

## Wabasha County

### Solid Waste Ordinance Amendment

#### Frequent Questions and Answers

**1. Q: Why do we need a solid waste ordinance?**

**A:** The County is tasked by the State with implementing solid waste management—this means ensuring that garbage and other solid waste is picked up and processed in an environmentally sound way that protects the public health and safety of the citizens. The ordinance is written to prevent the spread of disease, prevent creation of public nuisances and protect the County’s natural resources. In order to do that, the ordinance requires that citizens arrange for residential solid waste disposal, and requires that haulers are licensed and in conformity with state and federal regulations.

**2. Q: Don’t we already have a solid waste ordinance? If so, why is the County proposing to amend the 1989 ordinance?**

**A:** Wabasha County last amended its solid waste ordinance in September, 1992. Since that time, state and federal regulations regarding solid waste management have changed. Some parts of the old ordinance are no longer needed; some things need to be updated; some requirements have been expanded. In addition, the existing ordinance is not clear regarding how enforcement takes place. This lack of clarity has caused confusion and inconsistency in the past, and we are hoping that the new version will take away these problems by being clearer regarding who is responsible for what.

**3. Q: How is this amended ordinance different from the 1993 amended ordinance?**

**A:** The amended ordinance has updated definitions, and more detail regarding disposal and transportation of solid waste. It encourages, but does not require, recycling. It contains new guidelines for the disposal of demolition debris. The amended ordinance also contains authorization for the county board to enact a future solid waste service charge, after appropriate public hearings and notices (see #4 for further explanation). Finally, the amended ordinance contains provisions for licensing transfer stations, and a detailed section regarding the process of enforcement. This enforcement section does not give any new power or authority to the solid waste administrator, but it does lay out the process and criteria for when a citation would be given.

The amended ordinance is longer than the earlier one in part due to the added detail, and in part because it explains some of the state law instead of merely adopting it by reference.

**4. Q: Why is the authorization for a future solid waste service charge necessary?**

**A:** Wabasha County currently contracts with licensed solid waste haulers to bring the waste they collect to the incinerator in Lacrosse, WI. If the contracts at some point in the future are no longer the best option, having the ability to impose a solid waste service charge in

the future will give the County maximum flexibility to design an appropriate waste pickup plan. These charges would offset tipping fee costs which are now included in solid waste bills. This would ultimately reduce residential and commercial monthly bills, because service charges are not taxable by the state.

**5. Q: Does the amended ordinance give the solid waste administrator new powers?**

**A:** No. The amended ordinance does not change the solid waste administrator's duties, powers or authority.

**6. Q: Does the amended ordinance allow the solid waste administrator, or any county employee, to enter private property without either consent of the landowner or a warrant?**

**A:** No, with one exception. Generally speaking, the solid waste administrator may not enter private property without a warrant. Licensed solid waste haulers, however, are the exception: they must agree to periodic inspection of their premises as a condition of their license. This is not a new requirement. Also, in an extreme case of a public health hazard caused by improper storage or dumping of solid waste, law enforcement may have the right to enter the land in order to immediately address the public health issue.

**7. Q: Does the amended ordinance change the requirements regarding burning?**

**A:** No. The amended ordinance is exactly the same as the existing ordinance, which adopts the state law that bans open burning, Minn. Stat. §88.171. That statute prohibits open burning of garbage, industrial solid waste and other substances such as rubber tires, treated lumber and certain demolition debris.

**8. Q: If the proposed amended ordinance is enacted, will the County be hiring any new staff to enforce it?**

**A:** No. The Solid Waste Administrator position was recently moved to the Environmental Services Department, and any additional duties will be shared among the already existing employees.