

SOLID WASTE MANAGEMENT CODE BUFFALO COUNTY

ORDINANCE NUMBER 07-12-01

The Buffalo County Solid Waste Committee, which is responsible for the monitoring of trash, rubbish and refuse that is normally disposed of by, or collected from residential, commercial, and institutional establishments, and those certain types of industrial, construction, or Supervisors of the County of Buffalo does ordain as follows:

DECLARATION OF POLICY: It is hereby declared to be the purpose of this Code to monitor solid waste as to collection, transport, processing, recovery, and disposal to protect the present and future public safety, health, welfare, economic stability, and the environment of the people of Buffalo County.

DEFINITIONS: For the purpose of this Code the following words and phrase shall have the meaning given herein unless their use in the text of the Code clearly demonstrates a different meaning.

1. Acceptable Waste. All solid waste garbage demolition waste.
2. Unacceptable Wastes. Waste which poses a threat to health or safety or which may cause damage to or materially adversely affect the operation of the facility, including but not limited to: explosive, hospital, pathological and biological waste, hazardous waste, chemicals, or animal remains. Street sweepings, ash from commercial or industrial sources, mining waste sludge, asbestos in identifiable quantities, demolition debris, waste with excess moisture, hazardous refuse of any kind such as cleaning fluids, crank case oils, cutting oils, paints, acids, caustics, poisons, drugs, or other materials that may be identified.
 - a. Any waste defined as hazardous in 40 CFR Section 261.3 (1983) or in any successor regulations, or by EPA or classified as toxic substance or toxic waste or prohibited for incineration by any local, state or federal agency.
 - b. Radioactive waste or materials or hazardous waste regulated under 52 USC Section 6921-6925 and regulations adopted thereunder, or any other federal, state, or local law.
 - c. Hazardous substances as defined in 42 USC 6901 et seq and any regulations promulgated thereunder.
 - d. As defined by receiving facility.
3. Collection. The act of removing solid waste from the central storage point at the source of generation.
4. Commercial Waste. Solid waste generated from stores, offices, and other activities that do not create a product.
5. Contract Community. Buffalo County, Wisconsin, a political subdivision of the State of Wisconsin.
6. Contract Service Area. Defined as the geographical area of Buffalo County, WI (all).
7. Demolition Landfill. An area of a landfill designated for the disposal of demolition wastes.
8. Demolition Waste. Waste material and rubble from construction remodeling, repair, and demolition operations on pavements, buildings, and other structures.
9. Director. The duly qualified and appointed person in charge of the Buffalo County Solid Waste Department which is responsible for the administration of this code.
10. Facility. A resource recovery project constituting the Resource Recovery Facility for the weighing and processing of solid waste into refuse derived fuel.
11. Industrial Waste. The portion of solid waste remaining from the production of goods.
12. Non-Processable Waste. Waste which cannot be processed by the facility due to its physical characteristics or potential harmful effects, including but not limited to: steel banding, baling wire, solvents, tree trunks, logs greater than 6 inches in diameter or 4 feet in length or other overweight or bulky waste, gasoline, kerosene, propane tanks in any size, aerosol cans in quantity, motor vehicles or major parts thereof, tractors, agricultural equipment, marine vessels or similar items, farm or other large machinery, liquid wastes non-burnable construction mixed or separated material, and waste, except for paper products from the following establishments: service stations, auto paint shops, chemical plants, plastic processing plants, and textile plants.
13. Recovered Resources. Materials having useful physical or chemical properties after serving a specific purpose and which therefore can be reused or recycled for the same or other purposes.

14. Recovery. The process of obtaining material or energy resources from solid wastes.
15. Recycling. The process by which recovered resources are transformed into new products in such a manner that the original products lose their identity.
16. Refuse Derived Fuel (RDF). Material, which is produced by the processing of usable waste at the facility, which is intended to be burned as a source of energy.
17. Residential Waste. Discarded materials originating from residences but excluding demolition waste or any other waste specifically regulated separately from residential waste. Also called domestic or household refuse.
18. Resource Recovery. The conversion of solid waste into fuel or energy.
19. Sanitary Landfill. The land area where mixed solid wastes are disposed of under state and/or federal regulatory authority.
20. Solid Waste. Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded or salvageable materials, including solid, liquid, semisolid, or contained gaseous materials resulting from industrial, commercial mining and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Chapter 283 Wis. Stats., or source material as defined in s.254.31(10), Wis Stats., special nuclear material, as defined in s. 254.31(11) Wis Stats., or by-product materials as defined s. 254.31(3) Wis Stats., or any amendments to these sections.
21. Solid Waste Management Plan. A plan, which addresses present and future solid waste management programs within the Buffalo County Solid Waste Disposal System.
22. Tipping Fee. A charge to unload waste material at the facility, sanitary landfill, yard waste site, demolition disposal site, or any other solid waste disposal site.
23. Transport. The movement of solid waste subsequent to collection.
24. Transfer Station. A site at which solid waste is concentrated after collection and before processing or disposal.
25. Yard Waste. Leaves, grass clippings, yard and garden debris, and brush, including clean, woody, vegetative material no greater than 6 inches in diameter, not including stumps, roots or shrubs with intact root balls.
26. Yard Waste Site. An area designated for receipt of some yard waste limited to leaves, grass clippings, and other vegetative matter.

ADMINISTRATION: The Buffalo County Recycling/Solid Waste Department shall be responsible for the administrative management of this code and the rules and regulations.

POWERS AND DUTIES OF THE RECYCLING/SOLID WASTE DEPARTMENT:

1. Solid Waste Management Plan. The Director, in cooperation with any other person(s) as approved by the Buffalo County Solid Waste Committee and with the advice of the Buffalo County Solid Waste Committee, shall review the solid waste management practices affecting Buffalo County and its disposal system and shall prepare a Solid Waste Management Plan. The Plan shall show relevant management activities and recommended management strategies for the future, taking into consideration population growth, solid waste generation, land development regulations, effect on economic development, effect on local economy, and overall system management including organizational, financing, and regulatory capabilities.
2. Solid Waste Management System. The Director shall provide or encourage other entities to provide for a solid waste management system consistent with the Buffalo County Solid Waste Management Plan consisting of storage, collection, transport, processing, separation, recovery, and disposal through public ownership or through one or more private entities for a part or all of such solid waste system.
3. Rules and Regulations. The Director may adopt, revise, revoke, and enforce rules and regulations governing the administration of this code subject to the approval of the Buffalo County Solid Waste Committee.
4. Permits. The Director is hereby authorized to issue permits for all elements of solid waste management. Permits shall be for a term of one (1) year or less and shall be subject to the fees set forth by the Committee. All permits so issued shall be conditioned upon observance of the laws of Wisconsin and all applicable county ordinances and regulations.

PERMITS FOR MANAGEMENT OF SOLID WASTE:

1. Permit for solid waste collection and transportation.

- a. No person, firm, entity, or corporation shall engage in the collection, transportation, or handling of any solid waste regardless of where generated, where such waste is loaded, unloaded, or reloaded in Buffalo County without first securing a permit for said activities.
- b. Application forms for such activity permits are available from the County Clerk and will require the following information:
 - i. The name and address of the company, owner, or owner's representative indicating legal identity (i.e. individual, partnership, corporation).
 - ii. Business phone and/or fax and contact person.
 - iii. Description of area of service.
 - iv. Contracting body. Township, municipality, private.
 - v. Description of services provided.
 - vi. End destination facility (s) for transfer of solid wastes.
- c. Reporting requirements:
 - i. All permit holders shall provide monthly reporting to Buffalo County with the following information:
 - a. Receiving facility
 - b. Delivery date
 - c. Identification/classification of solid waste/material
 - d. Quantity (each)
 - ii. Reports are to be submitted to the Buffalo County Solid Waste Director by the 15th day of the month for previous month's activity.
 - iii. Information must be verifiable upon request.
- d. The following conditions shall apply regarding transport of solid waste.
 - i. All solid waste collected or transported shall be entirely enclosed or when not practical, secured.
 - ii. Permit holders must comply with all applicable laws and regulations, including rules and regulations adopted in/to delivery destination.
 - iii. Demonstrate efforts to dispose of acceptable wastes to resource recovery facilities.
 - iv. All other non-recycled solid waste shall be deposited in a licensed landfill, approved demolition landfill, or other site in compliance with local, state, and federal solid waste regulations.
 - v. If the delivery of unacceptable wastes to a facility results in additional expense to the County, the County may charge the permit holder or generator of waste for such expense based upon an average or actual expense to the County for handling such unacceptable wastes at the County's discretion.
 - vi. Obtain necessary permitting or licensing outside Buffalo County as required.
- e. Identification cards will be issued at the time of application approval. Additional cards will be made available as requested for a minimal cost each.
- f. Notification requirements:
 - i. Permit holders shall inform the customer at the time of billing the following:

You may be responsible for any liability that results from contamination at a facility where your waste has been deposited. Buffalo County believes the La Crosse Disposal System provides substantially more financial and environmental protection than depositing waste in other facilities because of its integrated approach to managing waste, which includes waste-to-energy. Managing your waste through the La Crosse Disposal System may minimize your potential liability.

Buffalo County in its desire to responsibly manage financial and environmental risks has become a voting member on the Solid Waste Policy Board of the La Crosse Disposal System and has signed a long-term agreement for Buffalo County generated waste to be disposed through the La Crosse Disposal System.

In accordance with the waste supply agreement of Buffalo County, all of your waste is being disposed through the La Crosse Disposal System.

Or

In contradiction to the waste supply agreement of Buffalo County, your waste is being disposed at some location(s) other than the La Crosse Disposal System.

PERMIT RENEWAL:

Any permit holder desiring to renew an existing permit to avoid a lapse shall complete and submit to the Buffalo County Clerk an application thereof not more than 45 nor less than 5 calendar days before expiration date of said permit and shall tender with each application form such permit fees as are required. Renewal applications can be obtained from the Buffalo County Clerk. Expiration date of permits: January 31 of each year. Condition of renewal will be annualized summary of activities.

FEES:

The Buffalo County Solid Waste Committee shall recommend to the Buffalo County Board of Supervisors such fees as are necessary to meet costs associated with the record keeping and monitoring of program.

APPEALS:

Any person who feels aggrieved by any action of the Director or any of the employees of the Buffalo County Solid Waste Department may request that the decision be reviewed within 30 days of the notice of the decision or action. The request shall be made to the officer or employee who made the determination. Requests shall be in writing and state the grounds upon which the person aggrieved contends that the decision should be modified or reversed. The Buffalo County Solid Waste Committee shall, within 30 days of the date of the request, review the initial determination and may either affirm, reverse, or modify the initial determination and mail the person aggrieved a copy of the decision on the review which shall state the reasons for such a decision. The decision of the committee is final.

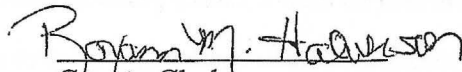
PROHIBITED ACTIVITIES:

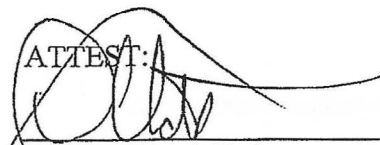
1. Placement of animal remains or animal waste in a container for solid waste collection.
2. Transport any solid waste in any vehicle or trailer which permits the contents to blow, sift, leak, or fall from said vehicle.
3. For any individual to make false statements on applications or reporting required by this code.
4. Placement of hazardous waste in any container for collection, transport, processing, or disposal unless such use of hazardous waste has been approved by the applicable authorizing authority.

PENALTY:

1. Failure to obtain required permitting for the solid waste disposal operation will result in a \$100.00 forfeiture. Failure to cease operation until required permitting is obtained will result in \$100.00 per day forfeiture. Maximum forfeiture shall be \$5,000.00.
2. Failure to provide required reporting by due date will result in \$50.00 per day forfeiture until reporting is received at the Buffalo County Courthouse, 407 South Second Street, Alma, WI 54610.
3. Non-Exclusivity of Remedy. The penalties provided herein shall be in addition to any other remedies in law or inequity that the County may have against any person/operations found guilty of violation of this code and shall not preclude the County from seeking injunctive relief to enforce compliance, including the issuance and enforcement of any special enforcement order issued pursuant to the Code and Wis. Stats., or from seeking revocation of any license or permit issued to said person, subject to the provision of Chapter 68 of Wisconsin Statutes.

Adopted at a duly called and noticed meeting of the Buffalo County Board of Supervisors on the 18 day of Dec, 2007.

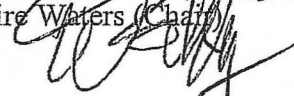

County Clerk

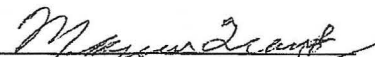
ATTEST:

County Board Chairperson

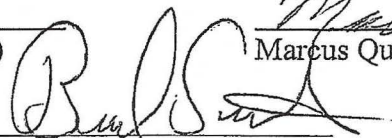
SOLID WASTE COMMITTEE


Claire Waters (Chair)


Arde Bollinger


David Eddy (Vice Chair)


Marcus Quarberg

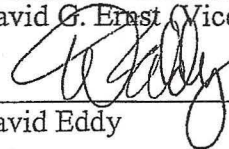

Brach Seitz

FINANCE COMMITTEE


Del Twidt (Chair)


David G. Ernst (Vice Chair)


Allen Carothers


David Eddy

EXCUSED
Lee Wieland

