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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2461

03/13/2019 Authored by Garofalo and Lippert The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy

1.1 A bill for an act
1.2 relating to environment; allowing a city within five miles of the border of a solid
1.3 waste management district or county to opt out of a solid waste processing or
1.4 disposal facility designation; amending Minnesota Statutes 2018, section 115A.86,
1.5 subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2018, section 115A.86, subdivision 1, is amended to read:

1.8 Subdivision 1. Designation ordinance. (a) The district or county shall prepare a
1.9 designation ordinance to implement a designation. The designation ordinance must:

1.10 (1) define the geographic area and the types and quantities of solid waste subject to
1.11 designation;

1.12 (2) specify the point or points of delivery of the solid waste;

1.13 (3) require that the designated solid waste be delivered to the specified point or points
1.14 of delivery;

1.15 (4) require the designated facility to accept all designated solid waste delivered to the
1.16 specified point or points of delivery, unless the facility has notified waste collectors in the
1.17 designated area that the facility is inoperative;

1.18 (5) set out the procedures and principles to be followed by the county or district in
1.19 establishing and amending any rates and charges at the designated facility; and

1.20 (6) state any additional regulations governing waste collectors or other matters necessary
1.21 to implement the designation.

1.22 (b) The designation ordinance must provide an exception for:

2.1 (1) materials that are exempt or excluded from the designation under section 115A.83
2.2 or 115A.84, subdivision 4; ~~and~~

2.3 (2) materials otherwise subject to the designation for which negotiated contractual
2.4 arrangements exist that will require and effect the delivery of the waste to the facility for
2.5 the term of the contract; and

2.6 (3) a statutory or home rule charter city that:

2.7 (i) is subject to a designation ordinance;

2.8 (ii) is located within five miles of the border of the district or county;

2.9 (iii) is required under the designation ordinance to transport materials more than twenty
2.10 miles; and

2.11 (iv) adopts a resolution opting out of the geographic area included in the ordinance.

2.12 Sec. 2. **IMPLEMENTATION.**

2.13 Subdivision 1. **Contracts not impaired.** Nothing in this act shall be construed to require
2.14 breach of a contract existing on the effective date of this act.

2.15 Subd. 2. **Updating designation ordinances required.** Each district or county with a
2.16 designation ordinance must amend the ordinance to conform with the requirements of
2.17 Minnesota Statutes, section 115A.86, as amended by this act. The amendment of the
2.18 ordinance must conform with the requirements of Minnesota Statutes, section 115A.86,
2.19 subdivision 5, except that:

2.20 (1) the commissioner of the Pollution Control Agency must approve the amendment if
2.21 the commissioner finds that it is consistent with Minnesota Statutes, section 115A.86, as
2.22 amended by this act; and

2.23 (2) the commissioner must not require the district or county to revise its designation
2.24 plan or to hold a hearing under Minnesota Statutes, section 115A.85, before submitting the
2.25 amended designation ordinance.

2.26 Subd. 3. **No effect on remainder of designation area.** Nothing in this act shall be
2.27 construed to affect the applicability or implementation of a designation ordinance in an area
2.28 that is not located within the boundaries of a statutory or home rule charter city that opts
2.29 out of the ordinance under Minnesota Statutes, section 115A.86, subdivision 1, paragraph
2.30 (b), clause (3).