

(4) notice that payment on the loan is overdue has previously been sent by first class mail to the borrower to the last known address reported by the borrower to the educational institution; and

(5) the notice states that the educational institution may commence a conciliation court action in Ramsey county to recover the amount of the loan.

Notwithstanding any law or rule or civil procedure to the contrary, a summons in any action commenced under this clause may be served anywhere within the state of Minnesota. The conciliation court administrator shall attach a copy of the overdue loan or loans to the summons before it is issued.

Approved May 31, 1985

#### CHAPTER 274 — S.F.No. 866

*An act relating to solid waste and sewage sludge management; restricting land disposal of solid waste in the metropolitan area; providing for the financing of resource recovery facilities in the metropolitan area by local governments and the metropolitan council; imposing restrictions on publicly funded resource recovery facilities; changing provisions relating to designation plans, local disposal fees, metropolitan sludge and sludge ash facilities, and metropolitan county plans and ordinances; defining terms; allocating and appropriating money from the metropolitan landfill contingency action and abatement funds; amending Minnesota Statutes 1984, sections 115A.03, subdivision 27, and by adding subdivisions; 115A.15, subdivision 2; 115A.54, subdivision 2; 115A.81; 115A.84, subdivisions 3 and 4; 115A.86, subdivision 1; 115A.919; 116.07, subdivision 4h; 400.04, subdivision 1; 473.149, by adding a subdivision; 473.153, subdivisions 1, 2, 5, 6b, and 7; 473.801, subdivision 1; 473.803, subdivisions 1b and 3; 473.811, subdivisions 5, 5a, and by adding a subdivision; 473.823, subdivision 6; 473.831; 473.840, subdivision 2; 473.842, by adding subdivisions; 473.844, subdivisions 2 and 5; and Laws 1984, chapter 644, section 81, subdivisions 2 and 3; proposing coding for new law in Minnesota Statutes, chapters 115A and 473; repealing Minnesota Statutes 1984, section 473.843, subdivision 7.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1984, section 115A.03, is amended by adding a subdivision to read:

Subd. 25a. "Recyclable materials" means materials that are separated from mixed municipal solid waste, by the generator or during collection, for the purpose of recycling, including paper, glass, metals, automobile oil, and batteries.

Sec. 2. Minnesota Statutes 1984, section 115A.03, is amended by adding a subdivision to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 25b. "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form or using them in manufacturing processes.

Sec. 3. Minnesota Statutes 1984, section 115A.03, subdivision 27, is amended to read:

Subd. 27. "Resource recovery" means the reclamation for sale, use, or reuse of materials, substances, energy, or other products contained within or derived from waste.

Sec. 4. Minnesota Statutes 1984, section 115A.15, subdivision 2, is amended to read:

Subd. 2. **DUTIES OF COMMISSIONER.** The commissioner of administration shall develop policies to ~~reduce the volume of waste generated by~~ require state agencies and the state legislature to separate all recyclable and reusable commodities wherever feasible. The commissioner shall develop and institute procedures for the separation, collection, and storage of used commodities wherever feasible in state agencies and shall establish policies for the reuse, sale, or disposition of recovered materials and surplus property. The commissioner shall promote and publicize the waste reduction and waste separation and recovery procedures on an ongoing basis to all state employees. The commissioner shall issue guidelines for the procurement of recyclable commodities and commodities containing recycled materials that include definitions of recycled materials, the percentage of recycled materials to be contained in each commodity and performance specifications. To the extent practicable, the guidelines shall be written so as to give preference to recyclable commodities and commodities containing recycled materials. The commissioner shall inform state agencies whenever recycled commodities are available for purchase. The commissioner shall investigate opportunities for the inclusion of and may include local governments and regional agencies in administrative state programs to reduce waste, and to separate and recover recyclable and reusable commodities.

Sec. 5. Minnesota Statutes 1984, section 115A.54, subdivision 2, is amended to read:

Subd. 2. **ADMINISTRATION; ASSURANCE OF FUNDS.** The board shall provide technical and financial assistance for the acquisition and betterment of the facilities and transfer stations from revenues derived from the issuance of bonds authorized by section 115A.58. Facilities for the incineration of solid waste without resource recovery are not eligible for assistance. ~~Of Money appropriated for the purposes of the demonstration program, at least 70 percent shall be distributed as loans, and the remainder shall may be distributed as grants or loans.~~ An individual project may receive assistance totaling up to 100 percent of the capital cost of the project and grants up to 50 percent of the capital cost of the project. No grant or loan shall be disbursed to any recipient until the board

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has determined the total estimated capital cost of the project and ascertained that financing of the cost is assured by funds provided by the state, by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state, by any person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund for the construction of the project.

Sec. 6. Minnesota Statutes 1984, section 115A.81, is amended to read:

Subdivision 1. **SCOPE.** The terms used in sections 115A.80 to ~~115A.89~~ 115A.893 have the meanings given them in this section.

Subd. 2. **DESIGNATION.** "Designation" means a requirement by a waste management district or county that all or any portion of the mixed municipal solid waste that is generated within its boundaries or any service area thereof and is deposited within the state be delivered to a resource recovery facility identified by the district or county.

Subd. 3. **REVIEWING AUTHORITY.** "Reviewing authority" means the agency responsible for reviewing and approving a designation plan under section 115A.84, subdivision 3, and a designation ordinance under section 115A.86, subdivision 2.

Sec. 7. Minnesota Statutes 1984, section 115A.84, subdivision 3, is amended to read:

Subd. 3. **PLAN APPROVAL.** A district or county planning a designation for waste generated wholly within the metropolitan area defined in section 473.121 shall submit its designation plan to the metropolitan council for review and approval or disapproval. Other districts or counties shall submit the designation plan to the waste management board for review and approval or disapproval. The reviewing authority shall complete its review and make its decision within ~~90~~ 120 days following submission of the plan for review. The reviewing authority shall approve the designation plan if the plan satisfies the requirements of subdivision 2. The reviewing authority may attach conditions to its approval that relate to matters required in a designation ordinance under section 115A.86, subdivision 1, paragraph (a), clauses (1) to (4), and paragraph (b). Amendments to plans must be submitted for review in accordance with this subdivision.

Sec. 8. Minnesota Statutes 1984, section 115A.84, subdivision 4, is amended to read:

Subd. 4. **EXCLUSION OF CERTAIN MATERIALS.** When it approves the designation plan, the reviewing authority shall exclude from the designation materials that the reviewing authority determines will be processed at another resource recovery facility if:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(1) the other resource recovery facility is substantially completed or will be substantially completed within 18 months of the time that the designation plan is approved by the reviewing authority; and

(2) the other facility has or will have contracts for purchases of its product; and

(3) the materials are or will be under contract for delivery to the other facility at the time the other facility is completed.

In order to qualify for the exclusion of materials under this subdivision, the operator or owner of the other resource recovery facility shall file with the reviewing authority and the district or county or counties a written description of the facility, its intended location, its waste supply sources, purchasers of its products, its design capacity and other information that the reviewing authority and the district or county or counties may reasonably require. The information must be filed as soon as it becomes available but not later than 30 days following the date when the county or district submits its designation plan for approval.

The reviewing authority may revoke the exclusion granted under this subdivision when it approves the designation ordinance under section 115A.86 if in its judgment the excluded materials will not be processed at the other facility.

Sec. 9. Minnesota Statutes 1984, section 115A.86, subdivision 1, is amended to read:

Subdivision 1. **DESIGNATION ORDINANCE.** (a) The district or county shall prepare a designation ordinance to implement a designation. The designation ordinance must: (1) define the geographic area and the types and quantities of solid waste subject to designation; (2) specify the point or points of delivery of the solid waste; (3) require that the designated solid waste be delivered to the specified point or points of delivery; (4) require the designated facility to accept all designated solid waste delivered to the specified point or points of delivery, unless the facility has notified waste collectors in the designated area that the facility is inoperative; (5) set out the procedures and principles to be followed by the county or district in establishing and amending any rates and charges at the designated facility; and ~~(5)~~ (6) state any additional regulations governing waste collectors or other matters necessary to implement the designation.

(b) The designation ordinance must provide an exception for: (1) materials that are exempt or excluded from the designation under section 115A.83 or 115A.84, subdivision 4; and (2) materials otherwise subject to the designation for which negotiated contractual arrangements exist that will require and effect the delivery of the waste to the facility for the term of the contract.

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**Sec. 10. [115A.893] PETITION FOR EXCLUSION.**

Any person proposing to own or operate a resource recovery facility using waste materials subject to a designation ordinance may petition the waste district or county for exclusion of the materials from the designation ordinance. In order to qualify for the exclusion of materials under this section, the petitioner shall submit with the petition a written description of the proposed facility, its intended location, its waste supply sources, purchasers of its products, its design capacity, and other information that the district or county may reasonably require. The district or county, after appropriate notice and hearing, shall issue a written decision with findings of fact and conclusions on all material issues. The district or county shall grant the petition if it determines that: (a) the materials will be processed at the resource recovery facility, and (b) the exclusion can be implemented without impairing the financial viability of the designated facility or impairing contractual obligations or preventing the performance of contracts by the facility owner or operator, the district or county, or users of the facility. Any person aggrieved by the decision of the district or county may appeal to the reviewing authority. The review is confined to the record. The decision of the reviewing authority must be based on the standards stated in this section. If the reviewing authority approves the petition, the designation ordinance must be amended in conformance with the decision of the reviewing authority. The petition may be amended during the proceedings by agreement between the petitioner and the district or county.

**Sec. 11. [115A.918] DEFINITIONS.**

Subdivision 1. SCOPE. The definitions in this section apply to this section and sections 115A.919 and 115A.921.

Subd. 2. CLOSURE. "Closure" means actions that will prevent, mitigate, or minimize the threat to public health and the environment posed by a closed solid waste disposal facility including application of final cover; grading and seeding of final cover; installation of an adequate monitoring system, if necessary; and construction of ground and surface water diversion structures.

Subd. 3. OPERATOR. "Operator" means:

(1) the permittee of a mixed municipal solid waste disposal facility that has an agency permit; or

(2) the person in control of a mixed municipal solid waste disposal facility that does not have an agency permit.

Subd. 4. POSTCLOSURE, POSTCLOSURE CARE. "Postclosure" and "postclosure care" mean actions taken for the care, maintenance, and monitoring of a solid waste disposal facility after closure that will prevent, mitigate, or minimize the threat to public health and environment posed by the closed facility.

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Subd. 5. RESPONSE. "Response" has the meaning given it in section 115B.02, subdivision 18.

Sec. 12. Minnesota Statutes 1984, section 115A.919, is amended to read:

**115A.919 COUNTY FEE AUTHORITY.**

A county may impose a fee, by cubic yard of waste or its equivalent, on operators of facilities for the disposal of mixed municipal solid waste located within the county. The fee in the metropolitan area may not exceed 25 cents per cubic yard or its equivalent. The revenue from the fees shall be credited to the county general fund and shall be used only for landfill abatement purposes, or costs of closure, postclosure care, and response actions or for purposes of mitigating and compensating for the local risks, costs, and other adverse effects of facilities.

Waste residue from energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from one-half the amount of the fee imposed by a county under this section if there is at least an 85 percent volume reduction in the solid waste processed. Before any fee is reduced, the verification procedures of section 473.843, subdivision 1, paragraph (c), must be followed and submitted to the appropriate county.

**Sec. 13. [115A.95] RECYCLABLE MATERIALS.**

A resource recovery facility that is burning waste, or converting waste to energy or to materials for combustion, and is owned or operated by a public agency or supported by public funds or by obligations issued by a public agency may not accept recyclable materials except for transfer to a recycler. This section does not apply if no person is willing to accept the recyclable materials.

Sec. 14. Minnesota Statutes 1984, section 116.07, subdivision 4h, is amended to read:

**Subd. 4h. FINANCIAL RESPONSIBILITY RULES.** The agency shall adopt rules requiring the operator or owner of a solid waste disposal facility to submit to the agency proof of the operator's or owner's financial capability to provide reasonable and necessary response during the operating life of the facility and for 20 years after closure, and to provide for the closure of the facility and postclosure care required under agency rules. Proof of financial responsibility is required of the operator or owner of a facility receiving an original permit or a permit for expansion after adoption of the rules. Within 180 days of the effective date of the rules or by January 1, 1987, whichever is later, proof of financial responsibility is required of an operator or owner of a facility with a remaining capacity of more than five years or 500,000 cubic yards that is in operation at the time the rules are adopted. Compliance with the rules is a condition of obtaining or retaining a permit to operate the facility.

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Sec. 15. Minnesota Statutes 1984, section 400.04, subdivision 1, is amended to read:

Subdivision 1. **GENERAL.** Any county may conduct a solid waste management program which may include activities authorized by sections 400.01 to 400.17 and such other activities as are necessary and convenient to effectively carry out the purposes of sections 400.01 to 400.17. A county that enters into a joint powers agreement under section 471.59 with a metropolitan county as defined in section 473.121, subdivision 4, to accomplish a solid waste management purpose may exercise the powers of the metropolitan county for the purpose of solid waste management under the joint powers agreement.

Sec. 16. Minnesota Statutes 1984, section 473.149, is amended by adding a subdivision to read:

Subd. 6. **COST AND FINANCING ANALYSIS.** By January 1, 1987, and each odd-numbered year thereafter, the council shall report to the legislature on the operating, capital, and debt service costs of solid waste facilities in the metropolitan area; changes in the costs; the methods used to pay the costs; and the resultant allocation of costs among users of the facilities and the general public. The report must present the cost and financing analysis in the aggregate and broken down by county and by major facility.

Sec. 17. Minnesota Statutes 1984, section 473.153, subdivision 1, is amended to read:

Subdivision 1. **FACILITIES REQUIRED.** Except as provided in subdivision 7 and section 115A.33, all sewage sludge disposal facilities and facilities for the disposal of solid waste generated by the metropolitan waste control commission shall be established and operated in accordance with this section and section 473.516. The council and the commission shall establish the facilities needed for the disposal of sewage sludge and solid waste generated by the commission. The council and the commission shall establish at least one facility.

Sec. 18. Minnesota Statutes 1984, section 473.153, subdivision 2, is amended to read:

Subd. 2. **CANDIDATE SITE SELECTION.** The council shall select candidate sites for the disposal of the commission's sewage sludge and solid waste, together with appropriate surrounding buffer areas. The council shall select at least ~~four~~ three candidate sites by September 1, 1983. The council shall evaluate sites for candidacy on the basis of at least the following factors: local land use and land use controls, the protection of agriculture and natural resources, existing and future development patterns, transportation facilities, distance from the points of generation, and the intrinsic suitability of sites compared with other potential sites. Notwithstanding any plan, charter provision, law, ordinance, regulation, or other requirement of the council, counties, or local units of government, no land shall be excluded from consideration for

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candidacy except land determined by the agency to be intrinsically unsuitable. No site shall be selected for candidacy unless the agency certifies its intrinsic suitability for the use intended, based on preliminary environmental analysis and on-site surveys and investigations conducted by the council. The council shall provide to the agency data relating to the intrinsic suitability of the sites to be proposed as candidate sites as soon as available. The council shall propose at least six locations as candidate sites and the director of the agency shall issue a notice indicating which of those sites the director recommends be certified as intrinsically suitable. The director shall publish notice of a consolidated hearing on the recommendation. Notice shall be published in the state register and newspapers of general circulation in the metropolitan area and shall be sent by mail to local government units containing a proposed candidate site. The hearing shall be conducted by the state office of administrative hearings in a manner consistent with the completion of the proceedings and the administrative law judge's report to the agency in the time allowed by this section. The hearing shall afford all interested persons an opportunity to testify and present evidence on the subject of the hearing. The subject of the hearing shall be limited to information submitted by the council and additional information on the proposed sites which is relevant to the agency's decision on intrinsic suitability. The rulemaking and contested case procedures of chapter 14 shall not apply to this hearing. The report of the administrative law judge shall contain findings of fact, conclusions, and recommendations on the subject of the hearing. The agency shall make a final determination as to the intrinsic suitability of each proposed site and shall certify them accordingly within 90 days of the council's proposal of a site. The agency shall not be required to promulgate rules pursuant to chapter 14 on criteria and standards to govern its certification of intrinsic suitability under this section. No action of the agency shall be held invalid by reason of the agency's failure to notify any of the entities listed in this subdivision. In selecting candidate sites, the council shall prefer land which is capable of being returned to its existing use or the use anticipated in a plan of a metropolitan agency, county, or local unit of government use after closure of a disposal facility.

Sec. 19. Minnesota Statutes 1984, section 473.153, subdivision 5, is amended to read:

Subd. 5. **ENVIRONMENTAL REVIEW.** An environmental impact statement must be completed on the environmental effects of the council's decisions required by subdivision 6. The statement must be prepared and reviewed in accordance with chapter 116D and the rules issued pursuant thereto, except as otherwise required by this section. The statement must not address or reconsider alternatives eliminated from consideration pursuant to subdivisions 1 and 2 and must not address the matters ~~to be decided~~ subject to decision by the council pursuant to subdivision 6b.

Sec. 20. Minnesota Statutes 1984, section 473.153, subdivision 6b, is amended to read:

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Subd. 6b. **CERTIFICATION OF NEED.** No new facility for disposing of ash and other waste generated by the commission shall be permitted in the metropolitan area without a certification of need issued by the council indicating the council's determination:

(a) that the disposal of waste with concentrations of hazardous materials is necessary; and

(b) that the additional ash disposal capacity ~~planned for the facility~~ is needed.

The council shall certify need only to the extent that there are no feasible and prudent methods of reducing the concentrations of hazardous materials in the waste and no feasible and prudent alternatives to the ash disposal facility, including large-scale composting and co-composting of sludge, which would minimize adverse impact upon natural resources. Methods and alternatives that are speculative or conjectural shall not be deemed to be feasible and prudent. Economic considerations alone shall not justify the certification of need or the rejection of methods or alternatives, including large-scale composting and co-composting of sludge as an alternative to incineration. In its certification the council shall not consider alternatives which have been eliminated from consideration by the selection of sites pursuant to ~~subdivisions~~ subdivision 2 and 6.

Sec. 21. Minnesota Statutes 1984, section 473.153, subdivision 7, is amended to read:

Subd. 7. **EXEMPTIONS.** Nothing in this section shall be construed to preclude the commission from continuing to use existing sewage sludge disposal facilities. In addition, to the same extent and upon the same conditions as sewage sludge may be applied on private property pursuant to section 473.516, subdivisions 3 and 4, the commission may use any site of less than 500 acres owned by the commission for the purpose of landspreading sewage sludge ~~for a period no longer than four years.~~ Any property currently used by the commission and permitted by the agency for disposing of the commission's solid waste may continue to be used for that purpose by the commission, as permitted by the agency, ~~for a period not to exceed four years.~~

Sec. 22. Minnesota Statutes 1984, section 473.801, subdivision 1, is amended to read:

Subdivision 1. For the purposes of sections 473.801 to 473.845 and section 45 the terms defined in this section have the meanings given them.

Sec. 23. Minnesota Statutes 1984, section 473.803, subdivision 1b, is amended to read:

Subd. 1b. **LAND DISPOSAL ABATEMENT PROPOSAL.** By April 1, 1982, after considering the council's disposal abatement report submitted to the counties pursuant to section 473.149, subdivision 2a, each county shall submit to

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the council a proposal to reduce to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste. The proposal must address at least waste reduction, separation, and resource recovery. The proposal must include objectives, immediately and over specified time periods, for reducing the land disposal of mixed municipal solid waste generated within the county. The proposal must describe specific functions to be performed and activities to be undertaken by the county and cities and towns within the county to achieve the objectives and must describe the estimated cost, proposed manner of financing, and timing of the functions and activities. The proposal must include alternatives which could be used to achieve the objectives if the proposed functions and activities are not established. By August 1, 1984, each county shall provide the council with an analysis of the solid waste generated in the county, by classification of generators and by composition.

**Subd. 1bb. COUNTY ABATEMENT PLAN.** Each county shall revise its master plan to include a land disposal abatement element to implement the council's land disposal abatement plan adopted under section 473.149, subdivision 2d, and shall submit the revised plan to the council for review under subdivision 2 within nine months after the adoption of the council's metropolitan abatement plan. The county plan must ~~embody and be consistent with at least implement~~ the local abatement objectives for the county and cities within the county as stated in the council's plan. The county abatement plan must include specific and quantifiable county objectives, based on the council's objectives, for abating to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste and of specific components of the solid waste stream generated in the county, stated in annual increments through the date specified in section 35 and in two five-year increments thereafter. The plan must include measurable performance standards for local abatement of solid waste through resource recovery and waste reduction and separation programs and activities for the county as a whole and for statutory or home rule charter cities of the first, second, and third class, respectively, in the county, stated in annual increments through the date specified in section 35 and in two five-year increments thereafter. The performance standards must implement the metropolitan and county abatement objectives. The plan must include standards and procedures to be used by the county in determining annually under subdivision 3 whether a city within the county has implemented the plan and has satisfied the performance standards for local abatement. The master plan revision required by this subdivision must be prepared in consultation with the advisory committee established pursuant to subdivision 4.

Sec. 24. Minnesota Statutes 1984, section 473.803, subdivision 3, is amended to read:

**Subd. 3. ANNUAL REPORT.** Each metropolitan county shall prepare and submit annually to the council for its approval a report containing information, as the council may prescribe in its policy plan, concerning solid waste

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generation and management within the county. The report shall include a statement of progress in achieving the land disposal abatement objectives for the county and classes of cities in the county as stated in the council's policy plan and county master plan. The report must list cities that have not satisfied the county performance standards for local abatement required by subdivision 1bb. The report must include a schedule of rates and charges in effect or proposed for the use of any solid waste facility owned or operated by or on its behalf, together with a statement of the basis for such charges.

Sec. 25. Minnesota Statutes 1984, section 473.811, subdivision 5, is amended to read:

Subd. 5. **ORDINANCES; SOLID WASTE COLLECTION AND TRANSPORTATION.** Each metropolitan county may adopt ordinances governing the collection of solid waste. A county may adopt, but may not be required to adopt, an ordinance that requires the separation from mixed municipal waste, by generators before collection, of materials that can readily be separated for use or reuse as substitutes for raw materials or for transformation into a usable soil amendment. Each local unit of government within the metropolitan area shall adopt an ordinance governing the collection of solid waste within its boundaries. If the county within which it is located has adopted ~~an~~ a collection ordinance, the local unit shall adopt either the county ordinance by reference or a more strict ordinance. If the county within which it is located has adopted a separation ordinance, the ordinance applies in all local units within the county that have failed to meet the local abatement performance standards, as stated in the most recent annual county report. Ordinances of counties and local government units may establish reasonable conditions respecting but shall not prevent the transportation of solid waste by a licensed collector through and between counties and local units, except as required for the enforcement of any designation of a facility by the council pursuant to section 473.827. A licensed collector or a metropolitan county or local government unit may request review by the council of an ordinance adopted under this subdivision. The council shall approve or disapprove the ordinance within 60 days of the submission of a request for review. The ordinance shall remain in effect unless it is disapproved. Ordinances of counties and local units of government shall provide for the enforcement of any designation of facilities by the council under section 473.827. Nothing in this subdivision shall be construed to limit the authority of the local government unit to regulate and license collectors of solid waste or to require review or approval by the council for ordinances regulating collection.

Sec. 26. Minnesota Statutes 1984, section 473.811, subdivision 5a, is amended to read:

Subd. 5a. **ORDINANCES; SOLID WASTE FACILITIES.** Each metropolitan county shall by ordinance establish and from time to time revise rules, regulations, and standards for solid waste facilities within the county, relating to

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location, sanitary operation, periodic inspection and monitoring, maintenance, termination and abandonment, and other pertinent matters. The county ordinance may require facilities accepting mixed municipal solid waste for disposal to install scales. The county ordinance shall require permits or licenses for solid waste facilities and shall require that such facilities be registered with a county office.

Sec. 27. Minnesota Statutes 1984, section 473.811, is amended by adding a subdivision to read:

**Subd. 11. EXEMPTION FROM LEVY LIMIT.** Any levy to pay the increased costs to a statutory or home rule charter city or town of implementing waste reduction and source separation programs and facilities consistent with the applicable county master plan adopted under section 473.803 is in addition to any other taxes authorized by law and must be disregarded in the calculation of limits imposed by chapter 275.

Sec. 28. Minnesota Statutes 1984, section 473.823, subdivision 6, is amended to read:

**Subd. 6. COUNCIL; CERTIFICATION OF NEED.** No new mixed municipal solid waste disposal facility or capacity shall be permitted in the metropolitan area without a certificate of need issued by the council indicating the council's determination that the additional disposal capacity planned for the facility is needed in the metropolitan area. The council shall amend its policy plan, adopted pursuant to section 473.149, to include standards and procedures for certifying need that conform to the certification standards stated in this subdivision. The standards and procedures shall be based on the council's disposal abatement plan adopted pursuant to section 473.149, subdivision 2d, the council's solid waste disposal facilities development schedule adopted under section 473.149, subdivision 2e, and the provisions of any master plans of counties adopted pursuant to section 473.803, subdivision 1b and that have been approved by the council under section 473.803, subdivision 2, and that are consistent with the council's abatement plan and development schedule. The council shall certify need only to the extent that there are no feasible and prudent alternatives to the disposal facility, including waste reduction, source separation and resource recovery which would minimize adverse impact upon natural resources. Alternatives that are speculative or conjectural shall not be deemed to be feasible and prudent. Economic considerations alone shall not justify the certification of need or the rejection of alternatives. In its certification the council shall not consider alternatives which have been eliminated from consideration by the adoption of the inventory pursuant to section 473.149, subdivision 2b, or the selection of sites under section 473.833, subdivision 3.

Sec. 29. Minnesota Statutes 1984, section 473.831, is amended to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

**473.831 DEBT OBLIGATIONS; SOLID WASTE DISPOSAL.**

Subdivision 1. **GENERAL OBLIGATION BONDS.** The council may by resolution authorize the issuance of general obligation bonds of the council to provide funds for the environmental analysis and acquisition of permanent or temporary right, title, or interest in real property, including easements and development rights, for sites and surrounding buffer areas for solid waste disposal facilities pursuant to this section and sections 473.833 and 473.840 purposes specified in subdivision 2 and to provide funds for refunding obligations issued under this section. The bonds shall be sold, issued, and secured in the manner provided in chapter 475 for general obligation bonds, and the council shall have the same power and duties as a municipality and its governing body in issuing bonds under chapter 475, except as otherwise provided in this chapter. No election shall be required, and the net debt limitations in chapter 475 shall not apply. The council shall have the power levy ad valorem taxes for debt service of the council's solid waste bonds upon all taxable property within the metropolitan area, without limitation of rate or amount and without affecting the amount or rate of taxes which may be levied by the council for other purposes or by any local government unit in the area. Each of the county auditors shall annually assess and extend upon the tax rolls in his county the portion of the taxes levied by the council in each year which is certified to him by the council. The principal amount of bonds issued pursuant to this section shall not exceed \$15,000,000.

Subd. 2. **USE OF PROCEEDS.** The proceeds of bonds issued under subdivision 1 shall be used by the council, ~~for the purposes provided in subdivision 1 and:~~

(a) to provide funds for the environmental analysis of solid waste disposal sites; and

(b) to make grants to metropolitan counties to pay for: (1) the cost of the environmental review of sites, (2) the acquisition of development rights for all or part of the period that the development limitation imposed by section 473.806 is in effect, and (3) the acquisition of all property or permanent or temporary right, title, or interests in property, including easements and development rights, for solid waste disposal sites and surrounding buffer areas required to be acquired by the county, pursuant to sections 473.833 and 473.840, by the council's policy plan and development schedule adopted pursuant to section 473.149, subdivision 2e, and (4) the acquisition and improvement of resource recovery facilities.

If the council is required by law or regulation to prepare environmental analyses on one or more solid waste disposal sites and surrounding buffer areas, the council may use the proceeds of the bonds issued under subdivision 1 to contract for consultant services in the preparation of such analyses only upon a finding that equivalent expertise is not available among its own staff.

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Sec. 30. Minnesota Statutes 1984, section 473.840, subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** (a) "Qualifying property" is a parcel of real property any part of which is located within the site or buffer area of a candidate site ~~selected under section 473.153, subdivision 2, for purposes of environmental review under subdivision 5 of that section,~~ or a site included in the metropolitan inventory adopted under section 473.149, subdivision 2b, for the purposes of environmental review under section 473.833, subdivision 2a.

(b) An "eligible owner" is a person who: (1) owns the entire parcel of qualifying property; (2) owned the entire parcel of property at the time the site was selected as a candidate site or included in the metropolitan inventory; (3) since the site was selected or included in the inventory, has for at least six months offered to sell the entire parcel on the open market through a licensed real estate agent; and (4) has not previously entered a contract under subdivision 4 for the sale of any or all of the parcel.

Sec. 31. Minnesota Statutes 1984, section 473.842, is amended by adding a subdivision to read:

Subd. 1a. CLOSURE. "Closure" means actions that will prevent, mitigate, or minimize the threat to public health and the environment posed by a closed solid waste disposal facility including application of final cover; grading and seeding of final cover; installation of an adequate monitoring system, if necessary; and construction of ground and surface water diversion structures.

Sec. 32. Minnesota Statutes 1984, section 473.842, is amended by adding a subdivision to read:

Subd. 4a. POSTCLOSURE, POSTCLOSURE CARE. "Postclosure" and "postclosure care" mean actions taken for the care, maintenance, and monitoring of a solid waste disposal facility after closure that will prevent, mitigate, or minimize the threat to public health and environment posed by the closed facility.

Sec. 33. Minnesota Statutes 1984, section 473.844, subdivision 2, is amended to read:

Subd. 2. **ALLOCATION.** (a) Up to ten percent of the money in the fund may be appropriated to the agency for transfer to the metropolitan council for grants under subdivision 1, clause (3).

(b) Up to five percent of the money in the fund may be appropriated to the agency for transfer to the metropolitan council for technical assistance and grant administration of grants and loans and municipal cost recovery payments under this section.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 34. Minnesota Statutes 1984, section 473.844, subdivision 5, is amended to read:

Subd. 5. **LANDFILL ABATEMENT COST RECOVERY.** By January 31, 1986, and each January 31 afterwards, the ~~director of the agency council~~ shall pay each statutory and home rule charter city and town in the metropolitan area: (1) an amount not to exceed 50 cents per household, as defined in section 477A.011, subdivision 3a, for qualifying landfill abatement and resource recovery expenses incurred in the previous calendar year; and (2) \$4 per ton of recyclable material collected and recycled from residential sources within the city or town. To qualify under this subdivision clauses (1) and (2), the landfill abatement and, resource recovery, and recycling must be included in the applicable county master plan or approved by the metropolitan council and. To qualify under clause (1), the city or town must certify, in the manner and form determined by the council, its expenses for the landfill abatement and resource recovery. To qualify under clause (2), the city or town must certify, in the manner and form determined by the council, the tons collected and recycled. The amounts necessary to make these payments are appropriated from the metropolitan landfill abatement fund to the director of the agency for transfer to the council.

Sec. 35. **[473.848] RESTRICTION ON DISPOSAL.**

After January 1, 1990, waste disposal facilities located in the metropolitan area may not accept mixed municipal solid waste for disposal unless the waste has been transferred to the disposal facility from a resource recovery facility identified by the council. For purposes of this section, mixed municipal solid waste does not include street sweepings, construction debris, mining waste, foundry sand, and other materials, if they are not capable of being processed by resource recovery as determined by the council.

Sec. 36. Laws 1984, chapter 644, section 81, subdivision 2, is amended to read:

Subd. 2. **REIMBURSEMENT.** Any amount expended by the agency and metropolitan council from the appropriations in subdivision 1 shall be reimbursed to the general fund, ~~and.~~ The amount necessary to make the reimbursement of the appropriation in subdivision 1, clause (1) is appropriated from the landfill abatement fund to the commissioner of finance for transfer to the general fund, and the amount necessary to make the reimbursement of the appropriation in subdivision 1, clause (2) is appropriated from the landfill contingency action fund to the commissioner of finance for transfer to the general fund.

Sec. 37. Laws 1984, chapter 644, section 81, subdivision 3, is amended to read:

Subd. 3. **FEE ADMINISTRATION.** The sum of \$75,000 is appropriated from the general fund to the commissioner of revenue for the purpose of

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administering section 73. This appropriation is available until June 30, 1985. This appropriation shall be reimbursed to the general fund under section 73, subdivision 7. The complement of the department of revenue is increased by two positions, and the amount necessary to make the reimbursement is appropriated, one-half from the landfill abatement fund and one-half from the landfill contingency action fund, to the commissioner of finance for transfer to the general fund.

**Sec. 38. ANOKA COUNTY; RESOURCE RECOVERY.**

Subdivision 1. SERVICE CHARGES; EXPENDITURES. Anoka county may exercise the powers of a county under Minnesota Statutes, section 400.08, in addition to the powers that the county may exercise under other law. The county may expend funds for resource recovery purposes under Minnesota Statutes, sections 473.801 to 473.845.

Subd. 2. LEASE OR SALE OF PROPERTY. Anoka county may sell or lease any facilities or property or property rights to accomplish the purposes specified by Minnesota Statutes, sections 473.149, 473.151, and 473.801 to 473.823, 473.827, 473.831, 473.833, and 473.834. The property may be sold or leased in the manner provided by Minnesota Statutes, section 458.196, or may be sold or leased in the manner and on the terms and conditions determined by the county board. The county may convey to or permit the use of the property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No real property or property rights acquired under this section may be disposed of in any manner unless and until the county has submitted to the agency and the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The agency and the council shall review and comment on the proposed disposition within 60 days after each has received the data relating thereto from the county.

Subd. 3. APPLICATION. This section applies to Anoka county the day after compliance with Minnesota Statutes, section 645.021, subdivision 3.

**Sec. 39. SOLID WASTE MANAGEMENT.**

Subdivision 1. LONG-TERM CONTRACTS. Murray, Nobles, Pipestone, and Rock counties may jointly negotiate and enter into contracts, for a term not to exceed 30 years, for the management of solid waste generated in the counties. This authority supplements other authority of the counties. Contracts made by joint negotiations shall be approved by resolution adopted by the county board of each county. The contract may only be dissolved, before the date specified in the contract, by resolution of the county board of all counties involved.

Subd. 2. APPLICATION. This section is effective in Murray, Nobles, Pipestone and Rock counties the day after compliance with Minnesota Statutes, section 645.021, subdivision 3.

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**Sec. 40. JOINT POWERS AGREEMENT.**

Murray, Nobles, Pipestone, and Rock counties may enter into a joint powers agreement for the management of solid waste under section 39. Other counties that enter into a joint powers agreement under section 471.59 with Murray, Nobles, Pipestone, and Rock counties may enter contracts under section 39 in the same manner as the counties in section 39.

**Sec. 41. PENNINGTON COUNTY; RESOURCE RECOVERY.**

Subdivision 1. LEASE OR SALE OF PROPERTY. Pennington county may sell or lease any facilities or property or property rights to accomplish the purposes specified in Minnesota Statutes, chapter 400. The property may be sold or leased in the manner provided by Minnesota Statutes, section 400.14, or may be sold or leased in the manner and on the terms and conditions determined by the county board.

Subd. 2. APPLICATION. This section is effective in Pennington county the day after compliance with Minnesota Statutes, section 645.021, subdivision 3.

**Sec. 42. ITASCA COUNTY; GRANT, ADVANCE, OR LOAN FROM FEDERAL OR STATE GOVERNMENT.**

Itasca county may by ordinance accept from the government of the United States or the state of Minnesota grants, loans, or advances of money for energy improvements to heating facilities under Minnesota Statutes, chapter 116J or sections 298.292 to 298.298, and may make agreements to repay any such loans or advances without submitting the proposal to a vote of the people.

**Sec. 43. RECOMMENDATIONS ON FINANCIAL RESPONSIBILITY.**

By January 1, 1986, the legislative commission on waste management shall recommend to the legislature mechanisms that will enable owners and operators of solid waste land disposal facilities to comply with the requirements of the financial responsibility rules adopted under Minnesota Statutes, section 116.07, subdivision 4h.

**Sec. 44. PUBLIC WELFARE.**

Of the appropriations to the commissioner of administration for replacing the boiler emission control unit at the Fergus Falls State Hospital in Laws 1983, chapter 344, section 12, subdivision 4, and Laws 1984, chapter 597, section 18, subdivision 3, paragraph (b), up to \$500,000 may be used for solid waste incineration equipment.

**Sec. 45. APPROPRIATION.**

Subdivision 1. PURPOSES. Until June 30, 1987, the balance in the metropolitan landfill abatement fund after the appropriations in Laws 1984, chapter 644, section 81, subdivisions 2 and 3 as amended; and Minnesota

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Statutes, section 473.844, subdivision 5, is appropriated to the pollution control agency for payment to the metropolitan council and may be used by the council for the following purposes:

<u>(a) Grants and loans for market development for reusable and recyclable waste materials</u>	<u>\$ 30,000</u>	<u>\$ 30,000</u>
<u>(b) Technical assistance and administration of grants, loans, and municipal cost recovery payments</u>	<u>\$ 15,000</u>	<u>\$ 15,000</u>
<u>(c) Solid waste management planning assistance in the metropolitan area</u>	<u>\$ 51,000</u>	<u>\$ 51,000</u>
<u>(d) Grants and loans for resource recovery and public education</u>	<u>\$204,000</u>	<u>\$204,000</u>

Any unencumbered balances remaining in the first year do not cancel but are available for the second year of the biennium for the same purpose.

Subd. 2. CONTINGENCY. If in any year the amount in the abatement fund is insufficient for the appropriations in this section, the appropriation in clause (d) is reduced accordingly.

Subd. 3. WORK PROGRAM REQUIRED. Each year, the council shall submit to the legislative commission on waste management, in the form determined by the commission, a budget and work program showing planned expenditures from the fund. The council may not spend the money until the commission has made its recommendations on the budget and work program. The recommendations are advisory only. The council shall report to the legislature by February 15 of each year on expenditures from the fund.

#### Sec. 46. APPLICATION.

Sections 19 to 35 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

#### Sec. 47. REPEALER.

Minnesota Statutes 1984, section 473.843, subdivision 7, is repealed.

#### Sec. 48. EFFECTIVE DATE.

Section 5 is effective July 1, 1985.

Approved May 31, 1985

### **CHAPTER 275 — S.F.No. 1176**

*An act relating to children; requiring a new job classification in child protection; requiring continuing education; providing for a joint training program; requiring a report to the legislature; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 626.*

**Changes or additions are indicated by underline, deletions by ~~strikeout~~.**