

Sec. 2. This act shall become effective only after its approval by a majority of the governing body of the county of Hennepin and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved June 4, 1969.

CHAPTER 931—H. F. No. 2312

[Coded in Part]

An act relating to water pollution and sanitation; providing penalties; amending Minnesota Statutes 1967, Chapter 115, by adding a section and Minnesota Statutes 1967, Sections 115.03, by adding a subdivision; 115.05, Subdivisions 1 and 2; 115.06, by adding a subdivision; 115.07, Subdivision 6, 115.43, Subdivision 3; 115.44, Subdivisions 5 and 7; and 115.45, Subdivision 2.

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

Section 1. Minnesota Statutes 1967, Section 115.05, Subdivision 1, is amended to read:

115.05 Water pollution control; regulation; final order. Subdivision 1. **Notice; hearing.** No final order of the ~~commission~~ agency shall be effective as to the vested rights of any person adversely affected thereby nor as to any disposal system operated by any person unless the ~~commission~~ agency or its authorized officer, member, or agent shall have held a hearing upon the matter therein involved at which evidence may be taken, of which hearing such person shall have had notice as hereinafter provided. Any person who will be directly affected by the final order therein shall have the right to be heard at the hearing and to submit evidence thereat. Written notice specifying the time and place of the hearing shall be served by the ~~commission~~ agency upon all persons known by it to be directly affected by the final order, personally or by registered mail not less than ~~ten~~ 30 days before the date of the hearing. A copy of the final order shall be served in the same manner upon all persons who entered an appearance at the hearing.

Sec. 2. Minnesota Statutes 1967, Section 115.05, Subdivision 2, is amended to read:

Subd. 2. **Emergency order.** Notwithstanding the provisions

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of subdivision 1, the ~~commission~~ agency, when it shall have first determined that an emergency exists respecting any matter affecting the public health, *the preservation of game and fish or other natural resource, or the conservation of waters*, may make a final order without notice and without a hearing. A copy of such final order shall be served as provided in subdivision 1.

Sec. 3. Minnesota Statutes 1967, Section 115.06, is amended by adding a subdivision to read:

Subd. 3. By governmental subdivisions. It shall be the duty of each city, village, borough, county, town, sanitary district, public corporation, or other governmental subdivision to cooperate with the agency in obtaining compliance with the provisions of Minnesota Statutes, Chapter 115 and to enforce within its jurisdiction all standards, orders, regulations, or permit requirements adopted by the agency thereunder.

Sec. 4. Minnesota Statutes 1967, Chapter 115, is amended by adding a section to read:

[115.061] Duty to notify and avoid water pollution. *It is the duty of every person to notify the agency immediately of the discharge, accidental or otherwise, or any substance or material under its control which, if not recovered, may cause pollution of waters of the state, and the responsible person shall recover as rapidly and as thoroughly as possible such substance or material and take immediately such other action as may be reasonably possible to minimize or abate pollution of waters of the state caused thereby.*

Sec. 5. Minnesota Statutes 1967, Section 115.07, Subdivision 6, is amended to read:

Subd. 6. Penalty. Violation of any provision of ~~sections 115.04 to 115.09~~ *Minnesota Statutes, Chapter 115*, or of any regulation, order or permit adopted or issued by the ~~commission~~ agency thereunder shall be a misdemeanor.

Sec. 6. Minnesota Statutes 1967, Section 115.03, is amended by adding a subdivision to read:

Subd. 4. It is unlawful for any person to issue or grant a building permit for, or otherwise permit, the construction, enlargement, or relocation of a commercial or industrial building to be used as the place of employment of more than 12 persons, or any other commercial or industrial building to house a process producing industrial or other wastes, unless the sewage or industrial or other waste originating in such buildings is or will be discharged into a disposal

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system for which a permit has first been granted by the agency provided that this subdivision shall not apply to building permits issued for buildings, which have an estimated value of less than \$500,000, located or to be located within an incorporated municipality. If an application for such permit is not acted upon by the agency within 90 days after submitted, the permit shall be deemed to be granted, provided that the agency, for good cause, may order said 90 day period to be extended for a reasonable time.

Sec. 7. Minnesota Statutes 1967, Section 115.43, Subdivision 3, is amended to read:

Subd. 3. The ~~commission~~ *agency* may issue, modify, or revoke orders after due notice and hearing for the following purposes when deemed necessary to prevent, control, or abate pollution:

(1) Prohibiting or directing the abatement of any discharge of sewage, industrial waste, or other wastes, into any waters of the state or the deposit thereof where the same is likely to get into any waters of the state in accordance with the provisions of Laws 1963, Chapter 874 and *specifying the conditions and time within which such prohibition or abatement must be accomplished;*

(2) Prohibiting the storage of any liquid in a manner which does not reasonably assure proper retention against entry into any waters of the state that would be likely to pollute any waters of the state;

(3) Requiring the construction, installation, maintenance, and operation by any municipality of any disposal system or any part thereof or the reconstruction, alteration, or enlargement of its existing disposal system or any part thereof, or the adoption of other remedial measures to prevent, control or abate pollution or to prevent, control or abate any discharge or deposit of sewage, industrial waste or other wastes by any municipality;

(4) Except as otherwise provided herein in the case of municipalities, the provisions of Minnesota Statutes, Section 115.05 shall apply to proceedings under Laws 1963, Chapter 874.

Sec. 8. Minnesota Statutes 1967, Section 115.44, Subdivision 5, is amended to read:

Subd. 5. In establishing such standards, consideration should be given to the following factors:

(a) The extent, if any, to which floating solids may be permitted in the water;

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(b) The extent to which suspended solids, colloids or a combination of solids with other substances suspended in water, may be permitted;

(c) The extent to which organism of the coliform group (intestinal bacilli) or any other bacteriological organisms may be permitted in the water;

(d) The extent of the oxygen demand which may be permitted in the receiving waters;

(e) Such other chemical or biological properties necessary for the attainment of the objectives of Laws 1963, Chapter 874.

(f) *Whenever deemed practicable and advisable by the agency, standards specifying the quality and purity, or maximum permissible pollutional content, of effluent entering waters of the state may be established without previously establishing water quality standards.*

Sec. 9. Minnesota Statutes 1967, Section 115.44, Subdivision 7, is amended to read:

Subd. 7. Notices of public hearing for the consideration, adoption, modification, alteration or amendment of the classification of waters and standards of purity and quality thereof shall specify the time, date and place of hearing, and the waters concerning which classification is sought to be made or for which standards are sought to be adopted or modified.

Copies of said notice shall:

(a) Be published at least twice in a newspaper regularly published or circulated in the county or counties bordering or through which the waters sought to be classified, or for which standards are sought to be adopted, flow, the first date of publication of which shall not be more than 30 days nor less than 20 days before the date fixed for such hearing; and

(b) Be mailed at least ~~20~~ 30 days before such hearing to the ~~chief executive~~ *governing body* of each municipality bordering or through which said waters, for which standards are sought to be adopted, flow, and to such other persons as the ~~commission~~ *agency* has reason to believe may be affected by the proposed standards.

Sec. 10. Minnesota Statutes 1967, Section 115.45, Subdivision 2, is amended to read:

Subd. 2. It is unlawful for any person to cause pollution of

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any waters of the state in excess of or contrary to any applicable established standard of water or effluent quality established, regulation adopted, or order, or permit issued by the commission agency, or in the absence of such applicable official standards, regulations, orders, or permits to discharge any sewage, industrial wastes, or other wastes into any waters of the state or to deposit any thereof where the same is likely to get into any waters of the state in excess of or contrary to any such standard, regulation, or order and cause pollution thereof as defined in Minnesota Statutes, Chapter 115. Any such pollution, discharge, or deposit is a public nuisance and may be enjoined and abated as such as provided by law.

Approved June 4, 1969.

CHAPTER 932—H. F. No. 2358

An act relating to the maximum interest rate for revenue bonds issued by port authorities; amending Minnesota Statutes 1967, Section 458.17 and Section 458.194, Subdivisions 2 and 3.

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

Section 1. Minnesota Statutes 1967, Section 458.17, is amended to read:

458.17 Port authorities; revenue bonds; interest rate; additional powers. The port authority, in its own name, shall have full power and authority to acquire, purchase, construct, lease, or operate any bulkheads, jetties, piers, wharves, docks, landing places, warehouses, storehouses, elevators, cold storage plants, terminals, bridges, and such other terminal or transportation facilities as may be necessary or convenient for storing, handling, or transporting freight, for the handling of passenger traffic, and for the establishment of rail and water transfer within the district; to make rules, regulations, and charges for the use thereof, and for any service rendered; for such purposes to own, hold, lease, or operate real and personal property, to borrow money and to secure the same by bonds or mortgages upon any property held or to be held by it, and in the case of any seaway port authority only to issue and sell negotiable revenue bonds of the port authority for such purposes, or any of the purposes outlined in this chapter for the development of a seaport, such bonds to be issued, sold and secured in the same manner as provided below for the construction of a vehicular toll bridge or tunnel, except that a trust

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