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**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

By Samuels

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**Amending Title 3, Chapter 47 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection; Minneapolis Air Quality Management Authority.**

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

Section 1. That Section 47.10 of the above-entitled ordinance be amended to read as follows:

**47.10. Definitions.** For the purposes of this chapter, the terms defined in this section shall have the following meanings:

*Abatement:* Any set of measures designed to lower, depreciate, reduce, or eliminate air contaminants.

*Abrasive blasting:* Any surface preparation using sand, grit, water, or other abrasive medium applied under pressure supplied by air, water, or other pressurized fluid.

*Air contaminant:* Any fume, odor, smoke, particulate matter of any size, vapor, gas, or any combination thereof but not including water vapor or steam condensate.

*Air pollution:* The presence in the outdoor atmosphere of one (1) or more air contaminants.

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

*Air pollution emitter:* Any person or facility that operates or permits the operation of any equipment or participates in any process that through any means results in the release of any air contaminant to the atmosphere.

*Ambient air:* That portion of the atmosphere, external to buildings, to which the general public has access.

*Atmosphere:* The air that envelopes or surrounds the earth.

*Btu:* British thermal units. The quantity of heat required to raise the temperature of one pound of water one degree Fahrenheit.

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

*Breakdown:* Any failure of air pollution control equipment or process equipment, or the failure of a process to operate in a normal or usual manner; however, such failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable improper function or preventable equipment failure shall not be considered a breakdown.

*CAS:* Chemical abstracts service.

*CFM:* The volumetric flow rate of a liquid or gas in cubic feet per minute.

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

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

*Commercial:* Pertaining to business especially involving the sale of goods and secured transactions; done with a profit motive.

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

*Construction:* The fabrication, erection, or installation of an emission facility, emissions unit, or stationary source.

*Criteria pollutants:* Those pollutants for which national ambient air standards have been established pursuant to the Federal Clean Air Act as amended, i.e., particulate matter, sulfur dioxide, nitrogen oxides, ozone, carbon monoxide, and lead.

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

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

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

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

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

*Dust collector:* Mechanical devices designed to remove particulate matter from process, ventilation, and outside air as well as to recover resources from manufacturing process and that is not covered by section 47.60 of this chapter.

*Dwelling:* A building or portion thereof designed or used exclusively for human habitation, including single-family, two-family, and multiple-family dwellings, but not including hotels, motels, or rooming houses.

*Dwelling unit:* One or more rooms which are arranged, designed, or used as living quarters for one family only.

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

*Emission or emit:* To discharge, release, or to permit or cause the discharge or release of one (1) or more air contaminants into the atmosphere.

*Engine:* Any internal combustion machine, such as found in motor vehicles, aircraft, locomotives and stationary power units, which utilizes gas or liquid fuel for combustion energy.

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

*Fly ash collector:* Any equipment used to separate fly ash from gas(es) and that is not covered by equipment referenced by section 47.60 of this chapter.

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

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

*Gas:* An aeroform fluid having neither independent shape nor volume by tending to expand indefinitely.

*Gasoline.* A petroleum or a petroleum-based substance that is motor gasoline, or any grade of gasohol, and is typically used in the operation of a motor engine, excluding, aviation gasoline, No. 1 or 2 diesel fuel.

*Gasoline filling station.* A business engaged in the dispensing, handling or sale of gasoline or other fuels to the public.

*Gasoline storage tank.* A permanent vessel for storing gasoline at a gasoline filling station for the purpose of dispensing, handling or sale of gasoline.

*HAP:* Hazardous air pollutant. Any air pollutant listed pursuant to section 47.270.

*Hazardous waste:*

(a) 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.

(b) Categories of hazardous waste materials include, but are not limited to: explosives, flammable, oxidizers, poisons, irritants, and corrosives.

*HVAC:* Heating, ventilation, and air conditioning.

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

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

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

*Internal combustion engine:* An engine that burns fuel within itself as a means of developing power. This definition does not include motor vehicles as defined by the State of Minnesota in Minnesota Statute (1998) Section 168.011, Subd. (4).

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

*Lint collector:* Any equipment used in a commercial or industrial process to remove lint or other such fibrous material from gas(es) and that is not otherwise referenced by section 47.60 of this chapter.

*Mobile source:* Any source of air contaminants not specifically defined as stationary source; includes but is not limited to automobiles, buses, and locomotives.

*Modification:* Any physical change or change in the method of any equipment or process.

*Nonresidential:* That which is not defined by "residential" as defined in this section.

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

*Opacity:* The degree to which an air contaminant emission obscures the view of a trained observer expressed in percentage of the obstruction or the degree (percentage) to which transmittance of light is reduced by an air contaminant emission.

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

*Paint booth:* A partially or fully enclosed area used as a place to apply paint to surfaces.

*Particulate matter:* Any material, except unconfined water, that exists in a finely divided form as a liquid or solid.

*Permitted facility:* Any facility required by the Minnesota State Pollution Control Agency to report its emissions under Minnesota Rules (1997).

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

*Pollution control device:* Any structure, work, equipment, machinery, device, apparatus, or other means for treatment of an air contaminant or combination thereof to prevent, abate, or control air pollution.

*Person:* Any person, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, or owner.

*Premises:* Any building, structure, land, utility or portion thereof, including all appurtenances, and shall include yards, lots, courts, and properties without buildings whether any of the aforementioned be owned, rented, or leased.

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

*Reconstruction:* Replacement of depreciable components of an existing emissions unit to which a New Source Performance Standard or state air pollution control rule is applicable, to the extent that the fixed capital cost of the depreciable components exceeds fifty (50) percent of the fixed capital cost of depreciable components that would be required to construct a comparable entirely new emissions unit.

*Registration:* The process and any documents associated with the process or requirements described in section 47.50.

*Refuse:* Any combustible material including, but not limited to, trash, rubbish, garbage, paper, painted wood, and debris of all kinds.

*Residential:* Any building or property that is designated by the City of Minneapolis Zoning Code as permitting dwellings.

~~*Sandblasting:* Any surface preparation using sand, grit, water, or other abrasive medium applied under pressure supplied by air, water, or other pressurized fluid.~~

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

*Scrubber:* Equipment used in a commercial or industrial process to remove impurities, such as odors and particulate matter, from gas(es) and that is not otherwise referenced by section 47.60 of this Code.

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

*Simultaneous fueling location.* The location at which a fueling device delivers or dispenses fuel to a single vehicle.

*Smoke:* Airborne carbon or ash or other combustion by-products resulting from combustion or other like operations in sufficient quantity to be observable.

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

*Stage I vapor recovery system.* The control or management of hydrocarbons, volatile organic compound vapors and other gases during the transfer of gasoline from the delivery vessel to the gasoline filling station's gasoline storage tanks.

*Stage II vapor recovery.* The control or management of hydrocarbon and volatile compound vapors and gases during the transfer of gasoline from the gasoline filling station's gasoline storage tank to the vehicle's gasoline tank.

*Stationary source:* An assemblage of all emissions units and emission facilities that belong to the same industrial grouping, are located at one or more contiguous or adjacent properties and are under the control of the same person (or persons under common control). Emissions units or emission facilities must be considered as part of the same industrial grouping if they belong to the same "major group" (that is, which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (United States Government Printing Office Stock Numbers 4101 to 0066 and 003-005-00176-0, respectively).

*TRI facility:* Any facility that is required to report its pollutant emissions to the Federal Government under Title III of the 1986 Superfund Amendments and Reauthorization Act (SARA), otherwise referred to as the Emergency Planning and Community Right-to-Know Act.

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

*Vapor recovery equipment for gasoline filling stations.* All equipment that is part of the vapor recovery system used by a gasoline filling station to collect and manage gasoline vapors generated from refueling vehicle gasoline tanks, gasoline storage tanks and portable fuel containers including, but not limited to, dispensing equipment, couplers, fittings, processors, control boards, gauges, and monitors.

*Vapor recovery system.* A vapor gathering system capable of collecting and managing hydrocarbon and volatile organic compound (VOC) vapors and gases so as to prevent the vapors and gases from being emitted into the ambient air or atmosphere. The system's tank gauging and sampling devices are gas-tight except when gauging or sampling is taking place. A vapor recovery system may include stage I or stage II vapor recovery.

Section 2. That Section 47.20 of the above-entitled ordinance be amended to read as follows:

**47.20. State standards and regulations.** (a) *Adopted.* There is hereby adopted as an ordinance of the city, Minnesota Rules (1997), Chapters 7005, 7007, 7009, 7011, 7017, 7019, 7023, 7025, and 7027 filed with the secretary of the state.

(b) *Regulations on file.* Three (3) copies of such rules marked "Official Copy" shall be filed in the office of the city clerk and remain on file in said office for use and examination by the public. The clerk shall furnish copies of said rules at cost to any person upon request.

(c) *Definitions.* Whenever the word "agency" or "Minnesota Pollution Control Agency" is used in the rules, it shall be held to mean the City of Minneapolis ~~the director of inspections or the director's authorized agent.~~ Wherever 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.

Section 3. That Section 47.30 of the above-entitled ordinance be amended to read as follows:

**47.30. Minneapolis Air Quality Management Authority.** The Minneapolis Air Quality Management Authority shall have full jurisdiction to regulate and control atmospheric pollution as now or hereafter provided in Title 3, Chapter 47 of the Minneapolis Code of Ordinances. The Minneapolis Air Quality Management Authority shall be located within the environmental ~~management services~~ section of the licensing inspections division in the department of ~~operations and regulatory services~~ and shall be under the supervision of the director of licensing inspections. The director of licensing inspections shall designate the technical, professional, and support staff that shall constitute the Minneapolis Air Quality Management Authority.

Section 4. That Section 47.50 of the above-entitled ordinance be amended to read as follows:

**47.50. Registration required.** (a) No owner or operator of land, buildings, or structures shall install, construct, alter, or place in operation any:

- (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; or

(6) Stage I vapor recovery system or other pollution ~~Pollution~~-control device(s) in or on any building, equipment, or premises; without first having registered the equipment and having paid the fees therefore as set forth in section 47.70.

(b) Each day of work of such construction, installation, or alteration in violation of this chapter shall constitute a separate offense.

(c) Exemption. Residential buildings and properties which have three (3) dwelling units or less are exempt from the provisions of this section.

Section 5. That Section 47.70 of the above-entitled ordinance be amended to read as follows:

**47.70. Annual registration fees for equipment.** The fees for the annual registration required by section 47.50 of this chapter shall be as established in Appendix J. ~~forty-five dollars (\$ 45.00) per unit and forty-five dollars (\$ 45.00) for any combination of space heating equipment as set out in section 47.50(a) subd. (1).~~

Section 6. That Section 47.80 of the above-entitled ordinance be amended to read as follows:

**47.80. When annual registration must be filed.** Registration of equipment or devices as noted in section 47.50 of this chapter must be made on or before December 31 ~~September first~~ of each year. If registration is not postmarked or received on or before December 31 ~~October first~~ of each year, the applicant must pay double the fees herein provided for such registration.

Section 7. That Section 47.240 of the above-entitled ordinance be amended to read as follows:

**47.240. Abrasive blasting** ~~Sandblasting~~ **permit required.** No person shall abrasively blast ~~sandblast~~ any building, structure, or other architectural surface without having first received a permit from the Minneapolis Air Quality Management Authority. Permit costs shall be as established in the director's fee schedule pursuant to section 91.70.

(1) Applications for abrasive blasting ~~sandblasting~~ permits shall be in such form as prescribed by environmental services management. Every application for a permit to abrasively blast ~~sandblast~~ a building, structure, or architectural surface four (4) stories in height or less shall be accompanied by a sworn statement that the applicant will notify at least forty-eight (48) hours prior to the commencement

of any ~~abrasive sandblasting~~ all the occupants of every residential building of less than ten (10) dwelling units and the owners, managing agent, or occupants of every residential building of ten (10) or more dwelling units and every nonresidential structure located within a seventy-five (75) foot radius of the surface to be sandblasted. With respect to surfaces more than four (4) stories in height, environmental management, giving due consideration to the public interest, shall determine the radius of the notice. This notification shall be in writing and shall be by mail or electronic mail and shall include the following information:

- a. Return address from the applicants last known permanent address.
- b. Address of the location to be abrasively sandblasted.
- c. The estimated date(s) of the abrasive sandblasting operations.
- d. The estimated time period of the entire abrasive sandblasting operation.
- e. The type of blasting material, and material to be abrasively sandblasted, including ~~and~~ lead and all material considered a hazardous waste under Minnesota Rules (1997), Chapters 7045 and 7046.

f. Analytical results of testing for material to be abrasively blasted for lead content. If results are not submitted with application the permit will not be issued until the city has tested material. The city has up to five (5) days to conduct this testing.

(2) Rescheduling ~~abrasive blasting sandblasting~~ operation. In the event the applicant cannot perform the abrasive blasting sandblasting on the estimated date(s) contained in the application or within seventy-two (72) hours thereafter the applicant shall notify environmental ~~services management~~ and the owners of the property or occupants twenty-four (24) hours prior to the commencement of the rescheduled abrasive blasting sandblasting operation.

(3) All required testing shall be performed by a qualified staff~~licensed lead inspector~~ from lead hazard control as designated by Minneapolis Air Quality Management.

Section 8. That Chapter 47 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 47.310 to read as follows:

**47.310 Permitting stage I vapor recovery system.** No person shall install or convert to a stage I vapor recovery system within the City of Minneapolis without first having obtained a permit for an approved system as identified in section 47.280. The permit fee

for an installation or conversion permit shall be as established in the director's fee schedule pursuant to section 91.70.