

AN ORDINANCE RELATING TO THE REGULATION ON THE TRANSPORTATION AND USE OF COAL FIRED POWER PLANT ASH

THE CITY OF OAK PARK HEIGHTS HEREBY DOES ORDAIN:

311.010 Purpose.

In order to provide for the health, safety, and welfare of its citizens, the City recognizes the need to provide controls for the transportation and use of certain substances that it considers a potential hazard to its citizens. Coal ash is generated by a number of power plants in the region, including generation at the Allen S. King Plant in Oak Park Heights. The City finds that the hazardous components of the ash represent a potential threat to the health of its citizens. In addition, these hazardous components represent a potential threat to the critically important ground water and surface water resources in and near the City.

311.20 Definitions.

The following definitions apply in this Section of this Code (hereinafter "the section").

- (a) "Coal Ash" means any ash derived from the burning of coal.
- (b) "Transportation" means any movement of coal ash by motor vehicle over the rights-of-way and streets of the City of Oak Park Heights.
- (c) "Construction Material" means any material used in or association with the construction of residential buildings, commercial buildings, industrial buildings, institutional buildings, or public or private infrastructure (i.e. roads, pipelines, sewers, power lines, etc.). Construction material is intended to include any soil stabilization materials but will exclude concrete products for the purpose of this Ordinance.
- (d) "City" means the City of Oak Park Heights.
- (e) "Enclosed transportation" means a totally enclosed container used for transportation of coal ash, which will not release any visible amounts of coal ash during transport or while at rest.

- 311.030      Prohibition on Use as a Construction Material.  
Coal ash is prohibited from use as a construction material for any construction within the limits of the City.
- 311.40        Restrictions on Transportation through the City.  
All transportation of dry coal ash within the limits of the City must be done in pneumatically enclosed transportation. All transport of coal ash in a wetted condition may be done in enclosed transportation.
- 311.050      Administration.  
The City may designate a City official to supervise the enforcement and administration of this Ordinance.
- 311.060      Enforcement.  
Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and punished according to the provisions of Section 101.05 of Chapter 101 of the Code of Ordinances. Such provision shall not otherwise prevent the City from pursuing injunctive relief before the District Courts to prohibit future violations as may be deemed necessary to protect the public health and welfare of the City and its residents."