

ORDINANCE 2007-Or-____
By

**Amending Title 3, Chapter 46 of the Minneapolis Code of Ordinances
relating to Solid and Hazardous Waste.**

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

Section 1. That Chapter 46 of the above-entitled ordinance be amended to read as follows:

**CHAPTER 46. MINNEAPOLIS SOLID AND HAZARDOUS WASTE
GENERATION, HANDLING, STORAGE AND DISPOSAL**

Section 2. That Section 46.10 of the above-entitled ordinance be amended to read as follows:

46.10. Adopted. Minnesota Rules, Chapter 7045, and Minnesota Statutes, Sections 115A.916, 325E.10, 325E.11, 325E112 and 325E115 are hereby adopted by reference and are incorporated in this title as fully as if set forth herein and shall be in force and effect as the Minneapolis Hazardous Waste Generation, Handling, Storage and Disposal Rules. ~~The Rules of the Minnesota Pollution Control Agency (Solid and Hazardous Waste Division), Minnesota Rules, Chapter 7045, relating to hazardous waste, are hereby adopted by reference and are incorporated in this title as fully as if set forth herein and shall be in force and effect as the Minneapolis Hazardous Waste Rules.~~

Section 3. That Section 46.20 of the above-entitled ordinance be and is hereby repealed.

~~**46.20. Regulations on file.** Three (3) copies of the Minnesota Rules, Chapter 7045, shall be filed in the office of the city clerk and office of the director of the department of inspections for the City of Minneapolis, and remain on file in said offices for use and examination by the public. Additional copies may be obtained by the public from the Office of Revisor of Statutes, Room 3, State Capitol, St. Paul, Minnesota 55155.~~

Section 4. 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, 325E112 and 325E115, 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 assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent. Except as here after defined.

Hazardous waste generating facility – 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 – 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 - 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 5. That Section 46.40 of the above-entitled ordinance be amended to read as follows:

~~46. 40. Storage and processing permit required.~~ No person shall store or handle or process any hazardous waste which was not generated at the same address without first having obtained a storage and processing permit and having paid the fee as set forth in section 46.50. No permit shall be issued unless the application includes a spill prevention plan. (85-Or-013, § 1, 1-25-85) **Permit required.** (a) 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 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 6. That Section 46.50 of the above-entitled ordinance be amended to read as follows:

46.50. Inspection and permit fees. Pollution Control Annual Billing (PCAB) registration of a hazardous waste facility. ~~The fees that shall be paid for inspecting the original plans and issuing permits for persons desiring to store, handle, or process any hazardous waste which was not generated at the same address shall be as established in the director's fee schedule pursuant to section 91.70. The fee for inspecting plans and issuing the original permit does not include the fee for issuing an annual storage and processing permit in case such permit is granted. Failure to obtain the permit prior to conducting the activity shall be deemed a violation and result in a doubling of permit fees.~~

(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. The site operator shall also remit an annual registration fee, per site, in an amount as established in Appendix J, License Fee 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 December 31 of each year. If registration is not received or postmarked on or before December 31 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, 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 7. That Section 46.60 of the above-entitled ordinance be amended to read as follows:

46.60. Annual fee for storage and processing registration. Annual inspection of hazardous waste facilities. ~~The fees for the annual storage and~~

~~processing registration for any person who stores, handles, or processes any hazardous waste which was not generated at the same address shall be as established in Appendix J. The annual fee shall be due and payable on December 31 of each year. If registration is not received or postmarked on or before December 31 of each year, the applicant shall pay double the fees provided for such registration.~~ 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.

Section 8. That Chapter 46 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 46.70 to read as follows:

46.70 Motor Vehicle Fluids; liability for maintenance. No person shall dispose of, cause to be disposed of, or allow to be disposed of, any new or used Hazardous Materials including but not limited motor oils, or other like substances in any place within the city, except in county operated oil collection stations or those privately maintained by gasoline service stations and the like. The owner or operator of oil collection stations and gasoline service stations shall operate and maintain their facilities in such a manner so as to prevent any pollution of the premises by any oil or like substance.

Section 9. That Chapter 46 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 46.80 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.

c) All new and used motor vehicle filters and parts must be stored inside a building.

Section 10. That Chapter 46 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 46.90 to read as follows:

46.90. Illegally Disposed of Motor Vehicle Fluids, Filters and Parts. It shall be the responsibility of the owner of land, buildings or structures to contain and provide for the proper disposal of any new or used motor vehicle fluids, filters

or parts that are disposed of on property by tenants, operators, employees or unauthorized parties.

Section 11. That Chapter 46 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 46.100 to read as follows:

46.100. Contaminated material storage. Any and all manufactured materials that have been in contact with pollutants, including but not limited to lubricating oils, cutting fluids, and marking dyes, must be stored inside a building or structure in such a manner as to prevent deposition of pollutants to the land and discharge to the storm drains.

Section 12. That Chapter 46 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 46.110 to read as follows:

46.100 Violations of this code. (a) Any person who violates any provision of this chapter shall be guilty of an ordinance violation and subject to the punishment and penalties of section 1.30(a), 1.40 and Chapter 2 of this Code.

(b) License revocation. Any owner or operator of land, buildings, or structures who possesses a city license to conduct business, in addition to the fine, may have his or her license revoked for failure to comply with this chapter.

(c) Each day of failure to maintain the hazardous waste facility in compliance with federal, state, municipal rules or submitted plans shall constitute a separate violation of this code.