

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.

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(e) The issuance of a red tag may be appealed under section 116.072, subdivision 6, paragraphs (a) to (e), except that the person subject to the order must request a hearing within 15 days after issuance of a red tag and, if a hearing is not requested within the 15-day period, the red tag becomes a final order not subject to further review.

Sec. 2. Minnesota Statutes 1997 Supplement, section 115A.916, is amended to read:

115A.916 MOTOR VEHICLE FLUIDS AND FILTERS; PROHIBITIONS.

(a) A person may not knowingly place motor oil, brake fluid, power steering fluid, transmission fluid, motor oil filters, or motor vehicle antifreeze:

(1) in solid waste or in a solid waste management facility other than a recycling facility or a household hazardous waste collection facility;

(2) in or on the land, unless approved by the agency; or

(3) in or on the waters of the state, in an individual sewage treatment system as defined in section 115.55, or in a stormwater or wastewater collection or treatment system except as described in paragraph (c).

(b) For the purposes of this section, "antifreeze" does not include small amounts of antifreeze contained in water used to flush the cooling system of a vehicle after the antifreeze has been drained and does not include deicer that has been used on the exterior of a vehicle.

(c) For businesses that purchase or use an annual average of over 50 gallons of motor vehicle antifreeze per month for on-site installation in motor vehicles, this section does not apply to antifreeze placed in a wastewater collection system that includes a publicly owned treatment works that is permitted by the agency until December 31, 1997. For businesses that purchase or use an annual average of 50 gallons or less of motor vehicle antifreeze per month for on-site installation in motor vehicles, this section does not apply to antifreeze placed in a wastewater collection system that includes a publicly owned treatment works that is permitted by the agency until July 1, 1998. A person may place waste motor vehicle antifreeze in a wastewater collection or treatment system permitted by the agency, unless prohibited by the operator of the system, if the person:

(1) generates an annual average of less than 50 gallons per month of waste motor vehicle antifreeze; and

(2) keeps records of the amount of waste antifreeze generated. Records must be maintained on site and made available for inspection for a minimum of three years following generation of the waste antifreeze.

(d) Notwithstanding paragraph (a), motor oil filters and portions of motor oil filters may be processed at a permitted mixed municipal solid waste resource recovery facility that directly burns the waste if:

(1) the facility is subject to an industrial waste management plan that addresses management of motor oil filters and the owner or operator of the facility can demonstrate to the satisfaction of the commissioner that the facility is in compliance with that plan;

(2) the facility recovers ferrous metal after incineration for recycling as part of its operation; and

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(3) the motor oil filters are collected separately from mixed municipal solid waste and are not combined with it except for the purpose of incinerating the waste.

(e) The commissioner of the pollution control agency, in conjunction with the director of the office of environmental assistance, industry organizations representing automotive repair businesses and antifreeze recycling businesses, and environmental organizations shall work together to develop and promote opportunities to recycle waste motor vehicle antifreeze and to review the impact of alternative antifreeze disposal or recycling methods on businesses and the environment.

Sec. 3. Minnesota Statutes 1996, section 116.073, subdivision 1, is amended to read:

Subdivision 1. **AUTHORITY TO ISSUE.** Pollution control agency staff designated by the commissioner and department of natural resources conservation officers may issue citations to a person who disposes of solid waste as defined in section 116.06, subdivision 22, at a location not authorized by law for the disposal of solid waste without permission of the owner of the property. In addition, pollution control agency staff designated by the commissioner may issue citations to owners and operators of facilities dispensing petroleum products who violate sections 116.46 to 116.50 and Minnesota Rules, chapter 7150. The citations may be issued only after the owners and operators have had a 90-day period to correct all the violations stated in a letter issued previously by pollution control agency staff. A citation issued under this subdivision must include a requirement that the person cited remove and properly dispose of or otherwise manage the waste or, reimburse any government agency that has disposed of the waste for the reasonable costs of disposal, or correct any underground storage tank violations.

Sec. 4. Minnesota Statutes 1996, section 116.073, subdivision 2, is amended to read:

Subd. 2. **PENALTY AMOUNT.** The citation must impose the following penalty amounts:

(1) \$100 per major appliance, as defined in section 115A.03, subdivision 17a, up to a maximum of \$2,000;

(2) \$25 per waste tire, as defined in section 115A.90, subdivision 11, up to a maximum of \$2,000;

(3) \$25 per lead acid battery governed by section 115A.915, up to a maximum of \$2,000;

(4) \$1 per pound of other solid waste or \$20 per cubic foot up to a maximum of \$2,000; and

(5) up to \$200 for any amount of waste that escapes from a vehicle used for the transportation of solid waste if, after receiving actual notice that waste has escaped the vehicle, the person or company transporting the waste fails to immediately collect the waste;

(6) \$50 per violation of rules adopted under section 116.49, relating to underground storage tank system design, construction, installation, and notification requirements, up to a maximum of \$2,000;

(7) \$250 per violation of rules adopted under section 116.49, relating to upgrading of existing underground storage tank systems, up to a maximum of \$2,000;

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(8) \$100 per violation of rules adopted under section 116.49, relating to underground storage tank system general operating requirements, up to a maximum of \$2,000;

(9) \$250 per violation of rules adopted under section 116.49, relating to underground storage tank system release detection requirements, up to a maximum of \$2,000;

(10) \$50 per violation of rules adopted under section 116.49, relating to out-of-service underground storage tank systems and closure, up to a maximum of \$2,000; and

(11) \$50 per violation of sections 116.48 to 116.491 relating to underground storage tank system notification, monitoring, environmental protection, and tank installers training and certification requirements, up to a maximum of \$2,000.

Sec. 5. LEAD STUDY.

By January 15, 1999, the commissioner of the pollution control agency, in conjunction with the director of the office of environmental assistance, the commissioner of the department of health, the University of Minnesota, and the metropolitan council, shall report to the environment and natural resources committees of the senate and the house of representatives on the sources and amount of lead, including lead in wastewater treatment sludges, the ecological and health risks associated with lead, and recommendations for reducing the amount of lead in the environment and associated risks.

Sec. 6. EFFECTIVE DATE.

Sections 1, 3, and 4 are effective December 31, 1998, and apply to violations occurring on or after that date. Section 2 is effective the day following final enactment.

Presented to the governor April 9, 1998

Signed by the governor April 9, 1998, 6:35 p.m.

CHAPTER 380—H.F.No. 3654

An act relating to utilities; modifying the membership of the legislative electric energy task force; requiring comprehensive study of electric industry restructuring; requiring establishment of technical advisory work groups; authorizing task force to use its assessment authority to fund work group activities; requiring reports; amending Minnesota Statutes 1997 Supplement, section 216C.051, subdivision 2.

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

Section 1. Minnesota Statutes 1997 Supplement, section 216C.051, subdivision 2, is amended to read:

Subd. 2. **ESTABLISHMENT.** (a) There is established a legislative electric energy task force to study future electric energy sources and costs and to make recommendations for legislation for an environmentally and economically sustainable and advantageous electric energy supply.

(b) The task force consists of:

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