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ORDINANCE NO. 939

An ordinance of the City of Sandpoint, Bonner County, Idaho, a municipal corporation of the State of Idaho; to be known as the "Material Specifications for Street Sanding Material" ordinance; providing applicability, definitions, standards, testing requirements, reporting requirements, sweeping requirements, alternate test methods and standards, and, alternate anti-skid materials; report submittal; and, providing a savings clause and severability; and providing for the publication of this ordinance.

Be it ordained by the mayor and city council of the City of Sandpoint, Bonner County, Idaho, as follows:

SECTION I. APPLICABILITY

The provisions of this ordinance shall apply to any state, county, city or local government or private company that applies anti-skid materials to or mechanically sweeps or vacuums paved surfaces within the Sandpoint PM-10 Nonattainment area. This ordinance shall also apply to all suppliers of anti-skid materials to be used by these affected entities.

SECTION II. DEFINITIONS

- A. "Affected Entities" means any state, county, city or local government or private company that applies anti-skid material to, or mechanically sweeps or vacuums paved surfaces within the Sandpoint PM-10 Nonattainment Area.
- B. "Anti-skid Materials" means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.
- C. "Approved Laboratory" means a certified facility capable of performing the specified tests in a competent, professional, and unbiased manner in accordance with ASTM testing procedures.
- D. "DEQ" means the Idaho Department of Health and Welfare, Division of Environmental Quality.
- E. "Durability Index" means the percent loss of weight as determined using the test method most recently adopted by resolution by the Sandpoint City Council.
- F. "High Degree of Angularity" means that the grains exhibit sharply intersecting, planar faces over their entire surfaces. The most current recommended test method for this criteria shall be adopted by resolution by the Sandpoint City Council.

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- G. "Percent Fines" means that material which is acceptable as defined by standards adopted by resolution of the Sandpoint City Council.
- H. "Recycled Anti-skid Material" is previously used anti-skid material which has been collected from roadways or paved areas within the Sandpoint PM-10 Nonattainment Area and is then, after washing, re-used as is or after blending with new anti-skid material.
- I. "Season" means the time period beginning November 1 in one calendar year and concluding on April 30 of the next calendar year.

SECTION III. ANTI-SKID MATERIAL STANDARDS

- A. All anti-skid materials applied to paved surfaces, whether new or recycled, shall meet or exceed either of the following standards:

- 1. Less than 2% fines and less than 45% durability index; or
- 2. Less than 4% fines, less than 25% durability index, and a high degree of angularity exhibited by the majority of the grains.

- B. Contractual Requirements

After the effective date of this regulation, no affected entity shall execute a contract for the purchase of anti-skid materials unless the contract includes standards at least as stringent as those set forth herein.

- C. User Exemptions

After the effective date of this regulation, if supplies of anti-skid material which meet the standards set forth herein are physically and economically unavailable, then affected entities may use existing stockpiles of anti-skid material until April 30 of 1994.

SECTION IV. TESTING REQUIREMENTS.

- A. General

DEQ, or the user, may require tests to be performed for any of the following physical characteristics of anti-skid materials:

- 1. The percent fines;
- 2. The durability index; and

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3. The degree of angularity exhibited by the majority of the grains.

B. Supplier Requirements

1. Suppliers shall test a representative sample of the anti-skid materials being produced at least once per week during production to determine the percent fines in the material and record the results of the test.
2. Suppliers shall have an approved laboratory test a representative sample of the anti-skid materials being produced at least once per month during production to determine the percent fines in the material and maintain the report of the results prepared by the approved laboratory.
3. Suppliers shall have an approved laboratory test a representative sample from each of the pit sources owned or operated by the supplier at least once during the time period in which the supplier sells anti-skid materials to an affected entity to determine the durability index of the pit material and maintain the report of the results prepared by the approved laboratory.
4. If a supplier is relying upon Section III.A.2., at least once per month during production, the supplier, or a qualified representative of the supplier, shall perform a visual examination of the angularity of the anti-skid material and record the results of the examination.

C. User Requirements

1. Affected entities shall have an approved laboratory test at least one representative sample of the first 250 tons of recycled anti-skid materials used by the entity each winter to determine the percent fines and durability index of the material.
2. Affected entities shall have an approved laboratory test at least one representative sample of each 500 tons of recycled anti-skid materials used by the entity after the initial 250 tons to determine the percent fines in the material.

3. Audit Authority

Designees of DEQ may enter the site of any supplier or user of anti-skid material at all reasonable times and upon the presentation of appropriate credentials for the purpose of obtaining a sample of material to determine if the material meets the applicable standards.

SECTION V. REPORTING REQUIREMENTS

A. Supplier Reporting Requirements

1. Suppliers relying upon Section III.A.2, shall at least once per month during production submit a signed statement to DEQ certifying that the supplier, or a qualified representative of the supplier, performed a visual examination of the angularity of the anti-skid material during the preceding month and detailing the results of that visual examination.
2. Prior to or upon delivery of anti-skid material, suppliers shall provide to DEQ and to the affected entities, that use their anti-skid material, a report documenting that the supplier has met all applicable testing requirements. The supplier shall certify in writing to the affected entity that the anti-skid materials meet the requirements of Section III.A.
3. Prior to or upon delivery of anti-skid material, suppliers shall notify DEQ and the affected entities in writing of the location (UTM coordinates) of the aggregate pit(s) from which the anti-skid material is produced.
4. The supplier shall maintain the information required under the provisions of Section IV.B. for a period of three (3) years.

B. User Requirements

1. Affected entities that use recycled anti-skid material shall submit to DEQ copies of the results of testing conducted according to Section IV.C. no later than 30 days after the tests are conducted.
2. No later than June 30 of each year, affected governmental entities shall submit a report to DEQ containing the following information for the preceding 12 months:

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- (a) The amount of recycled anti-skid material used;
  - (b) The amount of non-recycled anti-skid material used;
  - (c) The amount of salt or other deicing chemicals used;
  - (d) The same information specified in 2(a), 2(b), and 2(c), for all private companies performing sanding, salting, or deicing services under a contract with the affected governmental entity.
3. No later than June 30, of each year, private companies that use 250 tons of anti-skid material or more per season for non-governmental applications within the Sandpoint PM-10 Nonattainment Area shall submit a report to DEQ containing information for the preceding season on the total amount of anti-skid materials (both new and recycled) and salt and other deicing chemicals used.

C. Sweeper Reporting Requirements

Affected entities shall maintain monthly records to document the information described below. No later than June 30 of each year, each affected governmental entity shall submit a report to DEQ which shall contain the information described below for each priority roadway.

1. Date of each sweeping operation;
2. Lane miles swept; and
3. Type of equipment used.

D. DEQ Audit Authority

All records, including but not limited to, test results, reports and visual examination results, generated or maintained under the provisions of this ordinance shall be made available for inspection upon request by DEQ.

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SECTION VI. SWEEPING REQUIREMENTS

Beginning the effective date of this regulation, the Sandpoint Independent Highway District, the City of Sandpoint, Bonner County and the Idaho Transportation Department or their contractors shall clean paved surfaces within the Sandpoint Nonattainment Area as per the guidelines set forth in the Sandpoint Area Winter Road Maintenance Plan. The Winter Road Maintenance Plan will develop guidance for cleaning paved surfaces during the winter season to meet safety and mobility requirements in addition to improving air quality. The affected governmental entities will develop the plan in conjunction with DEQ. The plan will be updated and approved annually by DEQ.

SECTION VII. ALTERNATE TEST METHODS AND STANDARDS

Alternate percent fines and durability index test procedures for percent fines and durability may be approved in writing by DEQ if DEQ determines that the alternate procedures provide a measure that is equivalent to the test procedures prescribed by this ordinance.

SECTION VIII. ALTERNATE ANTI-SKID MATERIALS

Experimentation with alternate anti-skid materials may be approved in writing by DEQ if DEQ determines that the impact of such experiments or tests does not contribute appreciably to air quality degradation.

SECTION IX. REPORT SUBMITTAL

Affected entities and suppliers shall submit all required reports to the appropriate office of the Idaho Division of Environmental Quality as identified by resolution adopted by the Sandpoint City Council.

SECTION X. PUBLIC GOOD

The provisions of this ordinance are hereby found and declared to be in the furtherance of the public health, safety, welfare and convenience and it shall be liberally construed to effect such purposes.

SECTION XI. SEVERABILITY

All ordinances or parts of ordinances or code sections in conflict with this ordinance are hereby repealed to the

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extent of such conflict as necessary. Should any sentence, section, clause, part or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the ordinance as a whole or any other part thereof other than the part declared to be invalid.

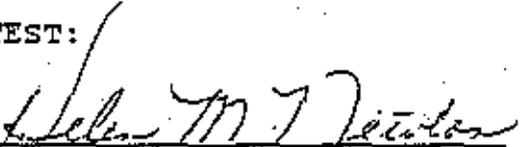
SECTION XII. PUBLICATION

This ordinance shall be in full force and effect upon its publication according to law in the Bonner County Daily Bee, a newspaper of general distribution in the city of Sandpoint, Idaho, and hereby declared to be the official newspaper for the publication of this ordinance.

Passed and adopted as an ordinance of the City of Sandpoint, Idaho, at a regular session of the Sandpoint City Council on February 22, 1994.

  
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DWIGHT E. SHEFFLER, MAYOR

ATTEST:

  
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HELEN M. NEWTON, CITY CLERK