

## CHAPTER 115A

### WASTE MANAGEMENT

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#### 115A.03 DEFINITIONS.

*[For text of subs 1 to 8, see M.S.1986]*

Subd. 9. "Disposal" or "dispose" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that the waste or any constituent thereof may enter the environment or be emitted into the air, or discharged into any waters, including ground waters.

*[For text of subs 10 to 20, see M.S.1986]*

Subd. 21. "Mixed municipal solid waste" means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities which is generated and collected in aggregate, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, used oil, and other materials collected, processed, and disposed of as separate waste streams.

*[For text of subs 22 to 37, see M.S.1986]*

**History:** 1987 c 348 s 1,2

#### 115A.06 POWERS OF THE BOARD.

*[For text of subs 1 to 13, see M.S.1986]*

Subd. 14. **Waste rendered nonhazardous and industrial waste.** The board shall encourage improved management of waste rendered nonhazardous and industrial waste that should be managed separately from mixed municipal solid waste, and may provide technical and planning assistance to political subdivisions, waste generators, and others for the purpose of identifying, developing, and implementing alternative management methods for those wastes.

**History:** 1987 c 348 s 3

**115A.07 DUTIES OF THE BOARD; GENERAL.**

Subdivision 1. **Interagency coordination.** The chair of the board shall inform the commissioner of energy and economic development of the board's activities, solicit the advice and recommendations of the agency, and coordinate its work with the regulatory and enforcement activities of the agency.

*[For text of subd 2, see M.S.1986]*

**History:** 1987 c 384 art 2 s 18

**115A.072 PUBLIC EDUCATION ON WASTE MANAGEMENT.**

The board shall provide for the development and implementation of a program of general public education on waste management in cooperation and coordination with the pollution control agency, metropolitan council, department of education, department of agriculture, state planning agency, environmental quality board, environmental education board, educational institutions, and other public agencies with responsibility for waste management or public education. The objectives of the program are to: develop increased public awareness of and interest in environmentally sound waste management methods; encourage better informed decisions on waste management issues by business, industry, local governments, and the public; and disseminate practical information about ways in which households and other institutions and organizations can improve the management of waste.

**History:** 1987 c 348 s 4

**115A.11 HAZARDOUS WASTE MANAGEMENT PLAN.**

*[For text of subds 1 to 1b, see M.S.1986]*

Subd. 2. **Procedure.** The plan and the procedures for hearings on the plan are not subject to the rulemaking or contested case provisions of chapter 14. Before revising the draft plan or amending its adopted plan, the board shall provide notice and hold a public meeting.

*[For text of subd 3, see M.S.1986]*

**History:** 1987 c 348 s 5

**115A.12 ADVISORY COUNCILS.**

Subdivision 1. **Solid and hazardous waste management.** The chair of the board shall establish a solid waste management advisory council and a hazardous waste management planning council broadly representative of the geographic areas and interests of the state. The councils shall have not less than nine nor more than 18 members each. The membership of the solid waste council shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives from private solid waste management firms. The solid waste council shall contain at least one member experienced in each of the following areas: state and municipal finance; solid waste collection, processing, and disposal; and solid waste reduction and resource recovery. The membership of the hazardous waste advisory council shall consist of one-third citizen representatives, one-third representatives from local government units, and one-third representatives of hazardous waste generators and private hazardous waste management firms. The chairs of the advisory councils shall be appointed by the chair of the board. The chair of the board shall provide administrative and staff services for the advisory councils. The advisory councils shall have such duties as are assigned by law or the chair of the board. The solid waste advisory council shall make recommendations to the board on its solid waste management activities. The hazardous waste advisory council shall make recommendations to the board on its activities under sections 115A.08, 115A.09, 115A.10, 115A.11, 115A.20, 115A.21, and 115A.24. Members of the advisory councils shall serve without compensation but

shall be reimbursed for their reasonable expenses as determined by the chair of the board.

**Subd. 2. Technical advisory council.** The chair of the board shall establish an interagency technical advisory council to advise the board and the chair on matters the board, through its chair, deems necessary. The members of the council are the commissioner of health; the commissioner of agriculture; the commissioner of natural resources; the director of the pollution control agency; the commissioner of trade and economic development; the director of public service; other heads of agency the chair of the board deems necessary; or their designees. The council shall meet at the call of the chair of the board, who shall serve as chair of the council. The members, collectively and individually shall advise the board and the chair on matters within their various areas of expertise and shall provide technical assistance and information as requested by the board through its chair.

**History:** 1987 c 312 art 1 s 5; 1987 c 384 art 2 s 19

**115A.13** [Repealed, 1987 c 348 s 52]

**115A.14 LEGISLATIVE COMMISSION ON WASTE MANAGEMENT.**

*[For text of subds 1 to 4, see M.S.1986]*

**Subd. 5. Study.** The commission shall study alternative methods of insuring that an adequate supply of solid waste will be available to resource recovery facilities and report to the appropriate policy committees of the house of representatives and senate before January 1, 1982. The commission shall, at a minimum, consider the relative merits of the required use provisions described in sections 115A.70 and 400.162, and other mechanisms designed to facilitate resource recovery by raising costs of landfill alternatives or lowering costs of disposal at resource recovery facilities.

*[For text of subd 6, see M.S.1986]*

**History:** 1987 c 384 art 2 s 20

**115A.15 STATE GOVERNMENT RESOURCE RECOVERY.**

*[For text of subds 1 to 5, see M.S.1986]*

**Subd. 6. Resource recovery revolving account.** Upon the certification of the commissioner of administration, the commissioner of finance shall establish an account in the general services revolving fund, effective June 30, 1980, for the operation of the state government resource recovery program. The revolving account shall consist of all funds appropriated by the state for the program, all revenues resulting from the sale of recyclable and reusable commodities made available for sale as a result of the resource recovery program and all reimbursements to the commissioner of expenses incurred by the commissioner in developing and administering resource recovery systems for state agencies, local governments, and regional agencies. The account may be used for all activities associated with the program including payment of administrative and operating costs, except statewide and agency indirect costs. The commissioner shall determine the waste disposal cost savings associated with recycling and reuse activities, collect those savings from the account responsible for disposing of wastes produced in state buildings, and credit the savings to the resource recovery revolving account.

**History:** 1987 c 348 s 6

**115A.152 TECHNICAL AND RESEARCH ASSISTANCE TO GENERATORS.**

**Subdivision 1. Purposes.** The board shall provide for the establishment of a technical and research assistance program for generators of hazardous and industrial waste in the state. The program must be designed to assist generators in the state to

obtain information about management of hazardous and industrial wastes, to identify and apply methods of reducing the generation of hazardous and industrial wastes, to facilitate improved management of hazardous and industrial waste and compliance with hazardous and industrial waste rules, and for other similar purposes. The program must emphasize assistance to smaller businesses that have inadequate technical and financial resources for obtaining information, assessing waste management methods, and developing and applying waste reduction techniques. Information and techniques developed under this program must be made available through the program to all generators in the state.

Subd. 2. **Assistance.** The assistance program must include at least the following elements:

(1) outreach programs including on-site consultation at locations where hazardous and industrial waste is generated, seminars, workshops, training programs, and other similar activities designed to assist generators to evaluate their hazardous and industrial waste generation and management practices, identify opportunities for waste reduction and improved management, and identify subjects that require additional information and research;

(2) a program to assemble, catalog, and disseminate information about hazardous and industrial waste reduction and management methods, available commercial waste management facilities and consultant services, and regulatory programs (provided that specific questions by generators about interpretation or application of waste management rules should be referred to appropriate regulatory agencies);

(3) evaluation and interpretation of information needed by generators to improve their management of hazardous and industrial waste; and

(4) informational and technical research to identify alternative technical solutions that can be applied by specific generators to reduce the generation of hazardous and industrial waste.

Subd. 3. **Administration; evaluation.** The assistance program must be coordinated with other public and private programs that provide management and technical assistance to smaller businesses and generators of small quantities of hazardous and industrial waste, including programs operated by public and private educational institutions. The board may make grants to a public or private person or association that will establish and operate the elements of the program, but the grants must require that the assistance be provided at no cost to the generators and that the grantees provide periodic reports on the improvements in waste management, waste reduction, and regulatory compliance achieved by generators through the assistance provided.

**History:** 1987 c 348 s 7

#### 115A.154 WASTE REDUCTION GRANTS.

Subdivision 1. **Proposals and grants.** The board may make grants to generators of hazardous and industrial waste in the state for studies to determine the feasibility of applying specific methods and technologies to reduce the generation of hazardous and industrial waste. Grants may be awarded only on the basis of proposals submitted to the board by generators. The board shall select proposals that offer the greatest opportunity to significantly reduce the generation of hazardous or industrial waste by the generators making the proposal and, if applied generally, to significantly reduce the generation of hazardous or industrial waste in the state. The significance of waste reduction may be measured by the volume of hazardous or industrial waste that is eliminated or by the reduction in risk to public health and safety and the environment that is achieved by the reduction. In awarding grants, the board may consider the extent of any financial and technical support that will be available from other sources for the study. The board may adopt additional criteria for awarding grants consistent with the purposes of this section.

Subd. 2. **Limitations.** The waste reduction information and techniques developed using grants awarded under this section must be made available to all hazardous and

industrial waste generators in the state through the technical assistance and research program established under section 115A.152. Grant money awarded under this section may not be spent for capital improvements or equipment.

**History:** 1987 c 348 s 8

### **115A.156 WASTE PROCESSING AND COLLECTION FACILITIES AND SERVICES; DEVELOPMENT GRANTS.**

Subdivision 1. **Purpose.** The board may make grants to eligible recipients to determine the feasibility and method of developing and operating specific types of commercial facilities and services for collecting and processing hazardous waste and for improving management of waste rendered nonhazardous and industrial waste. Grants may be made for:

- (1) market assessment, including generator surveys;
- (2) conceptual design and preliminary engineering;
- (3) financial and business planning necessary to address sources of funding, financial security, liability, pricing structure, and similar matters necessary to the development and proper operation of a facility or service;
- (4) environmental impact and site analysis, preparation of permit applications, and environmental and permit reviews;
- (5) analysis of methods of overcoming identified technical, institutional, legal, regulatory, market, or other constraints; and
- (6) analysis of other factors affecting development, operation, and use of a facility or service.

Subd. 2. **Eligibility.** A person proposing to develop and operate specific collection and processing facilities or services to serve generators in the state and persons seeking to develop or operate specific types of facilities or services to manage industrial waste generated in the state, are eligible for a grant. The board may give preference to applications by associations of two or more generators in the state proposing to develop and operate commercial facilities or services capable of collecting or processing their hazardous wastes.

*[For text of subds 3 and 4, see M.S.1986]*

Subd. 5. **Matching funds required.** (a) For hazardous waste, a recipient other than an association of generators in the state must agree to pay at least 50 percent of the cost of the study. An association of two or more generators in the state must agree to pay at least 20 percent of the cost of the study.

(b) For industrial waste, a grant must be matched by money or in-kind services provided by the grantee covering at least 50 percent of the project cost.

**History:** 1987 c 348 s 9-11

### **115A.158 DEVELOPMENT OF PROCESSING AND COLLECTION FACILITIES AND SERVICES; REQUESTS FOR PROPOSALS.**

Subdivision 1. **Request by board; contents of proposal.** The board through its chair shall request proposals for the development and operation of specific types of commercial hazardous waste processing and collection facilities and services, and improved management of waste rendered nonhazardous and industrial waste, that offer the greatest possibility of achieving the policies and objectives of the waste management plan including the goal of reducing to the greatest extent feasible and prudent the need for and practice of disposal. The proposals must contain at least the following information:

- (1) the technical, managerial, and financial qualifications and experience of the proposer in developing and operating facilities and services of the type proposed;
- (2) the technical specifications of the proposed facility or service including the process that will be used, the amount and types of hazardous or industrial waste that

can be handled, the types, volume, and proposed disposition of any residuals, and a description of anticipated adverse environmental effects;

(3) the requirements of the site or sites needed to develop and operate the facility or service and the likelihood that a suitable site or sites will be available for the facility or service;

(4) projections of the costs and revenues of the facility or service, the types and numbers of generators who will use it, and the fee structure and estimated user charges necessary to make the facility or services economically viable;

(5) the schedule for developing and commencing operation of the facility or service; and

(6) the financial, technical, institutional, legal, regulatory, and other constraints that may hinder or prevent the development or operation of the facility or service and the actions that could be taken by state and local governments or by the private sector to overcome those constraints.

The information provided in the proposal must be based on current and projected market conditions, hazardous or industrial waste streams, legal and institutional arrangements, and other circumstances specific to the state.

**Subd. 2. Procedure; evaluation; report.** In requesting proposals, the board shall inform potential developers of the assistance available to them in siting and establishing hazardous waste processing and collection facilities and services in the state and improved industrial waste management in the state, including the availability of sites listed on the board's inventory of preferred areas for hazardous waste processing facilities, the authority of the board to acquire sites and order the establishment of facilities in those areas, the policies and objectives of the hazardous waste management plan, and the availability of information developed by the board on hazardous or industrial waste generation and management in the state.

The board shall evaluate the proposals received in response to its request and determine the extent to which the proposals demonstrate the qualifications of the developers, the technical and economic feasibility of the proposed facility or service, and the extent to which the proposed facility or service will contribute in a significant way to the achievement of the policies and objectives of the hazardous waste management plan.

The board shall report to the legislative commission on the proposals that it has received and evaluated, and on the legislative, regulatory, and other actions needed to develop and operate the proposed facilities or services.

*[For text of subd 3, see M.S.1986]*

**History:** 1987 c 348 s 12,13

### 115A.162 HAZARDOUS WASTE PROCESSING FACILITY LOANS.

The board shall review applications for hazardous waste processing facility loans received by the economic development authority and forwarded to the board under section 116M.07, subdivision 9. The board may certify a loan application only if it determines that:

(1) the applicant has demonstrated that the proposed facility is technically feasible;

(2) the applicant has made a reasonable assessment of the market for the services offered by the proposed facility;

(3) the applicant has agreed to provide funds for the proposed facility in an amount equal to at least 25 percent of the capital cost of the facility excluding land acquisition cost;

(4) the applicant has agreed to pay the cost of any land acquisition necessary to develop the facility; and

(5) the facility will contribute in a significant way to achievement of the policies

and objectives of the hazardous waste management plan and, in particular, to reduce the need for and practice of hazardous waste disposal.

As a condition of its certification the board may require an applicant to agree to provide funds in excess of 25 percent of the capital cost of the facility in addition to any land acquisition costs. In certifying an application or in determining the share of the capital costs that will be provided by the loan, the board may consider the types and volumes of hazardous waste that will be handled by the facility, the number of generators served by the facility, and the extent to which the facility serves the need of smaller businesses that generate hazardous waste. The board may establish additional criteria for certifying loan applications consistent with the provisions of this section.

The board may adopt emergency rules under sections 14.29 to 14.36 to implement the loan program. Emergency rules adopted by the board remain in effect for 360 days or until permanent rules are adopted, whichever occurs first.

**History:** 1987 c 384 art 1 s 15

#### **115A.41 PURPOSE.**

The legislature recognizes the importance of maintaining the regulatory functions of the Minnesota pollution control agency in regard to solid waste management. The legislature also recognizes that in order to achieve the maximum benefit of state funding and funding from other sources that the technical and financial assistance involved in managing solid waste, including programs involving waste tires, including landfills and other methods of recycling, disposing, and storing solid wastes, should properly be transferred to the waste management board.

**History:** 1987 c 404 s 136

#### **115A.411 SOLID WASTE MANAGEMENT POLICY; CONSOLIDATED REPORT.**

**Subdivision 1. Authority; purpose.** The board and the agency shall jointly prepare and adopt a report on solid waste management policy excluding the metropolitan area. The report must be adopted by November 15 of each even-numbered year beginning in 1988. The report must be submitted by the board and the agency jointly to the legislative commission on waste management.

**Subd. 2. Contents.** The report must include:

(1) a summary of the current status of solid waste management, including the amount of solid waste generated, the manner in which it is collected, processed, and disposed, the extent of separation, recycling, reuse, and recovery of solid waste, and the facilities available or under development to manage the waste;

(2) a summary of current state solid waste management policies, goals, and objectives, including their statutory, administrative, and regulatory basis and the state agencies and political subdivisions responsible for implementation;

(3) an evaluation of the extent and effectiveness of implementation and an assessment of progress in accomplishing state policies, goals, and objectives;

(4) estimates of the generation of solid waste anticipated for the future, the manner in which the waste is likely to be managed, and the programs and facilities that will be available and needed for proper waste management;

(5) identification of issues requiring further research, study, and action, the appropriate scope of the research, study, or action, the state agency or political subdivision that should implement the research, study, or action, and a schedule for completion of the activity; and

(6) recommendations for establishing or modifying state solid waste management policies, authorities, and programs.

**History:** 1987 c 348 s 14

#### **115A.42 ESTABLISHMENT AND ADMINISTRATION.**

There is established a program to encourage and improve regional and local solid

waste management planning activities and efforts and to further the state policies and purposes expressed in section 115A.02. The program under sections 115A.42 to 115A.46 is administered by the board pursuant to rules promulgated under chapter 14, except in the metropolitan area where the program is administered by the metropolitan council pursuant to chapter 473. The board and the metropolitan council shall ensure conformance with federal requirements and programs established pursuant to the Resource Conservation and Recovery Act of 1976 and amendments thereto.

**History:** 1987 c 348 s 15; 1987 c 404 s 137

**115A.43** [Repealed, 1987 c 348 s 52]

**115A.44** [Repealed, 1987 c 348 s 52]

**NOTE:** This section was also amended by Laws 1987, chapter 404, section 138, to read as follows:

"115A.44 **Financial assistance.**

Eligible recipients may receive grants for up to 50 percent of the cost of the planning activity, except that planning by a regional development commission and joint planning by two or more contiguous counties or political subdivisions located in two or more contiguous counties may receive grants for up to 100 percent of the cost of the planning activity. Financial assistance provided under the program may be used to employ staff, contract with other units of government or qualified consultants, and pay such other planning expenses as the board or metropolitan council may allow."

### **115A.45 TECHNICAL ASSISTANCE.**

The board and metropolitan council shall provide for technical assistance to encourage and improve solid waste management and to assist political subdivisions in preparing the plans described in section 115A.46. The board and metropolitan council shall provide model plans for regional and local solid waste management. The board and metropolitan council may contract for the delivery of technical assistance by a regional development commission, any state or federal agency, private consultants, or other persons. The board shall prepare and publish an inventory of sources of technical assistance for solid waste planning, including studies, publications, agencies, and persons available.

**History:** 1987 c 348 s 16; 1987 c 404 s 139

### **115A.46 REQUIREMENTS.**

Subdivision 1. **General.** Plans shall address the state policies and purposes expressed in section 115A.02. Plans for the location, establishment, operation, maintenance, and postclosure use of facilities and facility sites, for ordinances, and for licensing, permit, and enforcement activities shall be consistent with the rules adopted by the agency pursuant to chapter 116. Plans shall address the resolution of conflicting, duplicative, or overlapping local management efforts. Plans shall address the establishment of joint powers management programs or waste management districts where appropriate. Plans shall address other matters as the rules of the board may require consistent with the purposes of sections 115A.42 to 115A.46. Political subdivisions preparing plans under sections 115A.42 to 115A.46 shall consult with persons presently providing solid waste collection, processing, and disposal services. Plans shall be approved by the board, or the metropolitan council pursuant to section 473.803. After initial approval, each plan shall be updated every five years and revised as necessary for further approval.

*[For text of subd 2, see M.S.1986]*

**History:** 1987 c 404 s 140

### **115A.48 MARKET DEVELOPMENT FOR RECYCLABLE MATERIALS.**

Subdivision 1. **Authority.** The board shall assist and encourage the development of specific facilities and services needed to provide adequate, stable, and reliable markets for recyclable materials generated in the state. In carrying out this duty the board shall coordinate and cooperate with the solid waste management efforts of other public agencies and political subdivisions.



Subd. 2. **Facility development proposals.** In order to determine the feasibility and method of developing and operating specific types of facilities and services to use recyclable materials generated in the state, the board shall request proposals from and may make grants to persons seeking to develop or operate the facilities or services. Grants may be made for the purposes in section 115A.156, subdivision 1, clauses (1) to (6). A grant must be matched by money or in-kind services provided by the grantee covering at least 50 percent of the project cost. In requesting proposals under this section the board shall follow the procedures provided in section 115A.158, subdivisions 1 and 2, as far as practicable.

Subd. 3. **Public procurement.** The board shall provide technical assistance and advice to political subdivisions and other public agencies to encourage solid waste reduction and development of markets for recyclable materials through procurement policies and practices.

**History:** 1987 c 348 s 17

### 115A.49 ESTABLISHMENT; PURPOSES AND PRIORITIES.

There is established a program to encourage and assist cities, counties, and solid waste management districts in the development and implementation of solid waste management projects and to transfer the knowledge and experience gained from such projects to other communities in the state. The program must be administered to encourage local communities to develop feasible and prudent alternatives to disposal, including waste reduction; waste separation by generators, collectors, and other persons; and waste processing. The program must be administered by the board in accordance with the requirements of sections 115A.49 to 115A.54 and rules promulgated by the board pursuant to chapter 14. In administering the program, the board shall give priority to areas where natural geologic and soil conditions are especially unsuitable for land disposal of solid waste; areas where the capacity of existing solid waste disposal facilities is determined by the board to be less than five years; and projects serving more than one local government unit.

**History:** 1987 c 348 s 18; 1987 c 404 s 141

### 115A.51 APPLICATION REQUIREMENTS.

Applications for assistance under the program shall demonstrate: (a) that the project is conceptually and technically feasible; (b) that affected political subdivisions are committed to implement the project, to provide necessary local financing, and to accept and exercise the government powers necessary to the project; (c) that operating revenues from the project, considering the availability and security of sources of solid waste and of markets for recovered resources, together with any proposed federal, state, or local financial assistance, will be sufficient to pay all costs over the projected life of the project; (d) that the applicant has evaluated the feasible and prudent alternatives to disposal and has compared and evaluated the costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators. The board may require completion of a comprehensive solid waste management plan conforming to the requirements of section 115A.46, before accepting an application.

**History:** 1987 c 348 s 19; 1987 c 404 s 142

### 115A.52 TECHNICAL ASSISTANCE FOR PROJECTS.

The board shall ensure the delivery of technical assistance for projects eligible under the program. The board may contract for the delivery of technical assistance by any state or federal agency, a regional development commission, the metropolitan council, or private consultants and may use program funds to reimburse the agency, commission, council, or consultants. The board shall prepare and publish an inventory of sources of technical assistance, including studies, publications, agencies, and persons available. The board shall ensure statewide benefit from projects assisted under the program by developing exchange and training programs for local officials and employ-

ees and by using the experience gained in projects to provide technical assistance and education for other solid waste management projects in the state.

**History:** 1987 c 348 s 20; 1987 c 404 s 143

### 115A.53 WASTE REDUCTION AND SEPARATION PROJECTS.

The board shall provide grants to develop and implement projects for waste reduction; waste separation by generators, collectors, and other persons; and collection systems for separated waste. Activities eligible for assistance under this section include legal, financial, economic, educational, marketing, social, governmental, and administrative activities related to the development and implementation of the project. Preliminary planning and development, feasibility study, and conceptual design costs are eligible activities, but no more than 20 percent of program funds shall be used to fund those activities. Projects may include the management of household hazardous waste, as defined in section 115A.96. The rules of the board shall prescribe the level or levels of local funding required for grants under this section.

**History:** 1987 c 348 s 21; 1987 c 404 s 144

### 115A.54 WASTE PROCESSING FACILITIES.

*[For text of subs 1 and 2, see M.S.1986]*

Subd. 2a. **Solid waste management projects.** (a) The board shall provide technical and financial assistance for the acquisition and betterment of solid waste management projects as provided in this subdivision and section 115A.52. Money appropriated for the purposes of this subdivision must be distributed as grants.

(b) Except as provided in paragraph (c), a project may receive grant assistance up to 25 percent of the capital cost of the project or \$2,000,000, whichever is less.

(c) A recycling project or a project to compost or co-compost waste may receive grant assistance up to 50 percent of the capital cost of the project or \$2,000,000, whichever is less.

(d) Projects without resource recovery are not eligible for assistance.

(e) In addition to any assistance received under clause (b) or (c), a project may receive grant assistance for the cost of tests necessary to determine the appropriate pollution control equipment for the project or the environmental effects of the use of any product or material produced by the project.

(f) In addition to the application requirements of section 115A.51, an application for a project serving eligible jurisdictions in only a single county must demonstrate that cooperation with jurisdictions in other counties to develop the project is not needed or not feasible. Each application must also demonstrate that the project is not financially prudent without the state assistance, because of the applicant's financial capacity and the problems inherent in the waste management situation in the area, particularly transportation distances and limited waste supply and markets for resources recovered.

(g) For the purposes of this subdivision, a "project" means a processing facility, together with any transfer stations, transmission facilities, and other related and appurtenant facilities primarily serving the processing facility. The board shall adopt rules for the program by July 1, 1985.

*[For text of subd 3, see M.S.1986]*

**History:** 1987 c 348 s 22

### 115A.69 POWERS.

*[For text of subs 1 to 8, see M.S.1986]*

Subd. 9. **Disposition of property.** The district may sell or otherwise dispose of any

real or personal property acquired by it which is no longer required for accomplishment of its purposes. The property shall be sold in the manner provided by section 469.065, insofar as practical. The district shall give notice of sale which it deems appropriate. When the district determines that any property which has been acquired from a government unit without compensation is no longer required, the district shall transfer it to the government unit.

*[For text of subs 10 to 16, see M.S.1986]*

**History:** 1987 c 291 s 195

#### **115A.81 DEFINITIONS.**

*[For text of subd 1, see M.S.1986]*

Subd. 2. **Designation.** "Designation" means a requirement by a waste management district or county that all or any portion of the mixed municipal solid waste that is generated within its boundaries or any service area thereof be delivered to a resource recovery facility identified by the district or county.

*[For text of subd 3, see M.S.1986]*

**History:** 1987 c 348 s 23

#### **115A.915 LEAD ACID BATTERIES; LAND DISPOSAL PROHIBITED.**

A person may not place a lead acid battery in mixed municipal solid waste or dispose of a lead acid battery after January 1, 1988. This section may be enforced by the agency pursuant to section 115.071.

**History:** 1987 c 348 s 24

#### **115A.916 USED OIL; LAND DISPOSAL PROHIBITED.**

A person may not place used oil in mixed municipal solid waste or dispose of used oil in a solid waste disposal facility after January 1, 1988, unless approved by the agency. This section may be enforced by the agency pursuant to section 115.071.

**History:** 1987 c 348 s 25

#### **115A.917 CERTIFICATE OF NEED.**

No new capacity for disposal of mixed municipal solid waste may be permitted in counties outside the metropolitan area without a certificate of need issued by the board indicating the board's determination that the additional disposal capacity is needed in the county. A certificate of need may not be issued until the county has a plan approved under section 115A.46. If the original plan was approved more than five years before, the board may require the plan to be revised before a certificate of need is issued under this section. The board shall certify need only to the extent that there are no feasible and prudent alternatives to the additional disposal capacity, including waste reduction, source separation, and resource recovery, that would minimize adverse impact upon natural resources. Alternatives that are speculative or conjectural are not feasible and prudent. Economic considerations alone do not justify the certification of need or the rejection of alternatives.

**History:** 1987 c 404 s 145

#### **115A.921 CITY OR TOWN FEE AUTHORITY.**

A city or town may impose a fee, not to exceed 25 cents per cubic yard of waste, or its equivalent, on operators of facilities for the disposal of mixed municipal solid waste located within the city or town. The revenue from the fees must be credited to the city or town general fund and used only for purposes of landfill abatement or for purposes of mitigating and compensating for the local risks, costs, and other adverse effects of facilities. Waste residue from energy and resource recovery facilities at which

solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse shall be exempt from one-half the amount of the fee imposed by a city or town under this section if there is at least an 85 percent volume reduction in the solid waste processed. Before any fee is reduced, the verification procedures of section 473.843, subdivision 1, paragraph (c), must be followed and submitted to the appropriate city or town.

**History:** 1987 c 348 s 26

#### 115A.94 ORGANIZED COLLECTION.

Subdivision 1. **Definition.** "Organized collection" means a system for collecting solid waste in which a specified collector, or a member of an organization of collectors, is authorized to collect from a defined geographic service area or areas some or all of the solid waste that is released by generators for collection.

Subd. 2. **Local authority.** A city or town may organize collection, after public notification as required in subdivision 4. A county may organize collection as provided in subdivision 5.

Subd. 3. **General provisions.** (a) The local government unit may organize collection as a municipal service or by ordinance, franchise, license, negotiated or bid contract, or other means, using one or more collectors or an organization of collectors.

(b) The local government unit may not establish or administer organized collection in a manner that impairs the preservation and development of recycling and markets for recyclable materials. The local government unit shall exempt recyclable materials from organized collection upon a showing by the generator or collector that the materials are or will be separated from mixed municipal solid waste by the generator, separately collected, and delivered for reuse in their original form or for use in a manufacturing process.

(c) The local government unit may invite and employ the assistance of interested persons, including persons operating solid waste collection services, in developing plans and proposals for organized collection and in establishing the organized collection system.

(d) Organized collection accomplished by contract or as a municipal service may include a requirement that all or any portion of the solid waste, except (1) recyclable materials and (2) materials that are processed at a resource recovery facility at the capacity in operation at the time that the requirement is imposed, be delivered to a waste facility identified by the local government unit. In a district or county where a resource recovery facility has been designated by ordinance under section 115A.86, organized collection must conform to the requirements of the designation ordinance.

Subd. 4. **Cities and towns; notice; planning.** (a) At least 90 days before proposing an ordinance, franchise, license, contract or other means of organizing collection, a city or town, by resolution of the governing body, shall announce its intent to organize collection and invite the participation of interested persons in planning and establishing the organized collection system.

(b) The resolution of intent must be adopted after a public hearing. The hearing must be held at least two weeks after public notice and mailed notice to persons known by the city or town to be operating solid waste collection services in the city or town. The failure to give mailed notice to persons or defect in the notice does not invalidate the proceedings, provided a bona fide effort to comply with notice requirements has been made.

(c) During the 90-day period following the resolution of intent, and before proposing a method of organizing collection, the city or town shall develop or supervise the development of plans or proposals for organized collection.

(d) Upon request, the city or town shall provide mailed notice of subsequent proceedings on the organization of collection in the city or town.

Subd. 5. **County organized collection.** (a) A county may by ordinance require cities and towns within the county to organize collection. Organized collection ordinances of counties may:

(1) require cities and towns to require the separation and separate collection of recyclable materials;

(2) specify the material to be separated; and

(3) require cities and towns to meet any performance standards for source separation that are contained in the county solid waste plan.

(b) A county may itself organize collection in any city or town that does not comply with a county organized collection ordinance adopted under this subdivision, and the county may implement, as part of its organized collection, the source separation program and performance standards required by its organized collection ordinance.

**History:** 1987 c 348 s 27

#### **115A.95 RECYCLABLE MATERIALS.**

A resource recovery facility that is composting waste, burning waste, or converting waste to energy or to materials for combustion, and is owned or operated by a public agency or supported by public funds or by obligations issued by a public agency, may not accept recyclable materials except for transfer to a recycler, unless no other person is willing to accept the recyclable materials.

**History:** 1987 c 348 s 28

#### **115A.96 HOUSEHOLD HAZARDOUS WASTE MANAGEMENT.**

Subdivision 1. **Definitions.** The following definitions apply to this section:

(a) "Household" means a single detached dwelling unit or a single unit of a multiple dwelling unit and appurtenant structures.

(b) "Household hazardous waste" means waste generated from household activity that exhibits the characteristics of or that is listed as hazardous waste under agency rules, but does not include waste from commercial activities that is generated, stored, or present in a household.

(c) "Collection site" means a permanent or temporary designated location with scheduled hours for collection where individuals may bring household hazardous wastes.

Subd. 2. **Management program.** The agency shall establish a program to manage household hazardous wastes. The program must include:

(1) the establishment and operation of collection sites; and

(2) the provision of information, education, and technical assistance regarding proper management of household hazardous wastes.

Subd. 3. **Other participants.** The agency may establish or operate all or part of the management program or may provide for services by contract or other agreement with public or private entities.

Subd. 4. **Management.** Any person who establishes or operates all or part of a household hazardous waste management program shall manage collected waste in compliance with standards applicable to a hazardous waste generator. If collected waste must be stored for a time exceeding those standards, the agency or other entity shall obtain the approval of the director of the agency and shall manage the waste in compliance with applicable standards for the use and management of containers, but no facility permit is required.

Subd. 5. **Other programs.** A person must notify the director of the agency before establishing and operating any part of a household hazardous waste management program.

**History:** 1987 c 348 s 29