ORDINANCE
By Gordon

Amending Title 3, Chapter 47 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection: Energy and Air Pollution.

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

Section 1. 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):

Annealer: Equipment used for heating and gradually cooling metals or glass usually to render them less brittle.

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.

Catalytic combuster: 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.

Compactor: Equipment used in a commercial or industrial capacity that expels gas from a mass to achieve a high density.

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 47.50 of this chapter.

Emergency generator: An internal combustion engine used solely as a source of standby power when normal power service fails.

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 47.50 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.

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 (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 47.50 of this chapter.

Oil fired forge: An open fireplace, furnace, or hearth that is fueled by oil and is usually equipped with forced draft.

Oven: A chamber in which substances other than food are artificially heated for the purposes of baking, roasting, annealing, etc.

Perchloroethylene: A chemical used in the dry-cleaning industry and is also known as perc, tetrachloroethylene, C_2Cl_4 or $Cl_2C=CCl_2$.

Plating equipment: Equipment that deposits a metal or an alloy onto a substrate by means of electric current or by means of chemical reaction.

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.

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 47.50 of this Code.

Shot blast: Cleaning surface of metal by air blast, using metal, plastic, or ceramic shot as an abrasive.

Sonic cleaner: Equipment that uses sound waves to clean surfaces.

Tumbler: Equipment used in a commercial or industrial process that utilizes plastic, steel, or ceramic compounds to polish or otherwise finish metal.

Section 2. That Section 47.40 of the above-entitled ordinance be amended to read as follows:

47.40. Pollution control annual ~~billing (PCAB)~~ registration (PCAR). (a) The owner or site operator of the equipment or items listed in this section shall register such equipment or items annually with the commissioner. The owner or site operator shall also remit an annual registration fee, per site, in an amount as established in Appendix J, License 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~~ 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) *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 or emitted in the City of Minneapolis:

(1) *Space heating equipment*. Interior oil, stoker, natural gas or hand fired fuel burning equipment or combination of fuel burning equipment with an input capacity exceeding ~~four~~ three hundred thousand ~~(400,000)~~ (300,000) and each multiple round to the nearest whole number Btu per hour;

(2) *Exhaust systems.* Commercial kitchen exhaust, public or private parking garage, paint booth for water base and non-water base paints, ~~Commercial~~ commercial exhaust system with a discharge greater than five hundred (500) CFM;

(3) *Air pollution control equipment:* Afterburner ~~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,~~ vapor reclaimer, or catalytic combuster~~, or laminator~~;

(4) ~~Roof or ground mounted commercial HVAC equipment~~ *Commercial manufacturing and process equipment*: Annealer, cupola, tumbler, internal combustion engine, oil fired forge, oven (each unit over

300,000 BTU input), food or other process equipment, incinerator, dryer (each over 300,000 BTU input), heat treat oven (each over 300,000 BTU input), ladle, salt or cyanide pot, batch plant, shot blast, rotary press, coating system, degreaser, plating equipment, sonic cleaner, reactor, or laminator;

(5) ~~Commercial coffee roaster~~ *Dry Cleaners:* Dry Cleaner using non-perchloroethylene and dry cleaner using perchloroethylene;

(6) ~~Stage I vapor recovery system or other pollution control device(s) in or on any building, equipment, or premises~~ *Generators:* ~~Natural gas~~ Non-diesel fuel generators and diesel fuel generators; ~~or~~

(7) ~~Crematorium.~~ *Others:* Roof or ground mounted commercial heating, ventilating, and air conditioning (HVAC) equipment; commercial coffee roaster; crematorium; waste oil burner; exterior air handling equipment over five (5) horsepower; and compactors;

(8) *Air Emissions.*

a. Air emissions of the following pollutants to the atmosphere in excess of one ton: volatile organic compounds (VOC), particulate matter of 2.5 microns or smaller (PM2.5), sulfur oxides (SOx); nitrogen oxides (NOx), lead (Pb), and carbon monoxide (CO).

b. Temporary fee exemptions for registrations apply as follows:

1. *Two year emission fee exemption.* Voluntary air emission reduction projects for registered facilities will be granted a two year emission fee waiver for a ten percent (10%) or greater reduction resulting in 500 pounds or more in any one emission category. The two year emission fee exemption shall start the first year following the completion of the project. After two years the fee exemption shall be removed and the air emission fee shall be applied at the reduced rate.

2. *Three (3) year emission fee exemptions.*

i. Voluntary air emission reduction projects for registered facilities will be granted a three year emission fee waiver for a ten percent (10%) or greater reduction resulting in one ton or more for all emission categories. The three year emission fee exemption shall start the first year following the completion of the project. After three years the fee exemption shall be removed and the air emission fee shall be applied at the reduced rate.

ii. Voluntary air emission reduction projects for registered facilities will be granted a three year emission fee waiver for a twenty-five percent (25%) or greater reduction resulting in one ton or more in one emission category. The three year emission fee exemption shall start the first year following the completion of the project. After two years the fee exemption shall be removed and the air emission fee shall be applied at the reduced rate.

3. *Five year fee exemption for all pollution control annual registrations.* Voluntary air emission reduction projects for registered facilities will be granted a five year emission fee waiver for a twenty-five percent (25%) or greater reduction resulting in two tons or more for all emission categories. The five year fee exemption for all pollution control annual registrations shall start the first year following the completion of the project. After five (5) years the fee exemption for all pollution control annual registrations shall be removed and the air emission fee shall be applied at the reduced rate.

4. *Ten year emission fee exemption for all pollution control annual registrations*. Voluntary air emission reduction projects for registered facilities will be granted a ten year emission fee waiver for a forty percent (40%) or greater reduction resulting in four tons or more for all emission categories. The ten year fee exemption for all pollution control annual registrations shall start the first year following the completion of the project. After ten years the fee exemption for all pollution control annual registrations shall be removed and the air emission fee shall be applied at the reduced rate.

5. All voluntary projects must be submitted through the Minneapolis Health Department Pollution Reduction Review process.

6. If the facility removes or modifies the emission reduction equipment the fee exemption shall be cancelled. The annual emission fee shall be reinstated at the last documented emission level.

7. If the project fails to meet the emission reduction goals the fee exemption shall be adjusted to the appropriate level that project attained. If the project fails to attain the minimum reduction goals established in the two year emission fee exemption program the air emission fee shall be reestablished at current reported emission levels.

(c) *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 3. That Section 47.90 of the above-entitled ordinance be amended to read as follows:

47.90. Inspections authorized; orders requiring compliance. The commissioner 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. The commissioner 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, the commissioner shall give notice to the person owning, operating or in charge of such equipment and shall give orders to correct, repair, or replace the defective equipment.