

1.1 **Department of Health**1.2 **Adopted Permanent Rules Relating to Indoor Ice Arenas and Motorsports Arenas**1.3 **4620.3900 PURPOSE.**

1.4 The purpose of parts 4620.3900 to 4620.4800 is to protect public health by ensuring
1.5 acceptable air quality in the operation and maintenance of indoor ice arenas.

1.6 **4620.3910 APPLICATION.**

1.7 Parts 4620.3900 to 4620.4800 apply to owners or operators of indoor ice arenas.

1.8 **4620.3950 ACCEPTABLE AIR QUALITY.**

1.9 The owner or operator of an indoor ice arena must maintain acceptable air quality
1.10 conditions at all times in areas of the arena building that are open to the public. Such
1.11 conditions are defined as: one-hour average air concentration of not more than 20 parts of
1.12 carbon monoxide per one million parts of air by volume (20 ppm), and one-hour average
1.13 air concentrations of not more than 0.3 parts of nitrogen dioxide per one million parts of
1.14 air by volume (0.3 ppm).

1.15 **4620.4000 DEFINITIONS.**

1.16 Subpart 1. **Scope.** For the purposes of parts 4620.3900 to 4620.4800, the following
1.17 terms shall have the meanings given them.

1.18 Subp. 1a. **Air quality measuring device.** "Air quality measuring device" means
1.19 direct-read pump and colorimetric tube or electronic real-time gas detection equipment for
1.20 sampling and measuring nitrogen dioxide and carbon monoxide air concentrations.

1.21 Subp. 2. [See repealer.]

1.22 Subp. 3. [Repealed by amendment, L 1977 c 305 s 39]

1.23 Subp. 3a. **Arena.** "Arena" means an indoor ice arena.

1.24 Subp. 3b. **Arena building.** "Arena building" means a structure with a roof and walls
1.25 that houses an indoor ice arena.

RECEIVED
13 APR -9 AM 11:22
ADMINISTRATIVE
HEARINGS

2.1 Subp. 4. **Certificate.** "Certificate" means a certificate of approval issued by the
2.2 commissioner under parts 4620.3900 to 4620.4800.

2.3 Subp. 5. [See repealer.]

2.4 Subp. 5a. **Commissioner.** "Commissioner" means the commissioner of health or the
2.5 commissioner's designee.

2.6 Subp. 5b. **Edging.** "Edging" means operation of an ice edger.

2.7 Subp. 6. [See repealer.]

2.8 Subp. 7. [See repealer.]

2.9 Subp. 7a. **Ice edger.** "Ice edger" means power equipment used to modify the perimeter
2.10 of an ice sheet.

2.11 Subp. 7b. **Ice maintenance machine.** "Ice maintenance machine" means an ice
2.12 resurfacer or ice edger.

2.13 Subp. 7c. **Ice resurfacer.** "Ice resurfacer" means power equipment used to modify the
2.14 entire surface of the ice.

2.15 Subp. 7d. **Indoor ice arena.** "Indoor ice arena" means a single room of a permanent or
2.16 temporary structure where an ice sheet is maintained having the following characteristics:

2.17 A. the room has a roof;

2.18 B. the room is bounded by walls, doorways, or windows, whether open or closed;
2.19 and

2.20 C. the walls, doorways, or windows cover more than 50 percent of the combined
2.21 surface area of the vertical planes that make up the room's perimeter (sides).

2.22 Subp. 7e. **Operator.** "Operator" means the person designated by the owner as
2.23 responsible to operate and maintain the indoor ice arena.

3.1 Subp. 7f. **Owner.** "Owner" means the person having legal title to the indoor ice arena
3.2 or the owner's legally authorized representative.

3.3 Subp. 8. **Person.** "Person" means any natural individual, corporation, partnership, or
3.4 other business association and includes the state and its political subdivisions.

3.5 Subp. 8a. **Responsible person.** "Responsible person" means the individual authorized
3.6 by the operator to ensure acceptable air quality conditions in the arena.

3.7 Subp. 9. **Resurfacing.** "Resurfacing" means operation of an ice resurfer.

3.8 **4620.4100 CERTIFICATE OF APPROVAL.**

3.9 Subpart 1. **Applicability.** No person may own or operate an indoor ice arena unless
3.10 the commissioner issues the person a certificate.

3.11 Subp. 2. **Certificate application.** Applications for a certificate must be submitted on
3.12 forms prescribed by the commissioner. An application must be submitted:

3.13 A. annually, by owners or operators of all existing indoor ice arenas; and

3.14 B. at least 30 days before owners or operators open new indoor ice arenas to
3.15 the public.

3.16 Subp. 3. **Certificate issuance.** The commissioner must issue a certificate under
3.17 subpart 2, if the commissioner determines that the owner or operator has complied with
3.18 parts 4620.3900 to 4620.4800 and demonstrated the ability to maintain acceptable air
3.19 quality conditions in the arena building.

3.20 Subp. 4. **Certificate expiration and renewal.** A certificate issued under this part
3.21 expires one year from the date of issue.

3.22 A. Owners or operators must apply for renewal on forms prescribed by the
3.23 commissioner at least 30 days before a certificate expires.

4.1 B. If a certificate expires while a renewal application is pending approval, the
4.2 arena may continue to operate under the expired certificate until the commissioner issues a
4.3 new certificate or denies the renewal application.

4.4 Subp. 5. **Posting of certificate.** The certificate must be prominently displayed in a
4.5 location that is clearly visible to the public.

4.6 **4620.4450 TRAINING.**

4.7 Subpart 1. **Requirements.** The owner or operator must ensure that a trained
4.8 responsible person is available in the arena building at all times that the arena is open to
4.9 the public. Training must:

4.10 A. be appropriate for the trainee's level of responsibility in operating the arena;

4.11 B. be performed annually;

4.12 C. include the following topics:

4.13 (1) acceptable air quality conditions;

4.14 (2) methods of maintaining acceptable air quality in the arena;

4.15 (3) proper operation and storage of the arena air quality measuring device;

4.16 (4) proper collection of air samples with the arena air quality measuring device;

4.17 (5) appropriate actions for correcting unacceptable air quality; and

4.18 (6) record-keeping requirements; and

4.19 D. be documented.

4.20 Subp. 2. **Documentation.** Trainees must acknowledge, with their written signature,
4.21 that they have received training meeting the requirements of this part. Owners or operators
4.22 must maintain the written acknowledgment according to part 4620.4650.

5.1 **4620.4510 MEASUREMENT OF AIR QUALITY CONDITIONS.**

5.2 Subpart 1. **Measuring air quality.** Owners or operators of indoor ice arenas must
5.3 measure carbon monoxide and nitrogen dioxide air concentrations in each arena when
5.4 internal combustion engine-powered ice maintenance equipment is used.

5.5 Subp. 2. **Persons who can take measurements.** Measurements must be made by an
5.6 individual who has received training as specified in part 4620.4450.

5.7 Subp. 3. **Measurements for ice resurfacing.** Owners or operators must measure air
5.8 concentrations at least twice per week after using an internal combustion engine-powered
5.9 ice resurfacers. Measurements must be taken:

5.10 A. at board height, inside the boards, and at the centerline of the ice;

5.11 B. 20 minutes after completing resurfacing unless the commissioner has granted
5.12 the operator approval to measure under an alternative schedule;

5.13 C. at times of maximum use of the resurfacing machine; and

5.14 D. at least once on Saturday or Sunday of each week that the arena is open to
5.15 the public.

5.16 Subp. 4. **Measurements for ice edging.**

5.17 A. Owners or operators must measure air concentrations at least once per week
5.18 after using an internal combustion engine-powered ice edger. Measurements must be
5.19 taken following a time of maximum ice edger use at board height, inside the boards,
5.20 and at the centerline of the ice:

5.21 (1) 20 minutes after completing edging if the arena building is open to the
5.22 public when edging occurs; or

5.23 (2) before the public reoccupies the arena, if the arena is not open to the public
5.24 when edging occurs.

6.1 B. Owners or operators may measure under an alternative schedule if the
6.2 commissioner has approved one.

6.3 Subp. 5. **Measurement records.** Owners or operators must keep a record of
6.4 measurement findings and make them available to the commissioner upon request.

6.5 Subp. 6. **Additional measurements.** Owners or operators must make additional
6.6 measurements as determined by the commissioner.

6.7 **4620.4550 AIR QUALITY MEASURING DEVICES.**

6.8 Subpart 1. **Device requirements.** The owner or operator must demonstrate that the
6.9 device and methods used to measure air quality conditions are accurate and reliable. Air
6.10 quality measuring devices must be:

6.11 A. capable of measuring carbon monoxide air concentrations in a range from 0
6.12 to 100 parts per million (ppm) in increments of 1 ppm; or

6.13 B. capable of measuring nitrogen dioxide air concentrations in a range from 0 to 5
6.14 parts per million (ppm) in increments of 0.1 ppm.

6.15 Subp. 2. **Maintenance.** The owner or operator must operate, store, maintain, and
6.16 calibrate the devices according to the device manufacturer's specifications. The owner or
6.17 operator must also keep maintenance and calibration records.

6.18 **4620.4600 FAILURE TO MAINTAIN AIR QUALITY.**

6.19 Subpart 1. **Corrective action necessary.** The owner or operator must take immediate
6.20 corrective action when measurements of more than 20 ppm of carbon monoxide or more
6.21 than 0.3 ppm of nitrogen dioxide are made in an area of the arena building that is open to
6.22 the public. Corrective action must include:

6.23 A. increasing the ventilation rate immediately; and

6.24 B. suspending internal combustion-powered equipment use.

7.1 The owner or operator must continue corrective action until measurements show not more
7.2 than 20 ppm of carbon monoxide and not more than 0.3 ppm of nitrogen dioxide in all
7.3 areas of the arena building that are open to the public.

7.4 Subp. 2. **Follow-up testing.** The owner or operator must conduct and document the
7.5 following air quality tests to confirm the effectiveness of the corrective action:

7.6 A. at 20-minute intervals until measurements show not more than 20 ppm of carbon
7.7 monoxide and not more than 0.3 ppm of nitrogen dioxide;

7.8 B. 20 minutes after the next five uses of ice maintenance equipment; and

7.9 C. at least once per day for the subsequent three days of arena operation.

7.10 Subp. 3. **Report.** Whenever corrective action is required under subpart 1, the owner or
7.11 operator must submit a report to the commissioner within five business days that includes:

7.12 A. an explanation of why corrective action was necessary;

7.13 B. a description of the immediate corrective actions that were taken;

7.14 C. a record of all air quality tests required by subpart 2; and

7.15 D. an action plan to prevent a reoccurrence.

7.16 Subp. 4. **Arena evacuation necessary.**

7.17 A. The owner or operator must evacuate an area of the arena building whenever:

7.18 (1) measured carbon monoxide air concentrations exceed ~~85~~ 83 ppm or
7.19 measured nitrogen dioxide air concentrations exceed 2.0 ppm for more than five minutes;

7.20 (2) measured carbon monoxide air concentrations exceed 40 ppm or measured
7.21 nitrogen dioxide air concentrations exceed 0.6 ppm for more than one hour after originally
7.22 measuring unacceptable air quality conditions; or

8.1 (3) measured carbon monoxide air concentrations exceed 20 ppm or measured
8.2 nitrogen dioxide air concentrations exceed 0.3 ppm for more than two hours after
8.3 originally measuring unacceptable air quality conditions.

8.4 B. When evacuation becomes necessary, the owner or operator must:

8.5 (1) contact the local fire department as soon as possible to request assistance in
8.6 evacuating the facility and assessing the hazard; and

8.7 (2) contact the Minnesota Department of Health upon completing evacuation.

8.8 C. The evacuated areas may only be reoccupied by the public after an evacuation
8.9 under item A if:

8.10 (1) acceptable air quality conditions are measured;

8.11 (2) corrective measures have been taken to prevent further incidence of
8.12 unacceptable air quality conditions; and

8.13 (3) acceptable air quality conditions and corrective measures are verified by the
8.14 local fire department or the Minnesota Department of Health.

8.15 **4620.4650 RECORD KEEPING.**

8.16 The owner or operator must keep a record-keeping log to maintain all documentation
8.17 required by parts 4620.3900 to 4620.4600.

8.18 A. Documents that must be maintained in the record-keeping log are:

8.19 (1) training records required by part 4620.4450;

8.20 (2) air quality measurement records required by part 4620.4510, subpart 5;

8.21 (3) air quality measuring device records required by part 4620.4550, subpart 2; and

8.22 (4) corrective action reports required by part 4620.4600, subpart 3.

9.1 B. The record-keeping log must be kept in the arena building and be available for
9.2 public and commissioner review during all hours that the arena building is open to the
9.3 public.

9.4 C. Required documents must be retained for at least three years.

9.5 **4620.4700 OTHER FUEL-BURNING EQUIPMENT.**

9.6 Subpart 1. Notification required. The owner or operator of an indoor ice arena open
9.7 to the general public must measure air quality conditions and ensure acceptable air quality
9.8 in the arena building when equipment, other than ice maintenance equipment, capable
9.9 of producing carbon monoxide or nitrogen dioxide, but that is not directly vented to the
9.10 outdoors, is used for operating or maintaining the arena. must notify the commissioner
9.11 when using equipment other than ice maintenance machines for operating or maintaining
9.12 the ice arena, if that equipment is capable of producing carbon monoxide or nitrogen
9.13 dioxide and is not directly vented to the outdoors.

9.14 ~~The provisions of part 4620.4600 apply. Air quality conditions must be measured and~~
9.15 ~~reports made as the commissioner directs depending upon the specific type of activity~~
9.16 ~~to be conducted in the building.~~

9.17 Subp. 2. Notification process. The owner or operator must notify the commissioner by:

9.18 A. providing the department with a list of such equipment that the owner or
9.19 operator proposes to use in its annual certificate application; and

9.20 B. notifying the commissioner by telephone or in writing before using other
9.21 fuel-burning equipment in the arena if the equipment was not included in its annual
9.22 submission to the commissioner.

9.23 Subp. 3. Air quality measurement. The owner or operator must ensure acceptable
9.24 air quality in the arena building when using other fuel-burning equipment by measuring

10.1 the air quality conditions and reporting as the commissioner directs, depending upon the
10.2 specific type of activity to be conducted in the building.

10.3 **4620.4800 ENFORCEMENT.**

10.4 ~~The commissioner may take one or more enforcement actions listed in Minnesota~~
10.5 ~~Statutes, sections 144.989 to 144.993, for a violation of this chapter. Violations of~~
10.6 ~~the requirements of parts 4620.3900 to 4620.4700 shall constitute grounds for the~~
10.7 ~~commissioner to take one or more of the enforcement actions in Minnesota Statutes,~~
10.8 ~~sections 144.989 to 144.993, subject to the notice and appeal provisions set forth in~~
10.9 ~~applicable law.~~

10.10 **4620.4900 VARIANCE TO RULES RELATING TO INDOOR ICE ARENAS.**

10.11 The commissioner ~~may~~ shall grant variances to parts 4620.3900 to 4620.4800, except
10.12 part 4620.3950, only according to the procedures and criteria specified in parts 4717.7000
10.13 to 4717.7050.

10.14 **4620.5000 PURPOSE.**

10.15 The purpose of parts 4620.5000 to 4620.5900 is to protect public health by ensuring
10.16 acceptable air quality in the operation and maintenance of indoor motorsports arenas.

10.17 **4620.5100 APPLICATION.**

10.18 Parts 4620.5000 to 4620.5900 apply to owners or operators of indoor motorsports arenas.

10.19 **4620.5200 ACCEPTABLE AIR QUALITY.**

10.20 The owner or operator of an indoor motorsports arena must maintain acceptable air
10.21 quality conditions at all times in areas of the arena building that are open to the public.
10.22 Such conditions are defined as: one-hour average air concentrations of not more than 30
10.23 parts of carbon monoxide per one million parts of air by volume (30 ppm), and one-hour
10.24 average air concentrations of not more than 0.3 parts of nitrogen dioxide per one million
10.25 parts of air by volume (0.3 ppm).

11.1 **4620.5300 DEFINITIONS.**

11.2 Subpart 1. **Scope.** For the purposes of parts 4620.5000 to 4620.5900, the following
11.3 terms have the meanings given them.

11.4 Subp. 2. **Air quality measuring device.** "Air quality measuring device" means
11.5 direct-read pump and colorimetric tube or electronic real-time gas detection equipment for
11.6 sampling and measuring nitrogen dioxide or carbon monoxide air concentrations.

11.7 Subp. 3. **Arena.** "Arena" means an indoor motorsports arena.

11.8 Subp. 4. **Arena building.** "Arena building" means a structure with a roof and walls
11.9 that houses an indoor motorsports arena.

11.10 Subp. 5. **Certificate.** "Certificate" means a certificate of approval issued by the
11.11 commissioner under parts 4620.5000 to 4620.5900.

11.12 Subp. 6. **Commissioner.** "Commissioner" means the commissioner of health or the
11.13 commissioner's designee.

11.14 Subp. 7. **Event manager.** "Event manager" means the person who organizes or directs
11.15 a special indoor motorsports event.

11.16 Subp. 8. **Indoor motorsports arena.** "Indoor motorsports arena" means a single
11.17 room of a permanent or temporary structure where motorsports are operated having the
11.18 following characteristics:

11.19 A. the room has a ceiling;

11.20 B. the room is bounded by walls, doorways, or windows, whether open or closed;
11.21 and

11.22 C. the walls, doorways, or windows cover more than 50 percent of the combined
11.23 surface area of the vertical planes that make up the room's perimeter (sides).

12.1 Subp. 9. **Motorsports vehicle.** "Motorsports vehicle" means an internal combustion
12.2 engine-powered vehicle used for recreation, racing, competition, or demonstration.

12.3 Subp. 10. **Operating hours.** "Operating hours" means the time period that the indoor
12.4 motorsports arena building is open to the public and motorsports vehicles are being
12.5 used in the arena.

12.6 Subp. 11. **Operator.** "Operator" means the person designated by the owner as
12.7 responsible to operate and maintain the indoor motorsports arena.

12.8 Subp. 12. **Owner.** "Owner" means the person having legal title to the arena building or
12.9 the owner's legally authorized representative.

12.10 Subp. 13. **Person.** "Person" means any natural individual, corporation, partnership, or
12.11 other business association and includes the state and its political subdivisions.

12.12 Subp. 14. **Responsible person.** "Responsible person" means the individual authorized
12.13 by the operator to ensure acceptable air quality conditions in the arena building.

12.14 Subp. 15. **Special indoor motorsports event.** "Special indoor motorsports event"
12.15 means a single event where motorsports vehicles are operated in an arena.

12.16 Subp. 16. **Spectator.** "Spectator" means a member of the public present in the arena
12.17 building who is not a motorsports vehicle driver or rider or an actively working employee.

12.18 Subp. 17. **Spectator area.** "Spectator area" means that part of the indoor motorsports
12.19 arena building where spectators are allowed to assemble.

12.20 **4620.5400 CERTIFICATE OF APPROVAL.**

12.21 Subpart 1. **Applicability.** No person shall own or operate an indoor motorsports arena
12.22 unless the commissioner issues the person a certificate.

12.23 Subp. 2. **Certificate application.** Applications for a certificate must be submitted on
12.24 forms prescribed by the commissioner. An application must be submitted:

- 13.1 A. annually, by owners or operators of existing indoor motorsports arenas;
- 13.2 B. at least 30 days before owners or operators open new indoor motorsports arenas
- 13.3 to the public; and
- 13.4 C. at least 30 days before the arena owners or operators and the event manager
- 13.5 begin a special indoor motorsports event.

13.6 Subp. 3. **Certificate issuance.**

13.7 A. The commissioner must issue a certificate under subpart 2, item A or B, if the

13.8 commissioner determines that the owner or operator has complied with parts 4620.5000 to

13.9 4620.5900 and demonstrated the ability to maintain acceptable air quality conditions in

13.10 the arena building.

13.11 B. The commissioner shall issue a certificate granting approval to hold a special

13.12 indoor motorsports event if the owner or operator meets the requirements of item A and:

13.13 (1) submits a written plan to the commissioner that describes the methods that

13.14 the owner or operator will use to monitor air quality and ensure acceptable air quality

13.15 during the event; and

13.16 (2) the event manager and arena operator agree to the terms of the plan in writing.

13.17 Subp. 4. **Certificate expiration and renewal.** A certificate issued under this part

13.18 expires one year from the date of issue, except that a certificate for a special indoor

13.19 motorsports event expires as the certificate describes.

13.20 A. Owners or operators shall apply for renewal on forms prescribed by the

13.21 commissioner at least 30 days before a standard certificate expires.

13.22 B. If a certificate expires while a renewal application is pending approval, the

13.23 arena may continue to operate under the expired certificate until the commissioner issues a

13.24 new certificate or denies the renewal application.

14.1 Subp. 5. **Posting of certificate.** The certificate must be prominently displayed in a
14.2 location that is clearly visible to the public.

14.3 **4620.5500 TRAINING.**

14.4 Subpart 1. **Requirements.** The owner or operator must ensure that a trained
14.5 responsible person is available in the arena building at all times that the arena is open to
14.6 the public. Training must:

14.7 A. be appropriate for the trainee's level of responsibility in operating the arena;

14.8 B. be performed annually;

14.9 C. include the following topics:

14.10 (1) acceptable air quality conditions;

14.11 (2) methods of maintaining acceptable air quality in the arena;

14.12 (3) proper operation and storage of the arena air quality measuring device;

14.13 (4) proper collection of air samples with the arena air quality measuring device;

14.14 (5) appropriate actions for correcting unacceptable air quality; and

14.15 (6) record-keeping requirements; and

14.16 D. be documented.

14.17 Subp. 2. **Documentation.** Trainees shall acknowledge, with their written signature,
14.18 that they have received training meeting the requirements of this part. The written
14.19 acknowledgment shall be maintained according to part 4620.5800.

14.20 **4620.5600 MEASUREMENT OF AIR QUALITY CONDITIONS.**

14.21 Subpart 1. **Measuring air quality.** Owners or operators of indoor motorsports arenas
14.22 must measure carbon monoxide and nitrogen dioxide air concentrations in each indoor
14.23 motorsports arena as directed by the commissioner.

15.1 Subp. 2. **Persons who can take measurements.** Measurements must be made by an
15.2 individual who has received training as specified in part 4620.5500.

15.3 Subp. 3. **Measurement requirements.**

15.4 A. Owners and operators must measure nitrogen dioxide air concentrations as the
15.5 commissioner directs depending on the specific type of activity to be conducted in the arena.

15.6 B. Owners and operators must measure carbon monoxide air concentrations in
15.7 each indoor motorsports arena building as follows:

15.8 (1) Frequency of measurements.

15.9 (a) Certified arenas:

15.10 i. at least two days per week;

15.11 ii. at least three hours per week during maximum use of motorsports
15.12 vehicles; and

15.13 iii. as the commissioner deems necessary.

15.14 (b) Special indoor motorsports events:

15.15 i. on each day of motorsport vehicle use;

15.16 ii. during all operating hours; and

15.17 iii. as the commissioner deems necessary.

15.18 (2) Location and documentation of measurements.

15.19 (a) If motorsports vehicle riders or drivers are not paid performers,
15.20 measurements must be:

15.21 i. made at a location on the track that represents average carbon
15.22 monoxide concentrations. The owner or operator must identify a location on the track that
15.23 represents average carbon monoxide concentrations; and

16.1 ii. recorded at least every 15 minutes when motorsports vehicles are
16.2 used in the arena.

16.3 (b) If spectators are present during motorsports activities, the operator must
16.4 measure air quality conditions in the spectator area as follows:

16.5 i. at the location of poorest air quality in the spectator area of the arena.

16.6 The owner or operator must identify the location where the general public is exposed to
16.7 the highest carbon monoxide levels; and

16.8 ii. recorded at least once every 15 minutes in the spectator area when
16.9 motorsports vehicles are used in the arena.

16.10 Subp. 4. **Measurement records.** Owners or operators must keep a record of
16.11 measurement findings and make it available to the commissioner upon request.

16.12 **4620.5650 AIR QUALITY MEASURING DEVICES.**

16.13 Subpart 1. **Device requirements.** The owner or operator must demonstrate that the
16.14 devices and methods used to measure air quality conditions are accurate and reliable. Air
16.15 quality measuring devices must be:

16.16 A. capable of measuring carbon monoxide air concentrations in a range from 0 to
16.17 at least 100 parts per million (ppm) in increments of 1 ppm; or

16.18 B. capable of measuring nitrogen dioxide air concentrations in a range from 0 to
16.19 at least 5 ppm in increments of 0.1 ppm.

16.20 Subp. 2. **Maintenance.** The owner or operator must operate, store, maintain, and
16.21 calibrate the devices according to the device manufacturer's specifications. The owner or
16.22 operator must also keep maintenance and calibration records.

17.1 **4620.5700 FAILURE TO MAINTAIN AIR QUALITY.**

17.2 Subpart 1. **Corrective action necessary.** The owner or operator must take immediate
17.3 corrective action when measurements of more than 30 ppm of carbon monoxide or more
17.4 than 0.3 ppm of nitrogen dioxide are made for more than 15 minutes in an area of the
17.5 arena building that is open to the public. Corrective action must include:

17.6 A. increasing the ventilation rate immediately; and

17.7 B. suspending internal combustion-powered equipment use, if carbon monoxide
17.8 measurements remain in excess of 30 ppm or nitrogen dioxide measurements remain in
17.9 excess of 0.3 ppm for more than one hour after an original exceeding measurement.

17.10 The owner or operator must continue corrective action until measurements show not
17.11 more than 30 ppm of carbon monoxide and not more than 0.3 ppm of nitrogen dioxide in
17.12 all areas of the arena building that are open to the public.

17.13 Subp. 2. **Follow-up testing.** The owner or operator must conduct and document the
17.14 following air quality tests to confirm the effectiveness of the corrective actions:

17.15 A. at 15-minute intervals until measurements show not more than 30 ppm of
17.16 carbon monoxide and not more than 0.3 ppm of nitrogen dioxide; and

17.17 B. at 15-minute intervals for at least one hour per day for the subsequent three
17.18 days of arena operation.

17.19 Subp. 3. **Report.** Whenever the conditions of subpart 1 occur, the owner or operator
17.20 must submit a report to the commissioner within five business days that includes:

17.21 A. an explanation of why corrective action was necessary;

17.22 B. a description of the immediate corrective actions that were taken;

17.23 C. a record of all air quality tests required by subpart 2; and

17.24 D. an action plan to prevent a recurrence.

18.1 Subp. 4. **Arena evacuation necessary.**

18.2 A. The owner or operator must evacuate an area of the arena building whenever:

18.3 (1) measured carbon monoxide air concentrations exceed ~~85~~ 83 ppm or
18.4 measured nitrogen dioxide concentrations exceed 2.0 ppm for more than 15 minutes; or

18.5 (2) measured carbon monoxide air concentrations exceed 30 ppm or measured
18.6 nitrogen dioxide air concentrations exceed 0.3 ppm for more than two hours after
18.7 originally measuring unacceptable air quality conditions.

18.8 B. When evacuation becomes necessary, the owner or operator must:

18.9 (1) contact the local fire department as soon as possible to request assistance in
18.10 evacuating the facility and assessing the hazard; and

18.11 (2) contact the Department of Health upon completing the evacuation.

18.12 C. Evacuated areas may only be reoccupied by the public after an evacuation
18.13 under item A if:

18.14 (1) acceptable air quality conditions are measured;

18.15 (2) corrective measures have been taken to prevent further incidence of
18.16 unacceptable air quality conditions; and

18.17 (3) acceptable air quality conditions and corrective measures are verified by the
18.18 local fire department or the Department of Health.

18.19 **4620.5800 RECORD KEEPING.**

18.20 The owner or operator must keep a record-keeping log to maintain all documentation
18.21 according to parts 4620.5000 to 4620.5900.

18.22 A. Documents that must be maintained in the record-keeping log are:

18.23 (1) training records required by part 4620.5500;

18.24 (2) air quality measurement records required by part 4620.5600, subpart 4;

19.1 (3) air quality measuring device records required by part 4620.5650, subpart 2; and

19.2 (4) corrective action reports required by part 4620.5700, subpart 3.

19.3 B. The record-keeping log must be kept in the arena building and be available for
19.4 public and commissioner review during all hours that the arena building is open to the
19.5 public.

19.6 C. Required documents must be retained for at least three years.

19.7 **4620.5900 ENFORCEMENT.**

19.8 ~~The commissioner may take one or more of the enforcement actions listed in Minnesota~~
19.9 ~~Statutes, sections 144.989 to 144.993, for a violation of parts 4620.5000 to 4620.5900.~~

19.10 Violations of the requirements of parts 4620.5000 to 4620.5800 shall constitute grounds
19.11 for the commissioner to take one or more of the enforcement actions in Minnesota
19.12 Statutes, sections 144.989 to 144.993, subject to the notice and appeal provisions set
19.13 forth in applicable law.

19.14 **4620.5950 VARIANCE TO RULES RELATING TO INDOOR MOTORSPORTS**
19.15 **ARENAS.**

19.16 The commissioner ~~may~~ shall grant variances to parts 4620.5000 to 4620.5900, except
19.17 part 4620.5200, only according to the procedures and criteria specified in parts 4717.7000
19.18 to 4717.7050.

19.19 **REPEALER.** Minnesota Rules, parts 4620.4000, subparts 2, 5, 6, and 7; 4620.4200;
19.20 4620.4300; 4620.4400; and 4620.4500, are repealed.