

Sec. 6. EFFECTIVE DATE.

This act is effective the day following final enactment. Section 3 applies to offenses committed on or after its effective date. Section 5 applies to discharges under Minnesota Statutes, section 609.165, subdivision 2, that occur on or after its effective date.

Presented to the governor April 7, 1998

Signed by the governor April 9, 1998, 10:50 a.m.

CHAPTER 378—S.F.No. 2718**VETOED**

CHAPTER 379—H.F.No. 2722

An act relating to the environment; providing penalties for violations of underground storage tank statutes and rules; modifying provisions relating to the placement of motor vehicle antifreeze in wastewater systems; providing for a study; amending Minnesota Statutes 1996, sections 115.071, by adding a subdivision; and 116.073, subdivisions 1 and 2; Minnesota Statutes 1997 Supplement, section 115A.916.

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

Section 1. Minnesota Statutes 1996, section 115.071, is amended by adding a subdivision to read:

Subd. 7. UNDERGROUND STORAGE TANKS; RED TAGS. (a) The commissioner may issue a red tag for failure to have the regulated underground tank system protected from corrosion, failure to have spill and overflow protection, or failure to have a leak detection method in place. A red tag may also be issued for underground storage tank system violations if an enforcement action, including, but not limited to, a citation as defined in section 116.073, subdivision 1, has been issued and the violations are not corrected. Upon discovery of a violation at a facility with an underground storage tank system, the commissioner shall affix a red tag, in plain view, to the fill pipe cap of the tank system that provides notice that delivery of petroleum products to the tank system is prohibited. When the red tag is issued, agency staff must determine the product level in the tank.

(b) No owner or operator of a facility having an underground storage tank system shall fill or allow the filling of a tank with a petroleum product while a red tag is affixed to the fill pipe cap of the tank system.

(c) A person shall not remove, deface, alter, or otherwise tamper with a red tag so that the information contained on the tag is not legible.

(d) A red tag may not be removed until the commissioner has inspected the underground storage tank system and established that it is no longer in violation. After making that determination, the commissioner shall remove the red tag within 24 hours or as soon as reasonably possible. Upon agreement by the commissioner, the red tag may also be removed by an agency-certified installer who provides documentation to the commissioner that the violation for which the system was red-tagged has been corrected.

New language is indicated by underline, deletions by strikeout.