

CHAPTER 600—S.F.No. 2165

An act relating to environment; requiring persons to notify the pollution control agency of and take steps to avoid air pollution; proposing coding for new law in Minnesota Statutes, chapter 116.

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

Section 1. **[116.061] AIR POLLUTION EMISSIONS AND ABATEMENT.**

Subdivision 1. EMISSION NOTIFICATION REQUIRED. (a) A person who controls the source of an emission must notify the agency immediately of excessive or abnormal unpermitted emissions that:

- (1) may cause air pollution endangering human health;
- (2) may cause air pollution damaging property; or
- (3) cause obnoxious odors constituting a public nuisance.

(b) If a person who controls the source of an emission has knowledge of an event that has occurred and that will subsequently cause an emission described in paragraph (a), the person must notify the agency when the event occurs.

Subd. 2. ABATEMENT REQUIRED. A person who is required to notify the agency under subdivision 1 must take immediate and reasonable steps to minimize the emissions or abate the air pollution and obnoxious odors caused by the emissions.

Subd. 3. EXEMPTION. The following are exempt from the requirements of subdivisions 1 and 2:

- (1) emissions resulting from the activities of public fire services or law enforcement services;
- (2) emissions from motor vehicles, as defined in section 169.01, subdivision 3;
- (3) emissions from an agricultural operation deemed not a nuisance under section 561.19, subdivision 2; or
- (4) emissions from agency regulated sources that are routine or authorized by the agency.

Subd. 4. PENALTY EXCEPTION. A person who notifies the agency of emissions under subdivision 1 and who complies with subdivision 2 shall not be subject to criminal prosecution under section 115.071, subdivision 2.

Subd. 5. USE OF NOTIFICATION. Any notice submitted under subdivision 1 is not admissible in any proceeding as an admission of causation.

Approved April 21, 1988

New language is indicated by underline, deletions by ~~strikeout~~.