

CHAPTER 116

POLLUTION CONTROL AGENCY

Sec.		Sec.	
116.01	Policy	116.21	Nutrients in cleaning agents and water conditions, control; statement of policy
116.02	Pollution control agency, creation	116.22	Definitions
116.03	Director	116.23	Prohibition
116.04	Executive secretary	116.24	Regulations
116.05	Cooperation	116.25	Seizure
116.06	Definitions	116.26	Restoration
116.07	Powers and duties	116.27	Additional prohibition
116.075	Hearings and records public	116.28	Lists required
116.08	Enforcement	116.29	Forfeiture
116.081	Prohibitions	116.30	Penalties
116.091	Systems and facilities	116.31	Punishment
116.10	Policy; long-range plan; purpose	116.32	Order to refrain
116.11	Emergency powers	116.33	Proof of offense
116.15	Crystal waters act	116.34	Time limited for proceedings
116.16	Minnesota state water pollution control fund	116.35	Trial of offenses
116.17	Minnesota state water pollution control bonds		
116.18	Water pollution control fund appropriations and bonds		

116.01 POLICY. To meet the variety and complexity of problems relating to water, air and land pollution in the areas of the state affected thereby, and to achieve a reasonable degree of purity of water, air and land resources of the state consistent with the maximum enjoyment and use thereof in furtherance of the welfare of the people of the state, it is in the public interest that there be established a pollution control agency.

[1967 c 882 s 1; 1969 c 1046 s 1]

116.02 POLLUTION CONTROL AGENCY, CREATION. Subdivision 1. A pollution control agency, designated as the Minnesota pollution control agency, is hereby created. The agency shall consist of nine members appointed by the governor, by and with the advice and consent of the senate, each for a four year term beginning on February 15, and until his successor is duly appointed and qualifies. One of such members shall be a person knowledgeable in the field of agriculture. A vacancy in the office of a member of the agency shall be filled by the governor, but with the advice and consent of the senate, for the unexpired term.

Subd. 2. The first pollution control agency shall consist of two members whose term shall expire on February 15, 1969, two members whose term shall expire on February 15, 1970, one member whose term shall expire on February 15, 1971, and two members whose terms shall expire on February 15, 1972. After July 1, 1969 two additional members shall be appointed, one whose term shall expire on February 15, 1971 and one whose term shall expire on February 15, 1973. Thereafter each member shall be appointed for a four year term as provided in subdivision 1.

Subd. 3. The membership of the pollution control agency shall be broadly representative of the skills and experience necessary to effectuate the policy of sections 116.01 to 116.09, except that no member appointed shall be an officer or employee of the state or federal government. Only two members at one time may be officials or employees of a municipality or any governmental subdivision, but neither may be a member ex-officio or otherwise on the management board of a municipal sanitary sewage disposal system.

Subd. 4. The agency shall elect a chairman and such other officers as it deems necessary. Each member shall receive as compensation for his services the sum of \$35 per day for each day or fraction thereof spent in attending meetings of the agency or in performing other duties required by law, and each member of the agency shall be reimbursed for actual and necessary expenses incurred in the performance of his duties in the same manner and in the same amount as other members are reimbursed therefor.

Subd. 5. The pollution control agency is the successor of the water pollution control commission, and all powers and duties now vested in or imposed upon said commission by chapter 115, or any act amendatory thereof or supplementary thereto, are hereby transferred to, imposed upon, and vested in the Minnesota pollution control agency, except as to those matters pending before the commission in which hearings have been held and evidence has been adduced. The water pollution

commission shall complete its action in such pending matters not later than six months from May 26, 1967. The water pollution control commission, as heretofore constituted, is hereby abolished, (a) effective upon completion of its action in the pending cases, as hereinbefore provided for; or (b) six months from May 26, 1967, whichever is the earlier.

[1967 c 882 s 2; 1969 c 1038 s 1, 2]

116.03 DIRECTOR. Subdivision 1. (a) The office of director of the pollution control agency is created and is under the supervision and control of the director, who is appointed by the governor by and with the consent of the senate for a four year term, which shall coincide with the term of the governor, and until his successor is duly appointed and qualifies. The governor may remove the director at any time at his pleasure. A vacancy in the office of director shall be filled by the governor by and with the consent of the senate, for the unexpired portion of the term.

(b) In order to expedite the establishing and functioning of the pollution control agency, the governor shall forthwith appoint an acting director, who shall have all the powers and duties of the director as provided in sections 116.01 to 116.09. The acting director may be a person in the service of the state at the time of his appointment, and who while serving as acting director is on leave of absence from his regular office or position in the state service. The acting director shall serve as such until the director is appointed and qualifies as such director. Pending the abolishment of the water pollution control commission as specified in section 116.02, subdivision 5, the director or acting director, as the case may be, is the secretary of such commission in lieu of the secretary and executive officer of the state board of health.

Subd. 2. The director shall organize the agency and employ such assistants and other officers, employees and agents as he may deem necessary to discharge the functions of his office, define the duties of such officers, employees and agents, and delegate to them any of his powers, duties, and responsibilities, subject to his control and under such conditions as he may prescribe. The director may also contract with persons, firms, corporations, the federal government and any agency or instrumentality thereof, the water research center of the university of Minnesota or any other instrumentality of such university, for doing any of the work of his office, and none of the provisions of chapter 16, relating to bids, shall apply to such contracts. All personnel employed and all contracts entered into pursuant to this subdivision shall be subject to the approval of the pollution control agency. Agreements to exercise delegated powers shall be by written order filed with the secretary of state. An employee of the state board of health engaged in environmental sanitation work may transfer to the pollution control agency with the approval of the director. Under such a transfer the employee shall be assigned to a position of similar responsibility and pay without loss of seniority, vacation, sick leave, or other benefits under the state civil service act.

Subd. 3. The director of the pollution control agency is the state agent to apply for, receive, and disburse federal funds made available to the state by federal law or rules and regulations promulgated thereunder for any purpose related to the powers and duties of the pollution control agency or the director. He shall comply with any and all requirements of such federal law or such rules and regulations promulgated thereunder to enable him to apply for, receive, and disburse such funds. All such moneys received by the director shall be deposited in the state treasury and are hereby annually appropriated to him for the purposes for which they are received. None of such moneys in the state treasury shall cancel and they shall be available for expenditure in accordance with the requirements of federal law.

No application for federal funds under this subdivision shall be submitted to federal authorities for approval unless the proposed budget for the expenditure of federal funds is approved by the governor and reported to the legislative committees designated in section 16.165 and, when the legislature is not in session, reported to the standing committee on finance of the senate and the standing committee on appropriations of the house of representatives.

Subd. 4. Before entering upon the duties of his office the director of the pollution control agency shall take and subscribe an oath and give his bond to the state of Minnesota, to be approved by the governor and filed with the secretary of state, in the sum of \$25,000, conditioned for the faithful performance of his duties.

Subd. 5. The salary of the director of the pollution control agency shall be prescribed by the governor, unless otherwise fixed by law.

Subd. 6. The term of the first director of the pollution control agency shall expire with the term of the governor expiring in January, 1971. Thereafter, the term of the director shall be in conformity with the provisions of this section.

[1967 c 882 s 3]

116.04 EXECUTIVE SECRETARY. The director of the pollution control agency is the executive secretary and chief executive officer of the Minnesota pollution control agency and is responsible for performing the executive duties of such agency prescribed by law.

[1967 c 882 s 4]

116.05 COOPERATION. Subdivision 1. All state departments and agencies are hereby directed to cooperate with the pollution control agency and its director and assist them in the performance of their duties, and the pollution control agency is authorized to cooperate with other departments and agencies of the state, with municipalities, with other states, with the federal government and its agencies and instrumentalities, in the public interest and in order to control pollution.

Subd. 2. Upon the request of the pollution control agency the governor may, by order, require any department or agency of the state to furnish such assistance to the agency or its director in the performance of its duties or in the exercise of his powers imposed by law, as the governor may, in his order, designate or specify; and with the consent of the department or agency concerned, the governor may direct all or part of the cost or expense for the amount of such assistance to be paid from the pollution control agency fund or appropriation in such amount as he may deem just and proper.

Subd. 3. The pollution control agency through its director may designate air quality control regions which shall as far as practical follow regional boundaries designated by state statutes or executive order, and consider other jurisdictional boundaries, urban-industrial concentrations and other factors including atmospheric conditions and necessary procedures to provide adequate implementation of air quality standards. Within a designated air quality control region the pollution control agency may by contract delegate its administrative powers to local governmental authorities to be exercised by such authorities within the region and within their own jurisdictional boundaries.

Local governmental authorities which are delegated administrative powers shall have legal authority to conduct such activities, and, in conducting such activities, may enter into contracts, employ personnel, expend funds, acquire property and adopt ordinances for such purposes. Such ordinances may include provisions establishing permit or license requirements and fees therefor.

With the approval of the pollution control agency, local governmental authorities with jurisdiction wholly or in part within a designated region may enter into an agreement as provided by chapter 471 to exercise jointly all or some of the powers delegated by agreement with the pollution control agency. The term "local governmental authorities" as used herein includes every city, village, borough, county, town or other political subdivision and any agency of the state of Minnesota, or subdivision thereof, having less than state wide jurisdiction.

[1967 c 882 s 5; 1969 c 1046 s 2; Ex1971 c 14 s 1]

116.06 DEFINITIONS. Subdivision 1. The definitions given in this section shall obtain for the purposes of sections 116.01 to 116.09 except as otherwise expressly provided or indicated by the context.

Subd. 2. "Air contaminant" or "air contamination" means the presence in the outdoor atmosphere of any dust, fume, mist, smoke, vapor, gas, or other gaseous, fluid, or particulate substance differing in composition from or exceeding in concentration the natural components of the atmosphere.

Subd. 3. "Air pollution" means the presence in the outdoor atmosphere of any air contaminant or combination thereof in such quantity, of such nature and duration, and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property.

Subd. 4. "Emission" means a release or discharge into the outdoor atmosphere of any air contaminant or combination thereof.

Subd. 5. "Emission facility" means any structure, work, equipment, machinery, device, apparatus, or other means whereby an emission is caused to occur.

Subd. 6. "Air contaminant treatment facility" or "treatment facility" means any structure, work, equipment, machinery, device, apparatus, or other means for treatment of an air contaminant or combination thereof to prevent, abate, or control air pollution.

Subd. 7. "Potential air contaminant storage facility" or "Storage facility" means any structure, work, equipment, device, apparatus, tank, container, or other means for the storage or confinement, either stationary or in transit, of any substance which, if released or discharged into the outdoor atmosphere, might cause air contamination or air pollution.

Subd. 8. "Person" means any human being, any municipality or other governmental or political subdivision or other public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing, or any other legal entity, but does not include the pollution control agency.

Subd. 9. "Land pollution" means the presence in or on the land of any solid waste in such quantity, of such nature and duration, and under such condition as would affect injuriously any waters of the state, create air contaminants or cause air pollution.

Subd. 10. "Solid waste" means garbage, refuse and other discarded solid materials, except animal waste used as fertilizer including solid waste materials resulting from industrial, commercial and agricultural operations, and from community activities, but does not include earthen fill, boulders, rock and other materials normally handled in construction operations, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows, or other common water pollutants.

Subd. 11. "Noise" means any sound not occurring in the natural environment, including, but not limited to, sounds emanating from aircraft and highways, and industrial, commercial, and residential sources.

Subd. 12. "Noise pollution" means the presence in the outdoor atmosphere of any noise or combination of noises in such quantity, at such levels, of such nature and duration or under such conditions as could potentially be injurious to human health or welfare, to animal or plant life, or to property, or could interfere unreasonably with the enjoyment of life or property.

[1967 c 882 s 6; 1969 c 1046 s 3, 4; 1971 c 727 s 1, 2]

116.07 POWERS AND DUTIES. Subdivision 1. **Generally.** In addition to any powers or duties otherwise prescribed by law and without limiting the same, the pollution control agency shall have the powers and duties hereinafter specified.

Subd. 2. **Adoption of standards.** The pollution control agency shall 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 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 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 accepted 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.

Subd. 3. Administrative rules. Pursuant and subject to the provisions of chapter 15, and the provisions hereof, the pollution control agency may adopt, amend, and rescind rules governing its own administration and procedure and its staff and employees.

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, 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.

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.

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.

Subd. 5. Variances. The pollution control agency may grant variances from the requirements of regulations or standards upon such procedure and conditions as it may by regulation prescribe in order to avoid undue hardship and promote the effective and reasonable application and enforcement of laws, regulations, and standards for prevention, abatement and control of water, air, noise, and land pollution.

Subd. 6. Pollution control agency; exercise of powers. In exercising all its powers the pollution control agency shall give due consideration to the establishment, maintenance, operation and expansion of business, commerce, trade, industry, traffic, and other economic factors and other material matters affecting the feasibility and practicability of any proposed action, including, but not limited to, the burden on a municipality of any tax which may result therefrom, and shall take or provide for such action as may be reasonable, feasible, and practical under the circumstances.

[1967 c 882 s 7; 1969 c 1046 s 5-7; 1971 c 727 s 3-5; 1971 c 904 s 1]

116.075 HEARINGS AND RECORDS PUBLIC. Subdivision 1. All hearings conducted by the pollution control agency pursuant to this chapter shall be open to the public, and the transcripts thereof are public records. All final records, studies, reports, orders, and other documents prepared in final form by order of, or for the consideration of, the agency, are public records. Any documents designated as public records by this section may be inspected by members of the public at all reasonable hours and places under such rules and regulations as the agency shall promulgate.

Subd. 2. Any records or other information obtained by the pollution control agency or furnished to the agency by the owner or operator of one or more contaminant sources which are certified by said owner or operator to relate to (a) production or sales figures, (b) processes or production unique to the owner or operator, or (c) information which would tend to affect adversely the competitive position of said owner or operator, shall be only for the confidential use of the agency in discharging its statutory obligations, unless otherwise specifically authorized by said owner or operator. Provided, however that all such information may be used by the agency in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere so long as such analyses or summaries do not identify any owner or operator who has so certified.

[1971 c 887 s 1]

116.08 ENFORCEMENT. Subdivision 1. **Violations; penalties.** It shall be the duty of every person affected to comply with the provisions of sections 116.01 to 116.09 as now in force or hereafter amended, relating to sources of air contamination or air pollution, emissions, emission facilities, treatment facilities, storage facilities, and other means, operations, acts or omissions causing air contamina-

tion or air pollution, or any thereof, and with the provisions of every regulation or standard of the pollution control agency relating thereto.

It shall also be the duty of every person affected to comply with the provisions of sections 116.01 to 116.09 as now in force or hereafter amended, relating to the pollution of land originating from the collection, transportation and disposal of solid waste or other means, operations, acts, or omissions causing land pollution, and with the provisions of every regulation or standard of the pollution control agency relating thereto, and the deposit in or on land of any other material that may tend to cause pollution.

It shall also be the duty of every person affected to comply with the provisions of sections 116.01 to 116.09 as now in force or hereafter amended, relating to sources of noise pollution, emissions, emission facilities, treatment facilities, and other means of operation, acts or omissions causing air contamination or air pollution or any thereof, and with the provisions of every regulation or standard of the pollution control agency relating thereto.

Violation of any such provision shall be a misdemeanor. Each day of any such violation shall constitute a separate offense. It shall be the duty of all county attorneys, sheriffs and other peace officers, and other officers having authority in the enforcement of the general criminal laws to take all action to the extent of their authority, respectively, that may be necessary or proper for the enforcement of said provisions.

Subd. 2. Civil actions. The provisions of law, regulations, or standards specified in subdivision 1 or any thereof may be enforced by injunction, action to compel performance, or other appropriate action in the district court of any county wherein the applicable provision takes effect. Without limitation, (a) the maintenance, operation, or allowance of any emission, emission facility, treatment facility, or storage facility contrary to any provision of sections 116.01 to 116.09 or any regulation or standard thereunder or the maintenance, operation, or allowance of any other source or means causing air contamination or air pollution in violation of any such provision, (b) the maintenance, operation, or allowance of any emission, emission facility, or treatment facility contrary to any provisions of sections 116.01 to 116.09 of any regulation or standard thereunder or the maintenance, operation or allowance of any other source or means causing noise pollution in violation of any such provision, or (c) the maintenance, operation, or allowance of any collection, transportation, or disposal of solid waste contrary to any provision of sections 116.01 to 116.09 or any regulation or standard thereunder or the pollution of any land which may originate from or relate to the collection, transportation, or disposal of solid waste in violation of any such provision, shall be a public nuisance, and may be enjoined and abated as such by appropriate action in the district court of the county in which the subject matter or any part thereof is situated. The attorney general or the county attorney of the county of original venue as hereinbefore provided shall bring and maintain any action specified in this subdivision on request of the pollution control agency.

[1967 c 882 s 8; 1969 c 1046 s 8, 9; 1971 c 23 s 11; 1971 c 727 s 6, 7]

116.081 PROHIBITIONS. Subdivision 1. **Obtain permit.** It shall be unlawful for any person to construct, install or operate an emission facility, air contaminant treatment facility, treatment facility, potential air contaminant storage facility, storage facility, or system or facility related to the collection, transportation or disposal of solid waste, or any part thereof unless otherwise exempted by any agency regulation now in force or hereinafter adopted, until plans therefor shall have been submitted to the agency, and a written permit therefor shall have been granted by the agency. The requirements of this section shall not be applied to motor vehicles.

Subd. 2. Permits now issued. Any permit authorized by section 116.07, subdivision 4a issued prior to June 8, 1971, and any regulation which required said prior permit, shall be valid and remain enforceable subject, however, to the right of the agency to modify or revoke said permit or amend said regulation in the same manner as other permits and regulations.

Subd. 3. Permission for alteration. It shall be unlawful for any person to make any change in, addition to or extension of any existing system or facility specified in subdivision 1, or part thereof, that would materially alter the method or the effect of treating or disposing of any air contaminant or solid waste, or to operate said system or facility, or part thereof, so changed, added to, or ex-

MINNESOTA STATUTES 1971

1427

POLLUTION CONTROL AGENCY 116.15

tended until plans therefor shall have been submitted to the agency, and a written permit therefor shall have been granted by the agency.

[1971 c 904 s 2]

116.09 [Repealed, 1969 c 1046 s 12]

NOTE: Section 116.09 is also amended by Laws 1969, Chapter 540, Section 5, to read:

"116.09 **Study and reports.** Subdivision 1. The pollution control agency shall investigate and study problems relating to air pollution in the areas of the state affected thereby and report to the governor and the legislature on or before November 15 in each even numbered year, in regard thereto. Such report shall contain an analysis of the problem as it exists and recommendations for the solution thereof, including standards to minimize air pollution promulgated hereunder.

Subd. 2. The pollution control agency shall study and investigate problems of solid waste control and problems concerning the uses of land in areas of the state which are affected by the pollution of air and water, and report to the governor and the legislature in regard thereto not later than November 15 in each even numbered year. Such report shall contain an analysis of these problems as they may exist, recommendations for the solution thereof, including proposed standards.

Subd. 3. The recommendations of the pollution control agency may include a comprehensive plan for the control, abatement, or prevention of air pollution.

Subd. 4. The recommendations of the pollution control agency may include a comprehensive plan covering standards of land use in places where such land use increases the problem of pollution."

116.091 SYSTEMS AND FACILITIES. Subdivision 1. **Information.** Any person operating any emission system or facility specified in section 116.081, subdivision 1, when requested by the pollution control agency, shall furnish to it any information which he may have which is relevant to pollution or the regulations or provisions of chapter 116.

Subd. 2. **Examination of records.** The agency or any employee or agent thereof, when authorized by it, may examine any books, papers, records or memoranda pertaining to the operation of any system or facility specified in subdivision 1.

Subd. 3. **Access to premises.** Whenever the agency deems it necessary for the purposes of chapter 116, the agency or any member, employee, or agent thereof, when authorized by it, may enter upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations.

[1971 c 904 s 3]

116.10 POLICY; LONG-RANGE PLAN; PURPOSE. Consistent with the policy announced herein and the purposes of Laws 1963, Chapter 874, the pollution control agency shall, before November 15 of each even numbered year, prepare a long-range plan and program for the effectuation of said policy, and shall make a report also of progress on abatement and control of air and land pollution during each biennium to the legislature with recommendations for action in furtherance of the air and land pollution and solid waste programs.

[1969 c 1046 s 10]

116.11 EMERGENCY POWERS. In the event that there is imminent danger to the health and welfare of the people of the state, or of any part thereof, as a result of the pollution of air, land or water; upon such finding, the agency may by emergency order direct the abatement of such pollution without notice and without a hearing. Such order shall be appealable to the appropriate district court and the provisions of chapter 15 shall govern the procedure and scope of review on such appeal.

[1969 c 1046 s 11]

116.15 CRYSTAL WATERS ACT. Subdivision 1. Upon determination by the pollution control agency, on application by any other public agency or political subdivision of the state responsible for the acquisition or betterment and financing of any water pollution control project, comprising treatment works, interceptors, sewers, or appurtenant facilities, that the project is eligible under federal statutes and regulations for a grant of funds by any agency of the federal government in aid of the completion thereof, a state grant in aid for the payment of interest may be made from the appropriation made by this section in anticipation of the receipt of the federal grant, upon the conditions and in the manner stated in this section. Such determination may be made before the actual commitment of federal funds, if the federal agency concerned has stated that the project falls under possible grant reimbursement provisions of federal law, and if in the judgment of the pollution control agency a federal grant offer should be recommended when grant funds can be certified as available for the project.

Subd. 2. The director shall certify to the pollution control agency, and shall receive from the applicant copies of all such documents as the agency considers necessary and proper to establish:

(1) The general nature, location, and estimated total cost of the land, buildings, or capital improvements constituting the project;

(2) The federal agency to which the grant application has been submitted, the approval or determination of eligibility of the project by that agency, whether preliminary or final, the nature and probable cost of the facilities considered to be eligible for the grant, and the estimated amount of the grant;

(3) As to any project eligible for a grant of federal funds appropriated to the pollution control agency under section 116.03, subdivision 3, its priority of need relative to other such projects;

(4) The amounts and sources of funds of the applicant which are appropriated and available or are authorized to be borrowed to pay the cost of the project in excess of the grant;

(5) The probable dates of site acquisition and contracts for and completion of phases of construction; and

(6) The probable dates and amounts of disbursement of the federal grant.

Subd. 3. The pollution control agency may make the state grant in aid for the payment of interest on funds borrowed for any project in an amount not exceeding the amount that the project is eligible, after consideration of the following factors, no one of which shall necessarily control its decision:

(1) The probability and probable time of approval of a federal grant in a specific amount for disbursement from appropriated funds allocated to the project;

(2) The priority of need for the project in relation to other projects eligible for grants subject to approval by the pollution control agency;

(3) The readiness of the responsible agency or subdivision to proceed with the project; and

(4) The ability of the responsible agency or subdivision to finance the eligible cost of the project itself without state costs.

Subd. 4. All expenses of the pollution control agency in administering the appropriation made by this section are payable therefrom.

Subd. 5. There is appropriated to the pollution control agency from the general fund in the state treasury the sum of \$1,500,000 for the purpose of carrying out the terms and provisions of subdivisions 1 to 4.

None of such funds shall cancel but shall be available for the purposes of making state grants in aid for the payment of interest to those eligible therefor until the full amount has been expended.

Subd. 6. This section may be cited as the Crystal Waters Act.

[1969 c 825 s 1-3]

116.16 MINNESOTA STATE WATER POLLUTION CONTROL FUND. Subdivision 1. **Purpose.** A Minnesota state water pollution control fund is created as a separate bookkeeping account in the general books of account of the state, to record receipts of the proceeds of state bonds and other money appropriated to the fund and disbursements of money appropriated or loaned from the fund to agencies and subdivisions of the state for the acquisition and betterment of public land, buildings, and improvements of a capital nature needed for the prevention, control, and abatement of water pollution in accordance with the long range state policy, plan, and program established in sections 115.41 to 115.63, and in accordance with standards adopted pursuant to law by the Minnesota pollution control agency. It is determined that state financial assistance for the construction of water pollution prevention and abatement facilities for municipal disposal systems is a public purpose and a proper function of state government, in that the state is trustee of the waters of the state and such financial assistance is necessary to protect the purity of state waters, and to protect the public health of the citizens of the state, which is endangered whenever pollution enters state waters at one point and flows to other points in the state.

Subd. 2. **Definitions.** In this section and section 116.17:

(1) Agency means the Minnesota pollution control agency created by chapter 116;

(2) Municipality means any county, city, village, borough, and town, the metropolitan sewer board created by chapter 473C and the metropolitan council when acting under the provisions of that chapter, and any other governmental subdivision of the state responsible by law for the prevention, control, and abatement of water pollution in any area of the state;

(3) Pollution control fund means the Minnesota state water pollution control fund created by subdivision 1;

(4) Bond account means the Minnesota state water pollution control bond account created in the state bond fund by section 116.17, subdivision 4;

(5) Terms defined in section 115.01 have the meanings therein given them;

(6) The cost of any project includes (a) preliminary planning to determine the economic, engineering, and environmental feasibility of the project; (b) engineering, architectural, legal, fiscal, economic, sociological, project administrative costs of the agency and the municipality, and other investigations and studies; (c) surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary to the planning, design, and construction of the project; (d) erection, building, acquisition, alteration, remodeling, improvement, and extension; (e) inspection of performance, monitoring, or control and supervision; and (f) all other expenses of the kinds enumerated in section 475.65.

Subd. 3. Receipts. The state auditor and treasurer shall deposit in the fund as received (a) all proceeds of Minnesota water pollution control bonds, except accrued interest and premiums received upon the sale thereof, (b) all other money appropriated by law for purposes stated in subdivision 1, (c) all money granted to the state for such purposes by the federal government or any agency thereof, (d) all income from the investment of the fund, which income shall be credited thereto in each fiscal year in an amount equal to the approximate average rate of return that year on all funds invested by the state treasurer, as estimated by the treasurer, times the average balance in the fund that year, and (e) all money appropriated to the agency by section 116.15, subdivision 5, and not yet expended or committed. All such receipts are annually appropriated for the permanent construction and improvement purposes of the fund, and shall be and remain available for expenditure in accordance with this section and federal law until the purposes for which such appropriations were made have been accomplished or abandoned.

Subd. 4. Disbursements. Disbursements from the fund shall be made by the state treasurer upon order of the state auditor at the times and in the amounts requested by the agency in accordance with the federal laws and regulations and the state appropriation acts governing such disbursements; except that no appropriation or loan of state funds for any project, except for a grant in aid of the payment of interest under section 116.15, shall be disbursed to any municipality until and unless the agency has by resolution determined the total estimated cost of the project, and ascertained that financing of the project is assured by:

(1) A grant to the municipality by an agency of the federal government within the amount of funds then appropriated to that agency and allocated by it to projects within the state; or

(2) A grant of funds appropriated by state law; or

(3) A loan authorized by state law; or

(4) The appropriation of proceeds of bonds or other funds of the municipality to a fund for the construction of the project; or

(5) Any or all of the means referred to in paragraphs (1) to (4); and

(6) An irrevocable undertaking, by resolution of the governing body of the municipality, to use all funds so made available exclusively for the construction of the project, and to pay any additional amount by which the cost of the project exceeds the estimate, by the appropriation to the construction fund of additional municipal funds or the proceeds of additional bonds to be issued by the municipality; and

(7) Conformity of the project and of the loan or grant application with the state water pollution control plan as certified to the federal government and with all other conditions under federal laws and regulations for a grant of federal funds of the nature and in the amount involved.

Subd. 5. Rules. The agency shall promulgate rules for the administration of grants and loans authorized to be made from the fund, which rules, however, shall not be applicable to the issuance of bonds by the state auditor as provided in section 116.17. The rules shall contain as a minimum:

(1) Procedures for application by municipalities;

(2) Conditions for the administration of the grant or loan;

(3) Criteria for eligibility for grants or loans, including those specified in subdivision 6; and

(4) Such other matters as the agency and the director find necessary to the proper administration of the grant program.

Subd. 6. Priorities. The rules of the agency shall provide that a high priority shall be given to applications from municipalities which because of limited tax base, excessive bonded indebtedness, or critical conditions of water pollution requiring agency action pursuant to law, would face extreme financial hardship without the assistance provided by Extra Session Laws 1971, Chapter 20, and to applications from sanitary districts or for systems to be constructed to serve more than one municipality. The rules shall contain criteria relating to:

- (1) The extent and nature of pollution,
- (2) Per capita costs of the proposed projects,
- (3) Financial capability of the municipality,
- (4) The technological feasibility of the project,
- (5) The availability of other sources of financing, and
- (6) The adequacy of provision made to assure proper and efficient operation and maintenance of the project after the construction is completed.

Subd. 7. Interest grants. To the extent that money is available in the fund from time to time, it may be used by the agency to assist municipalities in defraying interest costs during construction as provided in section 116.15.

Subd. 8. Loans. Each loan made to a municipality from the proceeds of state bonds, when authorized by law, shall be evidenced by resolutions adopted by the agency and by the governing body of the municipality, obligating the municipality to repay the loan to the state treasurer, for credit to the water pollution control bond account in the state bond fund, in annual installments including both principal and interest, each in an amount sufficient to pay the principal amount within such period as may be provided by the agency in accordance with the law authorizing the loan, with interest on the declining balance thereof at a rate not less than the average annual interest rate on state bonds of the issue from the proceeds of which the loan was made, and obligating the municipality to provide money for such repayment from user charges, taxes, special assessments, or other funds available to it. For the purpose of repaying such loans the municipality by resolution of its governing body may undertake to fix rates and charges for disposal system service and enter into contracts for the payment by others of costs of construction, maintenance, and use of the project in accordance with section 444.075, and may pledge the revenues derived therefrom, and the agency may condition any such loans upon the establishment of rates and charges or the execution of contracts sufficient to produce the revenues pledged.

Subd. 9. Applications. Applications by municipalities for grants or loans from the fund shall be made to the director of the agency on forms requiring information prescribed by rules of the agency. The director shall certify to the agency those applications which appear to meet the criteria set forth in Extra Session Laws 1971, Chapter 20 and the rules promulgated hereunder, and the agency shall award grants or loans on the basis of the criteria and priorities established in its rules and in Extra Session Laws 1971, Chapter 20.

[Ex1971 c 20 s 1]

116.17 MINNESOTA STATE WATER POLLUTION CONTROL BONDS. Subdivision 1. **Purpose and appropriation.** For the purpose of providing money to be appropriated or loaned to municipalities from the Minnesota state water pollution control fund for the acquisition and betterment of public land, buildings, and improvements of a capital nature needed for the prevention, control, and abatement of water pollution in accordance with the provisions of section 116.16, when such appropriations or loans are authorized by law and funds therefor are requested by the agency, the state auditor shall sell and issue bonds of the state of Minnesota for the prompt and full payment of which, with interest thereon, the full faith, credit, and taxing powers of the state are irrevocably pledged. Bonds shall be issued pursuant to this section only as authorized by a law specifying the purpose thereof and the maximum amount of the proceeds authorized to be expended for this purpose. Any act authorizing the issuance of bonds for this purpose, together with this section, constitutes complete authority for such issue, and such bonds shall not be subject to restrictions or limitations contained in any other law.

Subd. 2. Issuance of bonds. Upon request by resolution of the agency and upon authorization as provided in subdivision 1 the state auditor shall sell and issue Minnesota state water pollution control bonds in the aggregate amount requested, upon sealed bids and upon such notice, at such price, in such form and denominations, bearing interest at such rate or rates, maturing in such amounts and on such dates, without option of prepayment or subject to prepayment upon such notice and at such times and prices, payable at such bank or banks within or outside the state, with such provisions for registration, conversion, and exchange and for the issuance of notes in anticipation of the sale or delivery of definitive bonds, and in accordance with such further regulations, as the auditor shall determine, subject to the approval of the attorney general, but not subject to the provisions of sections 15.0411 to 15.0422. The bonds shall be executed by the state auditor and attested by the state treasurer under their official seals. The signatures of the officers on the bonds and any appurtenant interest coupons and their seals may be printed, lithographed, engraved, or stamped thereon, except that each bond shall be authenticated by the manual signature on its face of one of the officers or of an officer of a bank designated by them as authenticating agent. The state auditor shall ascertain and certify to the purchasers of the bonds the performance and existence of all acts, conditions, and things necessary to make them valid and binding general obligations of the state of Minnesota, subject to the approval of the attorney general.

Subd. 3. Expenses. All expenses incidental to the sale, printing, execution, and delivery of bonds pursuant to this section, including but not limited to actual and necessary travel and subsistence expenses of state officers and employees for such purposes, and any expenses of litigation relating to the validity of the bonds, shall be paid from the pollution control fund, and the amounts necessary therefor are appropriated from that fund; provided that if any amount is specifically appropriated for this purpose in an act authorizing the issuance of bonds pursuant to this section, such expenses shall be limited to the amount so appropriated.

Subd. 4. State water pollution control bond account in the state bond fund. The state auditor shall maintain in the state bond fund a separate bookkeeping account which shall be designated as the state water pollution control bond account, to record receipts and disbursements of money transferred to the fund to pay Minnesota state water pollution control bonds and income from the investment of such money, which income shall be credited to the account in each fiscal year in an amount equal to the approximate average return that year on all funds invested by the state treasurer, as determined by the treasurer, times the average balance in the account that year.

Subd. 5. Appropriations to bond account. The premium and accrued interest received on each issue of Minnesota state water pollution control bonds, and all loan payments received under the provisions of section 116.16, subdivision 5, shall be credited to the bond account. In order to reduce the amount of taxes otherwise required to be levied, there shall also be credited to the bond account therein from the general fund in the state treasury, on November 1 in each year, a sum of money sufficient in amount, when added to the balance then on hand therein, to pay all Minnesota water pollution control bonds and interest thereon due and to become due to and including July 1 in the second ensuing year. All money so credited and all income from the investment thereof is annually appropriated to the bond account for the payment of such bonds and interest thereon, and shall be available in the bond account prior to the levy of the tax in any year required by the Constitution, Article IX, Section 6, Subdivision 4. The state auditor and treasurer are directed to make the appropriate entries in the accounts of the respective funds.

Subd. 6. Tax levy. On or before December 1 in each year the state auditor shall levy on all taxable property within the state whatever tax may be necessary to produce an amount sufficient, with all money then and theretofore credited to the bond account, to pay the entire amount of principal and interest then and theretofore due and principal and interest to become due on or before July 1 in the second year thereafter on Minnesota water pollution control bonds. This tax shall be levied upon all real property used for the purposes of a homestead, as well as other taxable property, notwithstanding the provisions of section 273.13, subdivisions 6 and 7, and shall be subject to no limitation of rate or amount until all such bonds and interest thereon are fully paid. The proceeds

of this tax are appropriated and shall be credited to the state bond fund, and the principal of and interest on the bonds are payable from such proceeds, and the whole thereof, or so much as may be necessary, is appropriated for such payments. If at any time there is insufficient money from the proceeds of such taxes to pay the principal and interest when due on Minnesota water pollution control bonds, such principal and interest shall be paid out of the general fund in the state treasury, and the amount necessary therefor is hereby appropriated.

[*Ex1971 c 20 s 2*]

116.18 WATER POLLUTION CONTROL FUND APPROPRIATIONS AND BONDS. Subdivision 1. **Appropriation from the fund for federally aided projects.** The sum of \$34,750,000, or so much thereof as may be necessary, is appropriated from the Minnesota state water pollution control fund in the state treasury to the pollution control agency, for the period commencing on July 23, 1971, and ending June 30, 1973, to be granted and disbursed to municipalities and agencies of the state in aid of the construction of projects conforming to section 116.16, in accordance with the rules, priorities, and criteria therein described. Except as otherwise provided in subdivision 2, these funds shall be expended only for projects for which there becomes available, through use of these funds, a grant of federal funds at a percentage of cost exceeding the percentage which would be available for the project if these state funds were not available. Not less than 20 percent of such cost shall be paid by the municipality or agency constructing the project. It is the purpose of this appropriation that a grant of state funds for each project approved in each of the fiscal years ending June 30, 1971, 1972, and 1973, shall be made in an amount not less than that required in federal law and regulations as a condition for the grant of federal funds for the project and for all other water pollution control projects for which federal grants are allocated in the same year, in the maximum amount permissible under such law and regulations.

Subd. 2. **Additional purposes of appropriation.** If the pollution control agency, acting in accordance with section 116.16, subdivisions 4 to 6, determines that the public health of the state requires the construction of a project by a municipality or agency that is unable to provide 20 percent of the eligible cost thereof, the funds appropriated in subdivision 1 may be expended to reduce its contribution to not less than 15 percent of the eligible cost. Funds estimated by the pollution control agency to be available, consistent with the fulfillment of the purpose expressed in subdivision 1, may also be granted to assist in defraying interest costs during construction of water pollution control projects for which federal grants are anticipated, as provided in section 116.15.

Subd. 3. **Appropriation from general fund; reimbursement.** The sum of \$9,750,000, or so much thereof as may be necessary, is appropriated from the general fund to the Minnesota state water pollution control fund, for the purpose of providing money appropriated in subdivision 1 for expenditure from that fund for the purpose therein stated, provided that no amount shall be credited at any time to the water pollution control fund, pursuant to this appropriation, which would cause the balance then on hand in the fund to exceed the aggregate amount of grants approved and not theretofore disbursed by the pollution control agency, as certified by its director.

Subd. 4. **Bond authorization.** For the purpose of providing money appropriated in subdivision 1 for expenditure from the Minnesota state water pollution control fund through grants to municipalities and agencies of the state for the acquisition and betterment of public land, buildings, and improvements of a capital nature needed for the prevention, control, and abatement of water pollution, including reimbursement of amounts expended from the general fund for this purpose, the state auditor is authorized upon request of the pollution control agency to sell and issue Minnesota state water pollution control bonds in the amount of \$25,000,000, in the manner and upon the conditions prescribed in section 116.17 and in the Constitution, Article IX, Section 6. The proceeds of such bonds, except as provided in section 116.17, subdivision 5, are appropriated and shall be credited to the Minnesota state water pollution control fund. The amount of bonds issued pursuant to this authorization shall not exceed at any time the amount needed to produce a balance in the water pollution control fund equal to the aggregate amount of grants then approved and not previously disbursed, plus

the amount of such grants to be approved in the current and the following fiscal year, as estimated by the pollution control agency.

Subd. 5. **Federal and other funds.** All federal and other funds made available for any purpose of the water pollution control fund are also appropriated to that fund.

Subd. 6. **Continuance of appropriations.** None of the appropriations made in this section shall lapse until the purpose for which it is made has been accomplished or abandoned. The amount of each grant approved for disbursement from the water pollution control fund shall be and remain appropriated for that purpose until the grant is fully disbursed or part or all thereof is revoked by the pollution control agency.

[Ex1971 c 20 s 3]

116.21 NUTRIENTS IN CLEANING AGENTS AND WATER CONDITIONERS, CONTROL; STATEMENT OF POLICY. The legislature seeks to encourage the Minnesota pollution control agency through the passage of sections 116.21 to 116.35, to set standards limiting the amount of nutrients in various cleaning agents and water conditioning agents. The legislature realizes that the nutrients contained in many of these products serve a valuable purpose in increasing their overall effectiveness, but we are also aware that they overstimulate the growth of aquatic life and eventually lead to an acceleration of the natural eutrophication process of our state's waters. Limitations imposed under sections 116.21 to 116.35 should, however, be made taking the following factors into consideration:

(1) The availability of safe, nonpolluting, and effective substitutes.

(2) The difference in the mineral content of water in various parts of the state.

(3) The differing needs of industrial, commercial and household users of cleaning agents and chemical water conditioners.

[1971 c 896 s 1]

116.22 DEFINITIONS. Subdivision 1. For purposes of sections 116.21 to 116.35, the terms defined in this section shall have the meanings given them.

Subd. 2. "Cleaning agent" means a laundry detergent, dishwashing compound, household cleaner, metal cleaner, degreasing compound, commercial cleaner, industrial cleaner, phosphate compound or other substance intended to be used for cleaning purposes.

Subd. 3. "Nutrient" means a substance or combination of substances which, if added to waters in sufficient quantities, provides nourishment that promotes growth of aquatic vegetation in densities which:

(a) interfere with use of the waters by man or by any animal, fish or plant useful to man, or

(b) contribute to degradation or alteration of the quality of the waters to an extent detrimental to their use by man or by any animal, fish or plant that is useful to man.

Subd. 4. "Chemical water conditioner" means a water softening chemical, antiscaling chemical, corrosion inhibitor or other substance intended to be used to treat water.

[1971 c 896 s 2]

116.23 PROHIBITION. No person shall manufacture for use or sale in Minnesota or import into Minnesota for resale any cleaning agent or chemical water conditioner which contains a prescribed nutrient in a concentration that is greater than the prescribed maximum permissible concentration of that nutrient in that cleaning agent or chemical water conditioner.

[1971 c 896 s 3]

116.24 REGULATIONS. The pollution control agency may make regulations:

(a) prescribing for the purpose of section 116.23 nutrients and the maximum permissible concentration if any, of a prescribed nutrient in any cleaning agent or chemical water conditioner;

(b) respecting the manner in which the concentration of any prescribed nutrient in a cleaning agent or chemical water conditioner shall be determined; and

(c) requiring persons who manufacture in Minnesota any cleaning agent or chemical water conditioner to maintain books and records necessary for the proper enforcement of sections 116.21 to 116.35 and regulations thereunder, and

to submit samples of cleaning agents or water conditioners to the pollution control agency.

[1971 c 896 s 4]

116.25 SEIZURE. Subdivision 1. The pollution control agency may seize a cleaning agent or chemical water conditioner which it reasonably believes was manufactured or imported in violation of section 116.23.

Subd. 2. A cleaning agent or chemical water conditioner seized under sections 116.21 to 116.35, may be kept or stored in the building or place where it was seized or may be removed to any other proper place by or at the direction of the pollution control agency.

Subd. 3. Except with the authority of the pollution control agency, no person shall remove, alter or interfere with a cleaning agent or chemical water conditioner seized under sections 116.21 to 116.35, but the pollution control agency shall, at the request of a person from whom it was seized, furnish a sample thereof to the person for analysis.

[1971 c 896 s 5]

116.26 RESTORATION. Subdivision 1. When a cleaning agent or chemical water conditioner has been seized under sections 116.21 to 116.35, any person may within two months after the date of seizure, upon prior notice in accordance with subdivision 2 to the pollution control agency by registered mail, apply to the district court within whose jurisdiction the seizure was made for an order of restoration under subdivision 3.

Subd. 2. Notice under subdivision 1 shall be mailed at least 15 days prior to the day on which the application is to be made to the district court and shall specify:

- (a) the district court to which the application is to be made;
- (b) the place where and the time when the application is to be heard;
- (c) the cleaning agent or chemical water conditioner in regard to which the application is to be made; and
- (d) the evidence upon which the applicant relies to establish that he is entitled to possession of the cleaning agent or chemical water conditioner.

Subd. 3. Subject to section 116.27 when upon hearing, the district court is satisfied (a) that the applicant is otherwise entitled to possession of the items seized, and (b) that the items seized are not and will not be required as evidence in proceedings under sections 116.21 to 116.35, he shall order that the items seized be restored forthwith to the applicant. Where the court is satisfied that the applicant is otherwise entitled to possession but is not satisfied as to the necessity for retention as evidence, he shall order restoration to the applicant (a) four months after the date of seizure if no proceedings under section 116.23 have been commenced before that time, or (b) upon the final conclusion of any such proceedings.

Subd. 4. When no application has been made under subdivision 1 within two months from the date of seizure, or when upon application no order of restoration is made, the items seized shall be delivered to the pollution control agency, which may dispose of them as it sees fit.

[1971 c 896 s 6]

116.27 ADDITIONAL PROHIBITION. Subdivision 1. No manufacturer, wholesaler, or retailer shall sell, possess with intent to sell, or display for sale, a household laundry or dishwashing compound, including household detergents and presoaks, unless a verified or certified test result is filed with the pollution control agency stating the percentage content of phosphorous by weight contained in the product.

Subd. 2. Tests shall be conducted pursuant to the methods and procedures adopted by the federal water quality administration.

[1971 c 896 s 7]

116.28 LISTS REQUIRED. Subdivision 1. No household laundry or dishwashing compound, including household detergents and presoaks, shall be sold or displayed for sale unless the product name is on a list prominently displayed near the product display stating the phosphorous content by percentage of weight to weight of the package contents. The products shall be listed in descending order and in letters and figures not less than one half inch high and proportionately wide.

Subd. 2. The pollution control agency shall supply any person upon request with a current listing of household laundry and dishwashing compounds and their

phosphate contents received pursuant to sections 116.21 to 116.35. This list shall be updated periodically and then distributed to every retailer who has requested one.

[1971 c 896 s 8]

116.29 FORFEITURE. Subdivision 1. When a person is convicted of an offense under section 116.28 any cleaning agent or chemical water conditioner seized in accordance with sections 116.21 to 116.35 is forfeited to the pollution control agency and shall be disposed of as it directs.

Subd. 2. When a cleaning agent or chemical water conditioner is seized under sections 116.21 to 116.35, the owner or the person in whose possession it was at the time of seizure consents in writing to its destruction, it is forfeited to the pollution control agency and shall be disposed of as it directs.

[1971 c 896 s 9]

116.30 PENALTIES. Subdivision 1. Any person who violates section 116.23, on conviction, may be fined not more than \$5000 for each offense.

Subd. 2. If an offense under subdivision 1 is committed on more than one day, it shall be deemed a separate offense for each day.

[1971 c 896 s 10]

116.31 PUNISHMENT. Any person who violates sections 116.24, clause (c); 116.25, subdivision 3; 116.27 or 116.28, is guilty of a misdemeanor.

[1971 c 896 s 11]

116.32 ORDER TO REFRAIN. If a person is convicted of an offense under sections 116.21 to 116.35, the court may, in addition to any punishment it may impose, order that person to refrain from any further violations of the provision of sections 116.21 to 116.35, or regulations for the violation of which he has been convicted, or to cease to carry on any activity specified in the order the carrying on of which, in the opinion of the court, will or is likely to result in any further violation thereof.

[1971 c 896 s 12]

116.33 PROOF OF OFFENSE. In a prosecution for an offense under sections 116.21 to 116.35, it is sufficient proof of the offense to establish that it was committed by an employee or agent of the accused whether or not the employee agent is identified or has been prosecuted for the offense, unless the accused establishes that the offense was committed without his knowledge or consent and that he exercised all due diligence to prevent its commission.

[1971 c 896 s 13]

116.34 TIME LIMITED FOR PROCEEDINGS. Proceedings in respect of an offense under sections 116.21 to 116.35, may be instituted at any time within two years after the time when the subject matter of the proceedings arose.

[1971 c 896 s 14]

116.35 TRIAL OF OFFENSES. Any complaint or information in respect of an offense under sections 116.21 to 116.35, may be heard, tried or determined by a court if the accused is resident or carrying on business within the territorial jurisdiction of that court although the matter of the complaint or information did not arise in that territorial jurisdiction.

[1971 c 896 s 15]