

CHAPTER 22. TREATMENT OF CONTAMINATED SOILS

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📖 Section 2200 - Purpose

2200.01 Purpose. The purpose of this chapter is to regulate the treatment of contaminated soils located within the City of Hermantown. The treatments include but are not limited to such processes as soil burning or incineration and land farming. Contaminated soils are those soils defiled by pollutants of any kind, including but not limited to petroleum products.

📖 Section 2205 - Requirement, Application, Special Use Permits, Hearings

2205.01 Requirement. No treatment of contaminated soils may be done in the City of Hermantown until a special use permit has been obtained from the City of Hermantown. No special use permit for the treatment of contaminated soils shall be issued for work not in conformity with the requirements of this [Chapter 22](#) and all other applicable laws, rules, ordinances and regulations.

2205.02 Application, Fee. A special use permit to treat contaminated soils within the City of Hermantown may be initiated by the owner, user or potential user of the subject property by making application in writing to the Zoning Officer on such forms as the Zoning Officer may provide for such purposes. The application shall contain such information as may be required by the Planning and Zoning Commission to properly consider the application. The application shall be accompanied by the fee specified from time to time by resolution of the City Council. Any fee paid to the Zoning Officer shall be refunded if the applicant withdraws his, her or its permit application prior to consideration of such application by the Planning and Zoning Commission.

2205.03 Consideration of Special Use Permits. The provisions of [Chapter 7](#) of this Hermantown Zoning Code shall govern the consideration of an application for a special use permit for the treatment of contaminated soils within the City of Hermantown. Provided, however, that if any provision of [Chapter 7](#) of these Zoning Regulations is inconsistent or conflicts with any provision of this chapter, the provisions of this [Chapter 22](#) shall control.

2205.04 Additional Notice of Hearing. In addition to the parties to whom notice is required to be provided under [Chapter 7](#) of these Zoning Regulations, notice of any public hearings required to be held for a special use permit sought under this chapter shall be given to the Minnesota Pollution Control Agency, the U.S. Environmental Protection Agency and the Minnesota Department of Natural Resources.

Section 2210 - Decision by the Planning and Zoning Commission

2210.01 Decision by the Planning and Zoning Commission. The Planning and Zoning Commission and/or the City Council may impose appropriate safeguards, conditions and restrictions, including time limitations, on the grant of any special use permit issued pursuant to this chapter to ensure that the spirit and intent of this chapter is met and to conserve and protect property values in the vicinity of the proposed treatment of contaminated soils. Violations of such conditions, restrictions and safeguards, when made a part of the terms under which any such special use permit is granted, shall be deemed a violation of these Zoning Regulations.

Section 2215 - Governing Criteria

2215.01 Governing Criteria.

2215.01.1. No treatment process for contaminated soils shall take place within 500 feet of any lake, stream, wetland or any similarly described body of water.

2215.01.2. No treatment process for contaminated soils shall take place unless pursuant to a remediation plan that is approved by the MPCA or U.S. EPA and such treatment process is specifically approved by the MPCA or the U.S. EPA.

2215.01.3. No treatment of contaminated soils may be made if such soils are not in the City of Hermantown initially. No importation of contaminated soils from outside of the City of Hermantown will be allowed.

2215.01.4. No special use permit will be issued under this chapter until all other required governmental permits are obtained.

2215.01.5. No treatment of contaminated soils will be allowed other than in an M-1 or C Zone District.

2215.01.6. No stockpiling of contaminated soil for subsequent treatment will be allowed on such site.

Section 2220 - Public Recording

2220.01 Public Recording. A certified copy of any special use permit issued pursuant to this chapter shall be filed for record with the County Recorder or the Registrar of Titles of St. Louis County, Minnesota. Each special use permit shall contain the legal description of the property and a description of all treatments performed on the contaminated soil of that property.