

Indoor Motorsports Arenas

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4620.5000 PURPOSE.

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

4620.5100 APPLICATION.

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

4620.5200 ACCEPTABLE AIR QUALITY.

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

4620.5300 DEFINITIONS.

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

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

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

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

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

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

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

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

- A. the room has a ceiling;
- B. the room is bounded by walls, doorways, or windows, whether open or closed; and
- C. the walls, doorways, or windows cover more than 50 percent of the combined surface area of the vertical planes that make up the room's perimeter (sides).

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

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

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

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

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

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

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

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

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

4620.5400 CERTIFICATE OF APPROVAL.

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

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

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

Subp. 3. **Certificate issuance.**

- A. The commissioner must issue a certificate under subpart 2, item A or B, if the commissioner determines that the owner or operator has complied with parts 4620.5000 to 4620.5900 and demonstrated the ability to maintain acceptable air quality conditions in the arena building.
- B. The commissioner shall issue a certificate granting approval to hold a special indoor motorsports event if the owner or operator meets the requirements of item A and:
 - (1) submits a written plan to the commissioner that describes the methods that the owner or operator will use to monitor air quality and ensure acceptable air quality during the event; and
 - (2) the event manager and arena operator agree to the terms of the plan in writing.

Subp. 4. **Certificate expiration and renewal.** A certificate issued under this part expires one year from the date of issue, except that a certificate for a special indoor motorsports event expires as the certificate describes.

- A. Owners or operators shall apply for renewal on forms prescribed by the commissioner at least 30 days before a standard certificate expires.
- B. If a certificate expires while a renewal application is pending approval, the arena may continue to operate under the expired certificate until the commissioner issues a new certificate or denies the renewal application.

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

4620.5500 TRAINING.

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

- A. be appropriate for the trainee's level of responsibility in operating the arena;
- B. be performed annually;
- C. include the following topics:
 - (1) acceptable air quality conditions;
 - (2) methods of maintaining acceptable air quality in the arena;
 - (3) proper operation and storage of the arena air quality measuring device;

- (4) proper collection of air samples with the arena air quality measuring device;
- (5) appropriate actions for correcting unacceptable air quality; and
- (6) record-keeping requirements; and

D. be documented.

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

4620.5600 MEASUREMENT OF AIR QUALITY CONDITIONS.

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

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

Subp. 3. Measurement requirements.

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

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

- (1) Frequency of measurements.
 - (a) Certified arenas:
 - i. at least two days per week;
 - ii. at least three hours per week during maximum use of motorsports vehicles; and
 - iii. as the commissioner deems necessary.
 - (b) Special indoor motorsports events:
 - i. on each day of motorsport vehicle use;
 - ii. during all operating hours; and
 - iii. as the commissioner deems necessary.
- (2) Location and documentation of measurements.
 - (a) If motorsports vehicle riders or drivers are not paid performers, measurements must be:
 - i. made at a location on the track that represents average carbon monoxide concentrations. The owner or operator must identify a location on the track that represents average carbon monoxide concentrations; and
 - ii. recorded at least every 15 minutes when motorsports vehicles are used in the arena.
 - (b) If spectators are present during motorsports activities, the operator must measure air quality conditions in the spectator area as follows:
 - i. at the location of poorest air quality in the spectator area of the arena. The owner or operator must identify the location where the general public is exposed to the highest carbon monoxide levels; and
 - ii. recorded at least once every 15 minutes in the spectator area when motorsports vehicles are used in the arena.

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

4620.5650 AIR QUALITY MEASURING DEVICES.

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

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

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

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

4620.5700 FAILURE TO MAINTAIN AIR QUALITY.

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

- A. increasing the ventilation rate immediately; and
- B. suspending internal combustion-powered equipment use, if carbon monoxide measurements remain in excess of 30 ppm or nitrogen dioxide measurements remain in excess of 0.3 ppm for more than one hour after an original exceeding measurement.

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

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

- A. at 15-minute intervals until measurements show not more than 30 ppm of carbon monoxide and not more than 0.3 ppm of nitrogen dioxide; and
- B. at 15-minute intervals for at least one hour per day for the subsequent three days of arena operation.

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

- A. an explanation of why corrective action was necessary;
- B. a description of the immediate corrective actions that were taken;
- C. a record of all air quality tests required by subpart 2; and
- D. an action plan to prevent a recurrence.

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

- A. The owner or operator must evacuate an area of the arena building whenever:
 - (1) measured carbon monoxide air concentrations exceed 83 ppm or measured nitrogen dioxide concentrations exceed 2.0 ppm for more than 15 minutes; or
 - (2) measured carbon monoxide air concentrations exceed 30 ppm or measured nitrogen dioxide air concentrations exceed 0.3 ppm for more than two hours after originally measuring unacceptable air quality conditions.
- B. When evacuation becomes necessary, the owner or operator must:
 - (1) contact the local fire department as soon as possible to request assistance in evacuating the facility and assessing the hazard; and
 - (2) contact the Department of Health upon completing the evacuation.
- C. Evacuated areas may only be reoccupied by the public after an evacuation under item A if:
 - (1) acceptable air quality conditions are measured;
 - (2) corrective measures have been taken to prevent further incidence of unacceptable air quality conditions; and
 - (3) acceptable air quality conditions and corrective measures are verified by the local fire department or the Department of Health.

4620.5800 RECORD KEEPING.

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

- A. Documents that must be maintained in the record-keeping log are:
 - (1) training records required by part 4620.5500;
 - (2) air quality measurement records required by part 4620.5600, subpart 4;

- (3) air quality measuring device records required by part 4620.5650, subpart 2; and
 - (4) corrective action reports required by part 4620.5700, subpart 3.
- B. The record-keeping log must be kept in the arena building and be available for public and commissioner review during all hours that the arena building is open to the public.
 - C. Required documents must be retained for at least three years.

4620.5900 ENFORCEMENT.

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

4620.5950 VARIANCE TO RULES RELATING TO INDOOR MOTORSPORTS ARENAS.

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