

ORDINANCE NO.: 4753

AN ORDINANCE to Create Paragraph 15.26 (Y) of the Code of Ordinances of the City of La Crosse to establish Conditional Use requirements for sand processing, storage, and transporting facilities.

THE COMMON COUNCIL of the City of La Crosse do ordain as follows:

SECTION I: Paragraph 15.26(Y) is hereby created to read as follows:

(Y) Non-metallic sand and gravel processing facilities including any of the following activities; sand and gravel washing or drying, processing, loading or unloading, storing, and transportation facilities shall comply with the following requirements:

1. Submit an approved Air Pollution Permit from the Wisconsin DNR.
 - a. If an Air Pollution Permit is not required, the applicant shall submit a letter stating the reasons an Air Pollution Permit is not required.
2. Submit a Stormwater Management Plan for the proposed site which shall be reviewed for compliance with the City's stormwater regulations by the City Engineering Department.
3. Submit a Fugitive Dust Control Plan that shall address the following elements:
 - a. Description of the operation
 - b. Provide a map of activities
 - c. List the activities which may produce both dust and particulates e.g. crushing, grinding, bagging, storing, transferring, loading and unloading, conveyors and drop points.
 - d. List of equipment onsite or readily obtainable for cleanup to reduce fugitive dust: Watering truck/wagon or dedicated sprinkler system, frontend loader/trucks (cleaning up spillage), brooms, sweepers/vacuums, sealants for building/equipment, list of chemicals and/or additives for dust control and the MSDS.
 - e. Site roadways and Plant Yard

- i. Asphalt or concrete surfacing shall be required in any truck or equipment maneuvering area. The dust on the site shall be controlled by applications of water or other approved fugitive dust control compounds per (NR 415.075, Wis. Admn. Code.)
 - ii. All paved yards shall be swept or vacuumed daily with PM-10 approved sweepers and whenever fugitive is observed to control emissions, and any material spillage shall be cleaned up immediately.
 - iii. Fugitive dust should not cross the property boundary, and fugitive emissions from haul roads will not exceed 20% opacity at the source.
 - iv. Truck washing equipment or tracking pads/grizzly pads/shakers, or a combination of both, should be installed at each exit to remove build up material on tires or undercarriage.
- f. Operation Facilities
- i. The drop distance from each transfer point shall be reduced to the minimum the equipment can achieve. The transfer point from the re-circulating belt to the feed belt shall be equipped with an enclosed chute.
 - ii. Plant equipment and enclosures shall be inspected on a regular basis for physical integrity. Any equipment or seal leaks shall be repaired as soon as practicable, but no later than 48 hours after being identified.
 - iii. Processing equipment (including dryers, washers, and screeners) and stockpiles within 500 feet of any Residential or Business district shall be enclosed by a structure.
- g. Storage Piles
- i. Stockpiling of all nonmetallic minerals shall be performed to minimize drop distance and control potential dust problems.

- ii. Stockpiles shall be observed daily and watered whenever fugitive dust is observed to control emissions. After application, a follow-up observation shall be performed to ensure the effectiveness of the control measure. Equipment to apply water or dust suppressant shall be available at the site, or on call for the use at the site, within a given operating day.
- iii. Stockpiles within 500 feet of any Residential or Business district shall be enclosed by a structure. Stockpiles greater than 500 feet from a Residential or Business District and undisturbed for more than one week shall be covered.
- iv. Encrusting agents approved by the WI DNR or covering shall be used on piles intended for long term storage or inactivity. Non-toxic antifreeze additives approved by the DNR can be used to control dust when temperatures are below 32 degrees Fahrenheit.

h. Truck Traffic

- i. Vehicles shall be loaded to prevent their contents from dropping, leaking blowing or otherwise escaping. This shall be accomplished by loading so that no part of the load shall come in contact within six (6) inches of the top of any side board, side panel or tail gate. Otherwise, the haul trucks shall be covered, treated or secured to prevent the escape of materials likely to become airborne during transport, prior to any transportation off site.
- ii. Excess dust and/or spillage of material off-site shall be cleaned up and returned to the facility or properly disposed of.
- iii. Truck Route Designation. All trucks entering and leaving such facilities shall enter and exit La Crosse on designated truck routes. Such routes shall avoid residentially zoned property to the greatest extent possible.
- iv. Trip Generation. The frequency of loads entering and leaving the facility, as well as the weight of loads shall be identified.

- i. Inspection
 - i. List the maximum intervals for inspection and routine maintenance of fugitive dust control equipment, including a description of the items or conditions that will be checked.
 - ii. List the schedules for watering, treating and periodic cleaning of roads, trafficable areas and storage piles.
 - iii. The provisions and procedures of this plan are subject to adjustment if following an inspection and written notification, the City finds fugitive dust management practices do not meet requirements and/or permitted emission limits are not being met.
- j. Staff Responsible for Implementation of Plan
 - i. All staff members will be required to notify the operations manager of excessive fugitive emissions when observed. This will include a description of the source of the excessive emission. The operations manager will be responsible for directing dust control measures. The plan shall include the names and contact information for the operations manager and secondary contacts when the manager is not available or not on site.
 - ii. Records of daily inspections, visible emissions observations, equipment repairs, and dust suppressant activities shall be kept on file and be made available to the City upon request. The plan shall include a draft copy of the daily fugitive dust control reporting forms and other regular checks. The forms shall be dated and initialed by the person performing the checks.
- 4. Hours of Operation. Hours of operation for truck traffic and equipment/machinery with back-up alarms shall be limited to 7:00 a.m. - 10:00 p.m.
- 5. Landscaping and Screening. Sufficient landscaping and screening, including but not limited to fences, walls and/or vegetative screens, as approved by the City of

La Crosse, may be required to mitigate visual impacts and to provide wind breaks.

6. Any other applicable state or federal permits shall be obtained and placed on file with the City of La Crosse. Any reports generated to fulfill permit requirements shall be submitted to the City of La Crosse.
7. Exemptions: The following entities and uses are exempt from requiring a permit for Non-metallic sand and gravel processing facilities.
 - a. Government entities
 - b. Construction overburden or fill stockpiles located on an active construction site
 - i. The 500 yards is to be measured cumulatively for "pass thru" stockpiles, such as when stock piling for the purpose of changing mode of transportation or ownership of material and off-site construction stockpiles.
 - c. Sand stockpiles from dredging operations
 - d. Operations that are preempted by Federal Law

SECTION II: This ordinance shall take effect and be in force from and after its passage and publication.

_____/s/_____
Mathias Harter, Mayor

_____/s/_____
Teri Lehrke, City Clerk

Passed: 4/11/13
Approved: 4/15/13
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