

**ORDINANCE NUMBER 44**

**ST. LOUIS COUNTY ORDINANCE NO. 44**

**ARTICLE I**

**TITLE**

**FINANCIAL ASSURANCE CONTINGENCY ACTION COMPLIANCE ORDINANCE  
ST. LOUIS COUNTY, MINNESOTA**

An ordinance providing for compliance with financial assurance contingency action rules for the Hibbing and East Mesaba Landfills by reserving net debt limit.

**ARTICLE II  
AUTHORITY**

This ordinance is adopted in accordance with Minn. Stat. 116.07, subd. 4h.

**ARTICLE III  
DEFINITIONS**

**Section A. Contingency Action.**

Contingency action means a course of action to be followed in case of fire, explosion, or release of solid waste, waste by-products, or leachate that could threaten human health or the environment.

**Section B. Net Debt Limit**

Net debt limit has the meaning contained in Minn. Stat. 475.53, subd. 1. The current statutory limit on St. Louis County debt is two (2) percent of the Assessor's estimated market value.

**ARTICLE IV  
FINANCIAL ASSURANCE COMPLIANCE**

**Section A.** The County of St. Louis accepts responsibility for

the costs of  
contingency action  
at the Hibbing and  
East Mesaba  
Landfills and

pledges its full faith and credit to meet its responsibility.

**Section B.** For the year 1993, the County of St. Louis reserves

\$1,537,537.00 of its net debt limit for the costs of contingency action at the Hibbing Landfill and \$951,916.00 of its net debt limit for the costs of contingency action at the East Mesaba Landfill, for a total of net debt limit of \$2,489,453.00. For the year 1994, and each of the subsequent seventeen (17) years, the county will deposit into the East Mesaba Landfill Dedicated Long-term Care Trust Fund and into the Hibbing Landfill Dedicated Long-term Care Trust Fund, five (5) percent of the estimated liability for contingency action for each respective landfill. For each amount deposited into the dedicated long-term care trust funds the County will subsequently reduce the amount of bonding authority it is reserving.

St. Louis County will maintain an investment grade bond rating as a

condition of using the County's bonding authority to meet financial assurance responsibilities for contingency action costs under Minn. Stat. 116.07, subd. 4h(b).

**Section C.** Said reservation shall apply during the operating

life of the Hibbing and East Mesaba Landfills and for twenty (20) years after its closure or until the County of St. Louis has placed all reserves to cover total contingency action costs for the Hibbing and East Mesaba Landfills into a dedicated long-term care trust fund.

**Section D.** Said reservation may not be revoked unless the time

periods specified in Art. IV, Sec. C, have elapsed or unless the County of St. Louis adopts an alternate method of financial assurance allowed by the State of Minnesota, Minnesota Statutes, or Minnesota Rules.

**Section E.** The County of St. Louis, pursuant to Minn. Stat. 116.07, subd. 4h (b)(5), will

file a consent to State Aid Deduction with the Minnesota Department of Revenue (Department) which authorized the Department to deduct from State Aid payments otherwise due the County, the cost of contingency action associated with the Hibbing and East Mesaba Landfills. The Department may deduct said contingency action costs from the county's State Aid payments only if the County fails to conduct contingency actions at the Hibbing and East Mesaba Landfills within a reasonable period of time after being ordered to do so by the Minnesota Pollution Control Agency. the Department may deduct no more than \$1,708,375.00 for the Hibbing Landfill and \$1,0547,685 for the East Mesaba Landfill and shall deposit the amounts so deducted in the Environmental Response Compensation and Compliance Account established pursuant to Minn. Stat. 115B.20.

**Article V**  
**EFFECTUATION**

This ordinance shall take effect and be in full force on the 12th day of October, 1993, upon its adoption by the St. Louis County Board of Commissioners and its publication in the official newspaper of St. Louis County as provided by Minnesota Statutes.

A public hearing was held by the St. Louis County Board of Commissioners on the 12th day of October, 1993. Commissioner Prebich moved the adoption of this ordinance. Commissioner Lepak duly seconded the motion, and the ordinance was adopted on the following vote:

Yeas: Commissioners Mattson, Kron, Lamppa, Lepak, Prebich, Raukar and Chair  
Krueger - 7

Nays: none

Absent: none

MARILYN A. KRUEGER, Chair  
St. Louis County Board

ATTEST:

GORDON D. MCFAUL, County Auditor  
St. Louis County