

majority of the city council of the city of Duluth, and upon compliance with the provisions of Minnesota Statutes, Section 645.021.

Approved March 28, 1974.

CHAPTER 346—S.F.No.3193
[Coded in Part]

An act relating to pollution; regulating the details of hazardous waste control; providing a penalty; amending Minnesota Statutes 1971, Sections 116.06, by adding a subdivision; 116.07, Subdivisions 4 and 4a; 400.03, by adding a subdivision; 473D.02, by adding a subdivision; 473D.03, Subdivision 1; 473D.04; 473D.07, by adding a subdivision; Chapter 116, by adding a section; 400, by adding a section; 473D, by adding a section; and Minnesota Statutes, 1973 Supplement, Section 116.07, Subdivision 2.

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

Section 1. Minnesota Statutes 1971, Section 116.06, is amended by adding a subdivision to read:

Subd. 13. POLLUTION CONTROL; HAZARDOUS WASTE. “Hazardous waste” means any refuse or discarded material or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives.

Sec. 2. Minnesota Statutes, 1973 Supplement, Section 116.07, Subdivision 2, is amended to read:

Subd. 2. ADOPTION OF STANDARDS. The pollution control agency shall improve air quality by promoting, in the most practicable way possible, the use of energy sources and waste disposal methods which produce or emit the least air contaminants consistent with the agency's overall goal of reducing all forms of pollution. The agency shall also adopt standards of air quality, including maximum allowable standards of emission of air contaminants from motor vehicles, recognizing that due to variable factors, no single standard of purity of air is applicable to all areas of the state. In adopting standards the pollution control agency shall give due recognition to the fact that the quantity or characteristics of air contaminants or the duration of their presence in the atmosphere, which may cause air pollution in one area of the state, may cause less or not cause any air pollution in another area of the state, and it shall take into consideration in this connection such

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factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, prevailing wind directions and velocities, and the fact that a standard of air quality which may be proper as to an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such standards of air quality shall be premised upon scientific knowledge of causes as well as effects based on technically substantiated criteria and commonly accepted practices. No local government unit shall set standards of air quality which are more stringent than those set by the pollution control agency.

The pollution control agency shall promote solid waste disposal control by encouraging the updating of collection systems, elimination of open dumps, and improvements in incinerator practices. The agency shall also adopt standards for the control of the collection, transportation and disposal of solid waste for the prevention and abatement of water, air and land pollution, recognizing that due to variable factors, no single standard of solid waste control is applicable to all areas of the state. In adopting standards, the pollution control agency shall give due recognition to the fact that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, topography, soils and geology, climate, transportation, and land use. Such standards of solid waste control shall be premised on technical criteria and commonly accepted practices.

The pollution control agency shall also adopt standards describing the maximum levels of noise in terms of sound pressure level which may occur in the outdoor atmosphere, recognizing that due to variable factors no single standard of sound pressure is applicable to all areas of the state. Such standards shall give due consideration to such factors as the intensity of noises, the types of noises, the frequency with which noises recur, the time period for which noises continue, the times of day during which noises occur, and such other factors as could affect the extent to which noises may be injurious to human health or welfare, animal or plant life, or property, or could interfere unreasonably with the enjoyment of life or property. In adopting standards, the pollution control agency shall give due recognition to the fact that the quantity or characteristics of noise or the duration of its presence in the outdoor atmosphere, which may cause noise pollution in one area of the state, may cause less or not cause any noise pollution in another area of the state, and it shall take into consideration in this connection such factors, including others which it may deem proper, as existing physical conditions, zoning classifications, topography, meteorological conditions and the fact that a standard which may be proper in an essentially residential area of the state, may not be proper as to a highly developed industrial area of the state. Such noise standards shall be premised upon scientific knowledge as well as effects based on technically substantiated criteria and commonly ac-

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cepted practices. No local governing unit shall set standards describing the maximum levels of sound pressure which are more stringent than those set by the pollution control agency.

The pollution control agency shall adopt standards for the identification of hazardous waste and for the labeling, classification, storage, collection, transportation and disposal of hazardous waste, recognizing that due to variable factors, no single standard of hazardous waste control is applicable to all areas of the state. In adopting standards, the pollution control agency shall recognize that elements of control which may be reasonable and proper in densely populated areas of the state may be unreasonable and improper in sparsely populated or remote areas of the state. The agency shall consider existing physical conditions, topography, soils, and geology, climate, transportation and land use. Standards of hazardous waste control shall be premised on technical knowledge, and commonly accepted practices. No local government unit shall set standards of hazardous waste control which are in conflict or inconsistent with those set by the pollution control agency.

Sec. 3. Minnesota Statutes 1971, Section 116.07, Subdivision 4, is amended to read:

Subd. 4. REGULATIONS AND STANDARDS. Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the prevention, abatement, or control of air pollution. Any such regulation or standard may be of general application throughout the state, or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, regulations or standards may relate to sources or emissions of air contamination or air pollution, to the quality or composition of such emissions, or to the quality of or composition of the ambient air or outdoor atmosphere or to any other matter relevant to the prevention, abatement, or control of air pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1969, Chapter 1046, for the collection, transportation, and disposal of solid waste and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on land of any other material that may tend to cause pollution. Any such regulation or standard may be of general application throughout the state or may be limited as to times, places, circumstances, or conditions in order to make due allowance for variations therein. Without limitation, regulations or standards may relate to collection, transportation, disposal, equipment, location, procedures, methods, systems or techniques or to any other matter relevant to the prevention, abatement or control of water, air,

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and land pollution which may be advised through the control of collection, transportation, and disposal of solid waste, and the deposit in or on land of any other material that may tend to cause pollution.

Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend and rescind regulations and standards having the force of law relating to any purpose within the provisions of Laws 1971, Chapter 727, for the prevention, abatement, or control of noise pollution. Any such regulation or standard may be of general application throughout the state, or may be limited as to times, places, circumstances or conditions in order to make due allowances for variations therein. Without limitation, regulations or standards may relate to sources or emissions of noise or noise pollution, to the quality or composition of noises in the natural environment, or to any other matter relevant to the prevention, abatement, or control of noise pollution.

As to any matters subject to chapter 116, local units of government may set emission regulations with respect to stationary sources which are more stringent than those set by the pollution control agency.

Pursuant to chapter 15, the pollution control agency may adopt, amend, and rescind regulations and standards having the force of law relating to any purpose within the provisions of chapter 116 for the identification, labeling, classification, storage, collection, treatment, and disposal of hazardous waste and location of hazardous waste disposal facilities. A regulation or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions. The public service commission, in cooperation with the pollution control agency, shall set standards for the transportation of hazardous waste in accordance with Minnesota Statutes, Chapter 221.

Sec. 4. Minnesota Statutes 1971, Section 116.07, Subdivision 4a, is amended to read:

Subd. 4a. **PERMITS.** The pollution control agency may issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the emission of air contaminants, or for the installation or operation of any emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, or storage facility, or any part thereof.

The pollution control agency may also issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the collection, transportation or disposal of solid waste, or for the installation or operation of any system or facility, or any part thereof, related to the collection, transportation or disposal of solid waste.

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The pollution control agency may revoke or modify any permit issued under this subdivision and section 116.081 whenever it is necessary, in the opinion of the agency, to prevent or abate pollution.

The pollution control agency may issue, continue in effect or deny permits, under such conditions as it may prescribe for the treatment or disposal or both of hazardous waste, or for the installation or operation of any system or facility or any part thereof.

Sec. 5. Minnesota Statutes 1971, Chapter 116, is amended by adding a section to read:

[116.101] HAZARDOUS WASTE CONTROL AND SPILL CONTINGENCY PLAN. The pollution control agency shall study and investigate the problems of hazardous waste control and shall develop a statewide hazardous waste management plan detailing the location of hazardous waste disposal facilities and storage sites throughout the state and the needs relative to the interstate transportation of hazardous waste.

Elements of the statewide hazardous spill contingency plan which relate to hazardous wastes, shall be incorporated into the statewide hazardous waste management plan. The pollution control agency shall develop an informational reporting system of hazardous waste quantities generated and disposed of in the state.

Sec. 6. Minnesota Statutes 1971, Section 400.03, is amended by adding a subdivision to read:

Subd. 7. "Hazardous waste management" means the identification, labeling, classification, storage, collection and removal of hazardous waste from public and private property, its transportation to intermediate or final disposal facilities and its ultimate disposal by approved methods.

Sec. 7. Minnesota Statutes 1971, Chapter 400, is amended by adding a section to read:

[400.161] HAZARDOUS WASTE REGULATIONS. The county may by ordinance establish and from time to time revise rules, regulations, and standards for hazardous waste management relating to (a) identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the handling, collection, transportation and storage of hazardous waste, (d) the ultimate disposal site of the hazardous waste, and (e) such other matters as may be determined necessary for the public health, welfare and safety. The county may issue permits or licenses for hazardous waste generation and may require the generators be registered with a county office. The ordinance may require appropriate procedures for the payment by the generator of any costs incurred by the county in completing such procedures. If the generator fails to complete such procedures, the county may recover the costs of

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completion in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land as other taxes are collected. The ordinance may be enforced by injunction, action to compel performance, or other action in district court. Any ordinance under this section shall embody standards and requirements established by rule of the agency. Issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section or regulations promulgated hereunder shall be, subject to review, denial, suspension, and reversal by the pollution control agency. The pollution control agency shall after written notification have 15 days to review, suspend, modify, or reverse the action of the county. After 15 days, the action of the county board shall be final subject to appeal to the district court as provided in Minnesota Statutes, Section 115.05.

Sec. 8. Minnesota Statutes 1971, Section 473D.02, is amended by adding a subdivision to read:

Subd. 13. "Hazardous waste" means any refuse or discarded material or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives.

Sec. 9. Minnesota Statutes 1971, Section 473D.03, Subdivision 1, is amended to read:

473D.03 METROPOLITAN COUNCIL, COMPREHENSIVE PLAN.
 Subdivision 1. The metropolitan council shall prepare and by resolution adopt a comprehensive plan for the disposal of solid waste and the management and disposal of hazardous waste in the metropolitan area for such period as the council deems proper and reasonable; and, when adopted, such plan shall be followed in the metropolitan area. In developing the plan the council shall consider the preservation and best and most economical use of land and water resources in the metropolitan area. The plan shall include a statement of goals and policies for solid waste disposal and hazardous waste disposal and management, criteria for solid waste disposal sites and hazardous waste disposal sites, the general location and capacities of needed disposal sites and facilities, projections of disposal capacities required, regulations for the operation of disposal sites and facilities, a description of disposal techniques which may be used, the type or types of solid waste and hazardous waste to be disposed of at each site or facility, and such other details as the council deems appropriate. Criteria for solid waste disposal sites and hazardous waste disposal sites, and regulations for the operation of disposal sites and facilities, included in the plan, shall be consistent with regulations adopted by the agency pursuant to ~~section~~ sections 473D.07 and 116.06. The plan may be revised as often as

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the council deems necessary in the same manner as provided for the adoption thereof. A copy of the comprehensive plan and each revision thereof shall be delivered or mailed to the agency and the county auditor of each metropolitan county after it has been adopted. Prior to the adoption by the council of its comprehensive plan, no metropolitan county or local government unit shall acquire any solid waste disposal site or hazardous waste disposal site, or facility unless approved by the council; and after the comprehensive plan is adopted no metropolitan county, local government unit or person shall acquire, improve or operate any solid waste disposal site or hazardous waste disposal site or facility in the metropolitan area except in accordance with the plan, provided that no solid waste disposal site or hazardous waste disposal site or facility in use when the comprehensive plan is adopted shall be discontinued solely because it is not located in an area designated in the plan as acceptable for the location of such sites and facilities.

Sec. 10. Minnesota Statutes 1971, Section 473D.04, is amended to read:

473D.04 METROPOLITAN COUNTIES; SOLID WASTE DISPOSAL REPORT. Subdivision 1. Each metropolitan county, upon receipt of the council's comprehensive plan, shall prepare and submit to the council for its approval, a report including: a description of any solid waste disposal site or facility which the county owns or plans to acquire to implement the comprehensive plan; the planned method, estimated cost and time of acquisition thereof; a description of any improvements which will be necessary to make the site or facility suitable for solid waste disposal; proposed procedures for the operation and maintenance of any such site or facility; an estimate of the annual cost of operation and maintenance of each site or facility; an estimate of the annual gross revenues which will be received from the operation of each site or facility; and a proposal for the use of each site when filled. The report shall also include a complete survey of existing or proposed municipal or private solid waste disposal sites and facilities in the county containing information similar to that required for county facilities, and a statement of the extent to which they will or may be used to implement the comprehensive plan. The council shall approve the report if it is in accordance with its comprehensive plan. The report, when approved by the council, shall be implemented by the county. Each report not approved by the council shall be returned to the county with a statement of the reasons for the council's failure to approve it.

Subd. 2. Each metropolitan county, as a part of its solid waste plan, shall prepare and submit to the council for its approval, a report including: a description of the county hazardous waste ordinance, the county hazardous waste generator licensing procedures, proposed procedures for implementing the system, and an estimate of the total number of generators. Council approval or disapproval of the report shall be consistent with this section.

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Sec. 11. Minnesota Statutes 1971, Chapter 473D, is amended by adding a section to read:

[473D.051] METROPOLITAN COUNTIES; HAZARDOUS WASTE MANAGEMENT. Each metropolitan county may by ordinance establish and revise rules, regulations, and standards for hazardous waste management relating to (a) identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the handling, collection, transportation and storage of hazardous waste, (d) the ultimate disposal site of the hazardous waste, and (e) other matters necessary for the public health, welfare and safety. The county may issue permits or licenses for hazardous waste generation and may require that generators be registered with a county office. The ordinance may require payment by the generator of any costs incurred by the county in completing such procedures. If the generator fails to complete such procedures, the county may recover the costs of completion in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land. The ordinance may be enforced by injunction, action to compel performance, or other action in district court. Any ordinance enacted under this section shall embody standards and requirements established by rule of the agency. Issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section of regulations promulgated hereunder, shall be subject to review, denial, suspension, and reversal by the pollution control agency. The pollution control agency shall after written notification have 15 days to review, suspend, modify, or reverse the action of the county. After this period, the action of the county board shall be final subject to appeal to the district court as provided in section 115.05.

Sec. 12. Minnesota Statutes 1971, Section 473D.07, is amended by adding a subdivision to read:

Subd. 4a. No permit may be issued for the operation of a hazardous waste treatment or disposal site, system or facility in the metropolitan area which does not comply with the metropolitan council's comprehensive plan. A copy of each permit application and any supporting information furnished by the applicant shall be sent to the metropolitan council within 15 days after receipt of the application and all other information requested from the applicant. Within 45 days after the application and supporting information are received by the council, it shall issue to the agency in writing its determination whether the permit complies with its comprehensive plan. If the council does not issue its determination to the agency within the 45 day period, the permit shall be deemed to be in accordance with the council's comprehensive plan.

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