

CHAPTER 115D

TOXIC POLLUTION PREVENTION

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115D.07 TOXIC POLLUTION PREVENTION PLANS.

Subdivision 1. **Requirement to prepare and maintain a plan.** (a) Persons who operate a facility required by United States Code, title 42, section 11023, or section 299K.08, subdivision 3, to submit a toxic chemical release form shall prepare a toxic pollution prevention plan for that facility. The plan must contain the information listed in subdivision 2.

(b) Except as provided in paragraphs (d) and (e), for facilities that release a total of 10,000 pounds or more of toxic pollutants annually, the plan must be completed as follows:

(1) on or before July 1, 1991, for facilities having a two-digit standard industrial classification of 35 to 39;

(2) by January 1, 1992, for facilities having a two-digit standard industrial classification of 28 to 34; and

(3) by July 1, 1992, for all other persons required to prepare a plan under this subdivision.

(c) Except as provided in paragraphs (d) and (e), facilities that release less than a total of 10,000 pounds of toxic pollutants annually must complete their plans by July 1, 1992.

(d) For the following facilities, the plan must be completed as follows:

(1) by January 1, 1995, for facilities required to report under section 299K.08, subdivision 3, that have a two-digit standard industrial classification of 01 to 50; and

(2) by July 1, 1995, for facilities required to report under section 299K.08, subdivision 3, that have a two-digit standard industrial classification of 51 to 99.

(e) For facilities that become subject to this subdivision after July 1, 1993, the plan must be completed by six months after the first submittal for the facility under United States Code, title 42, section 11023, or section 299K.08, subdivision 3.

(f) Each plan must be updated every two years and must be maintained at the facility to which it pertains.

[For text of subd 2, see M.S.1992]

History: 1993 c 172 s 72

115D.10 TOXIC POLLUTION PREVENTION EVALUATION REPORT.

The director, in cooperation with the commissioner and commission, shall report to the environment and natural resources committees of the legislature on progress being made in achieving the objectives of sections 115D.01 to 115D.12. The report must be submitted by February 1 of each even-numbered year.

History: 1993 c 172 s 73

115D.12 POLLUTION PREVENTION FEES.

[For text of subd 1, see M.S.1992]

Subd. 2. **Fees.** (a) Persons required by United States Code, title 42, section 11023, to submit a toxic chemical release form to the commission, and owners or operators of facilities listed in section 299K.08, subdivision 3, shall pay a pollution prevention

fee of \$150 for each toxic pollutant reported released plus a fee based on the total pounds of toxic pollutants reported as released from each facility. Facilities reporting less than 25,000 pounds annually of toxic pollutants released per facility shall be assessed a fee of \$500. Facilities reporting annual releases of toxic pollutants in excess of 25,000 pounds shall be assessed a graduated fee at the rate of two cents per pound of toxic pollutants reported.

(b) Persons who generate more than 1,000 kilograms of hazardous waste per month but who are not subject to the fee under paragraph (a) must pay a pollution prevention fee of \$500 per facility. Hazardous waste as used in this paragraph has the meaning given it in section 116.06, subdivision 11, and Minnesota Rules, chapter 7045.

(c) Fees required under this subdivision must be paid to the director by January 1 of each year. The fees shall be deposited in the state treasury and credited to the environmental fund.

History: 1993 c 172 s 74

TOXIC AIR CONTAMINANTS

115D.14 DEFINITIONS.

Subdivision 1. **Scope.** As used in this section and section 115D.15, the terms defined in this section have the meanings given.

Subd. 2. **Agency.** "Agency" means the pollution control agency.

Subd. 3. **Integrity of aquatic or terrestrial ecosystems.** "Integrity of aquatic or terrestrial ecosystems" means the maintenance of mutually beneficial species of plants and animals and of other natural characteristics so that the biological viability of the ecosystem is ensured.

Subd. 4. **Toxic air contaminant.** "Toxic air contaminant" means an air contaminant that may cause or contribute to an increase in mortality or an increase in a chronic or an acute illness, or which may pose a present or potential hazard to human health or the integrity of aquatic or terrestrial ecosystems.

History: 1993 c 172 s 75

115D.15 REPORTS TO THE LEGISLATURE.

Subdivision 1. **Initial report.** By January 1, 1995, the agency must submit to the environment and natural resources committees of the legislature a report that includes:

- (1) a five-year regulatory strategy to protect the public health and the environment from emissions of toxic air contaminants; and
- (2) a list prioritizing and categorizing facilities emitting toxic air contaminants.

Subd. 2. **Continuing reports.** Beginning January 1, 1997, and every two years thereafter, the agency shall submit to the legislative committees with jurisdiction over environment and natural resource issues a report that provides an update of the following:

- (1) an analysis of the achievements, shortfalls, and resource needs for implementing the agency's strategy under subdivision 1, clause (1);
- (2) an analysis of the data collected from the agency's statewide monitoring and inventory program under section 116.454;
- (3) an analysis of reductions in emissions of toxic air contaminants; and
- (4) an updated list prioritizing and categorizing facilities emitting toxic air contaminants.

History: 1993 c 172 s 76