

when and where the hearing is to be continued, or if three days notice thereof be published in the newspaper. The assessment, with accruing interest, shall be a lien upon all private and public property included therein, from the date of the resolution adopting the assessment, concurrent with general taxes; but the lien shall not be enforceable against public property as long as it is publicly owned, and during such period the assessment shall be recoverable from the owner of such property only in the manner and to the extent provided in section 435.19. All assessments shall be payable in equal annual installments extending over such period, not exceeding 30 years, as the resolution determines. The first installment shall be payable on the first Monday in January next following the adoption of the assessment unless the assessment is adopted too late to permit its collection during the following year. All assessments shall bear interest at such rate as the resolution determines, not exceeding ~~six percent per annum~~ *eight percent per annum*. To the first installment shall be added interest on the entire assessment from the date of the resolution levying the assessment until December 31 of the year in which the first installment is payable. To each subsequent installment shall be added interest for one year on all unpaid installments. *Alternatively, special assessments may be made payable in equal annual installments including principal and interest, each in the amount annually required to pay the principal over such period with interest at such rate as the resolution determines, not exceeding the maximum period and rate specified above. In this event no prepayment shall be accepted under subdivision 3 without payment of all installments due to and including December 31 of the year of prepayment, and the original principal amount reduced only by the amounts of principal included in such installments, computed on an annual amortization basis.*

Approved June 6, 1969.

CHAPTER 1046—H. F. No. 2311

[Coded in Part]

An act relating to the pollution control agency; authorizing control by the agency of solid waste disposal methods and practices; requiring progress reports on the control and abatement of air and land pollution; amending Minnesota Statutes 1967, Chapter 116, by adding sections; amending Sections 116.01; 116.05, by adding a subdivision; 116.06, by adding subdivisions; 116.07, Subdivisions 2, 4,

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and 5; 116.08, Subdivisions 1 and 2; and repealing Minnesota Statutes 1967, Section 116.09.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1967, Section 116.01, is amended to read:

116.01 Pollution control agency; solid waste control; policy. To meet the variety and complexity of problems relating to ~~water and air~~ *water, air and land* pollution in the areas of the state affected thereby, and to achieve a reasonable degree of purity of ~~water and air~~ *water, air and land* resources of the state consistent with the maximum enjoyment and use thereof in furtherance of the welfare of the people of the state, it is in the public interest that there be established a pollution control agency.

Sec. 2. Minnesota Statutes 1967, Section 116.05, is amended by adding a subdivision to read:

Subd. 3. The pollution control agency through its director may designate air quality control regions which shall as far as practicable follow regional boundaries designated by state statutes or executive order, and consider other jurisdictional boundaries, urban-industrial concentrations and other factors including atmospheric conditions and necessary procedures to provide adequate implementation of air quality standards. Within a designated air quality control region the pollution control agency may by contract delegate its administrative powers to local governmental authorities to be exercised by such authorities within the region and within their own jurisdictional boundaries.

With the approval of the pollution control agency, local governmental authorities with jurisdiction wholly or in part within a designated region may enter into an agreement as provided by Minnesota Statutes, Chapter 471 to exercise jointly all or some of the powers delegated by agreement with the pollution control agency. The term "local governmental authorities" as used herein includes every city, village, borough, county, town or other political subdivision and any agency of the state of Minnesota, or subdivision thereof, having less than state wide jurisdiction.

Sec. 3. Minnesota Statutes 1967, Section 116.06, is amended by adding a subdivision to read:

Subd. 9. "Land pollution" means the presence in or on the land of any solid waste in such quantity, of such nature and duration,

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and under such condition as would affect injuriously any waters of the state, create air contaminants or cause air pollution.

Sec. 4. Minnesota Statutes 1967, Section 116.06, is amended by adding a subdivision to read:

Subd. 10. "Solid waste" means garbage, refuse and other discarded solid materials, except animal waste used as fertilizer including solid waste materials resulting from industrial, commercial and agricultural operations, and from community activities, but does not include earthen fill, boulders, rock and other materials normally handled in construction operations, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants.

Sec. 5. Minnesota Statutes 1967, Section 116.07, Subdivision 2, is amended to read:

Subd. 2. Adoption of standards. The pollution control agency shall adopt standards of air quality, including maximum allowable standards of emission of air contaminants from motor vehicles, recognizing that due to variable factors, no single standard of purity of air is applicable to all areas of the state. In adopting standards the pollution control agency shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the state, may cause less or not cause any air pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, prevailing wind directions and velocities, and the fact that a standard of air quality which may be proper as to an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such standards of air quality shall be premised upon scientific knowledge of causes as well as effects based on technically substantiated criteria and commonly accepted practices. *No local government unit shall set standards of air quality which are more stringent than those set by the pollution control agency.*

The pollution control agency shall also adopt standards for the control of the collection, transportation and disposal of solid waste for the prevention and abatement of water, air and land pollution, recognizing that due to variable factors, no single standard of solid waste control is applicable to all areas of the state. In adopting standards,

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the pollution control agency shall give due recognition to the fact that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, topography, soils and geology, climate, transportation, and land use. Such standards of solid waste control shall be premised on technical criterial and commonly accepted practices.

Sec. 6. Minnesota Statutes 1967, Section 116.07, Subdivision 4, is amended to read:

Subd. 4. **Regulations and standards.** Pursuant and subject to the provisions of Minnesota Statutes, Chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind regulations and standards having the force of law relating to any purpose within the provisions of this act for the prevention, abatement, or control of air pollution. Any such regulation or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, regulations or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and rescind regulations and standards having the force of law relating to any purpose within the provisions of this act for the collection, transportation, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. Any such regulation or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, regulations or standards may relate to collection, transportation, disposal, equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air, and land pollution which may be advised through the control of collection, transportation, and disposal of solid waste, and the deposit in or on land of any other material that may tend to cause pollution.

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Sec. 7. Minnesota Statutes 1967, Section 116.07, Subdivision 5, is amended to read:

Subd. 5. **Variances.** The pollution control agency may grant variances from the requirements of regulations or standards upon such procedure and conditions as it may by regulation prescribe in order to avoid undue hardship and promote the effective and reasonable application and enforcement of laws, regulations, and standards for prevention, abatement and control of ~~air~~ water, air, and land pollution.

Sec. 8. Minnesota Statutes 1967, Section 116.08, Subdivision 1, is amended to read:

116.08 **Enforcement.** Subdivision 1. **Violations; penalties.** It shall be the duty of every person affected to comply with the provisions of sections 116.01 to 116.09 as now in force or hereafter amended, relating to sources of air contamination or air pollution, emissions, emission facilities, treatment facilities, storage facilities, and other means, operations, act or omissions causing air contamination or air pollution, or any thereof, and with the provisions of every regulation or standard of the pollution control agency relating thereto.

It shall also be the duty of every person affected to comply with the provisions of sections 116.01 to 116.09 as now in force or hereafter amended, relating to the pollution of land originating from the collection, transportation and disposal of solid waste or other means, operations, acts, or omissions causing land pollution, and with the provisions of every regulation or standard of the pollution control agency relating thereto, and the deposit in or on land of any other material that may tend to cause pollution.

Violation of any such provision shall be a misdemeanor, punishable by a fine of not exceeding \$100 or imprisonment for not exceeding 90 days. Each day of any such violation shall constitute a separate offense. It shall be the duty of all county attorneys, sheriffs and other peace officers, and other officers having authority in the enforcement of the general criminal laws to take all action to the extent of their authority, respectively, that may be necessary or proper for the enforcement of said provisions.

Sec. 9. Minnesota Statutes 1967, Section 116.08, Subdivision 2, is amended to read:

Subd. 2. **Civil actions.** The provisions of law, regulations, or standards specified in subdivision 1 or any thereof may be enforced by injunction, action to compel performance, or other appropriate action in the district court of any county wherein the applicable provi-

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sion takes effect. Without limitation, the maintenance, operation, or allowance or any emission, emission facility, treatment facility, or storage facility contrary to any provision of sections 116.01 to 116.09 or any regulation or standard thereunder or the maintenance, operation, or allowance of any other source or means causing air contamination or air pollution in violation of any such provisions, *including, without limitation, the maintenance, operation, or allowance of any collection, transportation, or disposal of solid waste contrary to any provision of sections 116.01 to 116.09 or any regulation or standard thereunder or the pollution of any land which may originate from or relate to the collection, transportation, or disposal of solid waste in violation of any such provision*, shall be a public nuisance, and may be enjoined and abated as such by appropriate action in the district court of the county in which the subject matter or any part thereof is situated. The attorney general or the county attorney of the county of original venue as hereinbefore provided shall bring and maintain any action specified in this subdivision on request of the pollution control agency.

Sec. 10. Minnesota Statutes 1967, Chapter 116, is amended by adding a section to read:

[116.10] Policy; long-range plan; purpose. *Consistent with the policy announced herein and the purposes of Laws 1963, Chapter 874, the pollution control agency shall, before November 15 of each even numbered year, prepare a long-range plan and program for the effectuation of said policy, and shall make a report also of progress on abatement and control of air and land pollution during each biennium to the legislature with recommendations for action in furtherance of the air and land pollution and solid waste programs.*

Sec. 11. Minnesota Statutes 1967, Chapter 116, is amended by adding a section to read:

[116.11] Emergency powers. *In the event that there is imminent danger to the health and welfare of the people of the state, or of any part thereof, as a result of the pollution of air, land or water; upon such finding, the agency may by emergency order direct the abatement of such pollution without notice and without a hearing. Such order shall be appealable to the appropriate district court and the provisions of Minnesota Statutes, Chapter 15 shall govern the procedure and scope of review on such appeal.*

Sec. 12. Minnesota Statutes 1967, Section 116.09, is repealed.

Approved June 6, 1969.

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