

AN ORDINANCE PROVIDING FOR THE DUMPING OF SLAG AND FLY ASH; DESIGNATING DUMP SITES; REGULATING THE TYPE OF VEHICLES HAULING SAID FLY ASH AND SLAG; LICENSING HAULERS, AND REGULATING THE SAME; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

902.01 Preamble.

WHEREAS, since the commencement of the operation of the Allen S. King plant located within the limits of the City of Oak Park Heights, it has become necessary and expedient to establish certain disposal sites within the City for the disposing of fly ash and slag, and this Ordinance is adopted for the interest and purpose of protecting the public health, safety, comfort, convenience, and general welfare by regulating the hauling of said fly ash and slag within the City of Oak Park Heights.

902.02 Definitions.

The following words and phrases used in this Ordinance, unless the context clearly indicates otherwise, are defined as follows:

- A. “Slag” is the residual from the burning of coal at the Allen S. King plant which is incapable of being incinerated.
- B. “Fly ash” is residual from the burning of coal at the Allen S. King plant as it is removed from the precipitators of said plant.
- C. “Owner” is the Northern States Power Company and/or its authorized agents.
- D. “Hauler” is anyone hauling fly ash and/or slag from the Allen S. King plant to any destination within or without the City of Oak Park Heights.
- E. “City Council” is the City Council of the City of Oak Park Heights and/or its duly designated agents.
- F. “Class 1 Sanitary Landfill” is a refuse disposal facility which uses a method of disposing of refuse on land without creating nuisance or hazards to public health or safety by utilizing the principles of engineering to confine the refuse to the smallest practical area, and to cover it with a layer of slag at the conclusion of each days operation, or at such more frequent intervals as may be necessary and which accepts for disposal only non-combustible waste.

- G. “Fly ash silo” is a building designed to receive fly ash from the Allen S. King plant for the purpose of temporarily storing the same.
- H. “City” is the City of Oak Park Heights, Washington County, Minnesota.

902.03

Class 1 Sanitary Landfill.

That certain area specifically described in Section 3:1.02 of Washington County Ordinance No. 2 duly passed by the Board of County Commissioners of the County of Washington, State of Minnesota on October 19, 1970, and commonly referred to as the Molter Pit is hereby established as a “Class 1 Sanitary Landfill.”

The sole purpose and use of said "Class 1 Sanitary Landfill" herein established shall be for the dumping of non-combustible fly ash and slag from the Allen S. King plant. That no other type of dumping shall be permitted in said "Class 1 Sanitary Landfill area." Said area shall not be used as a borrow pit or shall any materials be removed therefrom.

902.04

Operation.

Said "Class 1 Sanitary Landfill" above described shall be operated in accordance with the permit from the Pollution Control Agency of the State of Minnesota and such other additional regulations as herein promulgated.

- A. The dumping of said slag and/or fly ash shall in no way obstruct or interfere with the drainage and waterways within the City of Oak Park Heights.
- B. Plans for the development of said landfill shall be approved by the City Engineer and the City Council and shall be on file with the City Clerk.
- C. Slag and fly ash shall be dumped in no area, other than as herein designated, except that storage of said fly ash and slag may be temporarily held at the Allen S. King site. The owner shall designate the routes to be used by the hauler or haulers from the Allen S. King plant to the disposal site. Said routes shall be approved by the City Council and shall not be deviated from in any manner.
- D. The fly ash silo as herein defined shall include a permanent enclosure at the loading site at the King plant so that all trucks hauling will be loaded within such an enclosure, which enclosure shall be so constructed so as not to permit any leakage of fly ash in any manner whatsoever.
- E. All trucks hauling fly ash shall contain truck bodies or boxes that are designed to be spill-proof, and said trucks shall be operated so that there will be no spillage or leakage from said trucks.

- F. Upon dumping the fly ash at the landfill site the fly ash shall be covered and compacted immediately with slag or other suitable material so as to prevent the same from being blown or in any way disbursed from the site. Said trucks shall be completely unloaded and cleaned from any fly ash so that all loose material will remain on the landfill site.

- G. The City Council may periodically require the covering of that portion of the landfill site that has been filled to grade, according to the plans on file with the City. The covering shall be placed on the area designated by the Council of sufficient depth to sustain future normal growth of plant life. The finishing material shall be of the same or better content as is contained in the top soil of the surrounding area.
 - 1. The hauler or haulers as designated by the owner shall be approved by the City Council. The hauler shall apply to the City Council for a permit to haul fly ash and/or slag. Said applicant shall set forth in detail the equipment to be used, materials to be hauled, and the destination of said materials to be removed from the Allen S. King plant site, and whether said site is within or without the City. Said application shall also contain the route which said trucks are to travel and the hauler shall furnish a certificate of insurance indicating the amount of automobile liability insurance carried on the trucks hauling.

 - 2. The minimum automobile public liability insurance required by said haulers is the sum of \$300,000.00 per person and \$1,000,000.00 per occurrence and property damage in at least the amount of \$200,000.00.

- H. The owner will schedule all hauling of slag and fly ash from said plant to the landfill site so that no hauling occurs between the hours of 12:00 midnight and 8:00 A.M.

- I. The owner and all haulers shall obey and comply with all load limits as may be determined by the City of Oak Park Heights, Washington County, State of Minnesota, in the transferring of slag and fly ash from the plant site to the disposal site.

The City Council may, upon the violation of any of the provisions contained herein, revoke the hauling permit and also revoke the landfill permit.

902.05

Penalty.

A person, firm or corporation who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be

punished by a fine of not more than Seven Hundred Dollars (\$700.00) for each offense and/or by imprisonment for not more than ninety (90) days, or both.

902.06

Unconstitutionality.

If any section, sub-section, sentence, clause, or phrase of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Oak Park Heights hereby declares that it would have passed this Ordinance, any section, sub-section, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, or phrases be declared unconstitutional.