

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3223

03/20/2014 Authored by Kelly

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

1.1 A bill for an act
1.2 relating to landfill cleanup; amending the definition of "qualified facility";
1.3 amending Minnesota Statutes 2012, section 115B.39, subdivision 2.
1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. Minnesota Statutes 2012, section 115B.39, subdivision 2, is amended to read:

1.6 Subd. 2. **Definitions.** (a) In addition to the definitions in this subdivision, the
1.7 definitions in sections 115A.03 and 115B.02 apply to sections 115B.39 to 115B.445,
1.8 except as specifically modified in this subdivision.

1.9 (b) "Cleanup order" means a consent order between responsible persons and the
1.10 agency or an order issued by the United States Environmental Protection Agency under
1.11 section 106 of the federal Superfund Act.

1.12 (c) "Closure" means actions to prevent or minimize the threat to public health and
1.13 the environment posed by a mixed municipal solid waste disposal facility that has stopped
1.14 accepting waste by controlling the sources of releases or threatened releases at the facility.
1.15 "Closure" includes removing contaminated equipment and liners; applying final cover;
1.16 grading and seeding final cover; installing wells, borings, and other monitoring devices;
1.17 constructing groundwater and surface water diversion structures; and installing gas control
1.18 systems and site security systems, as necessary. The commissioner may authorize use of
1.19 final cover that includes processed materials that meet the requirements in Code of Federal
1.20 Regulations, title 40, section 503.32, paragraph (a).

1.21 (d) "Closure upgrade" means construction activity that will, at a minimum, modify
1.22 an existing cover so that it satisfies current rule requirements for mixed municipal solid
1.23 waste land disposal facilities.

(e) "Contingency action" means organized, planned, or coordinated courses of action to be followed in case of fire, explosion, or release of solid waste, waste by-products, or leachate that could threaten human health or the environment.

(f) "Corrective action" means steps taken to repair facility structures including liners, monitoring wells, separation equipment, covers, and aeration devices and to bring the facility into compliance with design, construction, groundwater, surface water, and air emission standards.

(g) "Decomposition gases" means gases produced by chemical or microbial activity during the decomposition of solid waste.

(h) "Dump materials" means nonhazardous mixed municipal solid wastes disposed at a Minnesota waste disposal site other than a qualified facility prior to 1973.

(i) "Environmental response action" means response action at a qualified facility, including corrective action, closure, postclosure care; contingency action; environmental studies, including remedial investigations and feasibility studies; engineering, including remedial design; removal; remedial action; site construction; and other similar cleanup-related activities.

(j) "Environmental response costs" means:

(1) costs of environmental response action, not including legal or administrative expenses; and

(2) costs required to be paid to the federal government under section 107(a) of the federal Superfund Act, as amended.

(k) "Postclosure" or "postclosure care" means actions taken for the care, maintenance, and monitoring of closure actions at a mixed municipal solid waste disposal facility.

(l) "Qualified facility" means a mixed municipal solid waste disposal facility as described in the most recent agency permit, including adjacent property used for solid waste disposal that did not occur under a permit from the agency, that:

(1)(i) is or was permitted by the agency;

(ii) stopped accepting solid waste, except demolition debris, for disposal by April 9, 1994; and

(iii) stopped accepting demolition debris for disposal by June 1, 1994, except that demolition debris may be accepted until May 1, 1995, at a permitted area where disposal of demolition debris is allowed, if the area where the demolition debris is deposited is at least 50 feet from the fill boundary of the area where mixed municipal solid waste was deposited; or

(2)(i) is or was permitted by the agency; and

3.1 ~~(ii)~~ (i) stopped accepting waste by January 1, 2000, except that demolition debris,
3.2 industrial waste, and municipal solid waste combustor ash may be accepted until January
3.3 1, 2001, at a permitted area where disposal of such waste is allowed, if the area where
3.4 the waste is deposited is at least 50 feet from the fill boundary of the area where mixed
3.5 municipal solid waste was deposited; or

3.6 (ii) stopped accepting waste by January 1, 2015, and is located in a county that
3.7 meets all applicable recycling goals in section 115A.551 and that has arranged for all
3.8 mixed municipal solid waste generated in the county to be delivered to and processed by a
3.9 resource recovery facility located in the county for at least 20 years.

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