

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

**Amending Title 3, Chapter 46 of the Minneapolis Code of Ordinances
relating to Air Pollution and Environmental Protection: Hazardous Waste
Generation, Handling, Storage and Disposal.**

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

Section 1. That Section 46.30 of the above-entitled ordinance 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 and 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 ~~director of regulatory services or the director's authorized agent~~ 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 generating facility means any facility that generates, handles, stores, or disposes of hazardous waste originating at their address as defined and listed in Minnesota Rules Chapter 7045, including waste motor vehicle fluids.

Hazardous waste process facility means any facility that generates, handles, stores, or disposes of hazardous waste originating at their address or from another 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 2. That Section 46.40 of the above-entitled ordinance be amended to read as follows:

46.40. Permit required. (a) [*Generally.*] No person may begin operations of a hazardous waste facility without first filing an application and paying the permits fees as established in the director's fee schedule pursuant to 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 ~~assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent~~ 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.

Section 3. That Section 46.50 of the above-entitled ordinance be amended to read as follows:

46.50. Pollution Control Annual Billing (PCAB) registration of a hazardous waste facility. (a) The site operator in control of a hazardous waste facility established under this ordinance or existing prior to this ordinance, shall register that site annually with the ~~assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent~~ commissioner. The site operator shall also remit an

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 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) *Existing hazardous waste facility.* A hazardous waste facility existing prior to January 1, 2008, must have on file, with the ~~assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent~~ 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.

Section 4. That Section 46.60 of the above-entitled ordinance be amended to read as follows:

46.60. Annual inspection of hazardous waste facilities. All hazardous waste facilities are subject to annual inspection by the ~~assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent~~ commissioner.

Section 5. That Section 46.80 of the above-entitled ordinance be amended to read as follows:

46.80. Storage of motor vehicle fluids, filters and parts. (a) All new and used motor vehicle fluids, filters and parts shall be stored in a manner that prevents the release of material to the environment.

- (b) All new and used motor vehicle fluids must be stored in:
- (1) Sealed containers inside of a building
 - (2) Sealed containers outside if protected by secondary containment
 - (3) Above ground or underground storage tanks registered with ~~Minneapolis Regulatory Services~~ the commissioner.
- (c) All new and used motor vehicle filters and parts must be stored inside a building.

Section 6. That Section 46.105 of the above-entitled ordinance be amended to read as follows:

46.105. Removal of nonfriable category II asbestos containing materials. (a) This section applies but is not limited to cementitious asbestos board often referred

to by its trade name "Transite®". Other category II asbestos containing materials include but are not limited to, Transite® shingles and siding, asbestos cement, asbestos putties, asbestos sealants, and certain asbestos-containing adhesives on or under exterior surfaces. This section shall apply to any building containing four (4) or fewer residential dwelling units.

(b) Removal of nonfriable category II asbestos-containing material must be done in such a manner that does not cause it to become friable asbestos-containing material. Examples of removal methods that would render the category II asbestos-containing material to become regulated asbestos-containing material are smashing it, dropping it to the ground, intentional burning, subjecting it to crushing by heavy machinery, or specific grinding, sanding, cutting, abrading and breaking by hand tools or mechanical tools.

(c) Cementitious asbestos board is assumed to contain asbestos and must be treated in the manner described herein. A property owner or contractor not following the below prescribed methods shall upon request of the ~~director of regulatory services or the director's authorized agent~~ commissioner provide an analysis by a laboratory according to Minnesota Rule Part 4620.3460 collected by a certified asbestos inspector identifying whether the siding is an asbestos containing material. Until such time that a report is provided all related work shall stop and precautions shall be taken to contain the material. The ~~director or the director's authorized agent~~ commissioner may require a licensed asbestos contractor to perform necessary cleanup if the requirements herein have not been followed.

- (1) Water to which a surfactant has been added must be used before and during removal of asbestos-containing material to prevent fibers from becoming airborne during asbestos-related work and must be wet before removal, adequately wet during removal, and placed in sealed leak-tight containers following removal.
- (2) Prior to removal, tarps or plastic sheeting shall be put in place to prevent materials from coming in contact with the ground and shall not allow visible materials to leave the property.
- (3) Material shall be removed by hand tools to avoid rendering the asbestos-containing material friable.
- (4) Materials shall be lowered, not dropped, to the walkable surfaces, tarps, plastic sheeting or dumpster.
- (5) Materials shall be packaged, transported and disposed of as category II nonfriable asbestos-containing materials following all requirements under 40 CFR 61.150(c).

- (6) Upon request of the ~~director of regulatory services or the director's agent~~ commissioner the property owner shall provide a copy of the landfill waste manifest for the disposal of the category II nonfriable asbestos containing material

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**AN ORDINANCE
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**Amending Title 3, Chapter 47 of the Minneapolis Code of Ordinances
relating to Air Pollution and Environmental Protection: Energy and Air Pollution.**

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

Section 1. That Section 47.20 of the above-entitled ordinance be amended to read as follows:

47.20. State standards and regulations. (a) *Adopted.* Unless more restrictive provisions are specifically provided for in other sections in this Code of Ordinances, Minnesota Rules (2008), Chapters 7005, 7007, 7009, 7011, 7017, 7019, 7023, 7025, 7027, and as amended from time to time, are adopted as an ordinance of the city, except that fee impositions different than those in the Minnesota Rules may be provided or modified by ordinance. Whenever the word "agency" or "Minnesota Pollution Control Agency" is used in the rules, it shall be held to mean the City of Minneapolis. Whenever the word "commissioner" is used in the rules, it shall be held to mean the ~~assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent~~ commissioner of the Minneapolis Health Department or the commissioner's designee.

(b) The official version of such Minnesota Rules will be filed with the Minnesota Secretary of State and can be accessed by any means required or allowed by the Minnesota Secretary of State. A copy of the Minnesota Rules, which could be slightly outdated at times, can be obtained through the Minnesota Office of the Revisor of Statutes.

Section 2. That Section 47.30 of the above-entitled ordinance be amended to read as follows:

47.30. Enforcement. The responsibility for the administration and enforcement of this Code and Minnesota Rules referenced in section 47.20 shall reside in the ~~Department of Regulatory Services~~ commissioner. Administration and enforcement shall include the following duties:

- (1) Investigation of air quality complaints, the observation of air quality conditions, and enforcement actions to protect and improve the air resource.

- (2) Issuance of permits, certificates, and notices under this chapter. The keeping of copies of applications, plans, permits, and certificates, records of violations, complaints and other records on file.
- (3) Examination of the plans for all new buildings pertinent to the operation of fuel burning equipment or pollution control devices and for the alteration of all existing buildings or equipment in order to assure that they are in accordance with the rules and regulations established in this chapter.
- (4) Examination of the application and plans for the construction, installation or alteration of any fuel burning equipment, pollution control device, or any equipment pertaining thereto and if found to meet the requirements of the rules and regulations, to approve the same.
- (5) Inspection of all fuel burning, process and pollution control equipment under the jurisdiction of this chapter and when found to comply with its provisions, the issuance of a registration.
- (6) Publication and dissemination of information on methods of air pollution reduction.
- (7) Enlistment of the cooperation of civic or technical, scientific, and educational organizations.
- (8) The authority to require the production of records of or relating to any systems or equipment that impact air quality conditions, including but not limited to, fuel burning, process, pollution control equipment, continuous and periodic monitoring records, and other records pertaining to emissions.

Section 3. That Section 47.40 of the above-entitled ordinance be amended to read as follows:

47.40. Pollution Control Annual Billing (PCAB) registration. (a) The owner or site operator of the equipment or items listed in this section shall register such equipment or items annually with the ~~assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent~~ 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 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 in the City of Minneapolis:

- (1) Interior oil, stoker, or hand fired fuel burning equipment or combination of fuel burning equipment with an input capacity exceeding four hundred thousand (400,000) Btu per hour;
- (2) Commercial exhaust system with a discharge greater than five hundred (500) CFM;
- (3) 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, catalytic combustor, or laminator;
- (4) Roof or ground mounted commercial HVAC equipment;
- (5) Commercial coffee roaster;
- (6) Stage I vapor recovery system or other pollution control device(s) in or on any building, equipment, or premises; or
- (7) Crematorium.

(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 3. That Section 47.60 of the above-entitled ordinance be amended to read as follows:

47.60. Emission reporting. When requested by the ~~Department of Regulatory Services~~ commissioner, an air pollution emitter must furnish information to locate and classify air contaminant sources according to the type, level, duration, frequency, and other information as may be necessary to evaluate the source's effect on air quality and compliance with emission regulations, including the methods, practices and controls utilized by the emitter to reduce or eliminate emissions of hazardous air pollutants as defined by Minnesota Rules.

Section 4. That Section 47.70 of the above-entitled ordinance be amended to read as follows:

47.70. Emission testing. (a) ~~The Department of Regulatory Services or its authorized agents are~~ commissioner is authorized to conduct or may cause to be conducted any tests to determine the extent of emissions from any equipment, process, or device whenever agents have a reasonable suspicion that this ordinance, state law, or federal law is being broken or human, animal, or plant life is in danger.

(b) The results of any such testing shall be made available to the person owning, operating, or in charge of such equipment.

(c) ~~The department of regulatory services~~ Minneapolis Health Department or its authorized agents shall have the authority to order the owner, operator, or person in charge of any equipment, process, or device to abate any violation.

(d) If such testing establishes a violation the violator shall be responsible for all costs incurred by the city associated with the analysis and sample collection.

Section 5. That Section 47.80 of the above-entitled ordinance be amended to read as follows:

47.80. Limit on increases in mercury air emissions from stationary sources. No stationary source required to register under section 47.40 shall increase annual emissions of mercury or mercury compounds to the air or water. Air emission increases that are both less than two pounds per year and less than 20 percent of annual emissions from the stationary source shall be considered de minimis emissions for purposes of this section and shall not constitute a violation of this section. Stationary sources emitting mercury shall report their 2006 base year mercury emissions to the ~~department of regulatory services~~ Minneapolis Health Department upon request pursuant to section 47.60 and shall report mercury emissions annually thereafter upon request. This section shall not apply to any stationary source in existence as of January 1, 2006 for which the operators have entered into an approved agreement with the Minnesota Pollution Control Agency, the Public Utilities Commission or the environmental protection agency providing for an elimination of emissions of mercury,

provided that such agreement is abided by and fulfilled. Furthermore, any stationary source in existence as of January 1, 2006 will be seen to be in full compliance with this section if, within one (1) year of approval by the Minnesota Pollution Control Agency, Maximum Achievable Control Technology and a Continuous Emissions Monitoring system is installed and utilized.

Section 6. That Section 47.90 of the above-entitled ordinance be amended to read as follows:

47.90. Inspections authorized; orders requiring compliance. The ~~department of regulatory services~~ 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 ~~department of regulatory services~~ 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 ~~department of regulatory services~~ 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 7. That Section 47.100 of the above-entitled ordinance be amended to read as follows:

47.100. Refusing ~~department of regulatory services personnel or authorized agents~~ commissioner lawful entry; right to enter. It is unlawful to:

- (1) Obstruct, delay, resist, prevent, or interfere with the investigative, enforcement or inspection activities, or any other duties outlined in this section, of the ~~department of regulatory services or its authorized agents~~ commissioner; or
- (2) To refuse the ~~department of regulatory services or its agents~~ commissioner lawful entrance to the premises.

Section 8. That Section 47.110 of the above-entitled ordinance be amended to read as follows:

47.110. Public nuisance prohibition and abatement. (a) It shall constitute a public nuisance and be unlawful for any person to make, continue, permit, or cause to be emitted into the open air any dust, gasses, fumes, vapors, smokes and/or odors with objectionable properties and in such quantities as would be likely to cause discomfort or annoyance to a reasonable person of normal sensibilities that does one or more of the following:

- (1) Injures or are sufficient to injure the health or safety of any person or the public;
- (2) Creates an obnoxious odor in the atmosphere;
- (3) Causes damage to property;
- (4) Creates a nuisance or hazard by obscuring vision; or
- (5) Produces a deleterious effect upon trees, plants or other forms of vegetation.

(b) Characteristics and conditions which shall be considered in determining whether an emission is discomforting, annoying, objectionable, obnoxious, or excessive for the purposes of paragraph (a) of this section shall include, but not be limited to the following:

- (1) Proximity of the emission to the nearest point of habitation;
- (2) Duration of the emission;
- (3) Whether the emission is recurrent, intermittent, or constant;
- (4) Whether or not emission abatement measures are possible and whether or not they are used to reduce the emission; or
- (5) The quality or state of the ambient air.

(c) Any emission of smoke, particulate matter, or other matter from any source in excess of the limitation established in or pursuant to this chapter shall be deemed a public nuisance and may be abated by the ~~department of regulatory services~~ Minneapolis Health Department. Such abatement shall be in addition to all other remedies provided by law or equity.

Section 9. That Section 47.130 of the above-entitled ordinance be amended to read as follows:

47.130. Stack height. (a) All newly constructed stacks or chimneys serving one (1) or more nonresidential establishments shall extend at least ten (10) feet above the highest point of any roof within a radius of fifty (50) feet of the chimney. Any existing stack, chimney or vent is required to comply with the minimum requirements of this chapter.

(b) *Exemptions.* Such chimney height requirements may be waived by the ~~department of regulatory services~~ commissioner if:

- (1) Special abatement equipment is installed that controls emissions in such a way that those emissions are in compliance with the provisions of this chapter;
- (2) The ~~department of regulatory services~~ commissioner approves other means that ensure that emissions are in compliance with the provisions of this chapter; or
- (3) The ~~department of regulatory services~~ commissioner determines that such stack height requirements are not necessary to meet the minimum emissions standards of this chapter.

Section 10. That Section 47.170 of the above-entitled ordinance be amended to read as follows:

47.170. Coffee Roaster After Burner requirements. All coffee roasters installed after June 30, 2008, must be equipped with an afterburner to minimize emissions of particulate matter, formaldehyde, acetaldehyde, acrolein, smoke and odor. The afterburner must be compatible with the size, capacity and intended use of the coffee roaster. The afterburner must be operational at all times during roasting and the operating temperature must be within manufacturer recommendations. Coffee roasters installed prior to June 30, 2008 may be required to install such a device as deemed necessary by the ~~department of regulatory services~~ commissioner to abate ongoing and chronic nuisance odor or other air pollution concerns.

Section 11. That Section 47.190 of the above-entitled ordinance be amended to read as follows:

47.190. Commercial building rating and disclosure. (a) *Definitions.* The following words shall have the meaning ascribed to them, unless the context clearly indicates a different meaning:

Benchmark means to input the total energy consumed for a building and other descriptive information for such building as required by the benchmarking tool.

Benchmarking information means information related to a building's energy consumption as generated by the benchmarking tool, and descriptive information about the physical building and its operational characteristics. The information shall include, but need not be limited to:

- (1) Building address;
- (2) Energy use intensity (EUI);
- (3) Annual greenhouse gas emissions;

(4) Water use; and

(5) The energy performance score that compares the energy use of the building to that of similar buildings, where available.

Benchmarking tool means the United States Environmental Protection Agency's Energy Star Portfolio Manager tool, or an equivalent tool adopted by the director.

Building owner means an individual or entity possessing title to a building, or an agent authorized to act on behalf of the building owner.

City-owned building means any building, or group of buildings on the same tax lot, owned by the City of Minneapolis containing twenty-five thousand (25,000) or more gross square feet of an occupancy use other than residential or industrial.

Covered building means:

(1) Any building containing at least fifty thousand (50,000) but less than one hundred thousand (100,000) gross square feet of an occupancy use other than residential or industrial shall be classified as a Class 1 covered building;

(2) Any building containing one hundred thousand (100,000) or more gross square feet of an occupancy use other than residential or industrial shall be classified as a Class 2 covered building.

The term "covered building" shall not include any building owned by the local, county, state, or federal government or other recognized political subdivision.

Director means the head of the department to which the environmental services division of the city reports or the director's designee commissioner of the Minneapolis Health Department or the commissioner's designee.

Energy means electricity, natural gas, steam, heating oil, or other product sold by a utility for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities.

Energy performance score means the numeric rating generated by the Energy Star Portfolio Manager tool or equivalent tool adopted by the director that compares the energy usage of the building to that of similar buildings.

Energy Star Portfolio Manager means the tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative energy performance of buildings nationwide.

Tenant means a person or entity occupying or holding possession of a building or premises pursuant to a rental agreement.

Utility means an entity that distributes and sells natural gas, electric, or thermal energy services for buildings.

(b) *Benchmarking required for city-owned buildings.* No later than June first, 2013, and no later than every June first thereafter, each city-owned building shall be benchmarked for the previous calendar year by the entity primarily responsible for the management of such building, in coordination with the director.

(c) *Benchmarking required for covered buildings.* Building owners shall annually benchmark for the previous calendar year each covered building and obtain an energy performance score as available according to the following schedule:

- (1) All Class 2 covered buildings by June first, 2014 and by every June first thereafter; and
- (2) All Class 1 covered buildings by June first, 2015 and by every June first thereafter.

(d) *Disclosure and publication of benchmarking information.* The building owner shall annually provide benchmarking information to the director, in such form as established by the director's rule, by the date provided by the schedule in subsections (b) and (c).

- (1) The director shall make readily available to the public, and update at least annually, benchmarking information for the previous calendar year according to the following schedule:
 - a. Each city-owned building by August thirtieth, 2013 and by every August thirtieth thereafter;
 - b. Each Class 2 covered building by August thirtieth, 2015 and by every August thirtieth thereafter;
 - c. Each Class 1 covered building by August thirtieth, 2016 and by every August thirtieth thereafter.
- (2) The director shall make available to the public, and update at least annually, the following information:
 - a. Summary statistics on energy consumption in city-owned buildings and covered buildings derived from aggregation of benchmarking information for those buildings;

- b. Summary statistics on overall compliance with this section;
- c. For each city-owned building and covered building:
 - 1. The status of compliance with the requirements of this chapter;
 - 2. Annual summary statistics for the building, including energy use intensity, annual greenhouse gas emissions, water use per gross square foot, and an energy performance score where available; and
 - 3. A comparison of benchmarking information across calendar years for any years such building was benchmarked.

(e) *Exemptions.* The director may exempt a building owner from the benchmarking requirements of subsection (c) if the building owner submits documentation establishing any of the following:

- (1) The building is presently experiencing qualifying financial distress in that the building is the subject of a qualified tax lien sale or public auction due to property tax arrearages, the building is controlled by a court-appointed receiver based on financial distress, the building is owned by a financial institution through default by the borrower, the building has been acquired by a deed in lieu of foreclosure, or the building has a senior mortgage which is subject to a notice of default; or
- (2) The building or areas of the building subject to the requirements of this section have been less than fifty (50) percent occupied during the calendar year for which benchmarking is required; or
- (3) The building is new construction and the certificate of occupancy was issued less than two (2) years prior to the applicable benchmarking deadline established pursuant to subsection (c).

(f) *Providing benchmarking information to the building owner.* Each tenant located in a covered building subject to this chapter shall, within thirty (30) days of a request by the building owner and in a form to be determined by the director, provide all information that cannot otherwise be acquired by the building owner and that is needed by the building owner to comply with the requirements of this section. Where the building owner is unable to benchmark due to the failure of any or all tenants to report the information required by this subsection, the owner shall complete benchmarking using such alternate values as established by the director. The director shall periodically evaluate the quality of any alternate values established pursuant to this subsection and propose revisions that increase the quality of such values.

(g) *Violations.* It shall be unlawful for any entity or person to fail to comply with the requirements of this section or to misrepresent any material fact in a document required to be prepared or disclosed by this section.

(h) *Enforcement.* The director ~~and authorized representatives and designees~~ shall enforce the provisions of this section. If it is determined that a building owner or any person subject to the provisions of this section fails to meet any requirement of this section, the director ~~or the director's designee~~ shall mail a warning notice to the building owner or person. The notice shall specify the reasons why the building owner or person fails to meet the requirements set forth in this section. The notice shall indicate that the person has forty-five (45) business days to comply with the applicable requirement. Any building owner or person who fails, omits, neglects, or refuses to comply with the provisions of this section after the period of compliance provided for in the required warning notice shall be subject to an administrative penalty pursuant to Chapter 2 and the schedule of civil fines adopted by the city council. The provisions of Chapter 2 shall govern the appeal and hearing rights afforded to any such person. Additionally, failure to comply with this section may constitute good cause for the denial, suspension, revocation or refusal to issue the certificate of commercial building registration provided for pursuant to Chapter 174, Article IV of this Code or any applicable business license held by the building owner or person. This section may also be enforced by injunction, abatement, mandamus, or any other appropriate remedy in any court of competent jurisdiction.

(i) *Rules.* The director shall promulgate and publish such rules as deemed necessary to carry out the provisions of this section.

(j) *Severability.* If any portion of this section is determined to be invalid or unconstitutional by a court of competent jurisdiction, that portion shall be deemed severed from the regulations, and such determination shall not affect the validity of the remainder of the section. If the application of any provision of this section to a particular person or property is determined to be invalid or unconstitutional by a court of competent jurisdiction, such determination shall not affect the application of said provision to any other person or property.

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**AN ORDINANCE
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By: Lilligren

**Amending Title 3, Chapter 48 of the Minneapolis Code of Ordinances
relating to Air Pollution and Environmental Protection: Minneapolis Watershed
Management Authority.**

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

Section 1. That Section 48.10 of the above-entitled ordinance be amended to read as follows:

48.10. Definitions. (a) The words used in this chapter shall have the meanings given in Minnesota Statutes and Minnesota Rules, except where the context clearly shows otherwise. Wherever the word "agency" or "Minnesota Pollution Control Agency" is used in Minnesota Rules as incorporated into this chapter by section 48.20, it shall be held to mean the City of Minneapolis. Wherever the word "commissioner" is used in Minnesota Rules, as incorporated into this chapter by section 48.20, it shall be held to mean the ~~assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent~~ commissioner of the Minneapolis Health Department or the commissioner's designee. State definitions shall include, but shall not be limited to the following:

Abate means to lower, depreciate, reduce, or eliminate contaminants or lower, depreciate, reduce, or eliminate actions that may lead to pollution.

Aboveground storage tank system means any one (1) or a combination of containers, vessels, and enclosures, including structures and appurtenances connected to them, that is used to contain or dispense regulated substances, and that is not an underground storage tank. An aboveground tank includes rail cars, and trucks.

Boring means a hole or excavation that is not used to extract water and includes exploratory borings, environmental bore holes, vertical heat exchangers, and elevator shafts.

Contaminated soil means any soil contaminated with petroleum, hazardous waste, or one (1) or more pollutants in concentrations that exceed natural background levels as determined through an environmental assessment and laboratory analysis.

Dilution means any act of thinning down or weakening a concentration of a substance by mixing or adding a liquid, solid, semisolid, or gas.

Discharge means the addition of any pollutant to the waters of the state or to any disposal system.

Disposal system means a system for disposing of sewage, industrial waste and other wastes, and includes sewer systems and treatment works.

Flammable liquid shall have the meaning given by the U.S. Occupational Health and Safety Administration (OSHA) which defines a flammable liquid as "any liquid having a flash point below one hundred (100) deg. F. (37.8 deg. C.), except any mixture having components with flash points of one hundred (100) deg. F. (37.8 deg. C.) or higher, the total of which make up ninety-nine (99) percent or more of the total volume of the mixture. Flammable liquids shall be known as Class I liquids."

Hazard means anything capable of causing, or contributing to an adverse effect or event. The hazard associated with a suspected toxic substance is contingent on both its level of toxicity and degree of exposure to the substance.

Hazardous material means:

- (1) a substance listed in Code of Federal Regulations, title 40, part 302, including petroleum under subpart 36, item C, but not including:
 - a. a hazardous waste listed or identified under Code of Federal Regulations, title 40, part 261
 - b. ~~petroleum~~ petroleum under subpart 36, item A, B, or D; or
 - c. a substance that is not liquid at a temperature of sixty (60) degrees Fahrenheit and pressure of 14.7 pounds per square inch absolute; or
- (2) any mixture of substances identified in item (1) and petroleum, unless the amount of the substance identified in item a) is de minimus.

Substances identified in items (1) and (2) which also meet the definition of petroleum are considered hazardous materials.

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.

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.

Leak means the uncontrolled passage or escape of liquid or gaseous substances through a break or flaw in a container or system.

Monitoring well means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed to extract groundwater for physical, chemical, or biological testing. This includes a groundwater quality sampling well.

Other wastes mean garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, oil, tar, chemicals, dredged spoil, solid waste, incinerator residue, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, cellar dirt or municipal or agricultural waste, and all other substances not included within the definitions of sewage and industrial waste set forth in this chapter which may pollute or tend to pollute the waters of the state.

Out of service well is any well, excluding monitoring and recovery/remedial wells, that is no longer being used to extract groundwater and shall include, but shall not be limited to: domestic drinking water wells; nontransient, noncommunity public water supply wells; air cooling wells; industrial wells; or irrigation wells.

Pollutant means any "pollutant" defined in section 502(6) of the Clean Water Act. Pollutants may include, but are not limited to the following:

- (1) residential, commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous substances, fertilizers, pesticides, slag, ash and sludge).
- (2) metals such as cadmium, lead, zinc, mercury, silver, nickel, chromium, copper and non-metals such as phosphorous and arsenic.
- (3) petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease).

- (4) excessive eroded soil, sediment, and particulate materials in amounts that may adversely affect the beneficial use of the receiving waters, flora or fauna of the state.

Pollution of water, water pollution, pollute the water means:

- (1) the discharge of any pollutant into any waters of the state or the contamination of any waters of the state so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, agricultural, commercial, industrial, recreational or other legitimate uses, or to livestock, animals, birds, fish or other aquatic life; or
- (2) the alteration made or induced by human activity of the chemical, physical, biological, or radiological integrity of waters of the state.

Regulated substance means a hazardous material or hazardous waste.

Remediation means cleanup or any other set of actions, methods, or controls, such as biological, chemical, thermal or physical, used to treat, remove, contain, stabilize, cap, isolate or substantially reduce the amounts of toxic materials in water, air, soil, or other media.

Risk means the predicted probability or actual frequency of an occurrence of an adverse effect or event.

Sewage means the water-carried waste products from residences, public buildings, institutions or other buildings, or any mobile source, including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground water infiltration and surface water as may be present.

Sewer system means pipelines or conduits, pumping stations, and force mains, and all other constructions, devices, and appliances appurtenant thereto, used for conducting sewage or industrial waste or other wastes to a point of ultimate disposal. *Site* means any tract or parcel of land, and including all buildings or structures on such lands.

Spill means the accidental or intentional spilling, leaking, pumping, pouring, emitting, or dumping into or on any land or water of hazardous wastes or materials which, when spilled, become hazardous wastes.

Standards means effluent standards, effluent limitations, standards of performance for new sources, water quality standards, pretreatment standards, and prohibitions.

Tank is a stationary device designed to contain an accumulation of regulated substances and constructed of nonearthen materials, such as concrete, steel, and plastic, that provides structural support. Tank includes bladders, rail cars, and trucks.

Temporary monitoring well is a monitoring well which is constructed and sealed within a seventy-two (72) hour time frame.

Underground storage tank system means any one or a combination of containers including tanks, vessels, enclosures, or structures and underground appurtenances connected to them, that is used to contain or dispense an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected to them, is ten (10) percent or more beneath the surface of the ground.

Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

Water refers to "waters of the state", as defined in this chapter.

Watershed means all lands enclosed by a continuous hydrologic drainage divide and lying upslope from a specified water body or point.

Well means an excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed if the excavation is intended for the location, diversion, artificial recharge, or acquisition of groundwater. This includes monitoring wells, drive point wells, and dewatering wells. "Well" does not include:

- (1) an excavation by backhoe, or otherwise for temporary dewatering of groundwater for nonpotable use during construction, if the depth of the excavation is twenty-five (25) feet or less;
- (2) an excavation made to obtain or prospect for oil, natural gas, minerals, or products of mining or quarrying;
- (3) an excavation to insert media to repressure oil or natural gas bearing formations or to store petroleum, natural gas, or other products;
- (4) an excavation for nonpotable use for wildfire suppression activities; or five (5) borings.

Wellhead refers to a man-made physical structure or device at the land surface from or through which groundwater flows or is pumped from subsurface water-bearing formations.

Wellhead protection device is a manmade device attached to a wellhead that is intended to protect and preserve the quality of groundwater by preventing the entry of hazardous contaminants from the land surface.

(b) Other words and abbreviations used herein which are not specifically defined in applicable federal, state or city law shall be construed in conformance with the context, in relation to the applicable section of the statutes pertaining to the matter at hand, in conformance with the principles set forth in Chapter 3 of this Code, and in conformance with professional usage.

Section 2. That Section 48.20 of the above-entitled ordinance be amended to read as follows:

48.20. State rules and statutes. (a) 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 ~~Environmental Services Section of the Department of Regulatory Services~~ 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 3. That Section 48.60 of the above-entitled ordinance be amended to read as follows:

48.60. Minneapolis Watershed Management Authority. The authority to administer and enforce the provisions of this chapter of the Minneapolis Code of Ordinances on behalf of the city is vested in the Minneapolis Watershed Management Authority located in the ~~Environmental Services Section of the Department of Regulatory Services~~ Minneapolis Health Department. The Minneapolis Watershed Management Authority is hereafter referred to as the "authority." The authority shall have full jurisdiction to regulate and control watershed pollution as now or hereafter provided in this Code. The authority shall be under the supervision of the ~~assistant city coordinator of regulatory services~~ commissioner of the Minneapolis Health Department or the commissioner's designee. The ~~assistant city coordinator of regulatory services~~ commissioner shall designate the technical, professional, and support staff that shall constitute the Minneapolis Watershed Management Authority.

Section 4. That Section 48.160 of the above-entitled ordinance be amended to read as follows:

48.160. Annual chemical inventory registration. (a) Any owner or operator of land, buildings, or structures where a daily inventory of chemicals is maintained exceeding minimum thresholds as identified in section 48.170 shall obtain an annual chemical inventory registration for their facility.

(b) The fees for an annual chemical inventory registration shall be as established in section 48.310 of this chapter.

(c) Each registration application shall include the following information:

- (1) Identification of local site contact responsible for the annual chemical inventory registration at the facility site.
- (2) Identification of a twenty-four-hour contact responsible for the annual chemical inventory registration at the facility site.
- (3) Identification of all chemicals identified in 48.170
- (4) Listing of storage quantities and capacity of storage of all chemicals identified in 48.170
- (5) Site map identifying interior and exterior chemical storage areas, buildings, site access, local streets, floor drains, area drains, and area catch basins that drain to the city storm water drainage system and site topography identifying site drainage patterns.
- (6) Such other information relating to chemical storage on the site and the identification of the persons involved as the ~~director of operations and regulatory services~~ commissioner or their designee may prescribe.

Section 5. That Section 48.310 of the above-entitled ordinance be amended to read as follows:

48.310. Permitting and annual fees. (a) For the equipment specified below applicant(s) shall pay the permitting fee as established in ~~the director's fee schedule pursuant to~~ section 91.70 upon application and an annual 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 (see Appendix J)
Aboveground storage tank		
Install/remove (48.120)		

Abandonment (48.120)		
Storage of regulated substances (48.125)		
Underground storage tank		
Out of service (48.150)		
Install/remove (48.130 and 48.145)		
Abandon in place (48.130 and 48.145)		
Annual chemical inventory registration (48.160)		
Contaminated site (48.230)		
Open leak site		
CERCLIS/MERLA site		
On-site remediation, except wells (48.240)		
Wells (48.260)		
Construction, modification, reconstruction, sealing		
Temporary well		
Water supply well maintenance		
Monitoring and recovery well maintenance		
Oil/water separator (48.270)		
Sediment trap (48.270)		
Industrial waste generator (48.280)		
Contaminated soil storage (48.300)		

(b) The annual 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.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

Amending Title 3, Chapter 50 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Minneapolis Waste Control and Waste Discharge Rules.

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

Section 1. That Section 50.20 of the above-entitled ordinance be amended to read as follows:

50.20. Regulations on file. Three (3) copies of such waste discharge rules marked "official copy" shall be filed in the office of the city clerk and office of the ~~director of operations and regulatory services for the City of Minneapolis~~ commissioner of the Minneapolis Health Department, and remain on file in such offices for use and examination by the public. The clerk shall furnish copies of said waste discharge rules at cost to any person upon request.

Section 2. That Section 50.30 of the above-entitled ordinance be amended to read as follows:

50.30. Definitions. (1) *Industrial waste* shall mean any solid, liquid or gaseous wastes, excluding domestic waste, resulting from any industrial, manufacturing, commercial, institutional or business activity, or from the development, recovery, or processing of a natural resource. Any waste that is transported by a liquid waste hauler and disposed into public sewers is industrial waste. Any leachate or contaminated groundwater disposed into public sewers is industrial waste.

(2) *Domestic waste* shall mean any waste generated from sanitary facilities, including, but not limited to, sinks and toilets.

(3) All terms and definitions shall be as defined by the waste discharge rules, except wherever the word "council board" is used in the waste discharge rules, it shall be held to mean the City of Minneapolis. Wherever the words "regional administrator" are used in the waste discharge rules, it shall be held to mean the ~~assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent~~ commissioner of the Minneapolis Health Department or commissioner's designee.

Section 3. That Section 50.70 of the above-entitled ordinance 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 ~~the director's fee schedule pursuant to~~ section 91.70. Upon application an annual fee shall be as established in Appendix J, License Fees Schedule.

(b) The annual 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.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

**Amending Title 3, Chapter 51 of the Minneapolis Code of Ordinances
relating to Air Pollution and Environmental Protection: Fumigating.**

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

Section 1. That Section 51.30 of the above-entitled ordinance be amended to read as follows:

51.30. Eligibility for permit. Applicants whose qualifications for the use of all fumigants as defined above have been approved by the ~~commissioner of health~~ Minneapolis Health Department and who otherwise qualify under the provisions of this chapter may be granted a fumigation permit.

Section 2: That Section 51.60 of the above-entitled ordinance be amended to read as follows:

51.60. Operator qualifications. Fumigation permits shall be issued subject to the condition that such fumigation shall in each instance be performed by a person, hereinafter referred to as an "operator," whose qualifications have been approved by the ~~commissioner of health~~ Minneapolis Health Department, and no person who has not so qualified shall fumigate any building, vessel, or other enclosed space with fumigants, as hereinbefore defined. Operators shall be qualified in an accepted method of resuscitation and when performing fumigation work shall have in their possession antidotes appropriate to the type of fumigant being used.

Section 3. That Section 51.70 of the above-entitled ordinance be amended to read as follows:

51.70. Notice to be given. The operator shall, at least twenty-four (24) hours prior to the commencement of fumigation, notify the fire department and the ~~commissioner of health~~ Minneapolis Health Department of the location of the building, vessel or enclosed space to be fumigated and the date and hour when fumigation is to commence. Such notification shall be given in writing and no such fumigation shall be performed unless such notices have been duly given.

Section 4. That Section 51.130 of the above-entitled ordinance be amended to read as follows:

51.130. Exceptions. (a) This article shall not apply to special rooms, vaults or tanks used for fumigation.

(1) All rooms, vaults or tanks used for fumigating articles must be approved by the ~~health commissioner~~ Minneapolis Health Department as to construction, location and ventilation. They must be kept in proper operating condition at all times.

(2) Any person, firm, corporation or institution operating such a room, tank or vault and not a holder of a fumigator permit must apply for and obtain a permit for such operation only. The fee for this permit shall be ninety-five dollars (\$95.00) for one calendar year beginning January first of each year and shall be renewable before December thirty-first of each year.

(b) This article shall not apply to the use of fumigants in greenhouses, mushroom houses or grain bins or elevators or to horticultural or farm fumigations, or exterminations and the control of insects and burrowing animals outside of buildings.

(c) This article shall not apply to the use of liquid fumigants of the general type recommended for use for so-called "spot fumigation" of processing machinery or other equipment, or of finished products by flour mills, feed mills, and similar food processors provided that such liquid fumigants are applied by experienced personnel.

(d) The provisions of this article shall not apply to boxcar fumigations provided that such "spot" boxcar fumigations are performed by experienced personnel and such cars after fumigation are placarded on each door, or near thereto, with a sign reading as follows:

(10 inches)

DANGER
This car has been
FUMIGATED
Date _____
Time _____
Place _____
With

(8 inches)

(Name of Gas)

Before unloading open both doors to air it and do not enter for at least forty-five (45) minutes thereafter, and until said car is safe for human occupancy.

Section 5. That Section 51.170 of the above-entitled ordinance be amended to read as follows:

51.170. License required; approval of application. (a) No person shall engage, use or cause to be used any hydrocyanic acid, cyanogen, or cyanide gas, or any gas or vapor which may be dangerous to life or which is of an explosive nature, hereinafter referred to and defined as "gas" for the purpose of fumigating or disinfecting any building, vessel, or other enclosed space without first paying the license fee hereby established and obtaining a license so to do from the city council.

(b) Each application for a license shall, before it is filed with the city clerk, be presented to the ~~commissioner of health~~ Minneapolis Health Department for approval or disapproval, which shall be written thereon.

Section 6. That Section 51.230 of the above-entitled ordinance be amended to read as follows:

51.230. Operator qualifications. The permit shall be issued subject to the condition that such fumigation shall in each instance be performed by the person whose qualifications have been approved by the ~~commissioner of health~~ Minneapolis Health Department, hereinafter referred to as "operator," and no person who has not so qualified shall fumigate any building, vessel, or other enclosed space with gas, as hereinbefore defined.

Section 7. That Section 51.240 of the above-entitled ordinance be amended to read as follows:

51.240. Notice of fumigation. The application required by section 51.220 shall be filed with the chief of police. The applicant shall, at least twenty-four (24) hours prior to the commencement of fumigation, notify the fire department and the ~~commissioner of health~~ Minneapolis Health Department of the location of the building, vessel, or enclosed space to be fumigated and the date and hour when fumigation is to commence. Such notification shall be given in writing and no such fumigation shall be performed unless said notices have been duly given.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

**Amending Title 3, Chapter 52 of the Minneapolis Code of Ordinances
relating to Air Pollution and Environmental Protection: Erosion and Sediment
Control and Drainage.**

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

Section 1. That Section 52.10 of the above-entitled ordinance be amended to read as follows:

52.10. Purpose. The purpose of Chapter 52 is to control or eliminate soil erosion, sedimentation and reduce the problems associated with drainage within the City of Minneapolis. It establishes standards and specifications for conservation practices and planning activities which minimize drainage problems, soil erosion and prevent sediment from entering curb and gutter systems and storm sewer inlets where it is transported to lakes, creeks and the Mississippi River.

Section 2. That Section 52.30 of the above-entitled ordinance be amended to read as follows:

52.30. Definitions. For the purposes of Chapter 52, the following terms, phrases, words, and their derivatives shall have the meaning stated below:

Applicant is any person who submits an application to the city for a permit pursuant to Chapter 52.

Architect is a person duly registered or authorized to practice architecture in the State of Minnesota.

ASTM is the American Society for Testing Materials.

Bedrock is ~~in place~~ in place solid rock.

Bench is a relatively level step excavated into earth material on which fill is to be placed.

Best management practices (BMP) is a technique or series of techniques which are proven to be effective in controlling runoff, erosion, and sedimentation.

Borrow is earth material acquired from an off-site location for use in grading on a site.

City engineer is the City Engineer/Director of Public Works of the City of Minneapolis and his/her duly authorized designees.

Civil engineer is a professional engineer registered in the State of Minnesota to practice in the field of civil works.

Civil engineering is the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.

Clearing and grubbing is the cutting and removal of trees, shrubs, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains in the designated areas.

Commissioner is the commissioner of the Minneapolis Health Department or the commissioner's designee

Demolition is any act or process of wrecking or destroying a building or structure as defined in the City of Minneapolis Building Code, Chapter 117, Wrecking.

Detention facility is a temporary or permanent natural or manmade structure that provides for the temporary storage of stormwater runoff.

Developer is any person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.

~~*Director of inspections* is the Director of Inspections of the City of Minneapolis and his/her duly authorized designees.~~

Erosion is the wearing away of the ground surface as a result of the movement of wind, water, ice, and/or land disturbance activities.

Erosion and sediment control plan (plan) is a plan which includes a set of best management practices or equivalent measures designed to control surface runoff and erosion and to retain sediment on a particular site during the period in which pre-construction and construction related land disturbances, fills, and soil storage occur, and before final improvements are completed, all in accordance with the specific requirements set forth in section 52.100 of Chapter 52.

Erosion control inspector is a Minneapolis employee who has in his/her possession a provisional certification for erosion and sediment control plan design sponsored or endorsed by the Minnesota Pollution Control Agency (MPCA) and the Minnesota Board of Water and Soil Resources (BWSR), or who has completed a training program approved by the city engineer.

Excavation is the mechanical removal of earth material.

Fill is a deposit of soil or other earth materials placed by artificial means.

Final erosion and sediment control plan (final plan) is a plan which includes permanent measures and best management practices to control surface runoff and control sediment if not included in the erosion and sediment control plan (plan).

Floodplain is the one hundred (100) year floodplain which is that area adjoining a watercourse which could be inundated by a flood that has a one (1) percent chance of being equaled or exceeded in any given year and is delineated on the Federal Emergency Management Agency Floodway Maps for Minneapolis.

General stormwater permit is the Minnesota Pollution Control Agency's (MPCA) General National Pollutant Discharge Elimination System (NPDES) construction stormwater permit covering anyone conducting a land disturbing activity which disturbs five (5) or more acres of total land area.

Grade is the vertical location of the ground surface.

- (1) Existing grade is the grade prior to grading.
- (2) Rough grade is the stage at which the grade approximately conforms to the approved plan.
- (3) Finish grade is the final grade of the site which conforms to the approved plan.

Hennepin Conservation District (HCD) is the Hennepin Conservation District organized and operating under Minnesota Statutes, Chapter 40.

Issuing authority is the City Engineer/Director of Public Works and the Director of Inspections of the City of Minneapolis and their duly authorized designees.

Land disturbance activity is any land change that may result in soil erosion from wind, water and/or ice and the movement of sediments into or upon waters, lands, or rights-of-way within the City of Minneapolis, including but not limited to building demolition, clearing and grubbing, grading, excavating, transporting and filling of land. Land disturbance activity does not include the following:

- (1) Minor land disturbance activities including, but not limited to, underground utility repairs, home gardens, minor repairs, and maintenance work which do not disturb more than five hundred (500) square feet of land.
- (2) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
- (3) Emergency work to protect life, limb, or property and emergency repairs. If the land disturbing activity would have required an approved erosion and sediment control plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of Chapter 52.

Landscape architect is a person duly registered or authorized to practice landscape architecture in the State of Minnesota.

Maintenance project is a non-construction related activity.

Manual of Standards is a compilation of technical standards and design specifications adopted by the City of Minneapolis Department of Public Works as being proven methods of controlling construction related surface runoff, erosion and sedimentation. This includes the Erosion and Sediment Control Manual as developed by the Hennepin Conservation District of Hennepin County, 1989, and subsequent amendments thereto, and "Protecting Water Quality in Urban Areas" prepared by the Minnesota Pollution Control Agency (MPCA), 1989, and subsequent updates.

MnDOT is the Minnesota Department of Transportation.

Outfall is the point of discharge to any watercourse from a public or private stormwater drainage system.

Owner is any person with a legal or equitable interest in the land for which an erosion control permit has been issued.

Permittee is the applicant in whose name a valid permit is duly issued pursuant to Chapter 52 and his/her agents, employees, and others acting under his/her direction.

Retention facility is a temporary or permanent natural or manmade structure that provides for the storage of stormwater runoff by means of a permanent pool of water.

Runoff is rainfall, snowmelt, or irrigation water flowing over the ground surface.

Sediment is soils or other surficial materials transported by surface water as a product of erosion.

Sedimentation is the process or action of depositing sediment that is determined to have been caused by erosion.

Select topsoil borrow is the material furnished under MnDOT specification 3877.2 designated as "B" as defined by the Soil Science Society of America.

Site is the entire area of land on which the land disturbance activity is proposed in the permit application.

Site plan is a plan or set of plans showing the details of any land disturbance activity of a site including but not limited to the construction of: structures, open and enclosed drainage facilities, stormwater management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.

Slope is the incline of a ground surface expressed as a ratio of horizontal distance to vertical distance.

Soil is naturally occurring surficial deposits overlying bedrock.

Soils engineer (geotechnical engineer) is an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical) engineering.

Soils engineering (geotechnical engineering) is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and/or testing of the construction thereof.

Stripping is any activity which removes or significantly disturbs the vegetative surface cover including clearing, grubbing of stumps and root mat, and topsoil removal.

Structure is anything manufactured, constructed or erected which is normally attached to or positioned on land, including buildings, portable structures, earthen structures, roads, parking lots, and paved storage areas.

Surveyor is a person duly registered or authorized to practice land surveying in the State of Minnesota.

Topsoil is the upper layer of soil.

Topsoil borrow is the material furnished under MnDOT specification 3877.2 designated as "A" as defined by the Soil Science Society of America.

Utility is the owner/operator of any underground facility including an underground line, facility, system, and its appurtenances used to produce, store, convey, transmit, or distribute communications, data, electricity, power, heat, gas, oil, petroleum products, water (including stormwater), steam, sewage, and other similar substances.

Watercourse is any natural or improved stream, river, creek, ditch, channel, canal, conduit, gutter, culvert, drain, gully, swale, or wash in which waters flow either continuously or intermittently.

Watershed is a region draining to a specific river, river system, or body of water.

Watershed District/Watershed Management Organization (WMO) is an organization which oversees the activities in a particular watershed as defined by Minnesota Statutes, Sections 103B and 103D.

Wetlands is a lowland area, such as a marsh, that is saturated with moisture, as defined in Sec. 404, Federal Water Pollution Control Act Amendments of 1987, or the Minnesota Wetland Conservation Act of 1991.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By Lilligren

Amending Title 3, Chapter 54 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Storm Water Management.

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

Section 1. That Section 54.40 of the above-entitled ordinance be amended to read as follows:

54.40. Definitions. For the purposes of Chapter 54, the following terms, phrases, words, and their derivatives shall have the meaning stated below:

Applicant is any person who submits a Storm Water Management Plan pursuant to this ordinance and the person's agents, employees, and others acting under this person's direction.

~~*Assistant city coordinator of regulatory services* is the Assistant City Coordinator of Regulatory Services of the City of Minneapolis and the assistant city coordinator's duly authorized designees.~~

Best Management Practices (BMP)—See Storm Water Management Best Management Practices.

City engineer is the City Engineer/Director of Public Works of the City of Minneapolis and duly authorized designees.

Clearing and grubbing is the cutting and removal of trees, shrub, bushes, windfalls and other vegetation including removal of stumps, roots, and other remains.

Commissioner is the commissioner of the Minneapolis Health Department or the commissioner's designee

Connected actions—See phased or connected actions.

Constructed facilities—See storm water management constructed facilities.

Detention facility is a natural or built structure that provides for the temporary storage of storm water runoff and release at controlled rates.

Design Manual—See Minneapolis Storm Water Management Design Manual, Section 54.30.

Impervious surface is one that does not allow rainfall to soak into the ground, including but not limited to the rooftops and paved areas such as roads, parking lots, driveways, sidewalks and plazas.

Issuing authority for Storm Water Management Plan approval and certification is the city engineer and for registration and maintenance is the ~~director of regulatory services~~ commissioner.

Land disturbing activity is any land change, including phased or connected actions, within the City of Minneapolis including, but not limited to, building demolition, clearing and grubbing, grading, excavating, transporting and filling of land, or other changes of the land surface including removing vegetative or impervious cover.

Minneapolis Storm Water Management Design Manual—See Section 54.30.

Mitigation is avoiding, minimizing, rectifying, or compensating for impacts.

Non-structural best management practices—See Best Management Practices.

Owner is any person with a legal or equitable interest in the land that includes one (1) or more storm water management constructed facilities.

Person is any individual, firm, corporation, partnership, franchisee, association or governmental entity.

Phased or connected actions are as defined by Minnesota Environmental Review Rules, as follows:

- (1) *Phased action* means two (2) or more projects to be undertaken by the same proposer that the city engineer determines:
 - a. will have environmental effects on the same geographic area, and
 - b. are substantially certain to be undertaken sequentially over a limited period of time.
- (2) *Connected actions*: Two (2) projects are "connected actions" if the city engineer determines they are related in any of the following ways:

- a. one (1) project would directly induce the other;
- b. one (1) project is a prerequisite for the other; or
- c. neither project is justified by itself.

Pollution is the human-made or human-induced alteration of the chemical, physical, biological or radiological integrity of an aquatic ecosystem.

Project is an undertaking that involves land disturbing activities, including phased or connected actions.

Public waters are waters identified under Minnesota Statutes, Section 103G.005, Subdivision 15.

Receiving water body is the initial lake, stream, river, or wetland into which site runoff is conveyed whether directly or through the public storm drain system.

Regional storm water facility is a natural or built structure or device within the project's receiving water body drainage area, when so designated by the city engineer.

Responsible party is the property owner and agents, employees, and others acting under the property owner's direction.

Retention facility is a natural or built structure that provides for the storage of storm water runoff by means of a permanent pool of water.

Runoff is rainfall, snowmelt, or irrigation water flowing over the ground surface.

Sediment is soils or other surficial materials transported by surface water as a product of erosion.

Site is the land on which the project, including phased or connected actions, is located.

Site plan is a plan or set of plans showing the details of any land disturbing activity including, but not limited to, the construction of structures, open and enclosed drainage facilities, storm water management facilities, parking lots, driveways, curbs, pavements, sidewalks, bike paths, recreational facilities, ground covers, plantings, and landscaping.

Soil is naturally occurring surficial deposits overlying bedrock.

Storm Water Best Management Practices (BMPs) are practices, techniques, or measures which are proven to be effective in managing one (1), or more than one (1), of the following: storm water runoff rate, storm water runoff volume, pollutants conveyed

by storm water runoff, sediment conveyed by storm water runoff. Best management practices include, but are not limited to, official controls, structural and nonstructural best management practices, and operation and maintenance procedures. A partial list of structural best management practices and devices includes pond systems/detention basins, infiltration, bioretention and vegetated channels, grit chambers, oil/water separators, filtration systems, and diversions. A partial list of non-structural best management practices includes lawn care education, organic litter management, street sweeping, catch basin stenciling, and catch basin cleaning. BMPs are further defined in the design manual.

Storm water hotspot is a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical storm water runoff.

Storm water management is the collection, conveyance, storage, treatment and disposal of storm water runoff in a manner to minimize channel erosion, flood damage, or degradation of water quality and in a manner to protect and enhance the environment, public health, safety, and general welfare.

Storm water management devices include, but are not limited to, constructed wetlands, wet ponds, wet extended detention ponds, pocket ponds, multiple pond systems, settling basins, infiltration trenches or basins, filter systems bioretention areas, dry or wet swales, grass channels, waterways, rooftop detention, skimming devices, grit chambers, sweeping, and diversions.

Storm water management goals are based on the receiving water body and emphasize overall volume reduction, nutrient reduction for storm water discharge to lakes, rate control for storm water discharge to streams, and suspended solids removal for storm water discharge to the Mississippi River.

Storm Water Management Plan (Plan) is the set of drawings, calculations, and other documents that comprise all of the information and specifications for the drainage systems, structures, concepts and techniques that will be used to control storm water as required by this ordinance and the design manual.

Storm water pond is a facility capable of holding water on a long-term seasonal or permanent basis (retention), or a short-term basis (detention), the purpose of which is to collect runoff, nutrients, and sediment prior to releasing water into wetlands, lakes, streams, and rivers.

Storm water runoff is the direct response of a watershed to precipitation or snowmelt and includes runoff that enters a ditch, stream, storm drain or other concentrated flow.

Structural best management practices—See Storm Water Best Management Practices.

Structure is anything manufactured, constructed or erected that is normally attached to or positioned on the land, including portable structures, roads, parking lots, and paved storage areas.

Water quality refers to those characteristics of storm water runoff that relate to the physical, chemical, biological, or radiological integrity of water.

Water quantity refers to those characteristics of storm water runoff that relate to rate and volume.

Watershed is the drainage area contributing storm water runoff to a specific receiving body of water or watercourse such as a lake, creek, or river.

Wetlands are waters identified under Minnesota Statutes, Section 103G.005, Subdivision 19.

Section 2. That Section 54.90 of the above-entitled ordinance 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 ~~assistant city coordinator of regulatory services~~ 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 (1) 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 ordinance or existing prior to this ordinance shall register that site annually with the ~~assistant city coordinator of regulatory services~~ 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 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 ~~assistant city coordinator of regulatory services~~ commissioner. If the city engineer or ~~assistant city coordinator of regulatory services~~ 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.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

**Amending Title 3, Chapter 55 of the Minneapolis Code of Ordinances
relating to Air Pollution and Environmental Protection: Lawn Fertilizer.**

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

Section 1. That Section 55.30 of the above-entitled ordinance be amended to read as follows:

55.30. Authority to administer. The authority to administer and enforce the provisions of this chapter of the Minneapolis Code of Ordinances on behalf of the city is vested in the Minneapolis Watershed Management Authority located in the ~~environmental management section of the department of operations and regulatory services~~ Minneapolis Health Department. The Minneapolis Watershed Management Authority, hereafter referred to as the "authority," shall have full authority to administer this chapter in addition to all authority given to it pursuant to section 48.70 and other sections of this Code.

Section 2. That Section 55.70 of the above-entitled ordinance be amended to read as follows:

55.70. Sale of fertilizer containing phosphorus. Effective January 1, 2002, no person, firm, corporation, franchise, or commercial establishment shall sell at retail any lawn fertilizer, liquid or granular, within the City of Minneapolis that contains any amount of phosphorus or other compound containing phosphorus, such as phosphates, except:

(1) Effective January 1, 2002, such fertilizer may be sold for use as provided in section 55.50. Displays of lawn fertilizers containing phosphorus shall not be permitted on the sales floor or exterior of the store.

(2) Effective January 1, 2002, it is recommended that retailers post a notice that the use of lawn fertilizers in the City of Minneapolis is restricted in accordance with this chapter.

(3) Effective January 1, 2002, for each sale of lawn fertilizer, the seller shall, at the time of the sale, make available to the buyer with a copy of this chapter of the

Minneapolis Code of Ordinances, or a summary prepared by Minneapolis regulatory services the Minneapolis Health Department.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

**Amending Title 3, Chapter 56 of the Minneapolis Code of Ordinances
relating to Air Pollution and Environmental Protection: Prohibited Discharges to
Sanitary or Combined Sewer.**

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

Section 1. That Section 56.10 of the above-entitled ordinance be amended to read as follows:

56.10. Purpose. The City of Minneapolis has been pursuing an aggressive campaign of separating its sanitary sewer system from its stormwater drainage system to reduce the number of combined sewer overflows (CSO). However, some rainleaders and other components, which handle stormwater, are still connected to the sanitary sewer system. During rain events, infiltration and inflow from buildings and parking lots with rainleaders and area drains connected to the sanitary sewer system, cause its capacity to be exceeded resulting in overflows to adjacent storm drains. This overflow ends up discharging sewage and stormwater into the Mississippi River. Rooftop drains (rainleaders) that are connected to the sanitary sewer system are one (1) of the major causes of combined sewer overflows. Residential and commercial buildings, usually built before 1961, sometimes have pipes that lead underground directly into the sanitary sewer system, rather than through gutters to lawns or the stormwater drainage system. To protect the environment and prevent these overflows as well as preventing the possibility of sewage backing up into homes and businesses, rainleaders and other connections which deliver stormwater into the sanitary system rather than the stormwater drainage system or to pervious surfaces need to be disconnected. State and federal environmental mandates require us to work to eliminate combined sewer overflows. The city and ~~metropolitan council~~ Metropolitan Council have conducted studies that determined the main contributor to these overflows is rainleader connections. The purpose of this chapter is to define regulations that will aid the city in limiting inflow of rainwater to the sanitary sewer system. The ordinance will help to minimize the overflow problem resulting from the lack of capacity of the sanitary system to handle large amounts of rainwater. Rainwater runoff will be more appropriately handled through natural filtration and/or the stormwater drainage system. The net result will be a cleaner Mississippi River and a more efficient waste treatment system.

Section 2. That Section 56.60 of the above-entitled ordinance be amended to read as follows:

56.60. Authority to administer. The authority to administer and enforce the provisions of this chapter of the Minneapolis Code of Ordinances on behalf of the city is vested in the Minneapolis Watershed Management Authority located in the ~~Environmental Management section of the Department of Operations and Regulatory Services~~ Minneapolis Health Department. The Minneapolis Watershed Management Authority, hereafter referred to as the "authority," shall have full authority to administer this chapter in addition to all authority given to it pursuant to section 48.70 and other sections of this Code.

Section 3. That Section 56.110 of the above-entitled ordinance be amended to read as follows:

56.110. Permit fee. The fee for obtaining a disconnection permit shall be established in ~~the director's fee schedule pursuant to~~ section 91.70.

Section 4. That Section 56.180 of the above-entitled ordinance be amended to read as follows:

56.180. Rainleader disconnection appeals panel. A rainleader disconnection appeals panel is hereby established to hear appeals related only to rainleader disconnection time extension decisions. The panel shall consist of the following ~~three~~ two (2) members:

- (1) ~~Director of operations, licenses and environmental services~~ Commissioner of the Minneapolis Health Department or designee;
- (2) City engineer or designee;
- ~~(3) Director of inspections or designee.~~

~~The director of operations, licenses and environmental services~~ commissioner of the Minneapolis Health Department or their designee shall provide a secretary to the panel who will serve in a nonvoting capacity. The panel shall adopt its own rules for procedures which are not in conflict with applicable ordinances.

Section 5. That Section 56.200 of the above-entitled ordinance be amended to read as follows:

56.200. Right to appeal; procedure. (a) If a time extension to disconnection is not approved, or is approved upon conditions that the applicant finds objectionable, the applicant may, either personally or through his/her authorized agent, make an appeal to

the panel. Such appeal shall be filed on a form provided by the rainleader disconnect program within fourteen (14) days from the date of the adverse determination. The appellant shall file any and all documents and/or affidavits that support the appeal. The payment of a fee in the amount of one hundred dollars (\$100.00) must accompany the submission of the appeal to cover administrative and handling costs.

(b) The appeals panel shall render its decision based upon the evidence submitted, unless the panel believes that a hearing is necessary in order to reach its decision. If a hearing is determined to be necessary, the ~~director of operations, licenses and environmental services~~ Minneapolis Health Department or designee shall schedule a hearing. Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to the appellant by mail, addressed to the appellant at his/her address shown on the appeal.

Section 6. That Section 56.210 of the above-entitled ordinance be amended to read as follows:

56.210. Hearings and decisions of the panel. (a) All hearings before the panel shall be public. A record of the entire proceedings shall be made by tape recording. A transcript of the proceedings shall be made available to all parties upon request and upon payment of the fee prescribed therefore. Such fees may be established by the panel, but shall in no event, be greater than the cost involved. The panel may grant continuances for good cause shown.

(b) The panel shall make specific findings of fact and/or conclusions in connection with any decision upon any appeal. For those appeals without a hearing, a decision shall be made within sixty (60) days of the date of appeal. For those appeals with a hearing, a decision on any appeal shall be made at the hearing in which the appeal is heard, unless the appeal is continued to a subsequent meeting. Any decision by the panel shall be made by a majority of the quorum. All decisions by the panel shall be a final decision and shall become final when signed by the ~~director of operations, licenses and environmental services~~ commissioner of the Minneapolis Health Department or their designee chair, and shall become effective and enforceable at such time or at such alternative time as is specified therein.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

**Amending Title 3, Chapter 57 of the Minneapolis Code of Ordinances
relating to Air Pollution and Environmental Protection: Mercury Reduction.**

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

Section 1. That Section 57.30 of the above-entitled ordinance be amended to read as follows:

57.30. Retail notice requirements. Any person within the city that offers for sale at retail any fluorescent bulbs or other bulbs or lamps containing mercury shall post readily visible signage stating that the bulbs or lamps contain mercury, that they may not be placed in the waste stream and which references available lamp and bulb recycling programs offered by Hennepin County or other public or private entities. Such signage shall be developed, approved and annually updated by the ~~deputy director of environmental management and safety~~ Minneapolis Health Department and shall be required to be posted on or before July 1, 2007 by any qualifying retail establishment.

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By: Lilligren

**Amending Title 3, Chapter 59 of the Minneapolis Code of Ordinances
relating to Air Pollution and Environmental Protection: Construction Activities.**

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

Section 1. That Section 59.30 of the above-entitled ordinance be amended to read as follows:

59.30 After hours work permit required. (a) Operation of construction equipment without a permit is allowed only on Monday through Friday from 7:00 a.m. to 6:00 p.m., not including federal holidays. Operation of construction equipment outside of these hours and days without a permit from the ~~assistant city coordinator for regulatory services or their designee~~ Minneapolis Health Department is prohibited.

(b) The fees for an after hours work permit issued pursuant to paragraph 59.30(a) shall be established in the director's fee schedule pursuant to section 91.70. The fee for an after hours work permit for a department of public works project, other government agency project or projects of their agents shall be as established in ~~the director's fee schedule pursuant to section 91.70.~~ Permits shall be obtained in advance of the proposed activity.

(c) Parties applying for an after hours work permit must provide a general notice of their activity to all occupants where the construction activity will occur and to the building owners and their tenants of all adjacent properties. The notice must include contact information for the party performing the construction activity, brief description of the proposed work, intended dates and times and identify that complaints regarding the construction activity will be received by Minneapolis Information and Services by dialing 311 in Minneapolis or 612-673-3000 from cell phones and phones outside of Minneapolis.

(d) Applications for an after hours work permit shall be in such form as prescribed by the ~~department of regulatory services~~ Minneapolis Health Department. A copy of the written notice required by 59.30(c) must be submitted with the permit application.

(e) Exemption from permit requirements:

- (1) A property owner or tenants of a residentially used property may conduct construction activities on their residentially used property on Saturdays, Sundays and federal holidays from 9:00 a.m. to 6:00 p.m.;
- (2) A party using construction equipment in an enclosed and insulated building that does not share a common wall with another building or occupant; or
- (3) A project for which the city engineer has determined that the expeditious construction, repair or rehabilitation of any highway, road or bridge or other public infrastructure necessitates the operation of pile drivers, jackhammers, engines, power units or any other construction equipment and has so certified in writing.

Section 2. That Section 59.40 of the above-entitled ordinance be amended to read as follows:

59.40. Temporary crushing permit required. (a) No person may begin operation of temporary crushing activities except under specific permit from the ~~assistant city coordinator for regulatory services or their designee~~ Minneapolis Health Department.

(b) The fees for a temporary crushing permit issued pursuant to paragraph 59.40(a) shall be established in ~~the director's fee schedule pursuant to section 91.70.~~ Permits shall be obtained in advance of the proposed activity.

(c) Parties applying for a temporary crushing permit must provide a general notice of their activity to all occupants where the construction activity will occur and to the building owner and their tenants of all adjacent properties. The notice must include contact information for the party performing the construction activity, a brief description of the proposed work, the intended dates and times and must identify that complaints regarding the construction activity will be received by Minneapolis Information and Services by dialing 311 in Minneapolis or 612-673-3000 from cell phones and phones outside of Minneapolis.

(d) A permit shall not be issued for the operation of temporary crushing equipment unless the following requirements as applicable are met:

- (1) The performance standards in chapters 46, 47, 48, 50, 117 and 389 of the Minneapolis Code of Ordinances; and state rules and statutes as determined applicable by the ~~assistant city coordinator for regulatory~~

~~services or their designee~~ Minneapolis Health Department when issuing the wrecking permit required by section 117.10 of this Code;

- (2) Materials crushed, ground, pulverized or milled must originate on the site where the temporary crushing activity is occurring unless the ~~assistant city coordinator for regulatory services or their designee~~ Minneapolis Health Department determines that it is to the public benefit to transport to an offsite location;
- (3) Temporary crushing activities shall not exceed one hundred twenty (120) consecutive calendar days from the date of issuance of a required permit;and
- (4) A temporary sign, three (3) feet by four (4) feet, indicating the name, address and telephone number(s) of the person(s) or agent(s) of the company conducting the temporary crushing activities shall be placed within ten (10) feet of all public rights-of-way adjacent to the project site. The company conducting the temporary crushing activities shall ensure that an agent responsible for the activities being conducted is available on site or by phone on a twenty-four (24) hour basis.

(e) Applications for temporary crushing permit shall be in such form as prescribed by the ~~department of regulatory services~~ Minneapolis Health Department. A copy of the written notice required by 59.40(c) must be submitted with the permit application.

Section 3. That Section 59.50 of the above-entitled ordinance be amended to read as follows:

59.50. Abrasive blasting permit required. (a) No person shall abrasively blast the interior or exterior of any building, structure, or other architectural surface except under specific permit from the ~~assistant city coordinator for regulatory services or their designee~~ Minneapolis Health Department.

(b) The fees for an abrasive blasting permit issued pursuant to paragraph 59.50(a) shall be as established in the ~~director's fee schedule pursuant to~~ section 91.70. Permits shall be obtained in advance of the proposed activity.

(c) Parties applying for an abrasive blasting permit must provide forty-eight (48) hours in advance a general notice of their construction activity to all occupants of the building, structure or architectural surface where the construction activity will occur and to all building owners and their tenants within a seventy-five (75) foot radius of the building, structure or architectural surface to be abrasively blasted. The notice must

include contact information for the party performing the construction activity, brief description of the proposed work, intended dates and times and identify that complaints regarding the construction activity will be received by Minneapolis Information and Services by dialing 311 in Minneapolis or 612-673-3000 from cell phones and outside Minneapolis.

(d) All painted surfaces to be abrasively blasted must be tested for lead content following EPA, HUD or ASTM protocols.

(e) All abrasive blasting activity shall meet the following performance standards:

(1) Standards established in Chapters 46, 47, 48, 50, and 389 of this Code;

(2) Standards established in Minnesota Rule Part 7025 if laboratory analysis indicates the presence of lead based paint;

(3) Dust generated by the activity must be contained on site; and

(f) Applications for an abrasive blasting permit shall be in such form as prescribed by the ~~department of regulatory services~~ Minneapolis Health Department. A copy of the written notice required by 59.50(c) and analytical results required by 59.50(d) must be submitted with the permit application. If analytical results as required by 59.50(d) are not submitted with the application, the permit will not be issued until the city has tested the painted surface.

(g) In the event the applicant cannot perform the abrasive blasting on the scheduled date(s) contained in the application the applicant shall provide notification to ~~environmental services~~ the Minneapolis Health Department, the owners of the property, and as required in 59.50(c)(3) twenty-four (24) hours prior to the commencement of the rescheduled abrasive blasting operation.

Section 4. That Section 59.70 of the above-entitled ordinance be amended to read as follows:

59.70. On site suspension and or modification of a permitted construction activity. A permit issued under authority of 59.30, 59.40 or 59.50 may be modified or suspended by the Minneapolis Police or the ~~assistant city coordinator for regulatory services or their designee~~ Minneapolis Health Department if:

(1) The construction activity is causing unreasonable noise, dust or odor interfering with the property use(s);

(2) The construction activity ~~cause~~ causes unreasonable noise, dust or odor interfering with adjacent property use(s);

(3) The construction activity is a violation city ordinance; or

(4) The construction activity is in violation of conditions of the permit.

Section 5. That Section 59.80 of the above-entitled ordinance be amended to read as follows:

59.80. On site suspension of unpermitted construction activity.

Construction activity that would require a permit under authority of 59.30, 59.40 or 59.50 may be ordered to be suspended by the Minneapolis Police or by the ~~assistant city coordinator for regulatory services or their designee~~ Minneapolis Health Department if a valid permit for the construction activity is not present on site for review.