

ORDINANCE
By Frey and Gordon

Amending Title 3 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That the title of Chapter 46 of the Minneapolis Code of Ordinances be amended to read as follows:

HAZARDOUS AND INDUSTRIAL WASTE GENERATION, HANDLING, STORAGE AND DISPOSAL

Section 2. That Section 46.10 contained in Chapter 46, Hazardous Waste Generation, Handling, Storage and Disposal, be amended to read as follows:

46.10. Adopted. Code of Federal Regulations, Title 40, Part 261; Minnesota Rules, Chapter 7045, and Minnesota Statutes, Sections 115A.916, 325E.10, 325E.11, 325E.112 and 325E.115 are hereby adopted by reference and are incorporated in this title as fully as if set forth herein and shall be in force and effect as the Minneapolis Hazardous and Industrial Waste Generation, Handling, Storage and Disposal Rules.

Section 3. That Section 46.30 contained in Chapter 46, Hazardous Waste Generation, Handling, be amended to read as follows:

46.30. Definitions. Wherever the word "state," "agency" or "Minnesota Pollution Control Agency" is used in Minnesota Rules, Chapter 7045 and Minnesota Statutes, Sections 115A.916, 325E.10, 325E.11, 325E.112 ~~325E.112~~ and 325E.115 ~~325E.115~~, it shall be held to mean the City of Minneapolis. Wherever the word "commissioner" is used in the regulations and statutes, it shall be held to mean the commissioner of the Minneapolis Health Department or the commissioner's designees. Except as here after defined.

Category II nonfriable asbestos-containing material means any material, excluding Category I nonfriable asbestos-containing material, containing more than one (1) percent asbestos as determined using the methods specified in appendix E, subpart E, 40 CFR part 763, section 1, Polarized Light Microscopy that, when dry, cannot be crumbled, pulverized, or reduced to powder by hand pressure.

Friable asbestos-containing material means previously nonfriable asbestos-containing material which becomes damaged to the extent that when dry all or a portion of the material may be crumbled, pulverized or reduced to powder by hand pressure.

Hazardous waste shall include any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to, explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Hazardous waste generating facility means any facility that generates, handles, stores, or disposes of hazardous waste as a large or small quantity generator originating at their address as defined and listed in Minnesota Rules Chapter 7045, including waste motor vehicle fluids.

Hazardous waste generator size is determined by how much hazardous waste a business or facility generates per month, excluding certain wastes as defined by this Code:

(1) *Large Quantity Generator (LQG)*: Generates two thousand two hundred (2,200) pounds or more per month of hazardous waste (about four (4) drums liquid);

(2) *Small Quantity Generator (SQG)*: Generates greater than two hundred twenty (220) pounds but less than two thousand two hundred (2,200) pounds per month of hazardous waste (about one-half (1/2) to four (4) drums liquid);

(3) *Very Small Quantity Generator (VSQG)*: Generates two hundred twenty (220) pounds or less per month of hazardous waste (about one-half (1/2) drum liquid or less).

Hazardous waste process facility means any facility that generates, handles, stores, or disposes of hazardous waste as a large or small quantity generator originating at their address or from another address as defined and listed in Minnesota Rules Chapter 7045, including waste motor vehicle fluids.

Industrial waste means any solid, liquid, or other wastes, resulting from any industrial, manufacturing, or business process, or from the development, recovery, or processing of a natural resource, which requires special handling or processing prior to disposal.

Industrial waste generating facility means any facility that generates, handles, stores, or disposes of industrial waste or is a very small quantity generator of hazardous waste originating at their address as defined and listed in Minnesota Rules Chapter 7045, including waste motor vehicle fluids.

Site operator means any person(s), organization, company, group, or any other entity, public or private, that owns or is in control of a hazardous waste facility.

Section 4. That Section 46.40 contained in Chapter 46, Hazardous Waste Generation, Handling, be amended to read as follows:

46.40. Permit required. (a) ~~{Generally.}~~ *Generally.* No person may begin operations of a hazardous waste facility without first filing an application and paying the permits fees as established in section 91.70. Failure to obtain the permit prior to conducting the activity shall be deemed a violation and may result in late fees.

(b) *Permit requirements.* A permit shall not be issued for the operation of a new hazardous waste facility unless a hazardous waste facility application has been submitted along with a hazardous waste

site plan, spill pollution prevention plan and application fees. The commissioner may require additional information or data deemed appropriate and/or may impose such conditions thereto as may be deemed necessary to ensure compliance with the provisions of this Code for the preservation of public health and safety.

(1) *Hazardous waste facility application.* A written application from the site operator or their authorized representative shall be required for each permit. The application shall identify contact information a narrative of the business and be signed by the owner.

(2) *Hazardous waste site plan.* The site plan shall be drawn to an appropriate scale and shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed hazardous waste facility, and measures proposed to contain spills and releases.

(3) *Spill pollution prevention plan.* The spill pollution prevention plan shall describe what measures, training and equipment have taken place and been purchased to prevent spills from occurring and what measures will be taken to address a release.

(4) *Approval.* Approval of the permit application shall be identified by the addition of a hazardous waste generating facility or hazardous waste processing facility on the pollution control annual registration certificate. Application fees are authorized to cover review of the application and registration for the remaining registration year.

(c) *Existing hazardous waste facilities.* A hazardous generating waste facility existing prior to January 1, 2008, must have on file, with the commissioner, a hazardous waste facility application, a hazardous waste site plan, and a spill pollution prevention plan.

Section 5. That Section 46.50 contained in Chapter 46, Hazardous Waste Generation, Handling, be amended to read as follows:

46.50. Pollution control annual ~~billing (PCAB)~~ registration of a hazardous waste generating facility, hazardous waste process facility, or industrial waste generating facility. (a) *Hazardous waste generator.* The site operator in control of a large or small quantity hazardous waste generating facility established under this chapter or existing prior to this chapter, shall register that site annually with the commissioner as a hazardous waste generator.

~~(b) *Existing hazardous waste facility.* A hazardous waste facility existing prior to January 1, 2008, must have on file, with the commissioner, a hazardous waste facility application, a hazardous waste site plan, and a spill pollution prevention plan. The application and plans must be submitted by December 31, 2010.~~

(b) *Hazardous waste processor.* The site operator in control of a large or small quantity hazardous process facility established under this chapter or existing prior to this chapter shall register that site annually with the commissioner as a hazardous waste processor.

(c) *Industrial waste generator.* The site operator in control of a very small quantity hazardous waste generating facility or an industrial waste generating facility such as a motor vehicle shop for public, private or fleets shall register annually with the commissioner as an industrial waste generator.

(d) Hazardous waste processor and hazardous and industrial waste generator requirements. The site operator shall also remit an pollution control annual registration fee, per site, in an amount as established in Appendix J, License Fees Schedule. The site operator or their agent, by submission and payment, confirm that the ~~hazardous waste~~ facility has been inspected, maintained and is functioning satisfactorily. The ~~annual fee~~ pollution control annual registration shall be due and payable on January 31st of each year. If registration is not received or postmarked on or before January 31st of each year, the applicant shall pay late fees provided for such registration. Each day of failure to maintain or obtain registration may constitute a separate violation of this Code.

Section 6. That Section 46.60 contained in Chapter 46, Hazardous Waste Generation, Handling, be amended to read as follows:

46.60. Annual inspection of hazardous waste facilities. All hazardous waste processors and hazardous waste and industrial waste generating facilities are subject to annual inspection by the commissioner.

Section 7. That Section 47.10 contained in Chapter 47, Energy and Air Pollution, be amended to read as follows:

47.10. Definitions. For the purposes of this chapter, the terms defined in this section shall have the following meanings; all other definitions are adopted under Minnesota Rules (2008):

Annealer: Equipment used for heating and gradually cooling metals or glass usually to render them less brittle.

Bag filter: An apparatus for removing dust from dust-laden air, employing cylinders of closely woven material that permit passage of air but retain solid particles.

Catalytic combustor: Any equipment involved in a process that converts the incompletely burned hydrocarbons present in fuel exhaust into less harmful gases by using chemical agents that speed up reactions.

Coating system: Equipment used in applying a metallic coat to an object by dipping the object into molten metal.

Compactor: Equipment used in a commercial or industrial capacity that expels gas from a mass to achieve a high density.

Cupola: A cylindrical vertical furnace for melting metal or glass by having the charge come in contact with hot fuel.

Cyclone: Any of various centrifugal devices for separating particulate matter from gasses.

Degreaser: A tank with a solvent at the bottom used in a commercial or industrial capacity for removing grease, oil, or other such impurities from objects.

Delivery vessel: A vessel that stores and transports gasoline for delivery to a gasoline filling station.

Dryer: A vessel in which water or moisture is removed from coal. This definition shall include but not be limited to the following: McNally-Vissac dryer, multilouvre dryer, Raymond flash dryer, cascade coal dryer, flash coal dryer, and fluidized bed dryer.

Dust collector: Mechanical devices designed to remove particulate matter from process, ventilation, and outside air as well as to recover resources from manufacturing process and that is not covered by section 47.50 of this chapter.

Emergency generator: An internal combustion engine used solely as a source of standby power when normal power service fails.

Fly ash: A by-product of coal-fired powerplants.

Fly ash collector: Any equipment used to separate fly ash from gas(es) and that is not covered by equipment referenced by section 47.50 of this chapter.

Fuel: Any combustible substance or material or any combination of such.

Fuel burning equipment: Any furnace, boiler apparatus, stack, or appurtenance thereto used in the process of burning fuel for the primary purpose of producing heat or power by indirect heat transfer.

HVAC: Heating, ventilation, and air conditioning.

Heat treat oven: A chamber in which substances or objects other than food are artificially heated for the purposes of baking, roasting, annealing, etc.

Kitchen exhaust system: Any commercial or industrial kitchen exhaust system.

Incinerator: Any device used to burn solid or liquid residues or wastes as a method of disposal. In some incinerators, provisions are made for recovering the heat produced.

Internal combustion engine: An engine that burns fuel within itself as a means of developing power. This definition does not include motor vehicles as defined by the State of Minnesota in Minnesota Statute (2007) Section 168.011, Subd. (4).

Ladle: A vessel used in the transfer and transport of molten metal, glass, matte, or slag usually in a smelter or foundry.

Lint collector: Any equipment used in a commercial or industrial process to remove lint or other such fibrous material from gas(es) and that is not otherwise referenced by section 47.50 of this chapter.

Oil fired forge: An open fireplace, furnace, or hearth that is fueled by oil and is usually equipped with forced draft.

Oven: A chamber in which substances other than food are artificially heated for the purposes of baking, roasting, annealing, etc.

Perchloroethylene: A chemical used in the dry-cleaning industry and is also known as perc, tetrachloroethylene, C_2Cl_4 or $Cl_2C=CCl_2$.

Plating equipment: Equipment that deposits a metal or an alloy onto a substrate by means of electric current or by means of chemical reaction.

Process: Any individual action, operation or treatment involving chemical, industrial or manufacturing factors and all other methods or forms of manufacturing or processing that may emit air contaminants.

Salt or cyanide pot: A container for salt or cyanide.

Scrubber: Equipment used in a commercial or industrial process to remove impurities, such as odors and particulate matter, from gas(es) and that is not otherwise referenced by section 47.50 of this Code.

Shot blast: Cleaning surface of metal by air blast, using metal, plastic, or ceramic shot as an abrasive.

Sonic cleaner: Equipment that uses sound waves to clean surfaces.

Tumbler: Equipment used in a commercial or industrial process that utilizes plastic, steel, or ceramic compounds to polish or otherwise finish metal.

Section 8. That Section 47.40 contained in Chapter 47, Energy and Air Pollution, be amended to read as follows:

47.40. Pollution control annual ~~billing (PCAB)~~ registration (PCAR). (a) The owner or site operator of the equipment or items listed in this section shall register such equipment or items annually with the commissioner. The owner or site operator shall also remit an annual registration fee, per site, in an amount as established in Appendix J, License Fees Schedule. Such equipment or items may not be operated without proper registration as outlined in this section. The site operator or their agent, by submission and payment, confirm that the equipment or item has been inspected, maintained and is functioning satisfactorily. The ~~annual fee~~ pollution control annual registration shall be due and payable on January 31st of each year. If registration is not received or postmarked on or before January 31st of each year, the applicant shall pay late fees provided for such registration. Each day of failure to maintain or obtain registration may constitute a separate violation of this Code.

(b) *Equipment and items to be registered.* The following equipment or items must be registered and comply with the provisions in this section before they may be operated or emitted in the City of Minneapolis:

(1) Space heating equipment. Interior oil, stoker, natural gas or hand fired fuel burning equipment or combination of fuel burning equipment with an input capacity exceeding ~~four~~ three hundred thousand ~~(400,000)~~ (300,000) and each multiple round to the nearest whole number Btu per hour;

(2) Exhaust systems. Commercial kitchen exhaust, public or private parking garage, paint booth for water base and non-water base paints, ~~Commercial~~ commercial exhaust system with a discharge greater than five hundred (500) CFM;

(3) Air pollution control equipment: Afterburner, Annealer, atmosphere burner, cupola, bag filter, cyclone, dust collector, fly ash collector, scrubber, lint collector, waste oil burner, boiler, burner, kitchen exhaust system, waste generator, emergency generator, tumbler, make-up air heater, air handling equipment over five (5) horsepower, internal combustion engine, oil fired forge, oven, room heater or combination of room heaters totaling four hundred thousand (400,000) Btu, food or other process equipment, incinerator, dryer, heat treat oven, ladle, salt or cyanide pot, batch plant, shot blast, rotary press, compactor, coating system, degreaser, paint booth, plating equipment, sonic cleaner, reactor, vapor reclaimer, or catalytic combuster, or laminator;

(4) Roof or ground mounted commercial HVAC equipment Commercial manufacturing and process equipment: Annealer, cupola, tumbler, internal combustion engine, oil fired forge, oven (each unit over 300,000 BTU input), food or other process equipment, incinerator, dryer (each over 300,000 BTU input), heat treat oven (each over 300,000 BTU input), ladle, salt or cyanide pot, batch plant, shot blast, rotary press, coating system, degreaser, plating equipment, sonic cleaner, reactor, or laminator;

(5) Commercial coffee roaster Dry Cleaners: Dry Cleaner using non-perchloroethylene and dry cleaner using perchloroethylene;

(6) Stage I vapor recovery system or other pollution control device(s) in or on any building, equipment, or premises Generators: Natural gas Non-diesel fuel generators and diesel fuel generators; or

(7) Crematorium. Others: Roof or ground mounted commercial heating, ventilating, and air conditioning (HVAC) equipment; commercial coffee roaster; crematorium; waste oil burner; exterior air handling equipment over five (5) horsepower; and compactors;

(8) Air Emissions.

a. Air emissions of the following pollutants to the atmosphere in excess of one ton: volatile organic compounds (VOC), particulate matter of 2.5 microns or smaller (PM2.5), sulfur oxides (SOx); nitrogen oxides (NOx), lead (Pb), and carbon monoxide (CO).

b. Temporary fee exemptions for registrations apply as follows:

1. Two year emission fee exemption. Voluntary air emission reduction projects for registered facilities will be granted a two year emission fee waiver for a ten percent (10%) or greater reduction resulting in 500 pounds or more in any one emission category. The two year emission fee exemption shall start the first year following the completion of the project. After two years the fee exemption shall be removed and the air emission fee shall be applied at the reduced rate.

2. Three (3) year emission fee exemptions.

i. Voluntary air emission reduction projects for registered facilities will be granted a three year emission fee waiver for a ten percent (10%) or greater reduction resulting in one ton or more for all emission categories. The three year emission fee exemption shall start the first year following the completion of the project. After three years the fee exemption shall be removed and the air emission fee shall be applied at the reduced rate.

ii. Voluntary air emission reduction projects for registered facilities will be granted a three year emission fee waiver for a twenty-five percent (25%) or greater reduction resulting in one ton or more in one emission category. The three year emission fee exemption shall start the first year following the completion of the project. After two years the fee exemption shall be removed and the air emission fee shall be applied at the reduced rate.

3. Five year fee exemption for all pollution control annual registrations. Voluntary air emission reduction projects for registered facilities will be granted a five year emission fee waiver for a twenty-five percent (25%) or greater reduction resulting in two tons or more for all emission categories. The five year fee exemption for all pollution control annual registrations shall start the first year following the completion of the project. After five (5) years the fee exemption for all pollution control annual registrations shall be removed and the air emission fee shall be applied at the reduced rate.

4. Ten year emission fee exemption for all pollution control annual registrations. Voluntary air emission reduction projects for registered facilities will be granted a ten year emission fee waiver for a forty percent (40%) or greater reduction resulting in four tons or more for all emission categories. The ten year fee exemption for all pollution control annual registrations shall start the first year following the completion of the project. After ten years the fee exemption for all pollution control annual registrations shall be removed and the air emission fee shall be applied at the reduced rate.

5. All voluntary projects must be submitted through the Minneapolis Health Department Pollution Reduction Review process.

6. If the facility removes or modifies the emission reduction equipment the fee exemption shall be cancelled. The annual emission fee shall be reinstated at the last documented emission level.

7. If the project fails to meet the emission reduction goals the fee exemption shall be adjusted to the appropriate level that project attained. If the project fails to attain the minimum reduction goals established in the two year emission fee exemption program the air emission fee shall be reestablished at current reported emission levels.

(c) Posting of registration; failure to have registration. Proof of registration for registered equipment must be posted in public view within the building for which the unit(s) are registered. For the purposes of this section "public view within the building" means the customer area of a business or the communal area of a residential structure, if such areas exist, or if such areas do not exist, then in an area that is readily accessible to members of the public using the building. If it is not possible to post proof of registration, a sign must be posted that contains the name and valid phone number of a person or persons who can produce proof of such registration upon request. The proof of registration must still be kept within the building for which the unit(s) are registered. Failure to possess a proof of registration is a separate violation of this Code.

Section 9. That Section 47.90 contained in Chapter 47, Energy and Air Pollution, be amended to read as follows:

47.90. Inspections authorized; orders requiring compliance. The commissioner is authorized to inspect businesses, properties, equipment and records to determine if pollution control annual ~~billing~~ registrations must be filed, pursuant to section 47.40, if there exists reasonable suspicion that registration is required and has not been filed. The commissioner is authorized to inspect such

equipment to verify that the equipment can be operated within the provisions of Chapter 47 of the City Code of Ordinances. If at the time of any inspection it is found that the equipment is in such condition that it cannot be operated within the provisions of this chapter, the commissioner shall give notice to the person owning, operating or in charge of such equipment and shall give orders to correct, repair, or replace the defective equipment.

Section 10. That the definition for "Hazardous waste" contained in Section 48.10 of Chapter 48 be amended to read as follows:

Hazardous waste means any refuse, sludge, or other waste material or combinations of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or

(2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives. Hazardous waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

Section 11. That Section 48.20 contained in Chapter 48, Minneapolis Watershed Management Authority, be amended to read as follows:

48.20. State Regulations, rules and statutes adopted. (a) Code of Federal Regulations, Title 40, Part 261, and Minnesota Rules (2001), Chapters 4715, 4720, 4725, 7035, 7037, 7041, 7042, 7044, 7045, 7048, 7050, 7056, 7060, 7080, 7100, 7105, 7150, 7151, and 9220, and subsequent updates, are made part of this chapter as if fully set forth herein. Minnesota Statute 115.061 (2003), and subsequent updates, are made part of this chapter as if fully set forth herein.

(b) Three (3) copies of the adopted state standards and regulations marked "Official Copy" shall be filed in the Office of the City Clerk and Office of the Minneapolis Watershed Management Authority in the Minneapolis Health Department, and remain on file for use and examination by the public. The clerk shall furnish copies of these adopted state standards and regulations at cost to any person upon request.

Section 12. That Section 48.50 contained in Chapter 48, Minneapolis Watershed Management Authority, be amended to read as follows:

48.50. Violations. Any person who violates any provision of this chapter shall be penalized as prescribed in section 1.30(a) of this Code of Ordinances. Additionally and alternatively, any violation of this chapter or title may be subject to administrative enforcement pursuant to chapter 2 of this Code or to any other appropriate and available enforcement provided by law.

Section 13. That Section 48.120 contained in Chapter 48, Minneapolis Watershed Management Authority, be amended to read as follows:

48.120. Aboveground storage tanks for regulated substances. (a) No person(s) shall install, abandon, or remove any aboveground storage tank of two hundred (200) and ~~fifty (250)~~ gallons (or pounds for propane) or more in size without first filing a tank installation, abandonment or removal application, paying the authority all permit fee(s) required by section 48.310, and obtaining the proper tank permit from the authority.

(b) Persons that store regulated substance(s) aboveground shall provide reasonable protection against spills or leaks of such regulated substance(s) from entering into the municipal stormwater system, sanitary sewers, or waters of the state, through the use of best management practices to the extent they are technologically achievable to prevent and reduce such pollution.

(c) Flammable liquids. Outside aboveground storage of a flammable liquid(s) in excess of five hundred (SOD) gallons shall not be allowed within three hundred (300) feet of a residential structure.

(d) Liquid propane. Propane tanks used or stored at a single location for less than six (6) months shall be exempt from permitting requirements.

(e) Authority shall have the right to inspect all tank locations before, during, and after installation, removal, and abandonment. Applicant shall notify the authority not less than forty-eight (48) hours prior to installing, removing, or abandoning a tank to arrange a site inspection.

(f) Upon aboveground storage tank removal or abandonment, all associated fill, vent, and product lines must be removed, or properly abandoned if inaccessible, regardless of tank size or use. Exceptions to this requirement are tanks that are being replaced within thirty (30) days and if lines meet current federal requirements for product lines.

Section 14. That Section 48.125 contained in Chapter 48, Minneapolis Watershed Management Authority, be amended to read as follows:

48.125. Registration of regulated substance storage. (a) No person(s) shall allow or maintain any storage of regulated substances in excess of two hundred ~~fifty (250)~~ (200) gallons (or pounds, if propane) without first having registered such storage with the authority and paying the annual registration fee(s) required by section 48.310. A separate registration shall be required for each container meeting the 200 gallon or pound threshold ~~of 250 gallons or more~~. For a site containing multiple smaller containers a registration shall be required for each multiple of ~~250~~ 200 gallons or pounds, as applicable, rounded downward to the nearest whole number. All storage taking place at residential buildings or properties with three (3) or less dwelling units are exempt from registration fees.

(b) Liquid propane tanks used or stored at a single location for less than six (6) months shall be exempt from registration fees.

Section 15. That Section 48.130 contained in Chapter 48, Minneapolis Watershed Management Authority, be amended to read as follows:

48.130. Underground storage tanks for regulated substances. (a) ~~At least thirty (30) days before~~ Prior to beginning installation of any underground storage tank regulated by the state, owner and operators must notify the authority of their intent to install the underground storage tank system and pay a filing fee required by section 48.310. Notification can be a copy of the state form, or the city supplied form.

Notification must include type of tank system to be installed, method of cathodic protection, and release detection and site plan.

(b) ~~At least ten (10) days before~~ Prior to beginning either removal, abandonment, or switching the stored material to or from a regulated substance, owners and operators of an underground tank must notify the authority of their intent to remove, abandon or change-in-service, and pay a filing fee required by section 48.310.

(c) Upon underground storage tank removal or abandonment, all associated fill, vent, and product lines must be removed, or properly abandoned in place if inaccessible, regardless of tank size or use. Exceptions to this requirement are tanks that are being replaced within thirty (30) days and if lines meet current federal requirements for product lines.

(d) Authority shall have the right to inspect all tank locations before, during, and after installation, removal, or abandonment. Applicant shall notify the authority ~~not less than forty eight (48) hours~~ prior to installing, removing, or abandoning any underground storage tank to arrange a site inspection.

Section 16. That Section 48.145 contained in Chapter 48, Minneapolis Watershed Management Authority, be amended to read as follows:

48.145. Fuel oil tanks less than one thousand one hundred (1,100) gallons. (a) ~~At least fifteen (15) days before~~ Prior to beginning installation, removal or abandonment, of a fuel oil tank less than one thousand one hundred (1,100) gallons, the owner and operators must submit a permit application to the authority, pay a filing fee required by section 48.310, and receive a permit.

(b) Fuel oil tanks less than one thousand one hundred (1,100) gallons may only be abandoned when removal of the tank would undermine the structure or the tanks are inaccessible for removal with proper equipment. ~~In these circumstances~~ If the authority denies the application for the abandonment in place of an underground tank, the permit application must be submitted along with a letter from a licensed engineer stating that the tank cannot be safely removed for an application to be approved and a permit issued.

(c) Upon underground storage tank removal or abandonment, all associated fill, vent, and product lines must be removed, or properly abandoned if inaccessible, regardless of tank size or use. Exceptions to this requirement are tanks that are being replaced within thirty (30) days where the piping meets the current code requirements.

(d) Authority shall have the right to inspect all tank locations before, during, and after installation, removal, or abandonment. Applicant shall notify the authority ~~not less than forty eight (48) hours~~ prior to installing, removing, or abandoning any underground storage tank to arrange a site inspection.

(e) At least one soil sample must be taken, with the abandonment or removal of any fuel oil tank greater than two hundred fifty (250) gallons. A summary report must be submitted to the authority within forty-five (45) days.

Section 17. That Section 48.150, Minneapolis Watershed Management Authority, contained in chapter 48 be amended to read as follows:

48.150. Underground and aboveground storage tanks not in service. (a) Underground and aboveground tanks which contain regulated substances and are not in active service for more than ninety (90) days shall be treated as "temporarily out of service" by taking the following steps:

- (1) Notify the authority of intent to so render the tank.
- (2) Secure the fill line cap and discharge line against tampering and product leakage.
- (3) Assure that the vent line is open.
- (4) Continue the operation and maintenance of corrosion protection.
- (5) Continue operation of release detection method, unless the tank is purged.

(b) An underground or aboveground tank left in "temporarily out of service" condition in excess of twelve (12) months, shall pay an annual registration fee as established in section 48.310.

Section 18. That Section 48.230 contained in Chapter 48, Minneapolis Watershed Management Authority, be amended to read as follows:

48.230. Registration of contaminated sites. (a) Any person(s) in control of any contaminated site within the City of Minneapolis shall register that site annually with the authority.

(b) A contaminated site for the purpose of this section is any parcel of land where soils and/or groundwater have been contaminated by various substances and which has been reported to the Minnesota Pollution Control Agency (MPCA) or the United States Environmental Protection Agency (U.S. EPA) as a contaminated site. These sites shall include but shall not be limited to those sites which have been administratively listed pursuant to Minnesota Statutes Chapter 115C, the Petroleum Tank Release Cleanup Act; Minnesota Statutes Chapter 115B, the Minnesota Environmental Response and Liability Act; those sites administratively listed pursuant to the Comprehensive Environmental Response Compensation and Liability Act of 1980, as amended (42 U.S.C., Section 9601 et. seq.), those sites participating in the MPCA administered Voluntary Investigation and Cleanup Program, those sites administratively listed as a result of soil Or groundwater contamination with the Minnesota Department of Agriculture, and those sites which are administratively placed on the federal superfund list known as CERCUS.

(c) Except where specifically noted in this section, any person(s) in control of any contaminated site shall pay the ~~annual fee(s)~~ pollution control annual registration fee for each site registered as required by section 48.310. Registration fees are not required for those sites enrolled in the MPCA administered Voluntary Investigation and Cleanup Program provided the participating party was not the source of contamination at any time and continues to make progress toward cleaning the site, and for those sites that have been a contaminated site within the meaning of this section for less than one (1) year.

(d) Annual registration is not required for sites where remediation has been certified complete by the MPCA or U.S. EPA. It shall be the responsibility of all person(s) in control of such sites to provide the Authority with documentation stating that MPCA or U.S. EPA has determined the site closed and sufficiently remediated so that no further cleanup actions are required. If a closed file is reopened by the MPCA or U.S. EPA the site shall again be registered.

Section 19. That Section 48.260 contained in Chapter 48, Minneapolis Watershed Management Authority, be amended to read as follows:

48.260. Wells. (a) Where not previously defined, terminology used in this section shall have the meanings given in Minnesota Statutes, Section 1031.05 and Minnesota Rules, Chapter 4725.

(b) No person shall construct, modify or reconstruct any well without first having filed a well construction application and receiving written approval from a licensed well inspector for the City of Minneapolis. Interim verbal approval may be given, provided the permit application is submitted by the applicant within five (5) days of verbal approval. The permit must note that verbal approval was given and the date of such approval. For each type of well to be constructed, modified or reconstructed including, but not limited to: monitoring wells; recovery/remediation wells; domestic drinking water wells; nontransient, noncommunity public water supply wells; air cooling wells; industrial wells; noncommunity public supply well, or irrigation wells, the applicant shall pay the permit fee(s) required by section 48.310 to the authority. This fee is in addition to the state core function fee as established in Minnesota Statutes, Section 1031.208, Subd. 1a.

(c) Any person that owns a monitoring well, a recovery well/remedial well, a commercial water supply well, a water supply well, or an out of service well within the city shall register each well with the authority and pay the authority the annual registration fee(s) required by section 48.310.

(d) No person shall seal any well without first filing a well sealing application, receiving written approval from a licensed well inspector for the City of Minneapolis and paying the authority all permit fee(s) required by section 48.310 for all wells including, but not limited to monitoring wells; recovery/remediation wells; domestic drinking water wells; nontransient, noncommunity public water supply wells; air cooling wells; industrial wells; noncommunity public supply well, or irrigation wells. The fees in addition to the state core function fee as established in Minnesota Statutes, Section 1031.208, Subd. 1a. Interim verbal approval may be given, provided the permit application is submitted by the applicant within five (5) days of verbal approval. The permit must note that verbal approval was given and the date of such approval.

(e) No person shall construct and seal a temporary monitoring well without notification to the authority by filing a well sealing application, receiving written approval from a licensed well inspector for the City of Minneapolis and paying the authority all permit fees required pursuant to section 48.310. The permit fee shall be in addition to the state core function fee as established in Minnesota Statutes, Section 1031.208, Subd. 1a. Interim verbal approval may be given, provided the permit application is submitted by the applicant within five (5) days of verbal approval. The permit must note that verbal approval was given and the date of such approval.

(f) No person shall damage, tamper, or take any action that compromises the functionality or integrity of a wellhead protection device. Any earthwork, construction, demolition, or other activity conducted within a wellhead protection area that has the potential to damage wellhead protection devices or disturb wellhead protection areas and thereby open a portal of entry and cause contamination or create a risk of contamination shall constitute a violation of this chapter.

(g) A request for a variance from specific requirements of the standards contained in Minnesota Rules, Chapter 4725 must be reviewed by the State Commissioner of Health pursuant to Minnesota Rules,

Chapter 4717.7000. If the request for variance is approved by the Commissioner of Health, the city shall allow construction, reconstruction or sealing of the well pursuant to the conditions of the Commissioner's approval.

(h) For wells for which no owner information can be located by the authority, the owner of the property on which the well is located shall become responsible for the well. Such responsibility shall include, but not be limited to, registration and proper sealing.

(i) Any person that owns a well that has received a sealing variance from the Minnesota Department of Health within the city shall register each well with the authority and pay the authority the annual registration fee(s) required by section 48.310 until such time that the well has been sealed, without variance, pursuant to Minn. Rules Chapter 4725.

Section 20. That Section 48.280 contained in Chapter 48, Minneapolis Watershed Management Authority, be and is hereby repealed:

~~**48.280. Industrial waste generator.** (a) No person(s) shall generate industrial waste on-site without notifying the authority and paying the annual registration fee(s) required by section 48.310.~~

~~(b) All industrial waste shall be properly removed and transported by a state licensed hauler. Documentation of proper disposal of all industrial waste must be maintained on-site for not less than three (3) years.~~

~~(c) All handling and storage of industrial waste must be conducted in accordance with State Rules, Chapter 7045.~~

Section 21. That Section 48.310 of the above-entitled ordinance be amended to read as follows:

48.310. Permitting and annual pollution control annual registration fees. (a) For the equipment specified below applicant(s) shall pay the permitting fee as established in section 91.70 upon application and an annual pollution control annual registration fee as established in Appendix J, License Fees Schedule.

Equipment/Condition	Permit/Filing Fee (see director's fee schedule pursuant to section 91.70)	Annual Fee <u>PCAR</u> Fee (see Appendix J)
Aboveground storage tank		
Install/remove (48.120)	x	
Abandonment (48.120)	x	

<u>Out of service (48.150)</u>		<u>x</u>
Storage of regulated substances (48.125)		<u>x</u>
Underground storage tank		
Out of service (48.150)		<u>x</u>
Install/remove (48.130 and 48.145)	<u>x</u>	
Abandon in place (48.130 and 48.145)	<u>x</u>	
<u>Storage of regulated substances (48.125)</u>		<u>x</u>
Annual chemical inventory registration (48.160)		<u>x</u>
Contaminated site (48.230)		
Open leak site <u>(48.230)</u>		<u>x</u>
CERCLIS/MERLA site <u>(48.230)</u>		<u>x</u>
On-site remediation, except wells (48.240)	<u>x</u>	<u>x</u>
<u>Temporary contaminated soil storage (48.300)</u>	<u>x</u>	
Wells (48.260)		
Construction, modification, reconstruction, sealing <u>(48.260)</u>	<u>x</u>	
Temporary well <u>(48.260)</u>	<u>x</u>	
Water supply <u>Out of service well maintenance (48.260)</u>		<u>x</u>
Monitoring and recovery well maintenance <u>(48.260)</u>		<u>x</u>
<u>Commercial well in use(48.260)</u>		<u>x</u>
<u>Water supply well in use (48.260)</u>		<u>x</u>

<u>Out of service MDH well sealing variance (48.260)</u>		<u>x</u>
Oil/water separator (48.270)	<u>x</u>	<u>x</u>
Sediment trap (48.270)	<u>x</u>	<u>x</u>
Industrial waste generator (48.280)		
Contaminated soil storage (48.300)		

(b) The ~~annual~~ pollution control annual registration fee shall be due and payable on January 31st of each year. If registration is not received or postmarked on or before January 31st of each year, the applicant shall pay late fees provided for such registration. Each day of failure to maintain or obtain registration may constitute a separate violation of this Code.

(c) Failure to obtain the appropriate permit prior to beginning work will result in a double permit fee.

Section 22. That Section 50.40 contained in Chapter 50, Minneapolis Waste Control and Waste Discharge Rules, be amended to read as follows:

50.40. Waste discharge permit and annual registration. Notwithstanding the permit requirements of the Metropolitan Council Environmental Services waste discharge rules, it shall be unlawful for any nondwelling discharger to discharge ~~domestic~~ waste into the Minneapolis sewer system without first obtaining a permit and registering with the City of Minneapolis. No permit or registration shall be issued unless the permit and annual pollution control annual registration fee established in section 50.70 have been paid. A pollution control annual registration is not required for domestic waste.

Section 23. That Section 50.50 contained in Chapter 50, Minneapolis Waste Control and Waste Discharge Rules, be amended to read as follows:

50.50. Industrial waste discharge permit and annual registration. No person shall discharge industrial waste into the sanitary sewer, within the boundaries of the City of Minneapolis without first filing for a permit and obtaining an annual industrial waste discharge registration. No permit or registration shall be issued unless the permit fee and annual pollution control annual registration fee established by section 50.70 have been paid.

Section 24. That Section 50.60 contained in Chapter 50, Minneapolis Waste Control and Waste Discharge Rules, be amended to read as follows:

50.60. ~~Direct~~ General stormwater runoff and direct storm drain discharge permit and annual registration. (a) No person or facility shall discharge directly into a storm drain, any water used in a process, including cooling water, without first filing for a permit and obtaining an annual direct storm drain discharge registration. No permit or registration shall be issued unless the permit fee and annual pollution control annual registration fee established in section 50.70 have been paid.

(b) Persons and facilities holding a Minnesota Pollution Control Agency Industrial Storm Water Permit are required to obtain an annual general storm water runoff registration. Facilities with a Minnesota Pollution Control Agency No Exposure Exclusion are exempt from this registration. No registration shall be issued unless the pollution control annual registration fee established in section 50.70 has been paid.

Section 25. That Chapter 50 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 50.65 to read as follows:

50.65. Discharge permits to the sanitary sewer and storm drains. Permits for discharge to the Minneapolis sanitary sewer and storm drain as required pursuant to sections 50.40, 50.50 and 50.60 shall be temporary permits for specific projects and activities such as utility installation, construction excavation, and remediation activities. This permit shall not apply to or be issued for permanent discharges. Reasonable restrictions, limitations and requirements for public health and safety, protection of the physical environment and to ensure the capacity of the Minneapolis sanitary sewer and storm drain system shall be placed on the temporary discharge permit.

Section 26. That Section 50.70 contained in Chapter 50, Minneapolis Waste Control and Waste Discharge Rules, be amended to read as follows:

50.70. Fees. (a) The fees for permitting a discharge as required by sections 50.40, 50.50, and 50.60 of this chapter shall be as established in section 91.70. Upon application ~~an annual~~ a pollution control annual registration fee shall be as established in Appendix J, License Fees Schedule.

(b) The ~~annual~~ pollution control annual registration fee shall be due and payable on January 31st of each year. If registration is not received or postmarked on or before January 31st of each year, the applicant shall pay late fees provided for such registration. Each day of failure to maintain or obtain registration may constitute a separate violation of this Code.

(c) Failure to obtain the appropriate permit prior to discharging will result in a doubling of permit fees, in addition to any other.

Section 27. That Section 54.90 contained in Chapter 50, Minneapolis Waste Control and Waste Discharge Rules, be amended to read as follows:

54.90. - Responsibility following construction/completion. (a) *Duration.* An approved storm water management plan shall remain in effect unless cancellation is approved by the city engineer. All site areas used for the purpose of flood storage or treatment of storm water runoff shall be preserved and maintained for that use, including areas required for maintenance and inspection.

(b) *Changes to plans.* A responsible party can request modifications to an approved storm water management plan, and the issuing authority can order modifications to an approved storm water management plan. Any modification to an approved storm water management plan must be approved by the city engineer.

(c) *Annual notification.* The commissioner shall annually notify responsible parties of storm water management devices of the need to register, that the devices are subject to annual inspection, and to conduct maintenance on a one-year interval or in accordance with maintenance plans on file.

(d) *Annual site registration.* Any person(s), organization, company, group, or any other entity, public or private, in control of storm water management devices installed under this chapter or existing prior to this chapter shall register that site annually with the commissioner, remit an annual registration fee at the rate as established in Appendix J, License Fees Schedule per storm water management device. Submission and payment confirm that the site's storm water management devices have been inspected, maintained and are functioning satisfactorily. The ~~annual~~ pollution control annual registration fee shall be due and payable on January 31st of each year. If registration is not received or postmarked on or before January 31st of each year, the applicant shall pay late fees provided for such registration. Failure to obtain the appropriate permit prior to discharging will result in a doubling of fees. Each day of failure to maintain or obtain registration may constitute a separate violation of this Code.

(e) *Annual inspection of storm water facilities.* All storm water management devices are subject to annual inspection by the commissioner. If the city engineer or commissioner deems that devices are not functioning satisfactorily, a notice of noncompliance may be issued and procedures followed as described in Section 54.90(f)(2).

(f) *Maintenance of storm water constructed facilities.*

(1) *Regular maintenance.* Regular maintenance of storm water management constructed facilities in accordance with the approved plan shall be required unless the plan is modified and approved by the city engineer ([section] 54.90(2)). All facilities shall be maintained in proper condition for sustained use, consistent with the performance standards for which they were originally designed.

a. All settled materials from ponds, sumps, grit chambers, and other devices, including settled solids, shall be removed and properly disposed of.

b. All planted materials integral to storm water facility performance, safety, and/or aesthetic quality shall be maintained in proper condition consistent with design performance standards, including replacement when necessary.

(2) *Action upon non-compliance.* In the event maintenance does not conform to the approved plan or to any instructions of the issuing authority, notice to comply shall be given to the responsible party in writing. After a notice to comply is given, in the determination of the issuing authority, the responsible party shall be required to make the corrections within the time period determined by the issuing authority. If an imminent hazard exists, the issuing authority may require that the corrective work begin immediately. Failure of the responsible party to comply with the directives of section 54.90(f)(1) will constitute a violation pursuant to section 54.90(f)(2), and the issuing authority may proceed with the necessary maintenance of the site at the expense of the responsible party. The responsible party will be billed for the expenses incurred by the issuing authority. Failure to pay will result in the issuing authority seeking recovery of costs and damages pursuant to the conditions set forth in section 54.120.