

**AN ORDINANCE  
OF THE  
CITY OF MINNEAPOLIS**

**By Benson**

**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 the Title of Chapter 47 of the Minneapolis Code of Ordinances be amended to read as follows:

**CHAPTER 47. ~~MINNEAPOLIS AIR QUALITY MANAGEMENT AUTHORITY~~  
AIR POLLUTION**

Section 2. 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: All other definitions are adopted under Minnesota Rules (2008):

~~*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 47.50 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 47.50 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 2007) 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 47.50 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.~~

*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 47.50 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 3. 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. Unless more restrictive provisions are specifically provided for in other sections in this code of ordinances, Minnesota Rules (2008), Chapters 7005, 7007, 7009, 7011, 7017, 7019, 7023, 7025, 7027, and as amended from time to time, are adopted as an ordinance of the City, except that fee impositions different than those in the Minnesota Rules may be provided or modified by ordinance. Whenever the word "agency" or "Minnesota Pollution Control Agency" is used in the rules, it shall be held to mean the City of Minneapolis. Whenever 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.~~

(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. The official version of such Minnesota Rules will be filed with the Minnesota Secretary of State and can be accessed by any means required or allowed by the Minnesota Secretary of State. A copy of the Minnesota Rules, which could be slightly outdated at times, can be obtained through the Minnesota Office of the Revisor of Statutes.

(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. Whenever 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 4. That Section 47.30 of the above-entitled ordinance be and is hereby repealed:

~~**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 services section of the licensing division in the department of regulatory services and shall be under the supervision of the director of licensing. The director of licensing shall designate the technical, professional, and support staff that shall constitute the Minneapolis Air Quality Management Authority.~~

Section 5. That Section 47.40 of the above-entitled ordinance be amended to read as follows:

~~**47.40**~~ **47.30. Duties of Minneapolis Air Quality Management Authority Enforcement.** The responsibility for the administration and enforcement of the air pollution control ordinances of the City of Minneapolis this code and Minnesota Rules referenced in section 47.20 shall reside in the Minneapolis Air Quality Management Authority Department of Regulatory Services. Administration and enforcement shall include the following duties:

- (1) Investigation of air quality complaints, the observation of air quality conditions, and ~~taking the necessary and proper steps~~ enforcement actions to protect and improve the air resource.
- (2) Issuance of permits, certificates, and notices under this chapter. The keeping of copies of applications, plans, permits, and certificates, records of violations, complaints and other records on file.
- (3) Examination of the plans for all new buildings pertinent to the operation of fuel burning equipment or pollution control devices and for the alteration of

all existing buildings or equipment in order to assure that they are in accordance with the rules and regulations established in this chapter.

- (4) Examination of the application and plans for the construction, installation or alteration of any fuel burning equipment, pollution control device, or any equipment pertaining thereto and if found to meet the requirements of the rules and regulations, to approve the same.
- (5) Inspection of all fuel burning, process and pollution control equipment under the jurisdiction of this chapter and when found to comply with its provisions, the issuance of a registration.
- (6) Publication and dissemination of information on methods of air pollution reduction.
- (7) Enlistment of the cooperation of civic or technical, scientific, and educational organizations.
- (8) The power authority to require the production of records of or relating to registered any systems or equipment that impact air quality conditions, including but not limited to, fuel burning, process, pollution control equipment, continuous and periodic monitoring records, and other records pertaining to emissions.
- ~~(9) The power to require the production of records of or relating to a facility and its equipment whose emissions are a threat to human health; whether or not that facility's equipment is registered with the City of Minneapolis.~~

Section 6. That Section 47.50 of the above-entitled ordinance be amended to read as follows:

**47.50 47.40. Registration required Pollution Control Annual Billing (PCAB) registration.** (a) ~~No~~ The owner or site operator of land, buildings, or structures shall install, construct, alter, or place in operation any: the equipment or items listed in this section shall register such equipment or items annually with the assistant city coordinator of regulatory services or the assistant city coordinator's authorized agent. The owner or site operator shall also remit an annual registration fee, per site, in an amount as provided in the License and Annual Billing Fees Schedule. Such equipment or items may not be operated without proper registration as outlined in this section. The site operator or their agent, by submission and payment, confirm that the equipment or item has been inspected, maintained and is functioning satisfactorily. The annual fee shall be due and payable on November 1 of each year. If registration is not received or postmarked on or before November 1 of each year, the applicant shall pay applicable late fees provided for such registration. Each day of failure to maintain or obtain registration may constitute a separate violation of this code.

- ~~(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;~~
- ~~(6) Stage I vapor recovery system or other 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; or~~
- ~~(7) Crematorium.~~

~~(b) Each day of work of such construction, installation, or alteration in violation of this chapter shall constitute a separate offense. Equipment and items to be registered. The following equipment or items must be registered and comply with the provisions in this section before they may be operated in the City of Minneapolis:~~

- ~~(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 combuster, or laminator;

(4) Roof or ground mounted commercial HVAC equipment;

(5) Commercial coffee roaster;

(6) Stage I vapor recovery system or other pollution control device(s) in or on any building, equipment, or premises; or

(7) Crematorium.

(c) ~~Exemption. Residential buildings and properties which have three (3) dwelling units or less are exempt from the provisions of this section.~~ Posting of registration; failure to have registration. Proof of registration for registered equipment must be posted in public view within the building for which the unit(s) are registered. For the purposes of this section "public view within the building" means the customer area of a business or the communal area of a residential structure, if such areas exist, or if such areas do not exist, then in an area that is readily accessible to members of the public using the building. If it is not possible to post proof registration, a sign must be posted that contains the name and valid phone number of a person or persons who can produce proof of such registration upon request. The proof of registration must still be kept within the building for which the unit(s) are registered. Failure to possess a proof of registration is a separate violation of this Code.

Section 7. That Section 47.60 of the above-entitled ordinance be amended to read as follows:

**~~47.60~~ 47.50. Registration exemptions.** The following ~~types of facilities,~~ equipment and processes are exempt from the registration requirement:

- ~~(1) Heating equipment located in multiple dwellings containing not more than four (4) dwelling units.~~ Residential buildings and properties which have three (3) dwelling units or less.
- (2) Brazing, soldering, or welding equipment and control equipment and venting exclusively for such equipment.
- (3) Kilns used exclusively for firing ceramic ware except those fired by fuel oil.
- (4) A portable emissions unit for which a written permit is required.

(5) Vacuum cleaning systems used exclusively for household, commercial, or industrial housekeeping.

(6) Laundry dryers, extractors or tumblers used for fabrics cleaned only with water solutions of bleach or detergent.

Section 8. That Section 47.70 of the above-entitled ordinance be and is hereby repealed:

~~**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.~~

Section 9. That Section 47.80 of the above-entitled ordinance be and is hereby repealed:

~~**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 of each year. If registration is not postmarked or received on or before December 31 of each year, the applicant must pay double the fees herein provided for such registration.~~

Section 10. That Section 47.90 of the above-entitled ordinance be and is hereby repealed:

~~**47.90. Posting of registration; failure to have registration.** (a) Proof of registration for registered equipment must be posted in public view within the building for which the unit(s) are registered within ten (10) days after receipt of the proof of registration. For the purposes of this paragraph "public view within the building" means the customer area of a business or the communal area of a residential structure, if such areas exist, or if such areas do not exist, then in an area that is readily accessible to members of the public using the building.~~

~~(b) If it is not possible to post proof of registration for fear of vandalism, a sign must be posted within ten (10) days after receipt of the proof of registration that contains the name and valid phone number of a person or persons who can produce proof of such registration upon request. The proof of registration must still be kept within the building for which the unit(s) are registered.~~

~~(c) Failure to possess a proof of registration as provided in sections 47.50-47.90 is a separate violation of this Code.~~

Section 11. That Section 47.100 of the above-entitled ordinance be amended to read as follows:

**~~47.100~~ 47.60. Emission reporting.** When requested by the ~~Minneapolis Air Quality Management Authority~~ Department of Regulatory Services, an air pollution emitter must furnish information to locate and classify air contaminant sources according to the type, level, duration, frequency, and other information as may be necessary to evaluate the source's effect on air quality and compliance with emission regulations, including the methods, practices and controls utilized by the emitter to reduce or eliminate emissions of hazardous air pollutants as defined in ~~section 47.270~~ by Minnesota Rules.

Section 12. That Section 47.110 of the above-entitled ordinance be amended to read as follows:

**~~47.110~~ 47.70. Emission testing.** (a) The ~~Minneapolis Air Quality Management Authority~~ Department of Regulatory Services or its authorized agents are ~~hereby~~ authorized to conduct or may cause to be conducted any ~~test or tests as may be necessary~~ to determine the extent of emissions from any equipment, process, or device whenever agents have a reasonable suspicion that this ordinance, state law, or federal law is being broken or human, animal, or plant life is in danger.

(b) The results of any such testing shall be made available to the person owning, operating, or in charge of such equipment.

(c) The ~~Minneapolis Air Quality Management Authority~~ Department of Regulatory Services or its authorized agents shall have the authority to order the owner, operator, or person in charge of any equipment, process, or device ~~that is a violation of Chapter 47 of the Minneapolis Code of Ordinances~~ to abate the any violation.

(d) If such testing establishes a violation the violator shall be responsible for all costs incurred by the City associated with the analysis and sample collection.

Section 13. That Section 47.115 of the above-entitled ordinance be amended to read as follows

**~~47.115~~ 47.80. Limit on increases in mercury air emissions from stationary sources.** No stationary source required to register under section ~~47.50~~ 47.40 shall increase annual emissions of mercury or mercury compounds to the air or water. Air emission increases that are both less than two (2) pounds per year and less than twenty (20) percent of annual emissions from the stationary source shall be considered de minimis emissions for purposes of this section and shall not constitute a violation of this section. Stationary sources emitting mercury shall report their 2006 base year mercury emissions to the ~~Minneapolis Air Quality Management Authority~~ Department of Regulatory Services upon request pursuant to section ~~47.100~~ 47.60 and shall report mercury emissions annually thereafter upon request. This section shall not apply to any

stationary source in existence as of January 1, 2006 for which the operators have entered into an approved agreement with the Minnesota Pollution Control Agency, the Public Utilities Commission or the Environmental Protection Agency providing for an elimination of emissions of mercury, provided that such agreement is abided by and fulfilled. Furthermore, any stationary source in existence as of January 1, 2006 will be seen to be in full compliance with this section if it ~~fully utilizes Maximum Achievable Control Technology to treat emissions and installs and utilizes a Continuous Emissions Monitoring system within one (1) year of the approval of such a system by the Minnesota Pollution Control Agency, within one (1) year of approval by the Minnesota Pollution Control Agency, Maximum Achievable Control Technology and a Continuous Emissions Monitoring system is installed and utilized.~~

Section 14. That Section 47.120 of the above-entitled ordinance be amended to read as follows

**47.120 47.90. Inspections authorized; orders requiring compliance.**

~~Equipment having a capacity of four hundred thousand (400,000) Btu input per hour, any dust collector, or any commercial coffee roaster to determine whether or not a registration, as required by sections 47.50–47.90, has been filed with environmental management if there exists reasonable suspicion that registration has not been filed. The Department of Regulatory Services is authorized to inspect businesses, properties, equipment and records to determine if Pollution Control Annual Billing registrations must be filed, pursuant to section 47.40, if there exists reasonable suspicion that registration is required and has not been filed. Environmental management and authorized agents are also~~ The Department of Regulatory Services is authorized to inspect such equipment to verify that the equipment can be operated within the provisions of Chapter 47 of the City Code of Ordinances. If at the time of any inspection it is found that the equipment is in such condition that it cannot be operated within the provisions of this chapter, environmental management or authorized agents the Department of Regulatory Services shall give notice, in writing, to the person owning, operating or in charge of such equipment of the defects found. Environmental management or authorized agents and shall give an orders to correct, repair, or replace the defective equipment. Failure to comply with this order within thirty (30) days from its date shall constitute a violation of this chapter.

Section 15. That Section 47.130 of the above-entitled ordinance be and is hereby repealed.

~~**47.130. Exemptions to shutdowns and breakdowns.** Any facility that experiences a shutdown or a breakdown is exempt from the provisions of this chapter that address emissions except as provided in sections 47.140 and 47.150.~~

Section 16. That Section 47.140 of the above-entitled ordinance be and is hereby repealed.

~~**47.140. Shutdowns and breakdowns.** (a) *Shutdown.* The owner, operator, or person in charge of an emission facility shall notify environmental management at least twenty-four (24) hours in advance of a shutdown of any control equipment or process equipment if the shutdown would cause an increase in the emissions of any regulated air pollutant unless such an increase in emissions is otherwise authorized by a permit issued by the Minnesota Pollution Control Agency or the Minnesota Department of Natural Resources.~~

~~(b) *Breakdown.* The owner or operator of an emission facility shall notify environmental management immediately of a breakdown of more than one hour duration of any control equipment or process equipment if the breakdown would cause an increase in the emissions of any regulated air pollutant unless such an increase in emissions is otherwise authorized by a permit issued by the Minnesota Pollution Control Agency or the Minnesota Department of Natural Resources. At the time of the notification, or as soon thereafter as possible, but no later than ten (10) calendar days after the breakdown, the owner or operator shall also notify environmental management of the cause of the breakdown and the estimated duration. The owner or operator shall notify environmental management when the breakdown is over.~~

~~(c) *Monitoring equipment.* The owner or operator of a continuous monitoring system or monitoring device shall notify environmental management immediately of any breakdown or malfunction of such system or device.~~

Section 17. That Section 47.150 of the above-entitled ordinance be and is hereby repealed.

~~**47.150. Exceptions to the exemptions regarding shutdowns and breakdowns.** In no event shall any occurrence be deemed a breakdown or other emergency situation covered by section 47.140 when such an occurrence:~~

- ~~(1) Is the foreseeable result of neglect or of the willful disregard of any applicable air pollution laws, rules or regulations;~~
- ~~(2) Is the result of an intentional or negligent act or omission on the part of the owner or operator; or~~
- ~~(3) Results from the neglect or willful failure to properly maintain equipment.~~

Section 18. That Section 47.160 of the above-entitled ordinance be amended to read as follows:

~~**47.160**~~ **47.100.** Refusing environmental management Department of Regulatory Services personnel or authorized agents lawful entry; right to enter.

~~No person shall in any manner hinder, obstruct, delay, resist, prevent, or in any way interfere or attempt to interfere with the Minneapolis Air Quality Management Authority or any environmental management personnel or authorized agents engaging in the performance of any such duty herein enjoined by refusing to permit such inspectors to perform their duty or refusing them or any of them lawful entrance to the premises during reasonable hours. It is unlawful to:~~

~~(1) obstruct, delay, resist, prevent, or interfere with the investigative, enforcement or inspection activities, or any other duties outlined in this section, of the Department of Regulatory Services or its authorized agents; or~~

~~(2) to refuse the Department of Regulatory Services or its agents lawful entrance to the premises.~~

Section 19. That Section 47.170 of the above-entitled ordinance be and is hereby repealed.

~~**47.170. Persons liable for violations.** Any person who: operates any equipment that is in violation of this chapter; is in charge or control of any equipment which is operated in violation of this chapter; or who shall cause, permit, or in any way participate in the operation of any equipment in violation of any of the provisions of this chapter or in violation of orders issued pursuant to this chapter shall be guilty of a violation of this chapter with penalties as prescribed in section 1.30(a) of this Code.~~

Section 20. That Section 47.180 of the above-entitled ordinance be and is hereby repealed.

~~**47.180. Coordination of departments.** No permit for the erection, installation, construction or alteration of any building, plant or structure related in any manner to fuel burning or air pollution control equipment shall be issued by any department until:~~

~~(1) Environmental management has issued a registration permit covering the equipment.~~

~~(2) Minneapolis Air Quality Management Authority has concluded that the plans submitted will permit the installation of facilities adequate for compliance with the provisions of this chapter.~~

Section 21. That Section 47.190 of the above-entitled ordinance be amended to read as follows:

~~**47.190**~~ **47.110. Public nuisance prohibition and abatement.** (a) It shall constitute a public nuisance and be unlawful for any person to make, continue, permit, or cause to be emitted into the open air any dust, gasses, fumes, vapors, smokes and/or odors with objectionable properties and in such quantities as would be likely to

cause discomfort or annoyance to a reasonable person of normal sensibilities that does one or more of the following:

- (1) Injures or are sufficient to injure the health or safety of any person or the public;
- (2) Creates an obnoxious odor in the atmosphere;
- (3) Causes damage to property;
- (4) Creates a nuisance or hazard by obscuring vision; or
- (5) Produces a deleterious effect upon trees, plants or other forms of vegetation.

(b) Characteristics and conditions which shall be considered in determining whether an emission is discomforting, annoying, objectionable, obnoxious, or excessive for the purposes of paragraph (a) of this section shall include, but not be limited to the following:

- (1) Proximity of the emission to the nearest point of habitation;
- (2) Duration of the emission;
- (3) Whether the emission is recurrent, intermittent, or constant;
- (4) Whether or not emission abatement measures are possible and whether or not they are used to reduce the emission; or
- (5) The quality or state of the ambient air.

(c) Any emission of smoke, particulate matter, or other matter from any source in excess of the limitation established in or pursuant to ~~sections 47.170, 47.200, 47.220, 47.230, or 47.250~~ of this chapter shall be deemed and is hereby declared to be a public nuisance and may be abated by the ~~Minneapolis Air Quality Management Authority~~ Department of Regulatory Services. Such abatement shall be in addition to all other remedies provided by law or equity.

Section 22. That Section 47.200 of the above-entitled ordinance be amended to read as follows:.

**~~47.200~~ 47.120. Open burning.** (a) *Prohibition on burning.* No person shall intentionally burn refuse for the purpose of disposal within the city nor shall any person in any way cause or ~~in any way~~ participate in the burning of such refuse within the city.

(b) *Prohibition on permitting burning.* No person shall permit, ~~allow, suffer, or in any way acquiesce in~~ nor allow the burning of refuse for the purpose of disposal on property owned or ~~in any way~~ controlled by such person within the city. For the purpose of this section a property is owned or controlled by a person who has legal ownership of the property, has equitable ownership of the property, has a leasehold interest in the property, occupies a dwelling unit on the property, occupies a business on the property, or has a legal right to occupy the property.

(c) No person shall permit, ~~allow, suffer, or in any way acquiesce in~~ nor allow the burning of wood that has been painted, preserved, or chemically treated in any manner for recreational purposes or in order to produce heat or light.

Section 23. That Section 47.210 of the above-entitled ordinance be amended to read as follows:

**47.210 47.130. Stack height.** (a) All newly constructed stacks or chimneys serving one (1) or more nonresidential establishments shall extend at least ten (10) feet above the highest point of any roof within a radius of fifty (50) feet of the chimney. Any existing stack, chimney or vent is required to comply with the minimum requirements of this chapter.

(b) *Exemptions.* Such chimney height requirements may be waived by the ~~Minneapolis Air Quality Management Authority~~ Department of Regulatory Services if:

- (1) Special abatement equipment is installed that controls emissions in such a way that those emissions are in compliance with the provisions of this chapter;
- (2) ~~Minneapolis Air Quality Management Authority~~ The Department of Regulatory Services approves other means that ensure that emissions are in compliance with the provisions of this chapter; or
- (3) ~~Minneapolis Air Quality Management Authority~~ The Department of Regulatory Services determines that such stack height requirements are not necessary to meet the minimum emissions standards of this chapter.

Section 24. That Section 47.220 of the above-entitled ordinance be and is hereby repealed.

~~**47.220. Control of particulate releases to the atmosphere.**~~ (a) No person shall use any parking lot; automobile, truck, or other vehicle sales lot; or, other parcel of real property or a portion thereof for a roadway, sales area, business area, or vehicle storage area, or cause or permit the same to be so used unless such parking lot; automobile, truck, or vehicle sales lot, or other parcel or real property, or portion thereof which is so used, is covered or treated with an asphalt surface, concrete surface, or other hard surface otherwise permitted by this Code and state law or a reasonably

~~equivalent surface which is designed and maintained in such a manner so as to prevent air pollution caused by surface material becoming airborne and/or crossing property boundaries. (See section 47.220(e))~~

~~(b) No person shall cause or permit the handling, loading, unloading, reloading, storing, transferring, placing, depositing, throwing, discarding, or scattering of any ashes, fly ash, cinders, slag, or dust collected from combustion, or any dust, dirt, chaff, wastepaper, trash, rubbish, waste, or refuse matter of any kind, or any other substance or material whatever, including sandblasting materials, likely to be scattered by the wind, susceptible to being airborne, and/or crossing property boundaries without taking reasonable precautions or measures so as to minimize air pollution.~~

~~(c) No person shall operate or maintain or cause to be operated or maintained any building, structure or premises, open area, right-of-way, storage pile of materials, yard, vessel or vehicle or construction, sandblasting, alteration, building, demolition or wrecking operation or any other enterprise which has or involves any matter, material or substance likely to be scattered by the wind, susceptible to being airborne, and/or crossing property boundaries without taking reasonable precautions or measures so as to minimize atmospheric pollution.~~

~~(d) Such precautions or measures shall include but are not limited to:~~

- ~~(1) Application of dust-free surfaces.~~
- ~~(2) Application of water.~~
- ~~(3) Planting and maintaining vegetative ground cover.~~
- ~~(4) Utilizing dust collection equipment.~~
- ~~(5) Covering materials during transport, construction, modification, dismantling, and/or storage.~~
- ~~(6) Modifying speed.~~
- ~~(7) Modifying operations.~~
- ~~(8) Ceasing operations.~~
- ~~(9) Adopting different processes.~~
- ~~(10) Testing of painted or exterior coated surfaces for the presence of lead by a licensed lead inspector from lead hazard control as designated by Minneapolis Air Quality Management prior to sandblasting, demolition, wrecking, or other similar activity.~~

~~(e) Exemption. Residential buildings and properties, which have three (3) dwelling units or less, are exempt from the provisions of section 47.220(a).~~

Section 25. That Section 47.230 of the above-entitled ordinance be and is hereby repealed.

~~**47.230. Mobile source emission restrictions.** (a) No person shall cause or permit the emission of visible air contaminants from a motor vehicle, other than one powered by a diesel cycle engine, for more than ten (10) consecutive seconds. No person shall cause or permit the emission of visible air contaminants from a motor vehicle powered by a diesel cycle engine:~~

~~(1) In excess of twenty (20) percent opacity for more than twenty (20) consecutive seconds if the engine was manufactured prior to January 1, 1973; or~~

~~(2) In excess of ten (10) percent opacity for more than twenty (20) consecutive seconds if the engine was manufactured after January 1, 1973.~~

~~(b) It shall be unlawful for any person to misrepresent or give any false or inaccurate information or in any other way attempt to deceive a licensed repair garage or the City of Minneapolis in order to avoid compliance with the provisions of this section.~~

~~(c) It shall be unlawful for any licensed repair garage or its agents or misrepresent any fact, falsely certify any repair, or in any other way attempt to mislead the City of Minneapolis into believing that air pollution standards are being met.~~

Section 26. That Section 47.240 of the above-entitled ordinance be amended to read as follows:

~~**47.240**~~ **47.140. Abrasive blasting permit required.** No person shall abrasively blast any building, structure, or other architectural surface without having first received a permit from the ~~Minneapolis Air Quality Management Authority~~ Department of Regulatory Services. Permit costs shall be as established in the director's fee schedule pursuant to section 91.70.

(1) Applications for abrasive blasting permits shall be in such form as prescribed by ~~environmental services~~ the Department of Regulatory Services. Every application for a permit to abrasively blast 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 blasting 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 blasted.
  - c. The estimated date(s) of the abrasive blasting operations.
  - d. The estimated time period of the entire abrasive blasting operation.
  - e. The type of blasting material, and material to be abrasively blasted, including 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 operation. In the event the applicant cannot perform the abrasive blasting on the estimated date(s) contained in the application or within seventy-two (72) hours thereafter the applicant shall notify environmental services and the owners of the property or occupants twenty-four (24) hours prior to the commencement of the rescheduled abrasive blasting operation.
- (3) All required testing shall be performed by qualified staff from lead hazard control as designated by ~~Minneapolis Air Quality Management~~ the Department of Regulatory Services.

Section 27. That Section 47.250 of the above-entitled ordinance be amended to read as follows:

**~~47.250~~ 47.150. Odor.** Odors shall be deemed unlawful if one (1) or more air contaminants migrate from the premises from which it originated for a period exceeding thirty (30) minutes' duration and interferes with the reasonable and comfortable use and enjoyment of property.

Section 28. That Section 47.260 of the above-entitled ordinance be and is hereby repealed.

~~**47.260. Variations between city, state, and federal rules.** In the event that a provision of this chapter and federal or state statutes or regulations apply to the same subject, the most stringent statute, regulation, ordinance, or part thereof shall apply.~~

Section 29. That Section 47.270 of the above-entitled ordinance be and is hereby repealed.

~~**47.270. Hazardous Air Pollutants (HAPs).** For the purposes of this chapter the following are hazardous air pollutants (HAPs):~~

TABLE INSET:

CAS Number	Chemical Name
75070	Acetaldehyde
60355	Acetamide
75058	Acetonitrile
98862	Acetophenone
53963	2-Acetylaminofluorene
107028	Acrolein
79061	Acrylamide
79107	Acrylic acid
107131	Acrylonitrile
107051	Allyl chloride
92671	4-Aminobiphenyl
62533	Aniline
90040	o-Anisidine
1332214	Asbestos
71432	Benzene (including benzene from gasoline)
92875	Benzidine
98077	Benzotrichloride
100447	Benzyl chloride
92524	Biphenyl
117817	Bis(2-ethylhexyl)phthalate (DEHP)
542881	Bis(chloromethyl)ether
75252	Bromoform
106990	1,3-Butadiene
156627	Calcium cyanamide
105602	Caprolactam
133062	Captan
63252	Carbaryl
75150	Carbon disulfide

56235	Carbon tetrachloride
463581	Carbonyl sulfide
120809	Catechol
133904	Chloramben
57749	Chlordane
7782505	Chlorine
79118	Chloroacetic acid
532274	2-Chloroacetophenone
108907	Chlorobenzene
510156	Chlorobenzilate
67663	Chloroform
107302	Chloromethyl methyl ether
126998	Chloroprene
1319773	Cresols/Cresylic acid (isomers and mixture)
95487	o-Cresol
108394	m-Cresol
106445	p-Cresol
98828	Cumene
94757	2,4-D, salts and esters
3547044	DDE
334883	Diazomethane
132649	Dibenzofurans
96128	1,2-Dibromo-3-chloropropane
84742	Dibutylphthalate
106467	1,4-Dichlorobenzene(p)
91941	3,3-Dichlorobenzidene
111444	Dichloroethyl ether (Bis(2- chloroethyl)ether)
542756	1,3-Dichloropropene
62737	Dichlorvos
111422	Diethanolamine
121697	N,N-Diethyl aniline (N,N- Dimethylaniline)
64675	Diethyl sulfate
119904	3,3-Dimethoxybenzidine
60117	Dimethyl aminoazobenzene
119937	3,3--Dimethyl benzidine
79447	Dimethyl carbamoyl chloride
68122	Dimethyl formamide
57147	1,1-Dimethyl hydrazine
131113	Dimethyl phthalate
77781	Dimethyl sulfate
534521	4,6-Dinitro o-cresol, and salts
51285	2,4-Dinitrophenol
121142	2,4-Dinitrotoluene

123911	1,4-Dioxane (1,4-Diethyleneoxide)
122667	1,2-Diphenylhydrazine
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)
106887	1,2-Epoxybutane
140885	Ethyl acrylate
100414	Ethyl benzene
51796	Ethyl carbamate (Urethane)
75003	Ethyl chloride (Chloroethane)
106934	Ethylene dibromide (Dibromoethane)
107062	Ethylene dichloride (1,2-Dichloroethane)
107211	Ethylene glycol
151564	Ethylene imine (Aziridine)
75218	Ethylene oxide
96457	Ethylene thiourea
75343	Ethylidene dichloride (1,1-Dichloroethane)
50000	Formaldehyde
76448	Heptachlor
118741	Hexachlorobenzene
87683	Hexachlorobutadiene
77474	Hexachlorocyclopentadiene
67721	Hexachloroethane
822060	Hexamethylene-1,6-diisocyanate
680319	Hexamethylphosphoramide
110543	Hexane
302012	Hydrazine
7647010	Hydrochloric acid
7664393	Hydrogen fluoride (Hydrofluoric acid)
7783064	Hydrogen sulfide
123319	Hydroquinone
78591	Isophorone
58899	Lindane (all isomers)
108316	Maleic anhydride
67561	Methanol
72435	Methoxychlor
74839	Methyl bromide (Bromomethane)
74873	Methyl chloride (Chloromethane)
71556	Methyl chloroform (1,1,1-Trichloroethane)
78933	Methyl ethyl ketone (2-Butanone)
74884	Methyl iodide (Iodomethane)

108101	Methyl isobutyl ketone (Hexone)
624839	Methyl isocyanate
80626	Methyl methacrylate
1634044	Methyl tert butyl ether
101144	4,4-Methylene bis(2-
chloroaniline)	
75092	Methylene chloride
(Dichloromethane)	
101688	Methylene diphenyl diisocyanate
(MDI)	
101779	4,4-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene
(Quintobenzene)	
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls
(Aroclors)	
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)
78875	Propylene dichloride (1,2-
Dichloropropane)	
75569	Propylene oxide
75558	1,2-Propylenimine (2-Methyl
aziridine)	
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-
dioxin	

79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene
(Perchloroethylene)	
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated
camphene)	
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane
108054	Vinyl acetate
593602	Vinyl bromide
75014	Vinyl chloride
75354	Vinylidene chloride (1,1-
Dichloroethylene)	
1330207	Xylenes (isomers and mixture)
95476	o-Xylenes
108383	m-Xylenes
10642	p-Xylenes
0	Antimony Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers <sup>3</sup>
0	Nickel Compounds
0	Polycyclic Organic Matter <sup>4</sup>
0	Radionuclides (including radon) <sup>5</sup>
0	Selenium Compounds (including
arsine)	
0	Arsenic Compounds (inorganic)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds <sup>1</sup>
0	Glycol ethers <sup>2</sup>
0	Lead Compounds

Section 30. That Section 47.280 of the above-entitled ordinance be and is hereby repealed.

~~**47.280. Approved vapor recovery systems.** (a) An approved stage I vapor recovery system shall recover a minimum of ninety-five (95) percent of the hydrocarbons, volatile organic compound vapors and other gases during the transfer of gasoline from a delivery vessel to a gasoline filling station's gasoline storage tank when it is used and maintained in the manner intended by the manufacturer.~~

~~(b) A system is an approved stage I vapor recovery system for the purposes of this chapter if all of the following requirements are met:~~

- ~~(1) The gasoline filling station which is installing the system submits system specifications from the manufacturer or fabricator. System specifications shall include details as to the design of the vapor recovery system, its installation and maintenance requirements and other information necessary to verify system performance.~~
- ~~(2) A licensed registered professional engineer certifies to the authority, as constituted pursuant to Chapter 47 of this Code, that the proposed stage I vapor recovery system as installed will at all times recover a minimum of ninety-five (95) percent of the hydrocarbons, volatile organic compound vapors and other gases during the transfer of gasoline from a delivery vessel to a gasoline filling station's gasoline storage tank when the system is used and maintained in the manner intended by the manufacturer.~~
- ~~(3) The authority determines that the proposed system as installed will recover a minimum of ninety-five (95) percent of the hydrocarbons, volatile organic compound vapors and other gases during the transfer of gasoline from a delivery vessel to a gasoline filling station's gasoline storage tank when it is used and maintained in the manner intended by the manufacturer.~~
- ~~(4) The authority delivers to the applicant its' written determination that the proposed system as installed will recover a minimum of ninety-five (95) of the hydrocarbons, volatile organic compound vapors and other gases during the transfer of gasoline from a delivery vessel to a gasoline filling station's gasoline storage tank when it is used and maintained in the manner intended by the manufacturer.~~

Section 31. That Section 47.290 of the above-entitled ordinance be and is hereby repealed.

~~**47.290. Recovery of vapors during transfer and delivery of gasoline to a tank equipped with stage I vapor recovery.** No person shall transfer or knowingly permit the transfer of gasoline from a delivery vessel to a gasoline filling station's~~

~~gasoline storage tank without using an approved stage I vapor recovery system as defined by this chapter if the gasoline filling station's storage tank is equipped with an approved stage I vapor recovery system or without fully using the existing approved stage I vapor recovery system in the manner intended by the manufacturer or fabricator.~~

Section 32. That Section 47.300 of the above-entitled ordinance be and is hereby repealed.

~~**47.300. Conversion to stage I vapor recovery systems required.** No person shall transfer or knowingly permit the transfer of gasoline from a delivery vessel to a gasoline filling station's gasoline storage tank on January 1, 2007, or any date thereafter without use of an approved stage I vapor recovery system, as defined by this chapter, or without fully using the approved stage I vapor recovery system in the manner intended by the manufacturer or fabricator.~~

Section 33. That Section 47.310 of the above-entitled ordinance be and is hereby repealed.

~~**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.~~

Section 34. That Chapter 47 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 47.160 to read as follows:

**47.160. Paint Booth requirements.** (a) All spray painting of commercial and industrial materials must be conducted indoors and in a registered paint booth as required under section 47.40 of this code. The paint booth must be equipped with exhaust filters capable of collecting paint, dust and other particles to minimize air pollution. Factors to be considered include filter size, filter material, capture efficiency, air volume, velocity, exhaust flow, and fire safety. The paint booth must be properly maintained according to the manufacturer's specifications.

(b) Commercial and industrial materials which are physically unable to be painted indoors, such as public infrastructure, are exempt from the paint booth requirements but must be contained sufficiently to minimize fugitive emissions.

Section 35. That Chapter 47 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 47.170 to read as follows:

**47.170. Coffee Roaster After Burner requirements.** All coffee roasters installed after June 30, 2008, must be equipped with an afterburner to minimize emissions of particulate matter, formaldehyde, acetaldehyde, acrolein, smoke and odor. The afterburner must be compatible with the size, capacity and intended use of the

coffee roaster. The afterburner must be operational at all times during roasting and the operating temperature must be within manufacturer recommendations. Coffee roasters installed prior to June 30, 2008 may be required to install such a device as deemed necessary by the Department of Regulatory Services to abate ongoing and chronic nuisance odor or other air pollution concerns.

Section 36. That Chapter 47 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 47.180 to read as follows:

**47.180. 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 Chapter 1 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 comply with federal, state, or municipal laws or rules shall constitute a separate violation of this code.