

FRIDLEY CITY CODE
CHAPTER 218. HAZARDOUS WASTE CONTROL
(Ref . 801)

218.01. STATEMENT OF POLICY

The City of Fridley deems it necessary to provide for the special and express regulation of hazardous waste storage and treatment facilities which exist as the principal use in order to protect the public health, safety and general welfare.

218.02. DEFINITIONS

When used in this Chapter, the following terms have the following meanings:

1. Accessory Use.

A subordinate use which is located on the same lot as the principal use and is necessary or incidental for the conduct of the principal use.

2. Disposal.

The discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.

3. Environmental Assessment Worksheet or EAW.

A brief document designed to set out the basic facts necessary to determine whether an EIS is required for a proposed project or to initiate the scoping process for an EIS.

4. Environmental Impact Statement.

A detailed written statement as required by Minnesota Statutes, Section 116D.04.

5. Hazardous Waste.

Any refuse or discarded material or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include sewage sludge and source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954F as amended.

6. Hazardous Waste Facility.

Real or personal property that is used or is constructed to be used for the management of hazardous waste.

7. Hazardous Waste Generation.

The act or process of producing hazardous waste.

8. Hazardous Waste Management.

The systematic control of the collection, source separation, storage, transportation, processing, treatment, and disposal of hazardous waste.

9. Hazardous Waste Processing Facility.

A hazardous waste facility that is designed and operated to modify the chemical composition or chemical, physical or biological properties of a hazardous material by means such as incineration, reclamation, distillation, precipitation or other similar processes.

10. Manifest.

The form used for identifying the quantity, composition, and origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of treatment, storage or disposal.

11. Principal Use.

The purpose for which land or building or construction is or is to be used or occupied.

12. Sludge.

Any solid, semi-solid or liquid waste generated from a municipal, commercial, or industrial waste water treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effects.

13. Solid Waste.

Garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials from commercial, mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended.

14. Storage.

The containment within a building of hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste.

15. Treatment.

Any method, technique or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste non-hazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it non-hazardous.

218.03. SPECIAL USE PERMIT REQUIREMENT AND ZONING

1. Hazardous waste storage and treatment facilities which are principal uses may be permitted only in Heavy Industrial (M-2) Zones after a special use permit has been obtained subject to all applicable provisions of this Chapter.
2. Hazardous waste storage and treatment facilities which are accessory uses to the principal use or operation may be permitted only after a special use permit has been obtained.

218.04. SPECIAL USE PERMIT APPROVAL CRITERIA

A Special Use Permit shall be approved only if consistent with all of the following objectives:

1. That the proposed hazardous waste facility is developed and operated in accordance with all applicable local, state, and federal laws, rules and regulations;
2. That the hazardous waste facility is developed and operated in such a manner so as to eliminate the possibility of ground water pollution in order to maintain the chemical, physical, and biological integrity of the nation's waters, in order to achieve and maintain a level of water quality which provides for the protection and propagation of fish, shell-fish, and wildlife and for recreation in and on the water;
3. That the proposed hazardous waste facility be developed and operated in such a manner so as to eliminate air pollution;
4. That sufficient safeguards against spills, fires, and explosions are established to protect the public health, safety and welfare to the greatest extent possible;
5. That the proposed site for hazardous waste facilities be developed in such a way so as to provide for opaque screening and landscaping to minimize the negative visual impacts from such a facility on any adjacent property;
6. That the proposal is consistent with all applicable City of Fridley codes and regulations;
7. That the proposal be consistent with the City of Fridley Comprehensive Plan; and

8. If the Fire Department determines a need for specialized equipment, extinguishing agents or training, it shall be the responsibility of the facility owner or operator to prove same.
9. In addition to the above, any new principal use hazardous waste facility will not be located any closer than one thousand (1000) feet to any HUD flood plain, shoreland, wetland, body of water, or ground water recharge area or aquifer, in order to protect potential drinking water sources.

218.05. SPECIAL USE PERMIT APPLICATION PROCEDURES

1. Prior to the submittal of a special use permit application, the developers or owners of the proposed facility shall meet with the City to review all applicable ordinances, regulations, and future plans for the area adjacent to the property being developed.
2. The application for the special use permit will be scheduled for a public hearing before the Planning Commission upon completion of the Environmental Quality Commission review.
3. The developers or owners of the proposed facility shall prepare preliminary drawings in accordance with the regulations of Section 218.07 and an environmental assessment worksheet and submit the same to the City, 60 days prior to the public hearing.
4. The Notice for Public Hearing shall be published in the official newspaper at least ten (10) days, but not more than twenty (20) days, prior to the public hearing, at which time the item will be heard. Notices will also be sent during this time period to property owners within fifteen hundred (1500) feet of the subject property.
5. The Planning Commission shall hold a public hearing on the proposed special use permit. During this public hearing, the requirements for preparing an Environmental Impact Statement will be investigated. Following the public hearing, the Planning Commission shall, within ninety (90) days, submit its recommendation to the City Council as to the appropriateness of the proposed development, and shall recommend if an Environmental Impact Statement is required and conditions of approval or disapproval, based upon the criteria set forth in Sections 218.03, 218.04 and 218.06 of this Chapter.
6. The application for the special use permit shall be scheduled for a City Council meeting.
7. The City Council, shall consider the application pursuant to Sections 218.04 and 218.06 and shall approve, disapprove, postpone. or modify the proposal.
8. If it is determined that an Environmental Impact Statement is required, the applicant must prepare this report before the City Council will take final action on the special use permit application.
9. Should the City Council approve of the application for a special use permit and preliminary plans, the applicant shall file final plans with the City. The final plans shall be processed in the same manner as the special use permit and preliminary plans. A certified copy of the special use permit shall be recorded in the Office of the Anoka County Recorder or Registrar of Titles, pursuant to Minnesota Statutes, Section 462.3595, Subd. 4.

10. Should the City Council disapprove the application for a special use permit and preliminary plans, the owners or developers may prepare another preliminary plan and resubmit to the City.

218.06. GENERAL FINDINGS

As a prerequisite to the approval of the application for the special use permit, the City Council shall find that evidence presented established:

1. That safe and adequate access to the facility for general, service, and emergency purposes will be provided from non-residential major thoroughfares, and will not require the use of any residential collector or residential local streets;
2. That the operation of the facility will not produce fumes odors, noise, dust, smoke or gases which will adversely affect nearby properties;
3. That the issues raised in the EAW or EIS have been satisfactorily and adequately answered and addressed;
4. That the types of soil under and within one quarter mile of all portions of the proposed site to be used for storage, treatment, loading and handling of hazardous materials, as well as under all paved surface or roads leading to the facilities, shall not have a natural percolation rate in excess of 0.75 gallons per day per square foot;
5. That all surface water, ground water, sanitary sewer systems, and storm water systems will be protected so as to eliminate the probability of contamination by hazardous waste; and
6. That necessary fire fighting equipment and materials are available or will be provided by the owner/operator;
7. That the use of the proposed site for hazardous waste treatment will not endanger the public health or safety, or substantially reduce the value of adjoining or nearby property.

218.07. PRELIMINARY PLANS REQUIRED

1. Maps of the area within one half mile of the exterior property lines of the proposed site, and including the proposed site, which show:
 - A. All dwelling units, other principal buildings and structures and streets;
 - B. All significant topographical features;
 - C. All surface water systems;
 - D. All sanitary sewer systems;

- E. All storm water management systems; and
 - F. All wells.
2. An engineering certification for the proposed site and the area within one half mile of the proposed site concerning the following factors:
- A. Depth to seasonally high water table;
 - B. Soil drainage, composition, thickness in permeability;
 - C. Flooding, ground water recharge areas, aquifers, and flood plains;
 - D. Depth to bedrock; and
 - E. Prevailing wind conditions.
3. Appropriate permits from the Minnesota Pollution Control Agency, Anoka County Health Board, Department of Natural Resources, - State Environmental Quality Board, State Waste Management Board, and the local watershed management organization for the proposed site are required. In addition, the operator must provide certificates that the proposed principal use facility is in compliance with the appropriate local, state and federal laws, rules and regulations governing air quality standards, water quality standards, and waste water standards.
4. A narrative explaining the estimated composition, quantities, and concentrations of any hazardous waste identified or listed by this Chapter, or combinations of any such hazardous waste and any other solid waste, proposed to be stored, treated, transported, and the time, frequency, or rate of which such waste is proposed to be stored, treated, or transported.
5. Preliminary site plan - The preliminary site plan shall be drawn at a minimum scale of one (1) inch equals fifty (50) feet. The submission may be composed of one (1) or more sheets and drawings and shall include:
- A. Location of all proposed buildings and their proposed uses;
 - B. Location of driveway and parking areas;
 - C. Front, rear and side yard setbacks;
 - D. Square footage and dimensions of all proposed buildings; and
 - E. Location of all easements, width and purpose.

6. The landscape plan shall be drawn at a minimum scale of one (1), inch equals fifty (50) feet and shall contain the following information:

- A. Areas for berming, sodding and screening;
- B. Location of proposed plantings, identifying materials as shade tree flowering tree, coniferous tree, or shrubs;
- C. Location of any existing vegetation; and
- D. Identification and location of any trees to be removed.

7. A grading and drainage plan shall be drawn at a minimum scale of one (1) inch equals one hundred (100) feet and shall contain the following information:

- A. Existing and proposed grades with a minimum of two (2) foot contour intervals to a known sea level datum;
- B. Spot elevations on all proposed hard surface areas;
- C. Estimated runoff of the area based upon one, ten and one hundred year storms;
- D. Location of proposed ponding areas indicating the size and depth of the pond, and amount of acre feet of water to be stored; and
- E. Finish floor elevations of all buildings.

8. Floor plans and elevations: All floor plans and elevations shall be drawn to a legible scale and include the following information:

- A. Floor plans indicating square footage and dimension of all proposed rooms and areas within the structure, identifying the proposed uses for each room; and
- B. Elevations of the proposed buildings, identifying exterior treatment such as materials to be used and the color.
- C. Interior diking and retention areas identifying the volume to be contained and method of removal.

218.08. FINAL PLANS REQUIRED

1. A final site plan shall be prepared at a scale of one (1) inch equals fifty (50) feet and shall contain the following information:

- A. Location of proposed buildings;
- B. Location of proposed driveways and parking areas;

- C. Front, rear, and side yard setbacks; and
 - D. Square footage of all proposed buildings.
2. Final landscape plan shall be drawn at a scale of one (1) inch equals fifty (50) feet and shall contain the following:
- A. Plant types (botanical and common names), number, location, size, and method of installation;
 - B. Areas to be sodded;
 - C. Location of existing vegetation;
 - D. Identification and location of trees to be removed.
3. Final grading and drainage plan shall be drawn at a scale of one (1) inch equals one hundred (100) feet and shall contain the following information:
- A. Existing and proposed grades with a minimum of two (2) foot contour intervals to a known sea level datum;
 - B. Sufficient spot elevations on all proposed hard surface areas;
 - C. Estimated runoff of the area based upon a one, ten and one hundred year storms;
 - D. Location of proposed ponding areas indicating the size and depth of the pond, and amount of acre feet of water to be stored;
 - E. Finish floor elevations of all buildings; and
 - F. Identify soils by type and location, including identification of the water table. and suitability of soil for the proposed development.
4. Final floor plans, construction drawings and elevations shall be drawn to a legible scale and shall include the following information:
- A. Plans indicating square footage, dimension, and uses of all proposed areas within the building; and
 - B. Elevations of the proposed building, identifying exterior treatment, such as materials to be used and the color.
 - C. Interior diking and retention areas identifying the volume to be contained and method of removal.

218.09. CHANGES IN PLANS

1. If the applicant proposes major changes in the final site plan that are inconsistent with the preliminary site plan, these changes can only be made by resubmission of a new preliminary site plan and new special use permit application to the City and rescheduling of this item before the Environmental Quality Commission, a new public hearing before the Planning Commission, and reviewal again by the City Council. The following constitute major changes:

- A. Increase in the size of the proposed structure or development;
- B. Change in architectural design or style;
- C. Increase in the height of the building;
- D. A major modification to the landscape plan;
- E. A significant reduction in proposed open space and buffering;
- F. A change in the development schedule;
- G. Change in road location or standards; and
- H. Other changes as determined to be major by the City Council.

2. Minor Changes. The City Council may, in its discretion, permit minor deviations from the preliminary site plan, which do not change the concept or intent of the proposed development as previously approved.

218.10. TIME LIMITATIONS

If final plan approval is not granted within a six (6) month period from the time of the approval of the special use permit application and preliminary plans, the proposal shall be declared null and void and the applicant will have to re-file a preliminary plan and special use permit application with the City.

218.11. STANDARDS

1. For principal use facilities, the property must be zoned M-2, Heavy Industrial District.
2. Minimum setbacks from, property line, major roads, and other buildings, shall be two hundred (200) feet. Minimum setbacks from any residential structure shall be four hundred (400) feet.
3. Minimum lot size shall be 10 acres; maximum lot coverage shall be 25%; maximum area for parking shall be 25%; maximum building height shall be 40 feet; building materials shall be concrete or brick; and no metal buildings shall be allowed.

4. Minimum landscape area shall be 50%.
5. The entire site shall be opaquely screened so that the building or parking or storage areas cannot be seen from a public street.
6. Minimum tree sizes: shade trees shall be 3 1/2 inch caliber small trees shall be 3 inch caliber; flowering trees shall be 3 inch caliber; shrubs shall be 3 feet in height; and coniferous trees shall be 12 to 15 feet in height.
7. No migration of water overland shall be permitted beyond the property lines. All ponding of water shall be contained on the site and provisions made to contain all water runoff so as not to discharge into the municipal sanitary sewer system or any storm water system or ditch.
8. Concrete curb and gutter shall be required along all parking areas. All parking areas shall be concrete surfaces.
9. No outdoor storage shall be permitted.

218.12. RECORD KEEPING

The operators of the hazardous waste facility shall maintain records of all hazardous waste identified or listed which is treated, transported, or stored, and the manner in which such waste are to be treated, stored, or transported. The operators of the facility shall submit a quarterly report to the City Council, identifying the treatment, storage, or transport of all such waste received by the facility.

218.13. INSPECTION

1. For the purpose of enforcing the provisions of this Chapter, any person who generates, stores, treats, transports or otherwise handles or has handled hazardous waste, shall furnish information relating to such waste upon request of the following persons: City Building Inspector; Public Works Director; Police Chief; City Manager; or the Fire Chief. Such persons at all reasonable times shall have access to and the right to copy all records relating to such waste.
2. Any duly authorized City personnel shall be allowed at any reasonable time to enter any establishment or other place where hazardous wastes are or have been stored, treated, or transported from.
3. Any duly authorized City personnel shall be allowed to inspect and obtain samples from any person of any such waste and samples of any containers or labeling for such containers.
4. Any duly authorized City personnel can at any time, without prior consent, inspect the site for the possibility of any leakage, spills, or violations of any local, state, or federal law, rules or regulations.
5. Any records, reports, or information obtained by the City shall be made available to the public.

6. The existence of any violation of local, state or federal laws, rules or regulations shall require the closing of said facility until it has been determined by public hearing the reasons for said violations and the identification and implementation of additional safeguards to prevent future violations.

218.14. REQUIREMENTS OF COMPLIANCE ORDERS

Any order issued pursuant to this Chapter may include a suspension or revocation of the special use permit issued under this Chapter and shall state with reasonable specificity the nature of the violation and specify a time for compliance. Any violation of this Chapter shall be considered a misdemeanor.

218.15. MONITORING ANALYSIS AND TESTING

1. If City determines that the presence of any unauthorized hazardous wastes are being stored, treated, transported or disposed of, the City may demand that the facility be closed within four (4) hours upon written notice.

2. If the City determines that the release of any materials from a hazardous waste facility or site may present a substantial hazard to human health or the environment, the City may issue an order requiring the owner or operator of the facility to conduct such monitoring, testing, analysis and reporting with respect to such facility or site as the City deems reasonable to ascertain the nature and extent of such hazard, including spills, leaks, explosions, and fire.

3. If the City determines that the owner or operator, is unable to conduct monitoring, testing, and analysis, or reporting satisfactory to the City, and if the City deems any such action carried out by the owner or operator to be unsatisfactory, or if the City cannot initially determine that there is an owner or operator who is able to conduct such monitoring, testing or reporting, the City may:

- A. Conduct monitoring, testing, or analysis, which it deems reasonable to ascertain the nature and extent of the hazard associated with the site concerned; or
- B. Authorize the state or a local authority or testing facility to carry out any such action; and
- C. Require the owner or operator to pay for the cost of monitoring, testing, or analysis done by outside agencies plus associated fees of 10% for City expenses.

218.16. NOTICE OF SPILLS, LEAKS, EXPLOSIONS, FIRE OR ACCIDENTS

In the event of any spill, leak, explosion, fire, or accident, the owner or operator of the facility is required, within a one (1) hour time period, to notify the following individuals: Fire Chief, Police Chief, Anoka County Health Department, and Minnesota Pollution Control Agency. Failure to report such incidents within the one (1) hour period shall constitute a misdemeanor.