procedures for administering Olmsted County Environmental Ordinances including but not limited to:

- 1) Water well construction, sealing and water supply,
- 2) Individual sewage treatment systems,
- 3) Land application or other treatment or disposal of septage, sewage, sludge or the contents of holding tanks.
- 4) Solid waste,
- 5) Recreational pools,
- 6) Children's camps,
- 7) Campgrounds,
- 8) Manufactured home parks,
- 9) Public lodging,
- 10) Public food and beverage services,
- 11) Public nuisances, and
- 12) Rabies.

It also establishes procedures for administering Minnesota laws covered by delegation agreements where separate procedures are not established by such agreements and where these procedures are consistent with state law.

### **6.2 Waste Assurance**

Olmsted County funds a variety of solid waste programs including waste reduction efforts such as recycling, separation and recovery of material and energy from waste, hazardous waste programs, yard waste composting, and landfilling activities. In order to continue the development and improvement of these programs, the County relies on

the tipping fees collected at the disposal facilities. Therefore, waste assurance, which guarantees their revenue source, is an important priority for Olmsted County.

The County implemented a system of voluntary hauler contracts to allow for independent hauling for a period of 10 years, thereby retaining customer's ability to select independent haulers while protecting the public investment in the system. These contracts direct MSW to the County's integrated solid waste management system until 2022.

In January of 2011, the Olmsted County Board approved a Solid Waste Designation Plan. In June 2011, the Plan was approved by the Minnesota Pollution Control Agency. Olmsted County intends to implement a Designation Ordinance in accordance with Minnesota Statute 115A.80 through 115A.89. The ordinance will require that all acceptable waste generated in Olmsted County be disposed of at Olmsted County owned facilities. Designation will be the strategy used in the event of default or other circumstances in which the Acceptable Waste Delivery Agreements no longer exist.

### **6.3 Enforcement**

The Olmsted County Solid Waste enforcement system was implemented to reduce the environmental risks associated with facility management, environmental liability and illegal disposal of solid waste including farm disposal of Solid Waste.

Specific descriptions regarding violations, practices, and enforcement are included in the ordinances. Solid Waste Ordinance #10 provides specific language relating to recycling and yard waste materials.

Problems with solid waste ordinance compliance are related to generator knowledge and the will to comply with the ordinance. Since the majority of interaction with generators is provided by the haulers, direct influence to the generator at the point of collection is limited. Olmsted County provides educational outreach as a supplement to punitive enforcement.

Enforcement of Solid Waste Ordinance #10 is handled by the Olmsted/Rochester Consolidated Planning Department. A telephone number (507- 328-7100) for the public to call regarding solid waste complaints is provided on the Olmsted County web site. If calls come into the Environmental Resources Department, they are referred to the Planning Department. The enforcement function involves responding to waste-related complaints. With regard to recycling, it is preferred to educate rather than to take more stringent enforcement action. Haulers can be issued citations and have licenses revoked for failure to meet any of the requirements.

The County allocates one-half full-time equivalent (FTE) of staff time each year (about 1,040 hours) to enforcement. The Rochester-Olmsted Planning Department coordinates

enforcement activity within the City of Rochester with the Rochester Building Safety Department – Housing Division for solid waste violations located within residential properties.

Olmsted County has on staff a Solid Waste External Auditor to enforce the requirements of the Acceptable Waste Delivery Agreements with the Contract Haulers. The costs associated with this position are paid for through the Waste Management Fund utilizing existing fees. The Olmsted County Sheriff's office has applied for a Community Oriented Policing Services (COPS) grant to fund an Environmental Enforcement Officer to assist with the enforcement of environmental regulations.