

ORDINANCE
By Gordon

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 the title of Chapter 46 of the above-entitled ordinance be amended to read as follows:

CHAPTER 46. – HAZARDOUS AND INDUSTRIAL 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. Code of Federal Regulations, Title 40, Part 261; 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 and Industrial Waste Generation, Handling, Storage and Disposal Rules.

Section 3. 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 ~~325E112~~ and 325E.115 ~~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 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 shall include 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.

Hazardous waste generating facility means any facility that generates, handles, stores, or disposes of hazardous waste as a large or small quantity generator originating at their address as defined and listed in Minnesota Rules Chapter 7045, including waste motor vehicle fluids.

Hazardous waste generator size is determined by how much hazardous waste a business or facility generates per month, excluding certain wastes as defined by this Code:

Large Quantity Generator (LQG): Generates 2,200 pounds or more per month of hazardous waste (about 4 drums liquid);

Small Quantity Generator (SQG): Generates greater than 220 pounds but less than 2200 pounds per month of hazardous waste (about ½ to 4 drums liquid);

Very Small Quantity Generator (VSQG): Generates 220 pounds or less per month of hazardous waste (about ½ drum liquid or less).

Hazardous waste process facility means any facility that generates, handles, stores, or disposes of hazardous waste as a large or small quantity generator originating at their address or from another address as defined and listed in Minnesota Rules Chapter 7045, including waste motor vehicle fluids.

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.

Industrial waste generating facility means any facility that generates, handles, stores, or disposes of industrial waste or is a very small quantity generator of hazardous waste originating at their 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 4. That Section 46.40 of the above-entitled ordinance be amended to read as follows:

46.40. Permit required. (a) ~~{Generally.}~~ Generally. No person may begin operations of a hazardous waste facility without first filing an application and paying the permits fees as established in 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 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.

(4) *Approval.* Approval of the permit application shall be identified by the addition of a hazardous waste generating facility or hazardous waste processing facility on the pollution control annual registration certificate. Application fees are authorized to cover review of the application and registration for the remaining registration year.

(C) *Existing hazardous waste facilities.* A hazardous generating waste facility existing prior to January 1, 2008, must have on file, with the commissioner, a hazardous waste facility application, a hazardous waste site plan, and a spill pollution prevention plan.

Section 5. 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 generating facility, hazardous waste process facility, or industrial waste generating facility. (a) *Hazardous waste generator.* The site operator in control of a large or small quantity hazardous waste generating facility established under this chapter or existing prior to this chapter, shall register that site annually with the commissioner as a hazardous waste generator.

(b) *Hazardous waste processor.* The site operator in control of a large or small quantity hazardous process facility established under this chapter or existing prior to this chapter shall register that site annually with the commissioner as a hazardous waste processor.

(c) *Industrial waste generator.* The site operator in control of a very small quantity hazardous waste generating facility or an industrial waste generating facility such as a motor vehicle shop for public, private or fleets shall register annually with the commissioner as an industrial waste generator.

(d) *Hazardous waste processor and hazardous and industrial waste generator requirements.* The site operator shall also remit a pollution control 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~~ pollution control annual registration 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 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 6. 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 processors and hazardous waste and industrial waste generating facilities are subject to annual inspection by the commissioner.