

MANDATORY RECYCLING ORDINANCE
SOLID WASTE ORDINANCE NO 4.

An ordinance regulating the exclusion of recyclable materials from the general solid waste stream; requiring that mixed municipal solid waste (MMSW) collection fees be on a volume or weight basis, requiring MMSW haulers to provide collection of recyclable materials to their customers, and requiring that haulers engaging in the business of recyclables collection obtain county licensure.

WHEREAS Dodge County has an integrated solid waste management system which emphasizes waste reduction and recycling as integral system components in conjunction with composting, proper disposal of household hazardous waste, and incineration and land filling of solid waste, and

WHEREAS, it is the decision of the County to reduce the volume of mixed municipal solid waste requiring disposal, and

WHEREAS, there exists a clear and present need in Dodge County to exclude recyclable materials from the solid waste stream.

NOW THEREFORE, the County Board of Dodge County, Minnesota does ordain:

SECTION 1. PURPOSE

The Dodge County Board has determined that this regulation be adopted to encourage the recovery and reuse of recyclable materials to:

- 1.1 Abate the need for disposal of mixed municipal solid waste.
- 1.2 Improve the efficiency of the Olmsted Waste to Energy Facility.
- 1.3 Provide for the recovery and reuse of recyclable materials in order to save and conserve scarce natural resources.
- 1.4 Implement the intent of the 1991 Dodge County solid waste plan update.

SECTION 2. AUTHORITY

- 2.01 Authority for this Ordinance is based on Minnesota Statute 400.16, and 115A.94 together with the general authority of counties to enact measures to implement the legislative policies of Minnesota with respect to solid waste management.

SECTION 3. DEFINITIONS

When used in this regulation, the following terms shall have the meanings given to them:

- 3.01 "Business Site" means a commercial, industrial, or governmental establishment that is operating in accordance with the laws of the State.
- 3.02 "Business-site Collection" means the collection of mixed municipal solid waste or recyclable materials located at the business site generating the mixed municipal solid waste.
- 3.03 "County" means Dodge County, Minnesota.
- 3.04 "Curbside Collection" means a mixed municipal solid waste or recyclable materials collection system whereby the waste generator sets waste containers adjacent to a roadway for collection by a hauler.
- 3.05 "Director" means the Dodge County Environmental Quality Director.
- 3.06 "Drop-off Box" means those boxes, sheds or containers placed at various activity centers in the county and designated as facilities where the public may deposit and contribute recyclable materials.
- 3.07 "End Market" means any manufacturer or recycling center which accepts recyclable materials to use as feedstock in a manufacturing process. This process should not destroy the material(s) in a manner precluding further use, such as incinerating, composting or land filling.
- 3.08 "Hauler" means a commercial collector or transporter of mixed municipal solid waste and/or recyclable materials licensed under Dodge County Solid Waste Ordinances.
- 3.09 "Intermediate Market" means any transfer station, broker, or intermediate processor that accepts recyclable materials for consolidation, transfer, or the contribution of value added, with the intention that it be accepted by an end market, at that point or later in the recycling process, for use as feedstock in a manufacturing process.
- 3.10 "Mixed Municipal Solid Waste (ma)" means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, used oil and other materials collected, processed and disposed of as a separate waste stream.
- 3.11 "Municipality" means a city, village, borough, county, town, sanitary district, school district, or other governmental subdivision or public corporation, or agency created by the legislature.
- 3.12 "Person" means any individual, corporation, partnership, joint venture,

association, trust, unincorporated association, or government or any agency or political subdivision thereof, including, without limitation, landfill operators, solid waste generators and haulers in the County.

- 3.13 "Recyclable Materials" means materials generated and collected at residences and businesses including but not limited to newsprint, office paper, paper junk mail, boxboard, glass containers, aluminum containers plastic bottles, tin/steel cans, corrugated cardboard or other materials designated for separate collection by the County Board of Commissioners. As determined by the Director, this material(s) will no longer be considered marketable when said material(s) is no longer purchased or accepted at any intermediate or end market that normally purchases or accepts recyclable materials. At this point in time, the Director will determine the cost and time of final disposal of the materials. When this material(s) is no longer considered marketable, the material(s) will be collected and transported to a solid waste management facility as defined and directed in Dodge County Solid Waste Ordinances.
- 3.14 "Recycling" means the process by which materials otherwise land filled or incinerated are reused or used in the manufacturing of new products.
- 3.15 "Recycling Center" means either the county operated facility for receiving, processing and marketing recyclable materials or a privately operated facility performing the same functions.
- 3.16 "Recyclable Materials Market" means an establishment or business, public or private, that purchases or accepts recyclable materials that are source separated from the mixed municipal waste stream, and that establishment or business reuses these materials in their present form or converts them into raw materials from which new products can be manufactured.
- 3.17 "Residence" means any building or unit within a building in municipalities of Dodge County which provide permanent housing for one or more persons.
- 3.18 "Solid Waste Management Facility" means the Dodge County Transfer Station or the Olmsted County Landfill or the Olmsted Waste to Energy Facility.
- 3.19 "State" means the state of Minnesota.

SECTION 4: RESPONSIBILITIES OF THE ENVIRONMENTAL QUALITY DEPARTMENT

- 4.01 The Dodge County Environmental Quality Department shall be responsible for enforcement of this Ordinance, arranging for assistance from other county departments as needed.

- 4.02 The Dodge County Environmental Quality Department shall be responsible for administering, operating and maintaining the county owned recycling center. Recyclable materials accepted at this facility shall be prepared as designated by the Director.
- 4.03 The Dodge County Environmental Quality Department shall undertake a public information program to encourage the collection, processing and marketing of recyclable materials in a manner consistent with Dodge County Solid Waste Ordinances and the County Solid Waste Management Plan Update.
- 4.04 The Dodge County Environmental Quality Department is responsible for providing drop boxes for recyclable materials from residences. The Recycling Center will also accept recyclable materials delivered by haulers business-site operators.

SECTION 5: RESPONSIBILITY OF HAULERS

- 5.01 Every hauler must set MMSW collection fees on a volume or weight basis to provide the waste generator the financial incentive to reduce their quantity of MMSW. Each hauler shall develop and implement a Customer Collection Services Plan which includes volume-based price schedules and available recycling services. This Customer Collection Services Plan shall be reviewed by the Director annually as a part of licensure as provided in Dodge County Solid Waste Ordinances.

The plan shall include a residential volume based fee schedule according to one or more of the following methods:

- a) Baseline collection rate plus additional cost(s) per container(s) with volume of baseline container not to exceed thirty-three (33) gallons.
 - b) Variable container rate based on at least three (3) different volumes, the greatest of these volumes not to exceed ninety gallons.
- 5.02 All recyclable materials, so identified in this Ordinance, and collected and removed from every residence, business or industry shall be transported to a recycling center.
 - 5.03 Every MMSW hauler shall provide twice a month curbside collection of recyclable materials including glass containers, corrugated cardboard, tin cans, aluminum cans, plastic bottles, newsprint, magazines, paper junk mail, and boxboard to their residence and business site customers located within the boundaries of each city in Dodge County. The haulers must provide their customers a written explanation of their recycling services at least once during a calendar year. The explanation must be in writing and submitted directly to the customer. The explanation must include a description on how to prepare the material, and when it will be collected. Recycling services shall be described in a Customer

Collection Services Plan which must be submitted annually with license application. This part of the plan shall include:

1. Number of customers using recycling service, an explanation of how customers are contacted, and why customers may choose not to participate.
 2. Types and tonnages of recyclable materials collected as required by this ordinance, and all other recyclable materials collected by the hauler;
- 5.04 No hauler or any other person can collect recyclable material from residences unless approved by the county or municipalities of the county.
- 5.05 All haulers engaged in the business of collecting recyclable materials, residential or businesses, must obtain county license and comply with county ordinance and other applicable law.
- 5.06 Recyclables which are source separated by a residence or business site and are clearly set-out separately from garbage shall not be loaded by the hauler in a manner which mixes the recyclables with the garbage unless those recyclables are later removed by the hauler for recycling and disposal of recyclables is avoided.

SECTION 6; RESPONSIBILITY OF RESIDENTS. BUSINESSES. AND INDUSTRY

- 6.01 No newsprint, magazines, paper junk mail, boxboard, corrugated cardboard, glass containers, aluminum containers, plastic bottles, tin/steel cans and office paper generated at a residence or business-site, shall be deposited in any residential or business-site solid waste containers that contain MMSW to be disposed of at Solid Waste Management Facilities as defined in Section 3.18 of this Ordinance.

SECTION 7: RESPONSIBILITY OF RECYCLING OPERATORS

- 7.01 Recycling centers must obtain, as required by state law (Minnesota Rule 7035.2845 as amended from time to time), an operating-by-rule permit from the Minnesota Pollution Control Agency (MPCA).
- 7.02 Recycling centers must obtain a county license and operate in accordance with provisions outlined in Dodge County Ordinances and state statutes.

SECTION 8: ENFORCEMENT

Subsection 1. 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.

Subsection 2. 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 application for injunctive relief, loss of licensure action to compel performance or other appropriate action to prevent, restrain, correct or abate such violations or threatened violations.

SECTION 9: SEVERABILITY

9.01 The provisions of this Ordinance are severable. Should any action, paragraph, sentence, clause, phrase or portion of the regulation be declared invalid for any reason, the remainder of this regulation shall not be affected.

SECTION 10: EFFECTIVE DATE

10.01 This regulation shall be in full force and effect on February 1, 1996 after adoption and publication pursuant to law.

Dated this _ 19th day of December , 1995.

DODGE COUNTY BOARD OF COMMISSIONERS

Don Gray, Chairman

ATTEST:

Curt Kephart; Clerk