

ORDINANCE
By Gordon

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 the definition for "Hazardous waste" contained in Section 48.10 of the above-entitled ordinance be amended to read as follows:

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

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

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

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

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

Section 3. That Section 48.50 of the above-entitled ordinance be amended to read as follows:

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

Section 4. That Section 48.120 of the above-entitled ordinance be amended to read as follows:

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

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

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

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

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

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

Section 5. That Section 48.125 of the above-entitled ordinance be amended to read as follows:

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

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

Section 6. That Section 48.130 of the above-entitled ordinance be amended to read as follows:

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

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

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

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

Section 7. That Section 48.145 of the above-entitled ordinance be amended to read as follows:

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

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

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

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

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

Section 8. That Section 48.150 of the above-entitled ordinance be amended to read as follows:

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

- (1) Notify the authority of intent to so render the tank.
 - (2) Secure the fill line cap and discharge line against tampering and product leakage.
 - (3) Assure that the vent line is open.
 - (4) Continue the operation and maintenance of corrosion protection.
 - (5) Continue operation of release detection method, unless the tank is purged.
- (b) An underground or aboveground tank left in "temporarily out of service" condition in excess of twelve (12) months, shall pay an annual registration fee as established in section 48.310.

Section 9. That Section 48.230 of the above-entitled ordinance be amended to read as follows:

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

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

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

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

Section 10. That Section 48.260 of the above-entitled ordinance be amended to read as follows:

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

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

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

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

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

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

(g) A request for a variance from specific requirements of the standards contained in Minnesota Rules, Chapter 4725 must be reviewed by the State Commissioner of Health pursuant to Minnesota Rules, Chapter 4717.7000. If the request for variance is approved by the Commissioner of Health, the city shall allow construction, reconstruction or sealing of the well pursuant to the conditions of the Commissioner's approval.

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

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

Section 11. That Section 48.280 of the above-entitled ordinance be and is hereby repealed:

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

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

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

Section 12. That Section 48.310 of the above-entitled ordinance be amended to read as follows:

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

Equipment/Condition	Permit/Filing Fee (see director's fee schedule pursuant to section 91.70)	Annual Fee <u>PCAR</u> Fee (see Appendix J)
Aboveground storage tank		
Install/remove (48.120)	<u>x</u>	
Abandonment (48.120)	<u>x</u>	
<u>Out of service (48.150)</u>		<u>x</u>
Storage of regulated substances (48.125)		<u>x</u>

Underground storage tank		
Out of service (48.150)		<u>x</u>
Install/remove (48.130 and 48.145)	<u>x</u>	
Abandon in place (48.130 and 48.145)	<u>x</u>	
<u>Storage of regulated substances (48.125)</u>		<u>x</u>
Annual chemical inventory registration (48.160)		<u>x</u>
Contaminated site (48.230)		
Open leak site <u>(48.230)</u>		<u>x</u>
CERCLIS/MERLA site <u>(48.230)</u>		<u>x</u>
On-site remediation, except wells (48.240)	<u>x</u>	<u>x</u>
<u>Temporary contaminated soil storage (48.300)</u>	<u>x</u>	
Wells (48.260)		
Construction, modification, reconstruction, sealing <u>(48.260)</u>	<u>x</u>	
Temporary well <u>(48.260)</u>	<u>x</u>	
Water supply <u>Out of service well maintenance (48.260)</u>		<u>x</u>
Monitoring and recovery well maintenance <u>(48.260)</u>		<u>x</u>
<u>Commercial well in use(48.260)</u>		<u>x</u>
<u>Water supply well in use (48.260)</u>		<u>x</u>
<u>Out of service MDH well sealing variance (48.260)</u>		<u>x</u>
Oil/water separator (48.270)	<u>x</u>	<u>x</u>

Sediment trap (48.270)	<u>x</u>	<u>x</u>
Industrial waste generator (48.280)		
Contaminated soil storage (48.300)		

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

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