

7-2-24: PROTECTION OF DRINKING WATER SUPPLY:

Section 8: Title 7, Chapter 2, Section 1 of the Burnsville City Code is amended to add a new Section 24 with the provisions shown with underlined text as follows:

7-2-24: PROTECTION OF DRINKING WATER SUPPLY:

(A) The purpose and intent of this Section is to:

1. Acknowledge that certain areas within the City are highly susceptible to drinking water contamination, based on location of wells, surface water supply, and geomorphology;
2. Minimize spills, leaks, and other discharges of regulated substances into drinking water supplies;
3. Minimize interruptions to business expansion and development by regulating sites and uses that have the potential to contaminate the drinking water supply.

(B) Applicability. This Section shall apply to any operation, use or site located in the Drinking Water Protection Overlay District (as defined in the adopted Wellhead Protection Plan, illustrated on the Official Zoning Map and further regulated in Title 10, Chapter 8 of this Code), and having, storing, or using any Regulated Substances, as defined in this Section.

(C) Definition for Regulated Substances: For the purposes of this section, Regulated Substances shall be defined as:

1. Substances for which there is a material safety data sheet (MSDS) or Substance Data Sheet (SDS), as established by the United States Occupational Safety and Health Administration, and the MSDS or SDS cites possible hazards to the water supply;
2. Substances which contain chlorinated solvents: tetrachloroethene (also known as tetrachloroethylene and perchloroethylene), trichloroethene, dichloroethene (including isomers), and vinyl chloride. These substances are commonly used in dry cleaning, as parts washer in repair shops, and in furniture and paint stripping;
3. Hazardous materials of any quantity, as defined by the Minnesota State Statute 116.06, the federal Comprehensive Environmental Response Compensation and Liability Act (CERCLA), or the federal Resource Conservation and Recovery Act (RCRA);
4. Radiological materials;
5. Biohazards and medical waste.

Regulated Substances shall not, however, include:

1. Substances, such as gasoline or oil, in operable vehicles, equipment or boats so long as used solely for the operation of the vehicle, equipment or boat, but not the tanker portion of a tank truck;

2. Pressurized gases such as chlorine, propane, hydrogen, and nitrogen when in a chemical storage tank; (does this include gas stations etc., that sell propane tanks, bar-be-cues etc?)
 3. Refrigerants contained within equipment and used for on-site air cooling or in household appliances;
 4. Substances contained within electrical lighting or electrical utility transformers/switches;
 5. Prepackaged substances such as salt used in water softeners, fertilizers, pesticides, herbicides and cleaning agents that are packaged for personal or household use in quantities of up to 55 gallons for liquids or 440 pounds for dry weight or less.
- (D) The following operational standards apply to all sites, operations and uses possessing Regulated Substances and located within the Drinking Water Protection Overlay District:
1. All above or underground tanks are subject to bi-annual City inspection;
 2. Regulated Substances are properly secured and stored;
 3. Commercial application of Regulated Substances shall meet requirements of Title 3, Chapter 26 of this Code;
 4. Provisions are in place for secondary containment of Regulated Substances;
 5. An Emergency Spill Response Plan available on site when Regulated Substances are kept.
- (E) Procedures. In order to meet the purpose and intent of this section, the following procedures will be completed by the City Public Works Director or designee.
1. An annual information flier will be provided to all property owners and businesses subject to this section.
 2. A bi-annual inspection (every two years) of all properties, operations and sites to ensure proper procedures for the storage, handling, and usage of Regulated Substances are met;
 3. A targeted informational effort to property owners and tenants located on property determined to be especially vulnerable to contamination or with regulated substances.
- (F) Violations:
1. Unlawful Acts: It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this chapter.
 2. Notice Of Violation: The City Engineer or designee shall serve a notice of violation or order in accordance with section 7-2-24(G) of this Section or as required by state statute.
 3. Prosecution Of Violation: If the notice of violation is not complied with, the City Engineer or designee shall institute the appropriate proceeding at law or in equity to restrain,