

# MINNESOTA STATUTES 1977 SUPPLEMENT

## POLLUTION CONTROL AGENCY 116.07

### CHAPTER 115. WATER POLLUTION CONTROL; SANITARY DISTRICTS

Sec.  
115.71 Definitions.

#### 115.71 Definitions.

[For text of subds 1 to 6, see M.S.1976]

Subd. 7. "Water supply system" means a public water supply pursuant to section 144.382, subdivision 4.

[For text of subds 8 to 10, see M.S.1976]

[ 1977 c 66 s 9 ]

### CHAPTER 116. POLLUTION CONTROL AGENCY

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116.03 Director.	116.18 Water pollution control funds; appropriations and bonds.
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116.16 Minnesota state water pollution control fund.	116.39 Ozone layer preservation. [New]

#### 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 under the provisions of section 15.06.

(b) The director may appoint a deputy director and an assistant director who shall be in the unclassified service.

[For text of subds 2 to 6, see M.S.1976]

[ 1977 c 305 s 19 ]

#### 116.07 Powers and duties.

[For text of subds 1 to 3, see M.S.1976]

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, storage, 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

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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 this chapter, 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 this chapter 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 chapter 221.

The pollution control agency shall give highest priority in the consideration of permits to authorize disposal of diseased shade trees by open burning at designated sites to evidence concerning economic costs of transportation and disposal of diseased shade trees by alternative methods.

[For text of subds 4a to 8, see M.S.1976]

[ 1977 c 90 s 10 ]

### 116.16 Minnesota state water pollution control fund.

[For text of subds 1 to 5, see M.S.1976]

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 through the state water pollution control fund, 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, and
- (5) The adequacy of provision made to assure proper and efficient operation and maintenance of the project after the construction is completed.

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No municipality shall be eligible to use state grants financed through the Minnesota state water pollution control fund for any additional construction of a wastewater treatment facility after meeting state water quality standards. For purposes of this subdivision, "wastewater treatment facility" means any plant, disposal field, lagoon, or other works not specifically mentioned herein, installed for the purpose of collecting, pumping, treating, stabilizing or disposing of sewage.

[For text of subds 7 to 10, see M.S.1976]

[ 1977 c 418 s 1 ]

### 116.18 Water pollution control funds; appropriations and bonds.

Subdivision 1. **Appropriation from the fund.** The sum of \$135,000,000, 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, 1979, 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 state funds shall be expended at 15 per centum of the eligible cost of construction and shall be expended only for projects tendered a grant of federal funds under section 201(g), section 202, section 203 or section 206(f) of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1314 et seq., at 75 per centum of the eligible cost for construction of the treatment works; provided, that not less than 10 per cent of such cost shall be paid by the municipality or agency constructing the project. In the event that a municipality is tendered such federal and state grants in a percentage cumulatively exceeding 90 per centum of the eligible cost of construction, the state pollution control agency shall reduce the grant to such municipality under this chapter to the extent necessary to assure that not less than 10 percent of such cost shall be paid by said municipality. 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 through 1979, 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.

Notwithstanding any other provision, the agency may, in its discretion, and after consideration of the amount of state funds required to match federal funds, make a grant of state funds not exceeding 15 per centum to a municipality that would qualify for a grant of federal funds but desires to initiate construction of a project without a federal grant. The agency may limit the scope and eligible cost of such project.

[For text of subd 2, see M.S.1976]

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, the commissioner of finance is authorized upon request of the pollution control agency to sell and issue Minnesota state water pollution control bonds in the amount of \$124,000,000, in the manner and upon the conditions prescribed in section 116.17 and in the Constitution, Article 11, Sections 4 to 7. 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 aggre-

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gate 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.

[For text of subds 5 and 6, see M.S.1976]

[ 1977 c 418 s 2,3 ]

### 116.36 Definitions.

Subdivision 1. For the purposes of sections 116.36 and 116.37 the following terms shall have the meanings given;

[For text of subds 2 to 5, see M.S.1976]

[ 1977 c 347 s 16 ]

### 116.39 Ozone layer preservation.

Subdivision 1. Except as provided by subdivision 3, after July 1, 1979 no person shall sell or offer for sale in this state any pressurized container which contains as a propellant trichloromonofluoromethane, difluorodichloromethane, dichlorotetrafluoroethane, or any other saturated chlorofluorocarbon compound or other similar inert fluorocarbon compound that does not contain reactive carbon hydrogen bonds.

Subd. 2. Commencing October 31, 1977, no person shall sell or offer for sale at wholesale in this state a pressurized container using chlorofluorocarbon propellants unless the container has prominently displayed on the front panel this statement: "Warning: Contains a chlorofluorocarbon that may harm the public health and environment by reducing ozone in the upper atmosphere."

Subd. 3. Nothing in this section prohibits the sale or use of refrigeration equipment containing chlorofluorocarbon compounds, or the sale of chlorofluorocarbon compounds for use in such equipment. This section shall not apply to the sale of chlorofluorocarbon compounds for the following essential medical uses:

- (a) metered-dose steroid human drugs for nasal inhalation;
- (b) metered-dose steroid human drugs for oral inhalation;
- (c) metered-dose adrenergic bronchodilator human drugs for oral inhalation;
- (d) contraceptive vaginal foams for human use; or
- (e) cytology fixatives; nor

for other medical uses by or under the supervision of a licensed physician, dentist or veterinarian, or a hospital, nursing home or other health care institution licensed by the department of health. This section shall also not apply to the sale of chlorofluorocarbon compounds for use in the cleaning, maintenance, testing and repair of electronic equipment.

Subd. 4. A violation of this section is a misdemeanor.

[ 1977 c 373 s 1 ]

## CHAPTER 116A. PUBLIC WATER AND SEWER SYSTEMS

Sec.	Sec.
116A.01 Powers of county boards and of district courts.	116A.12 Second hearing.
116A.02 Petition.	116A.16 Apportionment of cost.
116A.09 Order for detailed survey.	116A.20 Bond issues.
116A.11 Viewers; appointment; qualification.	116A.24 Appointment and powers of water and sewer commission.

### 116A.01 Powers of county boards and of district courts.

Subdivision 1. **Generally.** The county boards of the several counties except counties in the seven county metropolitan area, and the district courts are authorized to make all necessary orders for, and cause to be constructed and maintained, public water or sewer systems or combined water and sewer systems, including