

BENTON COUNTY, MINNESOTA

WHEREAS, the Benton County Board of Commissioners on its own motion instituted proceedings to amend Ordinance #162, the Benton County Solid Waste Management Ordinance, to make provisions for a Test-Well Monitoring, Closure and Post-Closure Contingency Fund to be funded by sanitary landfill and demolition landfill owners/operators; and

WHEREAS, on March 22, 1988, Notice of Public Hearing was published in the official newspaper; and

WHEREAS, on April 5, 1988, the Board of County Commissioners held a public hearing on the proposed amendments to the Solid Waste Management Ordinance.

NOW, THEREFORE, THE BENTON COUNTY BOARD OF COMMISSIONERS ORDAINS as follows:

ARTICLE I

Add Section 1.41 as follows, and renumber existing Sections 1.41 through 1.49 to follow in sequence:

- 1.41 Test-Well Monitoring, Closure and Post-Closure Contingency Fund means a fund established by the County Board for funds contributed to the county by sanitary landfill and demolition landfill owners and operators. The County Board shall control all disbursements from the fund for the purposes of (a) monitoring test water wells [§12.2], (b) closure of the affected landfill by placement of earthen cover, grading, establishing vegetation, installation of gas and leachate collection and monitoring systems, and (c) post-closure and contingency expenditures, including but not limited to, cost of ongoing monitoring of gas, leachate and the ground water as well as maintenance of the landfill cover, and other activities to protect the environment, health and safety of the public.

ARTICLE II

Amend Section 2.7 to read as follows:

- 2.7 Unless otherwise provided by the County Board, issuance of a license pursuant to the provisions of this ordinance shall be contingent upon the applicant contributing to a test-well monitoring, closure and post-closure contingency fund commencing

on the effective date of this ordinance, and furnishing to the County a bond in an amount established by County Board resolution, and naming the County obligee with sufficient sureties duly licensed and authorized to transact business in the State of Minnesota as sureties.

The condition of such bond shall be that if the principal fails to comply with any of the requirements or fails to perform any of the acts required by law and/or ordinance of an operation or ceases to operate or abandons the operation, and the County is required to expend any monies or expend any labor or material to restore the site and/or operation to a condition in compliance with law or this ordinance, the obligor and the sureties on its bond shall reimburse the County for any and all expenses incurred to remedy failure of the principal to comply with the terms of the law or ordinance, and the obligor and its sureties will indemnify and save the County harmless from all losses, costs, and charges that may occur to the County because of any default of the obligor under the terms of the license to operate in compliance with the terms of the ordinances of the County and federal and state law.

The test-well monitoring, closure and post-closure contingency fund shall be supported with fees collected and paid by the landfill owner and operator to the County. The County Board will establish by resolution a fee based on compacted cubic yards or tons of waste received or a percentage of the dump fee charged at the landfill, or a combination thereof. The County shall review the amount of the fee established at six month intervals for the purpose of accumulating a reasonable sum of monies to fulfill the purposes of the fund. Monthly reports specifying the volume of waste received at the landfill shall be made to the County Solid Waste Officer by the 15th day of each month. The fees set by the County Board shall be paid to the Solid Waste Officer with the monthly report.

The test-well monitoring, closure and post-closure contingency fund shall not relieve the owner and operator of any of the responsibility, including the cost, of compliance with closure and post-closure laws, rules and ordinances.

ARTICLE III

Amend Section 12.2 to read as follows:

- 12.2 The licensee of any solid waste management facility which has water monitoring wells which are required by the County or Agency to be sampled shall contribute money to the test-well monitoring, closure and post-closure contingency fund (§2.7) no later than one year from the effective date of this ordinance or five years prior to termination of the operation, whichever occurs sooner. The frequency and amount of money to be contributed shall be determined by the County Board.

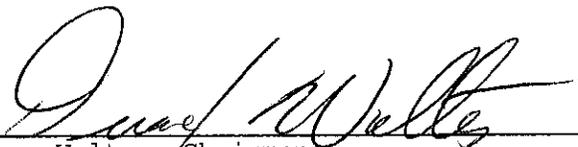
One of the purposes of the contingency fund is to set aside adequate funds to continue the sampling required by the County or the Agency for a period as deemed reasonable and necessary by the County and Agency after review of the applicable data. The County Board shall specify by resolution the amount of money to be deposited in the fund and the terms for payments which shall be made by the licensee to that fund.

ARTICLE IV

Amend Section 14.1 to read as follows:

14.1 A special account on the official books of the County is hereby created which shall be known as the Solid Waste Management Fund. Except as otherwise provided, all receipts from the charges collected pursuant to this ordinance and all receipts from the sale of real or personal property pertaining to solid waste management systems and the proceeds of all gifts, loans and issuance of bonds for the purpose of the system shall be credited to the Solid Waste Management Fund. All costs of acquisition, construction, enlargement, improvement, repair, supervision, control, maintenance and operation of the solid waste management system and facilities which are owned and operated by the County, but not those owned and operated by its contractor, shall be charged to the Solid Waste Management Fund.

APPROVED AND ADOPTED by the Benton County Board of Commissioners this 5th day of April, 1988.


Duane Walter, Chairman
Benton County Board of Commissioners

ATTEST:


William E. Scott III, Clerk

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OFFICE OF
BENTON COUNTY RECORDER
BENTON COUNTY, MN
CERTIFIED TO BE FILED
AND/OR RECORDED ON

APR 14 2 29 PM '88

ALICE C. ENGELMEYER
COUNTY RECORDER
BY  DEPUTY