

2008-Or-\_\_\_

AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS

By Gordon

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**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. State definitions shall include, but shall not be limited to the following:

*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.

Section 2. That Section 48.240 of the above entitled ordinance be amended to read as follows:

**48.240. On-site remediation.** (a) No person shall conduct or perform any on-site remediation ~~of any soil, concrete, asphalt, rock, brick, cement, dirt, compost, water, or air as defined in 48.10~~ without having obtained an on-site remediation permit from the authority. On-site remediation may include, but is not limited to: ~~crushing, as defined by city ordinance section 389.90, grinding, pulverizing, excavation, removal,~~ excavation and removal of contamination, grading, ~~outdoor storage~~, thermal evaporation treatment, closed chamber burning, microbial treatments, thin spreading, soil venting, soil capping, soil burning, or other substance recovery or disposal systems.

To apply for an on-site remediation permit from the authority, person(s) shall pay the authority all permit fee(s) required by 48.310, and submit a plan that details the proposed action for the on-site remediation. For sites considered contaminated by the Minnesota Pollution Control Agency, or sites suspected of being contaminated, a copy of the state-approved remediation plan must be submitted. If the remediation system will be discharging to the sanitary sewer a copy of the Metropolitan Council discharge permit must be provided. In addition, any information deemed necessary by the authority must be provided. ~~For those sites participating in the Minnesota Pollution Control Agency administered Voluntary Investigation and Cleanup Program, the fee is not required, if the participating party did not cause any of the contamination.~~

The authority shall review the plan and may require the applicant to perform modifications to the on-site treatment remediation system to assure conformity to city ordinance, in so far as such modifications are not in conflict with state or federal requirements. On-site remediation permits shall be issued by the authority pursuant to a review of the following information, as appropriate to the site, contained in the plan:

- (1) The objectives of the remediation.
- (2) Descriptions of the contaminated site, including topographic and geologic characteristics, the presence of utilities and structures on the site, and relative location of human populations at risk.
- (3) The types, amounts, and extent of the contamination and its potential for mobility from the site.
- (4) Descriptions of how the remediation will be implemented, its compatibility with the contaminants including the potential to generate hazardous secondary chemical species such as flammable or explosive vapors, and estimates of contaminant amounts that will be emitted to the air, discharged to the waters of the state, or excavated, treated on-site and/or transported off-site for treatment and/or disposal.
- (5) The measures being implemented that will protect the exposed treatment area or contaminated storage areas from weather conditions that may cause hazardous substances to migrate or be released.
- (6) Designs for run-off collection systems.
- (7) The adequacy of the emergency response plan to address accidental discharges, leaks, or spills of extracted toxins or other toxic materials to the environment.
- (8) Capacity limitations for all equipment, machinery, storage vessels, or any other materials involved in the remediation operations to prevent injury to workers and accidental releases of toxins to the environment.

- (9) Time requirements for the remediation to be completed.
- (10) Projected public concerns and how they will be addressed.
- (11) Actions taken to ensure that the remediation-site and all its equipment and structures will remain physically secure from intruders to prevent exposure to harmful contaminants, accidental releases of toxic substances, or unauthorized acts of third persons.
- (12) Names and contact information for all persons conducting the remediation activities, including contact information for an individual or company available to respond on a twenty-four (24) hour basis.

(b) Emergency contact information shall be posted on-site in an area clearly visible from the public right of way. The sign should be outside of any locked buildings or other structures. The listed contact shall be an individual or company available to respond on a twenty-four (24) hour basis.

(c) Issuance of an on-site treatment permit does not eliminate the need for additional permits required by this Code or other governmental agencies. These additional permits may include, but are not limited to: fire, electrical, erosion control, work, demolition, new construction, well installation, tank installation and removal, and water discharge permits.

(d) The city or authorized personnel may inspect remediation-sites prior to, during, and at the close of all remediation activities. If at any time over the course of the remediation the city or authorized personnel identifies problems with the remediation activities including, but not limited to, potential environmental impacts or public health and safety concerns, the city shall have the power to require additional permits and/or remediation at the site. Notification of city required changes shall be submitted in writing to the person(s) indicated as responsible for remediation activities on the permit application.

(e) If upon inspection by city authorized personnel, remediation activities are found to pose an immediate and substantial threat to the environment and/or public health and safety, the authority shall have the power to immediately suspend operations until the Minnesota Pollution Control Agency can be consulted and the threat has been addressed.

(f) Applicant(s) must pay to the authority the annual registration fee(s) required by section 48.310.

(g) Any alterations or additions required by the city shall not conflict or detrimentally effect the operation of any remediation activity required by the Minnesota Pollution Control Agency or the United States Environmental Protection Agency.