

CHAPTER 20 - FLOOD PROTECTION REQUIREMENTS

ARTICLE I

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

Section 20-1. Statutory Authorization

The Legislature of the State of North Dakota has in North Dakota Century Code, Chapters 40-47, 11-33 and 58-03, delegated responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

Therefore, the City Council of the City of Minot, North Dakota does ordain as follows:

Section 20-2. Findings of Fact

- a) The flood hazard areas of the City of Minot are subject to periodic inundation which can endanger life, result in loss of property, create health and safety hazards, disrupt commerce and governmental services, cause extraordinary public expenditures for flood protection and relief, and impair the tax base, all of which adversely affect the public health, safety, and general welfare.
- b) Flood losses caused by the cumulative effect of obstructions in the special flood hazard areas cause increases in flood heights and velocities. Inadequately floodproofed, elevated or otherwise unprotected structures also contribute to the flood loss.

Section 20-3. Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- a) To protect human life and health;
- b) To minimize expenditure of public money for costly flood control projects;
- c) To minimize the need for rescue and relief efforts associated with flooding, and generally undertaken at the expense of the general public;
- d) To minimize prolonged business interruptions;
- e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, streets, and bridges located in special flood hazard areas;

- f) To help maintain a stable tax base by providing for the second use and development of special flood hazard areas so as to minimize future flood blight areas;
- g) To ensure that potential buyers are notified that property is in a special flood hazard area; and,
- h) To ensure that those who occupy the special flood hazard areas assume responsibility for their actions.

Section 20-4. Methods of Reducing Flood Losses

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

ARTICLE II
DEFINITIONS

Section 20-5. Definitions

For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

- a) *Appeal* means a request for a review of the city engineer's interpretation of any provision of this ordinance or a request for a variance.
- b) *Area of jurisdiction* shall mean the area within the corporate limits of the city, and any area in which the city has statutory planning and zoning authority.
- c) *Base flood or 100-year flood* means the flood having a one percent chance of being equaled or exceeded in any given year.
- d) *Base Flood Elevation (BFE)* means the height of the base flood or 100-year flood usually in feet above mean sea level.
- e) *Basement* means any area of the building having its floor subgrade (below ground level) on all sides.
- f) *Best Available Data (BAD)* means water elevation information from any source used to estimate or determine a base flood elevation (i.e. high water mark).
- g) *Conveyance or hydraulic conveyance* means a geometric characteristic of a river or watercourse at a given point that determines the flow-carrying capacity at that point.
- h) *Development* means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the special flood hazard area.
- i) *Flood Insurance Rate Map (FIRM)* means the official map issued by the Federal Emergency Management Agency where special flood hazard areas are designated as Zone A, AE, AO, AH, A1-A30 or A-99.
- j) *Flood Insurance Study (FIS)* means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood.

- k) *Flood or flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or; from the unusual and rapid accumulation or runoff of surface waters from any source.
- l) *Floodproofing (Dry)* means protection provided a structure, together with attendant utilities and sanitary facilities, which is watertight two feet above the base flood elevation with walls that are substantially impermeable to the passage of water.
- m) *Floodway or regulatory floodway* means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
- n) *Lowest floor* means the lowest floor of a structure including the basement.
- o) *Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include a “recreational vehicle”, but does include “mobile home”.
- p) *Manufactured Home Park or Subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
- q) *New construction* means structures for which the "start of construction" commenced on or after the effective date of this ordinance.
- r) *Reasonably safe from flooding* means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.
- s) *Recreational vehicle* means a vehicle which is:
 - 1) built on a single chassis;
 - 2) 400 square feet or less when measured at the largest horizontal projection;
 - 3) designed to be self-propelled or permanently towable by a light duty truck;
 - 4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use; including, but not limited to travel trailers, trailers on wheels, park-model trailers, and other similar vehicles.
- t) *Special Flood Hazard Area (SFHA)* means an area of land that would be inundated by a flood having a one percent chance of being equaled or exceeded in any given year.

- u) *Start of construction* includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- v) *Structure* means a walled and roofed building, including manufactured homes and gas or liquid above-ground storage tanks.
- w) *Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the building to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- x) *Substantial improvement* means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
 - 1) Before the improvement or repair is started; or
 - 2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- 3) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- 4) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- y) *Variance* means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

ARTICLE III
GENERAL PROVISIONS

Section 20-6. Lands to Which This Chapter Applies

This chapter shall apply to all special flood hazard areas within the corporate limits of the City and its extraterritorial jurisdiction.

Section 20-7. Basis for Establishing the Special Flood Hazard Areas

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for Ward County, North Dakota and Incorporated Areas", dated February 15, 2002 with an accompanying Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the office of the city engineer in Minot, North Dakota.

Section 20-8. Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

Section 20-9. Greater Restrictions

This ordinance is not intended to repeal, remedy, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 20-10. Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under state statutes.

Section 20-11. Warning and Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger

floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Minot, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

ARTICLE IV

ADMINISTRATION

Section 20-12. Establishment of Development Permit

A development permit shall be obtained before construction or development begins within any special flood hazard area established in Section 20-7. Application for a development permit shall be made on forms furnished by the city engineer and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill storage materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor of all structures;
- b) Elevation in relation to mean sea level to which any structure has been floodproofed;
- c) Certification by a registered professional engineer or architect in the State of North Dakota that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 20-17(b); and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Section 20-13. Designation of the City Engineer

The city engineer is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

Section 20-14. Duties and Responsibilities of the City Engineer

Duties of the city engineer shall include, but not be limited to:

- a) Permit Review
 - 1) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

- 2) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
- 3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 20-18(a) are met.

b) Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 20-7 , Basis for Establishing the Special Flood Hazard Areas, the city engineer shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available (known as best available data) from a federal, state, or other source, as criteria for requiring that new construction, substantial improvements, or other development in the floodplain are administered in accordance with Section 20-17, Specific Standards.

c) Information to be Obtained and Maintained

- 1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- 2) For all new or substantially improved floodproofed structures:
 - a. obtain and record the actual elevation (in relation to mean sea level) to which the structure has been floodproofed;
 - b. maintain the floodproofing certifications required in Section 20-12(c).
- 3) Maintain for public inspection all records pertaining to the provisions of this ordinance.

d) Alteration of Watercourses

The city engineer shall:

- 1) Notify nearby communities, water resource districts, and the North Dakota State Engineer, as necessary, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- 2) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished; and,

- 3) Notify the appropriate water resource district prior to removal or placement of fill within two hundred feet of the bank of a body of water during normal flow or stage.

e) Interpretation of Flood Insurance Rate Map (FIRM) Boundaries

Make interpretation where needed, as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 20-15.

Section 20-15. Variance Procedure

a) Appeal Board

- 1) The Planning Commission shall hear and decide requests for variances from the requirements of this chapter.
- 2) Any application for a variance under this chapter shall be made in writing and shall address all technical evaluations, all relevant factors, and standards specified in other sections of this ordinance, including, but not limited to, the considerations provided in 20-15(a)(5) and 20-15(b).
- 3) Appeals, when it is alleged there is an error in any requirement, decision, or determination made by the city engineer in the enforcement or administration of this chapter, shall be heard pursuant to Section 30-6.
- 4) Those aggrieved by the decision of the Planning Commission relating to requests for variances under this chapter may appeal such decision, pursuant to Section 30-6. Any person aggrieved by the final decision of the Minot City Council under this chapter may appeal such decision to the North Dakota district court pursuant to law.
- 5) In deciding upon such variance applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance; and:
 - a. the danger that materials may be swept onto other lands to the injury of others;
 - b. the danger to life and property due to flooding or erosion damage;
 - c. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- d. the importance of the services provided by the proposed facility to the community;
 - e. the necessity to the facility of a waterfront location, where applicable;
 - f. the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
 - g. the compatibility of the proposed use with existing and anticipated development;
 - h. the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - i. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - k. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- 6) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a-k) in Section 20-15(a)(5) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- 7) Upon consideration of the factors of Section 20-15(a)(5) and the purposes of this ordinance, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- 8) The city engineer shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.
- b) Conditions for Variances
- 1) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory

of Historic Places, without regard to the procedures set forth in the remainder of this section.

- 2) Variances shall not be issued within the identified floodplain if any increase in flood levels during the base flood discharge would result.
- 3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 4) Variances shall only be issued upon:
 - a. a showing of good and sufficient cause;
 - b. a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - c. a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, cause fraud on or victimization of the public as identified in Section 20-15(a)(5), or conflict with existing local laws or ordinances.
- 5) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

ARTICLE V

PROVISIONS FOR FLOOD HAZARD REDUCTION

Section 20-16. General Standards

In all special flood hazard areas the following standards are required:

- a) Anchoring
 - 1) All new construction and substantial improvements, including additions, shall be anchored to prevent flotation, collapse or lateral movement of the structure and shall be capable of resisting the hydrostatic and hydrodynamic loads.
 - 2) All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods for anchoring may include:
 - a. Over-the-top ties, provided at each of the four corners of the unit with two additional ties per side at intermediate locations. Manufactured homes less than 50 feet in length are only required one additional tie per side.
 - b. Frame ties at each corner of the unit with five additional ties per side at intermediate points. Manufactured homes less than 50 feet in length are only required four additional ties per side.
 - c. All components of the anchoring system must be capable of carrying a force of 4,800 pounds.
 - 3) All additions to manufactured homes shall be similarly anchored.
- b) Construction Materials and Methods
 - 1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - 2) All new and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - 3) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

c) Utilities

- 1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- 2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- 3) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

d) Subdivision Proposals

- 1) All subdivision proposals shall be consistent with the need to minimize flood damage;
- 2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- 3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- 4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or 5 acres (whichever is less).

Section 20-17. Specific Standards

In all special flood hazard areas where base flood elevation data have been provided as set forth in Section 20-7 Basis for Establishing the Special Flood Hazard Areas or Section 20-14(b), Use of Other Base Flood Data, the following provisions are required:

a) Residential Construction

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated on fill to at least one foot above the base flood elevation.

b) Nonresidential Construction

Construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated on fill to at least one foot above the base flood elevation or, together with attendant utility and sanitary facilities shall:

- 1) Be floodproofed to at least two feet above the base flood elevation, so that below this elevation the structure is watertight with walls substantially impermeable to the passage of water.
 - 2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
 - 3) Be certified by a registered professional engineer or architect in the State of North Dakota that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 20-14(c) (2).
- c) **Manufactured Homes**
- 1) Manufactured homes shall be anchored in accordance with Section 20-16(a) (2).
 - 2) All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated on fill to at least one foot above the base flood elevation, and is securely anchored to an adequately anchored foundation system as hereinabove provided.

Section 20-18. Floodways

Located within the special flood hazard areas established in Section 20-7 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b) If Section 20-18(a) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Article V PROVISIONS FOR FLOOD HAZARD REDUCTION.

ARTICLE VI

Section 20-19. Penalties for Violations

- a) The penalty for violating any of the provisions of this chapter or failure to comply with any of its requirements, including violations on conditions and safeguards established in connection with grants or variances or conditional uses, shall be as prescribed in Section 1-8 of the City of Minot Code of Ordinances. Each day such violation continues shall be considered a separate offense.
- b) Nothing herein contained shall prevent the City of Minot from taking such other lawful action as is necessary to prevent or remedy any violation.

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CHAPTER 20.1 - SUNDRE WELLHEAD PROTECTION REQUIREMENTS

Section 20.1-1. Definitions:

As used in this chapter, the following definitions apply:

Ancillary activity means a regulated activity which is subordinate to, or supportive of a non-regulated activity, and which involves the use or storage at any one time of no more than fifty-five (55) gallons, or its equivalent in kilograms or pounds, of hazardous material at the facility where the non-regulated activity takes place.

Applicant means, as appropriate in context, a person who applies for (i) an exemption under Section 20.1-4 or (ii) a permit under Section 20.1-6. In the context of providing information with respect to an applicant which is an entity, the term “applicant” shall include any parent or subsidiary entity, the principal officers and directors of the corporation if the entity is a corporation (or the equivalent persons in respect to a non-corporate entity), and each owner of more than a five percent interest in such entity.

Application means, as appropriate in context, an application for an exemption under Section 20.1-4 or an application for a permit under section 20.1-6.

Bulk storage facility means any portion of property where oil or petroleum liquids are received by tank vessel, pipeline, railroad car, or tank vehicle for the purpose of storage.

Chemigation means the process of applying agricultural chemicals (fertilizer or pesticides) using an irrigation system by injecting the chemicals into the water.

Certified hazardous materials manager (CHMM) means a hazardous materials manager certified by the Institute of Hazardous Materials Managers, who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable law and to identify appropriate pollution prevention practices for such activities.

Entity means a person other than a natural person.

Environmental professional means a person who demonstrates — to the satisfaction of the City Engineer — that by virtue of such person’s education, training, and experience, he or she has expertise in the subject matter of this chapter.

Existing regulated activity means a regulated activity which substantially commenced, or was in active operation, or with respect to which a municipal building permit was issued, before May 1, 2001.

Feedlot means a parcel of land whereon there is contained an operation of feeding or raising animals in excess of one hundred (100) animal units per acre or in excess of five hundred (500) animal units per parcel of land, whichever is the more restrictive. One animal unit is equivalent to one beef cow, steer, feeder or fat beef animal; one horse; 0.7 dairy cow; 1.7 swine; 6.7 sheep; 33 hens, cockerels, capons, broiler or ducks; or 10 geese or turkeys.

Floor drain means any opening in a floor or surface which opening or surface receives materials spilled or deposited thereon.

Hazardous material means a material that is defined in one or more of the following categories:

Carcinogenic: A gas, liquid or solid which is normally considered to be cancer causing or mutagenic. Examples: PCB's in some waste oils.

Corrosive: Any material, whether acid or alkaline, which will cause severe damage to human tissue, or in case of leakage might damage or destroy other containers of hazardous materials and cause the release of their contents. Examples: battery acid and phosphoric acid.

Explosive: A reactive gas, liquid or solid which will vigorously and energetically react uncontrollably if exposed to heat, shock, pressure or combinations thereof. Examples: dynamite, organic peroxides and ammonium nitrate.

Highly Toxic: A gas, liquid, or solid so dangerous to man as to afford an unusual hazard to life. Examples: parathion and chlorine gas.

Ignitable: A gas, liquid or solid which may cause fires through friction, absorption of moisture, or which has low flash points. Examples: white phosphorous and gasoline.

Moderately Toxic: A gas, liquid or solid which through repeated exposure or in a single large dose can be hazardous to man. Example: atrazine.

Hazardous waste means hazardous waste as defined by NDCC 23-20.3-02(6).

Hazardous waste facility means a "facility" as defined by NDCC 23-20.3-02(4).

Industrial laundry means a process for washing clothes, cloth or other fabric used in industrial operations.

Infiltration device means any discharge device installed below or above the ground surface which device is designed to allow liquid to travel to the ground.

Manure Storage Area means an area for the containment of animal manure in excess of eight thousand (8,000) pounds or one thousand (1,000) gallons

Modify a regulated activity or modification of a regulated activity means to expand an existing regulated activity by increasing the physical size of the facility at which such regulated activity is conducted, or by increasing the storage capacity for hazardous materials; or to alter a regulated activity in a manner which may increase the risk of pollution of the SWPA.

New regulated activity means a regulated activity that commences after April 30, 2001

Owner means the owner, lessee, or person in charge of the premises or facility in question.

Pavement de-icing chemical means sodium chloride, calcium chloride, or calcium magnesium acetate.

Person means any individual, partnership, association, firm, corporation or other entity, except a municipality, and includes a federal agency as permitted by law, the state or any instrumentality of the state, and any officer or governing or managing body of any partnership, association, firm or corporation.

Pollution means the man-made or man-induced degradation of the chemical, physical, biological, and radiological integrity of water.

Pollution prevention means the use of processes and materials so as to reduce or minimize the amount of hazardous materials used in an activity, or the quantity and concentration of pollutants in the waste generated by such activity.

Professional engineer means a professional engineer licensed in accordance with Chapter 43-19.1, of the North Dakota Century Code and who is qualified by reason of relevant specialized training and relevant specialized experience to conduct audits of regulated activities to ensure compliance with applicable law and identify appropriate pollution prevention practices for such activities.

Publicly owned treatment works (POTW) means a publicly owned “wastewater treatment plant” as that term is defined in NDCC 23-26-03(7).

Public Service Company means an entity that sells electrical energy, whether or not such entity is regulated by the North Dakota Public Services Commission.

Public water system means a public water system as defined in NDCC 61-28.1-02(5).

Public water system supply means a point where water is inducted into a public water system

Registered regulated activity means an existing regulated activity, which has been registered under Section 20.1-5.

Registrant means a person who or which has submitted a registration for an existing regulated activity under Section 20.1-5.

Regulated activity means an activity listed in column 1 of Table 20.1-3-C of Section 20.1-3, if such activity is located or conducted, wholly or partially, in the SWPA.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing of a hazardous material.

Solid waste means solid waste as defined in NDCC 23-29-03(14).

Solid waste facility means a facility for the assembly or treatment or storage (or two or more of such activities), of solid waste.

Storage tank means a stationary device, which is designed to store hazardous materials and which is constructed of non-earthen materials including but not limited to concrete, steel, fiberglass or plastic.

Sundre Wellhead Protection Area means those lands or that area to which this chapter applies, as established in Section 20.1-02.

SWPA means the Sundre Wellhead Protection Area.

Underground when referring to a storage tank or storage tank component means that (a) ten percent or more of the volumetric capacity of such tank or component is below the surface of the ground and (b) that portion which is below the surface of the ground is not fully visible from the ground's surface.

Vehicle means a boat, vessel, or other watercraft which is powered by an internal combustion or diesel engine; and any vehicle propelled or drawn by any non-muscular power, including without limitation an automobile, aircraft, all-terrain vehicle, or snowmobile.

Section 20.1-2. Delineation of Sundre Wellhead Protection Area Boundaries:

The Sundre Wellhead Protection Area (SWPA) has been incorporated into the City of Minot's extraterritorial jurisdiction and is no longer a stand-alone area.

Section 20.1-3. Regulated and Prohibited Activities:

- a) Each regulated activity listed in Column 1 of Table 3-c of subsection (c) is prohibited in the SWPA, unless such activity is:
 - 1) an ancillary activity in accordance with subsection (b) of this section,
 - 2) exempted under Section 20.1-4,
 - 3) registered as an existing regulated activity in accordance with section 20.1-5, or
 - 4) modification of an existing regulated activity allowed pursuant to Section 20.1-6.
- b) An ancillary activity, whether existing or new, is not regulated under the provisions of this chapter, provided all the following conditions are satisfied:
 - 1) such ancillary activity takes place only within an entirely enclosed building;
 - 2) such ancillary activity involves no more than ten percent (10%) of the floor area in the building where the activity takes place;
 - 3) any hazardous material used in connection with the activity is stored in the building at all times;
 - 4) all waste waters which are generated by such activity are lawfully disposed through a connection to a publicly owned treatment works;
 - 5) such ancillary activity does not involve:
 - a. repair or maintenance of vehicles, or of equipment associated with such vehicles, including without limitation, internal combustion engines;

- b. underground storage of any hazardous material; or
 - c. above ground storage of more than fifty-five (55) gallons of hazardous materials; and
- 6) such ancillary activity is conducted in compliance with best management practices described in Section 20.1-7.
- c) Table 20.1-3-C includes the following information:
- 1) in column 1, a listing of every activity which is a regulated activity; and
 - 2) in column 2, examples of businesses or other facilities at which such a regulated activity takes place, provided that if an activity identified in column 1 actually takes place at a business or facility other than one identified in column 2, such activity at such other business or facility is a regulated activity.

Table 3-C Regulated Activities

Column 1 Regulated Activity	Column 2 Examples
The following activity is prohibited if it is a new regulated activity and subject to the provisions of section 20.1-5 if it is an existing regulated activity.	The following are examples of a business or facility that typically involve the regulated activity.
1. Activities involving any equipment for the underground storage or transmission of oil or petroleum, or hazardous material, except for: (i) underground storage tanks which contain number 2 fuel oil for heating that are located more than five hundred (500) feet from the nearest public water system source, or (ii) underground electrical facilities such as transformers, breakers, or cables containing oil for cooling or insulation purposes which are owned and operated by a public service company.	Any business or facility. Some examples include automotive service station, gasoline station, or fleet garage
2. The discharge to ground water of non-biodegradable wastes other than a discharge from: (A) a pump and treat system for ground water remediation, and (B) water treatment waste waters lawfully disposed of through a connection to publicly owned treatment works.	Any business or facility.
3. Car or truck washing, unless all waste waters from such activity are lawfully disposed of through a connection to publicly owned treatment works.	Car or truck washes.
4. Production or refining of chemicals, including without limitation hazardous materials or asphalt.	Chemical, petroleum, asphalt, or pesticide manufacturer.
5. Clothes or cloth cleaning service, which involves the use, storage, or disposal of hazardous materials including without limitation dry-cleaning solvents.	Dry cleaner.
6. Generation of electrical power by means of fossil fuels, except for (i) generation of electrical power by emergency generators, or (ii) generation of electrical power by means of natural gas or propane.	Fossil-fueled electric power producer.
7. Production of electronic boards, electrical components, or	Electronic circuit board, electrical

other electrical equipment involving the use, storage, or disposal of any hazardous material or involving metal plating, degreasing of parts or equipment, or etching operations.	components or other electrical equipment manufacturer.
8. On-site storage of fuel oil for the purpose of wholesale or retail sale.	Fuel oil dealer.
9. Embalming or crematory services which involve the use, storage, or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to publicly owned treatment works.	Funeral home or cremator.
10. Furniture stripping operations that involve the use, storage, or disposal of hazardous materials.	Furniture stripper.
11. Furniture finishing operations which involve the use, storage, or disposal of hazardous materials, unless all wastewaters from such activity are lawfully disposed of through a connection to publicly owned treatment works.	Furniture repair.
12. Storage, treatment, or disposal of hazardous waste.	Hazardous waste facility.
13. Clothes or cloth cleaning service for any industrial activity that involves the cleaning of clothes or cloth contaminated by hazardous material, unless all waste-waters from such activity are lawfully disposed of through a connection to publicly owned treatment works.	Industrial laundry.
14. Any biological or chemical testing, analysis or research which involve the use, storage, or disposal of hazardous material, unless all waste waters from such activity are lawfully disposed of through a connection to publicly owned treatment works, but on-site testing of a public water system by a public water utility is not a regulated activity.	Laboratory: biological, chemical, clinical, or educational; product testing; or research.
15. Pest control services that involve storage, mixing, or loading of pesticides or other hazardous materials.	Lawn care or pest control service.
16. Salvage operations of metal or vehicle parts.	Metal salvage yards, vehicle parts salvage yards, or junkyards
17. Photographic finishing that involves the use, storage, or disposal of hazardous materials, unless all wastewaters from such activity are lawfully disposed of through a connection to publicly owned treatment works.	Photographic finishing laboratory.
18. Production, fabrication, of metal products which involves the use, storage, or disposal of hazardous materials including: (A) metal cleaning or degreasing with industrial solvents, (B) metal plating, or (C) metal etching.	Metal foundry, metal finisher, metal machinist, metal fabricator, or metal plator.
19. Printing, plate making, lithography, photoengraving, or gravure, which involves the use, storage, or disposal of hazardous materials.	Printer or publisher.
20. Pulp production, which involves the use, storage or disposal of any hazardous materials.	Pulp, paper, or cardboard manufacturer.
21. Accumulation or storage of waste oil, anti-freeze or spent	Recycling facility, which accepts

lead-acid batteries.	waste oil, spent antifreeze, or spent lead-acid batteries.
22. Any activity listed in this column that is conducted at a residence for compensation.	Residential occupations.
23. Production of rubber, resin cements, elastomers, or plastic, which involves the use, storage, or disposal of hazardous materials.	Rubber, plastic, fabric coating, elastomer, or resin cement manufacturer.
24. Storage of pavement de-icing chemicals unless such storage takes place within a weather -tight water-proof structure for the purpose of retail sale, or for the purpose of de-icing parking areas or access roads to parking areas for the premises where the storage occurs.	Salt storage facility.
25. The accumulation, storage, handling, recycling, disposal, reduction, processing, burning, transfer, or composting of solid waste except for a potable water treatment sludge disposal area.	Solid waste facility.
26. Finishing or etching of stone, clay, concrete or glass products, or painting of clay products, which activity involves the use, storage, or disposal of hazardous materials.	Stone, clay or glass products manufacturer.
27. Dying, coating, or printing of textiles, or tanning or finishing of leather, which activity involves the use, storage, or disposal of hazardous materials.	Textile mill, or tannery.
28. Repair or maintenance of automotive or marine vehicles or internal combustion engines of vehicles, involving the use, storage, or disposal of hazardous materials, including solvents, lubricants, paints, brake or transmission fluids, or the generation of hazardous wastes.	Vehicle service facilities, which may include: new or used car dealership; automobile body repair and/or paint shop; aircraft repair shop; automobile radiator, or transmission repair; boat dealer; recreational vehicle dealer; motorcycle dealer; automotive service station; fleet maintenance garage; or construction equipment repair or rental.
29. On-site storage of hazardous materials for the purpose of wholesale or sale.	Wholesale trade, storage or warehousing of hazardous substances, hazardous wastes, pesticides or oil or petroleum.
30. Production or treatment of wood veneer, plywood, or reconstituted wood, which involves the use, storage, or disposal of any hazardous material.	Manufacturer of wood veneer, plywood, or re-constituted wood products
31. Chemigation or feedlot.	Farm or ranch.

- d) Replacement of residential underground storage tanks that contain #2 fuel oil for heating and that are located less than five hundred (500) feet from the nearest public water system source is prohibited.

- e) The provisions of this section are in addition to the restrictions applicable to a property within the SWPA by virtue of the underlying zoning of such property.

Section 20.1-4. New Regulated Activities; Application for an Exemption from Prohibition:

- a) The City Engineer may, upon application in accordance with the provisions of this section, exempt a new regulated activity from the provisions of subsection 20.1-3(a) if he finds that such activity does not or will not pose a threat of pollution to any existing or potential public water system source. The City Engineer shall not grant an exemption unless the owner of such activity clearly and convincingly demonstrates that:
 - 1) a non-hazardous material has been permanently substituted for each hazardous material normally used in such activity; or
 - 2) any hazardous material released into the ground from the facility or business would not render the ground water unsuitable for drinking without treatment.
- b) An applicant for an exemption under subsection (a) of this section shall submit an application therefor to the City Engineer on a form prescribed by him, and shall also submit a copy of such application to the First District Health Unit. The application shall, without limitation:
 - 1) Provide a map showing the location of the new regulated activity;
 - 2) Describe the purpose and nature of the new regulated activity, any associated processes, and the type and quantity of all materials used or produced or to be used or produced in connection therewith;
 - 3) Demonstrate that the new regulated activity does not or will not pose a risk of pollution of the ground water;
 - 4) Describe the nature, chemical composition, and means of disposal of any waste, including wastewater, generated or to be generated in connection with the new regulated activity and, if any wastewater is or will be discharged to a water of the state identify by means of an engineering drawing all points at which such discharge occurs or will occur;
 - 5) Provide a pollution prevention plan to be implemented in connection with the new regulated activity;
 - 6) Demonstrate that storm water discharge from the property at which the new regulated activity takes place is managed in a manner that prevents pollution of the ground water;
 - 7) Provide any other information that the City Engineer reasonably deems necessary to determine whether the new regulated activity poses or may pose a threat to the ground water;
 - 8) Report any criminal conviction of the applicant involving a violation of any environmental protection law if such violation occurred within the five years immediately preceding the date of the application; and
 - 9) Report any civil penalty imposed against the applicant in any state or federal judicial proceeding, or any civil penalty exceeding five thousand dollars (\$5,000) imposed against the applicant in any administrative proceeding, for a violation of any environmental protection law of North Dakota, any other state, or the United States, if such violation occurred within the five years immediately preceding the date of the application.
- c) The City Engineer shall not act upon an application under this section without affording reasonable opportunity for public comment by way of a public hearing, or the submission of written comments, or both.

- d) If under subsection (a) of this section, the City Engineer exempts a new regulated activity from the provisions of subsection 20.1-3(a), he may impose reasonable conditions on the applicant, including without limitation requirements relating to:
 - 1) performance bonds or other financial assurance that any pollution resulting from the permitted activity will be remediated to the City Engineer's satisfaction;
 - 2) best management practices in addition to those set forth in section 20.1-7;
 - 3) ground water monitoring; and
 - 4) record keeping.

Sec. 20.1-5. Registration of Existing Regulated Activities:

- a) Before July 1, 2001, each person who is engaged in an existing regulated activity shall, on a form prescribed by the City Engineer, register such activity with the City Engineer.
- b) The City Engineer in processing the registration may reasonably request information in addition to that required by this section. A registration shall include at least the following:
 - 1) The name of the registrant; and if the registrant is an entity registered with the North Dakota Secretary of State, the exact name so registered;
 - 2) The business telephone number and mailing address of (A) the registrant, and if the registrant is not the owner of the subject facility or business, the name, business, telephone number and mailing address of the owner of such facility or business, and (B) the manager or other individual who oversees operations at such facility or business;
 - 3) The location of such business or facility, using street address or other appropriate method of location;
 - 4) The nature of the business or facility, including any product or operations produced thereat;
 - 5) A description of all raw materials, wastes, fuels, and chemicals transferred, treated, stored, utilized, generated or otherwise handled at such facility, including any hazardous material or hazardous waste, and the maximum quantities of any such material, fuel, or chemicals so handled during any 12-month period in the past five years;
 - 6) A description of waste management practices at such facility and of potential sources of a release to the ground, including without limitation materials handling and storage areas, fuel handling and storage areas, process operation areas, floor drains, storm drains, and waste handling and storage areas, including waste treatment or disposal areas;
 - 7) A legible photocopy of each state, federal, and local authorization issued with respect to such facility or business or activities thereat; and
 - 8) A certification signed by the registrant that the new regulated activity is in compliance with the best management practices set forth in Section 20.1-7(a) as follows:

"I have personally examined and am familiar with the information submitted in this registration and all attachments, and certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information; the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in this document or certification may be punishable as a criminal offense."
- c) If the City Engineer determines that a registration is incomplete, he shall reject the registration and notify the registrant of what additional information is needed and the date by

which it must be submitted. If the registration is determined to be complete, the new regulated activity shall be deemed registered. Such registration shall be determined to be complete if the registrant has not received a notice of rejection from the City Engineer ninety (90) days from the date the registration is submitted.

- d) A registrant may transfer his or its registration to another person on a form prescribed by the City Engineer.
- e) No person to whom a registration under this section has been issued or transferred may modify the regulated activity so registered or initiate any other regulated activity on the property, which is the subject of such registration, except in accordance with Section 20.1-6.
- f) The City Engineer may require that the person to whom a registration has been issued, or transferred, prepare and adhere to a new materials management plan under Section 20.1-7(b)(1) for the new regulated activity if the City Engineer deems it necessary for pollution prevention.

Section 20.1-6. Permit for Modification of Registered Regulated Activity:

- a) Except as provided in subsections (b), (c) and (g) of this section, no person shall modify a registered regulated activity without having first received a permit therefor from the City Engineer.
- b) The following modifications of registered regulated activities may be made without a permit under this section:
 - 1) Substitution of one hazardous material for another provided such substituted material is used for the same function and in equal or lesser amounts as the original material;
 - 2) Substitution of equipment or process for equipment or process provided that such substituted equipment or process performs the same function as the original equipment or process, without increasing the storage volume of hazardous materials stored at the location of the registered activity;
 - 3) Expansion of wholesale or retail sales volume which increases the use of hazardous materials but which does not increase the storage capacity for hazardous material, or the physical size of the subject facility or business, beyond that existing when the registered activity was registered; and
 - 4) Initiation of an activity that is not a regulated activity.
- c) A registrant may modify a registered regulated activity to an activity which is not a regulated activity, provided the registrant, before commencing such modification, and receives written confirmation from the City Engineer that the proposed modifications will result in an activity which is not a regulated activity. A request for confirmation shall be made on a form provided by the City Engineer. Re-conversion of a modified regulated activity to its original un-modified form shall be deemed a new regulated activity for the purposes of Section 20.1-4.
- d) To the extent practicable, an application for a permit under this section shall be handled procedurally, and shall contain the information required, as provided for in Section 20.1-4.
- e) A permit shall not be issued under this section unless the applicant demonstrates that the proposed modification will not cause an increase in the registrant's number of underground storage tanks, or the capacity of underground storage tanks, used to store hazardous materials. In addition to the information required under subsection (d), the applicant shall

provide all of the following information, with respect to both the registered activity and the proposed modification:

- 1) The volumes of hazardous materials necessary used and to be used;
 - 2) The solubility and other physical characteristics of hazardous materials used and to be used;
 - 3) The safeguards the registrant uses and proposes to use for preventing release of such hazardous materials; and
 - 4) With respect to each location at a facility where a modification is proposed, a signed certification by an Environmental Professional (EP), on a form provided by the City Engineer, that such EP has investigated such location to determine whether a release of pollutants has occurred there, and, if so, whether such release has been remediated in accordance with applicable law.
- f) A permit under this section shall not be issued unless an environmental audit has been satisfactorily completed by a professional engineer, or a certified hazardous materials manager, which audit demonstrates that the applicant is in compliance with all applicable environmental laws. Such audit shall include the following information at a minimum:
- 1) A confirmation that the business or facility has implemented best management practices required in Section 20.1-7 and has completed an approved materials management plan in accordance with Section 20.1-7(b) for both the registered activity and the proposed modified activity;
 - 2) A process flow diagram identifying where hazardous materials are stored and used on the subject property, and where on such property hazardous wastes are generated and subsequently stored and disposed for both the registered activity and the proposed modified activity;
 - 3) A list of all federal and state environmental laws applicable to the registered regulated activity, indicating whether the applicant is in compliance with each such law; and
 - 4) A pollution prevention plan for the subject facility or business for the proposed modified activity and a schedule to implement such plan; and
 - 5) The following certification signed by the applicant and the professional engineer or certified hazardous materials manager responsible for preparing the application, each of whom shall certify as follows:
"I have personally examined and am familiar with the information submitted in this application and all attachments, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement made in the submitted information, or this certification, may be punishable as a criminal offense."
- g) With the written consent of the City Engineer, a registered regulated activity may be modified without a permit under this section, provided that a professional engineer or a certified hazardous materials manager certifies on a form provided by the City Engineer that:
- 1) The modification will not increase the registrant's capacity to store hazardous materials;

- 2) The modification will not increase the registrant's number of underground storage tanks, or the capacity of underground storage tanks, used to store hazardous materials; and
- 3) The registrant has implemented the best management practices prescribed in Section 20.1-7, including the completion of an approved materials management plan for the modified activity in accordance with subsection 20.1-7(b).
- h) The City Engineer shall not act upon a request under subsection (g) without affording reasonable opportunity for public comment, by way of a public hearing, or the submission of written comments, or both.

Section 20.1-7. Best Management Practices for Regulated Activities:

- a) Every regulated activity shall be conducted in accordance with the following:
 - 1) Hazardous materials may be stored within the SWPA only in accordance with the following conditions:
 - a. Hazardous material shall be stored in an enclosed structure or under a roof which minimizes storm water entry to the containment area, except that a roof is not required for a bulk storage facility as defined in Section 20.1-1;
 - b. Floors within a structure where hazardous material may be stored shall be coated to protect the surface of the floor from deterioration due to spillage of any such material. A structure, which may be used for storage or transfer of hazardous material, shall be protected from storm water run-on and ground water intrusion.
 - c. Hazardous material shall be stored within an impermeable containment area which is capable of containing at least the volume of the largest container of such hazardous material present in such area, or ten percent (10%) of the total volume of all such containers in such area, whichever is larger, without overflow of released hazardous material from the containment area;
 - d. Hazardous material shall be stored in a manner that will prevent the contact of chemicals with such materials so as to create a hazard of fire, explosion or generation of toxic substances;
 - e. Hazardous material shall be stored only in a container that has been certified by a state or federal agency or the American Society of Testing Materials as suitable for the transport or storage of such material; and
 - f. Hazardous material shall be stored only in an area that is secured against entry by the public;
 - 2) The requirements of subdivision (1) of this subsection are intended to supplement, and not to supersede, any other applicable requirements of federal, state, or local law, including applicable requirements of the Resource Conservation and Recovery Act of 1976, as amended;
 - 3) Use, maintenance, or installation of floor drains, dry wells, or other infiltration devices or appurtenances, which allow the release to the ground of wastewater is prohibited; and
 - 4) No substance or material shall be discharged or injected into the ground in the SWPA unless such activity is permitted by law.

- b) The City Engineer, if deemed necessary to protect the SWPA, may require by written notice any registrant to submit for written approval a Materials Management Plan and to implement such plan once it is approved. If required, a Materials Management Plan shall be submitted to the City Engineer within one hundred-eighty (180) days of such request. The plan shall contain at a minimum the following information:
- 1) A pollution prevention plan of such scope and covering such matters as the City Engineer may reasonably prescribe;
 - 2) An inventory of all hazardous materials which are or will likely be manufactured, produced, stored, utilized or otherwise handled at the subject property;
 - 3) A description of waste, including waste waters, generated by the registered regulated activity and a description of how they are handled, stored, and disposed;
 - 4) A description of any operations or practices associated with the regulated activity, which may pose a threat of pollution to the ground water within the SWPA;
 - 5) The name, mailing address, title and telephone number of the individual(s) responsible for implementing the Materials Management Plan and the individual(s) who should be contacted by the City in an emergency;
 - 6) A record-keeping system — open to inspection by the City Engineer or his delegate during the registrant’s business hours — which accounts for the types, quantities, and disposition of hazardous materials which are used, stored, or otherwise handled at the subject property or which are discharged or emitted there from; and
 - 7) An emergency response plan used to respond to a release at the subject property due to a fire, explosion, earthquake, flood, or a storm. Such plan shall describe how each such event could result in a release to the groundwater and shall set forth the methods used or to be used to prevent and abate any such a release.
- c) The City Engineer may, if it is deemed necessary to protect a public water system source from pollution, require by written notice, that any registrant, any person who has received an exemption to conduct a new regulated activity under Section 20.1- 6, or any applicant for a permit, submit for written approval a storm water management plan and implement such plan once it is approved. A storm water management plan shall consist of information to assure that storm water run-off generated by the subject activity is managed in a manner so as to prevent pollution of ground water and surface water.

Section 20.1-9. Doctrine of Prior Valid Non-conforming Use Inapplicable; Variance Unavailable; Other Laws:

- a) Chapter 25 shall be inapplicable to matters within the scope of this chapter, as protection of established rights is provided for in this chapter in a manner more consistent with the public purposes of this chapter than would be provided by Chapter 25.
- b) Nothing in any exemption issued under section 20.1-4, any registration submitted under 20.1-5, or any modification allowed under section 20.1-6 shall relieve any person of any other obligations under federal, state, or local law.

Section 20.1-10. Domestic and Agricultural Exemptions:

- a) Nothing in this chapter shall be construed as prohibiting the use or storage of substances or products typically used for domestic purposes in an ordinary household, as long as the quantities used or stored do not exceed the amounts customarily used or stored in such a household, and the activities which employ such substances or products are likewise typical of activities occurring within an ordinary household. Thus, for example, it is permissible for one to change the oil in one's own private vehicle at home.
- b) Except with respect to chemical application, nothing in this chapter shall be construed as prohibiting the use or storage of substances or products typically used in agricultural operations, as long as the quantities used or stored do not exceed the amounts customarily used or stored on a farm or ranch of approximately the same size as that to which this exemption applies or is sought to be applied.