

**SENATE  
STATE OF MINNESOTA  
SPECIAL SESSION**

S.F. No. 23

**(SENATE AUTHORS: INGEBRIGTSEN)**

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## 15 Introduction and first reading Referred to Rules and Administration

## OFFICIAL STATUS

2.1 standards of air quality which are more stringent than those set by the Pollution Control  
2.2 Agency.

2.3 (b) The Pollution Control Agency shall promote solid waste disposal control by  
2.4 encouraging the updating of collection systems, elimination of open dumps, and  
2.5 improvements in incinerator practices. The agency shall also adopt standards for the control  
2.6 of the collection, transportation, storage, processing, and disposal of solid waste and sewage  
2.7 sludge for the prevention and abatement of water, air, and land pollution, recognizing that  
2.8 due to variable factors, no single standard of control is applicable to all areas of the state.  
2.9 In adopting standards, the Pollution Control Agency shall give due recognition to the fact  
2.10 that elements of control which may be reasonable and proper in densely populated areas of  
2.11 the state may be unreasonable and improper in sparsely populated or remote areas of the  
2.12 state, and it shall take into consideration in this connection such factors, including others  
2.13 which it may deem proper, as existing physical conditions, topography, soils and geology,  
2.14 climate, transportation, and land use. Such standards of control shall be premised on technical  
2.15 criteria and commonly accepted practices.

2.16 (c) The Pollution Control Agency shall also adopt standards describing the maximum  
2.17 levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere,  
2.18 recognizing that due to variable factors no single standard of sound pressure is applicable  
2.19 to all areas of the state. Such standards shall give due consideration to such factors as the  
2.20 intensity of noises, the types of noises, the frequency with which noises recur, the time  
2.21 period for which noises continue, the times of day during which noises occur, and such  
2.22 other factors as could affect the extent to which noises may be injurious to human health  
2.23 or welfare, animal or plant life, or property, or could interfere unreasonably with the  
2.24 enjoyment of life or property. In adopting standards, the Pollution Control Agency shall  
2.25 give due recognition to the fact that the quantity or characteristics of noise or the duration  
2.26 of its presence in the outdoor atmosphere, which may cause noise pollution in one area of  
2.27 the state, may cause less or not cause any noise pollution in another area of the state, and  
2.28 it shall take into consideration in this connection such factors, including others which it  
2.29 may deem proper, as existing physical conditions, zoning classifications, topography,  
2.30 meteorological conditions and the fact that a standard which may be proper in an essentially  
2.31 residential area of the state, may not be proper as to a highly developed industrial area of  
2.32 the state. Such noise standards shall be premised upon scientific knowledge as well as effects  
2.33 based on technically substantiated criteria and commonly accepted practices. No local  
2.34 governing unit shall set standards describing the maximum levels of sound pressure which  
2.35 are more stringent than those set by the Pollution Control Agency.

3.1       (d) The Pollution Control Agency shall adopt standards for the identification of hazardous  
3.2       waste and for the management, identification, labeling, classification, storage, collection,  
3.3       transportation, processing, and disposal of hazardous waste, recognizing that due to variable  
3.4       factors, a single standard of hazardous waste control may not be applicable to all areas of  
3.5       the state. In adopting standards, the Pollution Control Agency shall recognize that elements  
3.6       of control which may be reasonable and proper in densely populated areas of the state may  
3.7       be unreasonable and improper in sparsely populated or remote areas of the state. The agency  
3.8       shall consider existing physical conditions, topography, soils, and geology, climate,  
3.9       transportation and land use. Standards of hazardous waste control shall be premised on  
3.10       technical knowledge, and commonly accepted practices. Hazardous waste generator licenses  
3.11       may be issued for a term not to exceed five years. No local government unit shall set  
3.12       standards of hazardous waste control which are in conflict or inconsistent with those set by  
3.13       the Pollution Control Agency.

3.14       (e) A person who generates less than 100 kilograms of hazardous waste per month is  
3.15       exempt from the following agency hazardous waste rules:

3.16       (1) rules relating to transportation, manifesting, storage, and labeling for photographic  
3.17       fixer and x-ray negative wastes that are hazardous solely because of silver content; and

3.18       (2) any rule requiring the generator to send to the agency or commissioner a copy of  
3.19       each manifest for the transportation of hazardous waste for off-site treatment, storage, or  
3.20       disposal, except that counties within the metropolitan area may require generators to provide  
3.21       manifests.

3.22       Nothing in this paragraph exempts the generator from the agency's rules relating to on-site  
3.23       accumulation or outdoor storage. A political subdivision or other local unit of government  
3.24       may not adopt management requirements that are more restrictive than this paragraph.

3.25       (f) In any rulemaking proceeding under chapter 14 to adopt standards for air quality,  
3.26       solid waste, or hazardous waste under this chapter, or standards for water quality under  
3.27       chapter 115, the statement of need and reasonableness must include:

3.28       (1) an assessment of any differences between the proposed rule and:

3.29       (i) existing federal standards adopted under the Clean Air Act, United States Code, title  
3.30       42, section 7412(b)(2); the Clean Water Act, United States Code, title 33, sections 1312(a)  
3.31       and 1313(c)(4); and the Resource Conservation and Recovery Act, United States Code, title  
3.32       42, section 6921(b)(1);

3.33       (ii) similar standards in states bordering Minnesota; and

4.1 (iii) similar standards in states within the Environmental Protection Agency Region 5;

4.2 and

4.3 (2) a specific analysis of the need and reasonableness of each difference.

4.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.