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Under authority provided in Minnesota Statutes Section 368.01, Subd. 14, THE BOARD OF SUPERVISORS OF THE TOWN OF MARION ORDAINS:

**SECTION 1. DEFINITIONS.**

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- i. *Anti-icing* means the application of a liquid deicer prior to the onset of a snow event.
  - ii. *Best Management Practice (BMP)* means structural, vegetative or managerial practices used to treat, prevent or reduce water pollution.
  - iii. *Certified Salt Applicator* means an individual who applies deicer and has completed Minnesota Pollution Control Agency Smart Salting training (Level 1 or 2).
  - iv. *Deicer* means any substance used to melt snow and ice or used for its anti-icing effects.
  - v. *Winter Maintenance Professional* means an individual who applies deicer for hire (i.e., snow plow drivers, salt truck drivers).

**SECTION 2. PROPER STORAGE OF DEICER REQUIRED**

(a) *Applicability*

- i. The following sections apply to all indoor and outdoor bulk deicer storage facilities (temporary and permanent) including salt piles, salt bag storage, sand piles and other storage of deicing materials. Bulk storage, as regulated by this chapter, is defined as storage of any material used for deicing and/or traction during winter conditions that is more than ten tons in solid form (or 2,000 gallons in liquid form).

(b) *General Requirements*

- i. Indoor operations for the storage of deicing materials must be provided wherever possible in order to prevent such materials from being affected by rain, snow and melt water.
- ii. All salt, sand and other deicing materials stored outdoors must be covered at all times.
  - 1. When not covered by a permanent roof, a waterproof impermeable, flexible cover must be placed over all deicing materials (to protect against precipitation and surface water runoff). The cover must prevent runoff and leachate from being generated by the outdoor storage piles. The cover must be secured to prevent removal by

wind or other storm events. Piles must be formed in a conical shape and covered as necessary to prevent leaching.

2. Any roof leaks, tears or damage should be temporarily repaired during winter to reduce the entrance of precipitation. Permanent repairs must be completed prior to the next winter season.

(c) *Facility Siting*

- i. The facility must be in close proximity to the area in which the deicing materials are to be used, if practical.
- ii. Each facility must be located outside of floodplains and 100 yards from lakes, rivers, streams, ditches, storm drains, manholes, catch basins, wetlands and any other areas likely to absorb runoff. A facility must not be located in close proximity to surface water features, water supplies, wells or drywells.
- iii. A facility must be located on impermeable surfaces.
- iv. The property slope must be away from the facility's salt, deicer, and sand storage area.
- v. Salt vulnerable/intolerant natural areas should be avoided as storage facilities to the extent possible. Where they cannot be avoided, specific measures should be instituted to protect vulnerable areas. Salt vulnerable/intolerable natural areas include, but are not limited to:
  1. Areas with salt sensitive vegetation
  2. Areas serving as a source of drinking water (surface water and ground water)
  3. Areas with bodies of water with low dilution, low volume or salt sensitive species
  4. Areas associated with ground water recharge zones or shallow water table, with medium to high permeable soils

(d) *Snow Piles*

- i. Snow piles must be located downslope from salt and deicer storage areas to prevent the snow melt from flowing through storage areas and carrying material to the nearest drainage system or waterway.

(e) *Deicer Truck Wash Water*

- i. Deicer- and salt-containing truck wash water must be captured, treated, and recycled for use as salt-brine in pre-wetting and anti-icing activities.

(f) *Transfer of Materials*

- i. Practices must be implemented in order to reduce exposure (e.g., sweeping, diversions, and/or containment) when transferring salt or other deicing material.

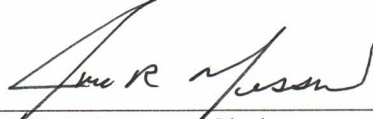
### SECTION 3. PENALTY

- (a) *Penalties:* Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and punished by a fine not exceeding the maximum limit established by Minnesota Statutes for the punishment of misdemeanors or imprisonment in the Olmsted County Jail for a period not exceeding 90 days. Each day's violation shall be a separate offense. The costs incurred by the Town of Marion, including attorney's fees in prosecuting violations of this Ordinance, shall be added to the sentence of any person determined to be guilty for a violation of this Ordinance.

This Ordinance amends Marion Township Ordinance No. 2022-1 by adding Section 3 herein.

This Amended Salt Storage MS4 Permit Ordinance is adopted by the Marion Town Board of Supervisors this 13<sup>th</sup> day of June, 2023.

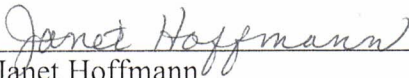
#### MARION TOWN BOARD OF SUPERVISORS

  
Joel R. Messmer, Chairperson

  
Roger Bjerke, Supervisor

  
John Schoenfelder, Supervisor

Attest:

  
Janet Hoffmann  
Marion Town Clerk

