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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **4058**

03/21/2018 Authored by Anderson, P., and Miller

The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance

1.1 A bill for an act
1.2 relating to air quality; prohibiting enforcement of certain conditions in an air quality
1.3 permit; amending Minnesota Statutes 2016, section 116.07, subdivision 4a.

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

1.5 Section 1. Minnesota Statutes 2016, section 116.07, subdivision 4a, is amended to read:

1.6 Subd. 4a. **Permits.** (a) The Pollution Control Agency may issue, continue in effect or
1.7 deny permits, under such conditions as it may prescribe for the prevention of pollution, for
1.8 the emission of air contaminants, or for the installation or operation of any emission facility,
1.9 air contaminant treatment facility, treatment facility, potential air contaminant storage
1.10 facility, or storage facility, or any part thereof, or for the sources or emissions of noise
1.11 pollution.

1.12 The Pollution Control Agency may also issue, continue in effect or deny permits, under
1.13 such conditions as it may prescribe for the prevention of pollution, for the storage, collection,
1.14 transportation, processing, or disposal of waste, or for the installation or operation of any
1.15 system or facility, or any part thereof, related to the storage, collection, transportation,
1.16 processing, or disposal of waste.

1.17 The agency may not issue a permit to a facility without analyzing and considering the
1.18 cumulative levels and effects of past and current environmental pollution from all sources
1.19 on the environment and residents of the geographic area within which the facility's emissions
1.20 are likely to be deposited, provided that the facility is located in a community in a city of
1.21 the first class in Hennepin County that meets all of the following conditions:

- 2.1 (1) is within a half mile of a site designated by the federal government as an EPA
2.2 superfund site due to residential arsenic contamination;
- 2.3 (2) a majority of the population are low-income persons of color and American Indians;
- 2.4 (3) a disproportionate percent of the children have childhood lead poisoning, asthma,
2.5 or other environmentally related health problems;
- 2.6 (4) is located in a city that has experienced numerous air quality alert days of dangerous
2.7 air quality for sensitive populations between February 2007 and February 2008; and
- 2.8 (5) is located near the junctions of several heavily trafficked state and county highways
2.9 and two one-way streets which carry both truck and auto traffic.

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

2.13 (b) The Pollution Control Agency has the authority for approval over the siting,
2.14 expansion, or operation of a solid waste facility with regard to environmental issues.
2.15 However, the agency's issuance of a permit does not release the permittee from any liability,
2.16 penalty, or duty imposed by any applicable county ordinances. Nothing in this chapter
2.17 precludes, or shall be construed to preclude, a county from enforcing land use controls,
2.18 regulations, and ordinances existing at the time of the permit application and adopted
2.19 pursuant to sections 366.10 to 366.181, 394.21 to 394.37, or 462.351 to 462.365, with regard
2.20 to the siting, expansion, or operation of a solid waste facility.

2.21 (c) Except as prohibited by federal law, a person may commence construction,
2.22 reconstruction, replacement, or modification of any facility prior to the issuance of a
2.23 construction permit by the agency.

2.24 (d) The agency must not enforce a condition in an air quality permit that limits either
2.25 the number of vehicles delivering grain or the amount of grain delivered to an ethanol
2.26 production facility during any period of time.