

ORDINANCE FOR THE MANAGEMENT OF LAND APPLICATION OF
PETROLEUM CONTAMINATED SOIL

CARLTON COUNTY, MINNESOTA

ORDINANCE #18

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ORDINANCE FOR THE MANAGEMENT OF LAND APPLICATION OF
PETROLEUM CONTAMINATED SOIL

FOR CARLTON COUNTY, MN

ORDINANCE #18

SECTION 1. GENERAL PROVISIONS

Subdivision 1. Purpose:

The purpose of this ordinance is to provide for protection of the public health, general welfare and the environment in the disposal of Petroleum Contaminated Soil.

Subdivision 2. Authority:

It is the purpose and intent of this ordinance to regulate landspreading of Petroleum Contaminated Soil in the unincorporated areas of Carlton County in accordance with Minnesota Statutes Annotated, Chapter 115, 115A, 116, and 400.

Subdivision 3. Jurisdiction:

The regulations herein shall apply to all areas lying outside the incorporated limits of municipalities of Carlton County.

Subdivision 4. Severability:

It is hereby declared to be the intent of the County of Carlton that the several provisions of this Ordinance are separable in accordance with the following rules:

- A. If any court of competent jurisdiction shall adjudge any provision of this Ordinance to be invalid, such judgement shall not affect any other provisions of this Ordinance.
- B. If any court of competent jurisdiction shall adjudge invalid the application of any provision of this Ordinance to a particular property, building or structure, such judgement shall not affect the application of the said provision to any other property, building or structure.

Subdivision 5. Required Approval:

In addition to compliance with this ordinance the applicant must obtain approval from the Minnesota Pollution Control Agency. The appropriate township must provide approval prior to making application with the county for landspreading. Request for bioremediation and site approval must be approved by the township, only after notification has been given to all adjacent, contiguous landowners.

Subdivision 6. Permitted Application Site

A single application site shall be a site receiving a single, one-time application of petroleum contaminated soil not to exceed a total of 1500 cubic yards or multiple applications from not more than three leak sites not to exceed a total of 1500 cubic yards.

SECTION 2. REFERENCE

The provisions of the MPCA Land Application of Petroleum Contaminated Soil: Single Application Sites, are adopted and made part of this Ordinance as if set out in full and as amended from time to time except as modified or amended by Section 3 through Section 4 of this Ordinance.

A copy of the MPCA Land Application of Petroleum Contaminated Soil: Single Application Sites, is on file and available for examination in the Office of the County Auditor of Carlton County.

SECTION 3. RULES

Subdivision 1. Term of County Approval:

County approval for a landspreading site shall terminate one year after the date of issuance.

Subdivision 2. Responsibility:

The County's authorization for use of a site does not release the responsible party, his agents or the site owner from any liability, penalty or duty imposed by Minnesota or federal law or local ordinances.

Subdivision 3. County Authorization:

County authorization for use of a site may be signed by the County Planning and Zoning Administrator or authorized department agent.

SECTION 4. SITE AND SOIL CHARACTERISTICS

Subdivision 1. Site Criteria

Bioremediation site must meet all criteria of current MPCA "Land Application of Petroleum Contaminated Soil: Single Application Sites" policy, plus the following more restrictive or additional county requirements:

Distance to surface water or type 1-8 wetland: 300';

Distance to any water well: 200';

Distance to adjacent dwelling: 600', unless owner agrees to less, in writing;

Distance to residentially zoned area: 1320';

Distance to property line: 25';

Site must be in an agricultural, commercial or industrial zone or within a highway right-of-way;

Site must not contain peat or other poorly drained soils.

Subdivision 2. Analysis and Reports

Copies of all soil analysis and monitoring reports must be filed with the county.

SECTION 5. PLANNING AND ZONING ADMINISTRATOR

The duties and responsibilities of the enforcement of this ordinance are hereby delegated to the Planning and Zoning Administrator. The Planning and Zoning Administrator shall have all necessary authority to implement and carry out the provisions of this ordinance.

SECTION 6. VIOLATIONS, PENALTIES AND ENFORCEMENT

Subdivision 1. Violations and Penalties:

Any person, firm or corporation who shall violate any of the provisions hereof, or who shall fail to comply with any of the provisions hereof or who shall make any false statement in any document required to be submitted under the provisions hereof, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed seven hundred (\$700) dollars and/or by imprisonment of not to exceed ninety (90) days. Each day that a violation continues shall constitute a separate offense.

Subdivision 2. Enforcement:

- A. This Ordinance shall be administered and enforced by the Planning and Zoning Administrator, who is hereby designated the enforcing officer.
- B. In the event of a violation or a threatened violation of this Ordinance, the Planning and Zoning Administrator, in addition to other remedies, may institute appropriate actions or proceedings to prevent, restrain, correct or abate such violations or threatened violations, and it shall be the duty of the County Attorney to institute such action.
- C. The Planning and Zoning Administrator or authorized department agent shall make an onsite inspection of the landspreading site before approval is given to spread and an onsite inspection after the spreading is completed to insure compliance.

Subdivision 3. Appeals:

- A. In the event of denial by the Planning and Zoning Administrator, an aggrieved party may appeal the decision of the Planning and Zoning Administrator to County Board of Commissioners.
- B. An aggrieved party may further appeal a decision of the County Board of Commissioners, within thirty (30) days after notification of the decision, to the District Court on question of law and fact.

ORDINANCE #18, ORDINANCE FOR THE MANAGEMENT OF LAND APPLICATION OF PETROLEUM CONTAMINATED SOIL.

AMENDMENT #1

SECTION 7. FEES

The following fee schedule shall be used when issuing a letter of County approval. Fees relating to this Ordinance shall be set by Resolution of the Carlton County Board of Commissioners. The fees shall be submitted to the Carlton County Treasurer by the Planning and Zoning Administrator on a daily basis.

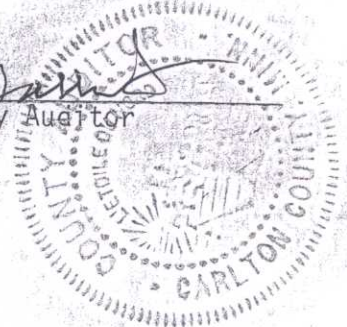
Public Hearing held at the Carlton County Courthouse on October 10, 1995.

County Board of Commissioners approved 10/10/95.

Published in the Star Gazette 11/09/95.

[Signature]
Chairman, Board of Commissioners

Attest: [Signature]
County Auditor



306741

DOC. NO.
Office of COUNTY RECORDER
STATE OF MINNESOTA } ss.
County of Carlton

I hereby certify that the within instrument was filed in this office for record November 28 1995 at 11:30 A.M. and was duly recorded

[Signature]
County Recorder
By [Signature]
Deputy