

CHAPTER 115A

WASTE MANAGEMENT

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115A.02 LEGISLATIVE DECLARATION OF POLICY; PURPOSES.

(a) It is the goal of this chapter to protect the state's land, air, water, and other natural resources and the public health by improving waste management in the state to serve the following purposes:

- (1) reduction in the amount and toxicity of waste generated;
- (2) separation and recovery of materials and energy from waste;
- (3) reduction in indiscriminate dependence on disposal of waste;
- (4) coordination of solid waste management among political subdivisions; and
- (5) orderly and deliberate development and financial security of waste facilities including disposal facilities.

(b) The waste management goal of the state is to foster an integrated waste management system in a manner appropriate to the characteristics of the waste stream and thereby protect the state's land, air, water, and other natural resources and the public health. The following waste management practices are in order of preference:

- (1) waste reduction and reuse;
- (2) waste recycling;
- (3) composting of yard waste and food waste;
- (4) resource recovery through mixed municipal solid waste composting or incineration;
- (5) land disposal which produces no measurable methane gas or which involves the retrieval of methane gas as a fuel for the production of energy to be used on-site or for sale; and
- (6) land disposal which produces measurable methane and which does not involve the retrieval of methane gas as a fuel for the production of energy to be used on-site or for sale.

History: 1999 c 231 s 131

115A.15 STATE GOVERNMENT RESOURCE RECOVERY.

[For text of subds 1 to 4, see M.S.1998]

Subd. 5. **Reports.** (a) By January 1 of each odd-numbered year, the commissioner of administration shall submit a report to the governor and to the environment and natural resources committees of the senate and house of representatives, the finance division of the senate committee on environment and natural resources, and the house of representatives committee on environment and natural resources finance summarizing past activities and proposed goals of the program for the following biennium. The report shall include at least:

- (1) a summary list of product and commodity purchases that contain recycled materials;
- (2) the results of any performance tests conducted on recycled products and agencies' experience with recycled products used;
- (3) a list of all organizations participating in and using the cooperative purchasing program; and
- (4) a list of products and commodities purchased for their recyclability and of recycled products reviewed for purchase.

(b) By July 1 of each even-numbered year, the director of the office of environmental assistance and the commissioner of public service shall submit recommendations to the commissioner regarding the operation of the program.

[For text of subds 6 to 10, see M.S.1998]

History: 1999 c 73 s 1

115A.159 [Repealed, 1999 c 86 art 1 s 83]

115A.175 SITING AND FACILITY DEVELOPMENT AUTHORITY; LIMITATIONS.

[For text of subd 1, see M.S.1998]

Subd. 2. **Dismissal of candidate sites.** All candidate sites remaining under Minnesota Statutes 1996, section 115A.21, subdivision 1, are dismissed from further consideration as candidate sites for hazardous waste facilities.

[For text of subds 3 to 5, see M.S.1998]

History: 1999 c 86 art 1 s 20

115A.33 ELIGIBILITY; REQUEST FOR REVIEW.

The following persons shall be eligible to request supplementary review by the board pursuant to sections 115A.32 to 115A.39: (a) a generator of sewage sludge within the state who has been issued permits by the agency for a facility to dispose of sewage sludge or solid waste resulting from sewage treatment; (b) a political subdivision which has been issued permits by the agency, or a political subdivision acting on behalf of a person who has been issued permits by the agency, for a solid waste facility which is no larger than 250 acres, not including any proposed buffer area, and located outside the metropolitan area; (c) a generator of hazardous waste within the state who has been issued permits by the agency for a hazardous waste facility to be owned and operated by the generator, on property owned by the generator, and to be used by the generator for managing the hazardous wastes produced by the generator only; (d) a person who has been issued permits by the agency for a commercial hazardous waste processing facility at a site included in the board's inventory of preferred sites for such facilities adopted pursuant to Minnesota Statutes 1996, section 115A.09; (e) a person who has been issued permits by the agency for a disposal facility for the nonhazardous sludge, ash, or other solid waste generated by a permitted hazardous waste processing facility operated by the person. The board may require completion of a plan conforming to the requirements of section 115A.46, before granting review under clause (b). A request for supplementary review shall show that the required permits for the facility have been issued by the agency and that a political subdivision has refused to approve the establishment or operation of the facility.

History: 1999 c 86 art 1 s 21

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

Subdivision 1. **Authority; purpose.** The director with assistance from the commissioner shall prepare and adopt a report on solid waste management policy. The report must be submitted by the director to the environment and natural resources committees of the senate and house of representatives, the finance division of the senate committee on environment and natural resources, and the house of representatives committee on environment and natural resources finance by December 1 of each odd-numbered year and shall include reports required under sections 115A.55, subdivision 4, paragraph (b); 115A.551, subdivision 4; 115A.557, subdivision 4; 473.149, subdivision 6; 473.846; and 473.848, subdivision 4.

[For text of subd 2, see M.S.1998]

History: 1999 c 73 s 2

115A.52 TECHNICAL ASSISTANCE FOR PROJECTS.

The director shall ensure the delivery of technical assistance for projects eligible under the program. The director may contract or issue grants 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 director shall prepare and publish an inventory of sources of technical assistance, including studies, publications, agencies, and persons available. The director shall ensure statewide benefit from projects assisted under the program by developing exchange and training programs for local officials and employees and by using the experience gained in projects to provide technical assistance and education for other solid waste management projects in the state.

History: 1999 c 73 s 3

115A.551 RECYCLING.

[For text of subds 1 and 2, see M.S.1998]

Subd. 2a. **Supplementary recycling goals.** (a) By December 31, 1996, each county will have as a goal to recycle the following amounts:

(1) for a county outside of the metropolitan area, 35 percent by weight of total solid waste generation;

(2) for a metropolitan county, 50 percent by weight of total solid waste generation.

Each county will develop and implement or require political subdivisions within the county to develop and implement programs, practices, or methods designed to meet its recycling goal. Nothing in this section or in any other law may be construed to prohibit a county from establishing a higher recycling goal.

(b) For a county that, by January 1, 1995, is implementing a solid waste reduction program that is approved by the director, the director shall apply up to three percentage points toward achievement of the recycling goals in this subdivision. In addition, the director shall apply demonstrated waste reduction that exceeds three percent reduction toward achievement of the goals in this subdivision.

(c) No more than five percentage points may be applied toward achievement of the recycling goals in this subdivision for management of yard waste. The five percentage points must be applied as provided in this paragraph. The director shall apply three percentage points for a county in which residents, by January 1, 1996, are provided with:

(1) an ongoing comprehensive education program under which they are informed about how to manage yard waste and are notified of the prohibition in section 115A.931; and

(2) the opportunity to drop off yard waste at specified sites or participate in curbside yard waste collection.

The director shall apply up to an additional two percentage points toward achievement of the recycling goals in this subdivision for additional activities approved by the director that are likely to reduce the amount of yard waste generated and to increase the on-site composting of yard waste.

[For text of subds 3 to 7, see M.S.1998]

History: 1999 c 73 s 4

115A.902 PERMIT; TIRE COLLECTORS, PROCESSORS.

Subdivision 1. **Permit required.** A tire collector or tire processor with more than 500 waste tires shall obtain a permit from the agency unless exempted in subdivision 2. The agency may by rule require tire collectors or tire processors with less than 500 waste tires to obtain permits unless exempted by subdivision 2.

[For text of subd 2, see M.S.1998]

Subd. 3. **Local authority.** The issuance of an agency permit does not replace a permit or license required under section 400.16 or 473.811.

[For text of subd 4, see M.S.1998]

History: 1999 c 73 s 5

115A.906 WASTE TIRE NUISANCE; ABATEMENT.*[For text of subd 1, see M.S.1998]*

Subd. 2. **Abatement.** The agency may abate a nuisance by processing and removing the tires. Before taking any action to abate a nuisance, the agency shall give notice to the tire collector responsible for the nuisance that the tires to be processed and removed constitute a nuisance and demand that the tires be shredded or chipped or removed within a specified period. Failure of the tire collector to take the required action within the specified period shall result in the issuance of an agency order to abate the nuisance. The abatement order may include entering the property where the nuisance is located, taking tires into public custody, and providing for their processing and removal. The agency order may be enforced pursuant to the provisions of sections 115.071 and 116.072.

[For text of subd 2a, see M.S.1998]

Subd. 3. **Recovery of expenses.** Any reasonable and necessary expenses incurred by the agency for abatement costs, and administrative and legal expenses, may be recovered in a civil action brought by the attorney general against any tire collector responsible for the nuisance. The agency's certification of expenses shall be prima facie evidence that the expenses are reasonable and necessary.

Subd. 4. **Other abatement.** This section does not change the existing authority of a person or political subdivision to abate a tire dump nuisance. The agency may reimburse a person or political subdivision for the costs of abatement.

History: 1999 c 73 s 5**115A.908 MOTOR VEHICLE TRANSFER FEE.***[For text of subd 1, see M.S.1998]*

Subd. 2. **Deposit of revenue.** Revenue collected shall be credited to the motor vehicle transfer account in the environmental fund. As cash flow permits, the commissioner of finance must transfer (1) \$3,200,000 each fiscal year from the motor vehicle transfer account to the environmental response, compensation, and compliance account established in section 115B.20; and (2) \$1,200,000 each fiscal year from the motor vehicle transfer account to the general fund.

History: 1999 c 231 s 132**115A.912 WASTE TIRE MANAGEMENT.**

Subdivision 1. **Purpose.** Money appropriated to the agency for waste tire management may be spent for elimination of health and safety hazards of tire dumps and collection sites, tire dump abatement, collection, management and clean up of waste tires, regulation of permitted waste tire facilities, research and studies to determine the technical and economic feasibility of uses for tire derived products, public education on waste tire management, and grants and loans under section 115A.913.

Subd. 2. **Priorities for spending.** The agency shall apply the following criteria to establish priorities: (1) tire dumps or collection sites determined by the agency to contain more than 1,000,000 tires; (2) abatement of fire hazard nuisances; (3) abatement of nuisance in densely populated areas; and (4) collection and clean up of waste tires including abatement of tire dumps.

Subd. 3. **Contracts with counties.** The agency may contract with counties for the abatement of waste tire nuisances and may reimburse a county for up to 85 percent of the cost of abatement. A contract with a county for abatement of waste tire nuisances must incorporate a plan approved by the agency that provides for the removal and processing of the waste tires in a manner consistent with agency standards and ongoing agency abatement activities. A county may recover by civil action its part of abatement costs from the tire collector responsible for a nuisance.

*[For text of subd 4, see M.S.1998]***History:** 1999 c 73 s 5

115A.913 WASTE TIRE PROGRAMS.

Subdivision 1. **Loans and grants.** (a) The agency may make loans to waste tire processing businesses for the capital costs of land, buildings, equipment, and other capital improvements needed for the construction or betterment of waste tire processing facilities, and for the capital cost of equipment needed to transport waste tires to a waste tire processing facility. The agency may also make loans to businesses that use waste tire derived products in manufacturing processes, for the capital costs of land, buildings, and equipment used in the manufacturing process.

(b) The agency may make grants for studies necessary to demonstrate the technical and economic feasibility of a proposed waste tire processing project, or of a proposed use for waste tire derived products in a manufacturing process. A grant may not exceed \$30,000 and may not exceed 75 percent of the costs of a study.

Subd. 2. **Collection and transportation.** The agency may make grants to local government units for the cost of establishing waste tire collection sites. Grants may be used for the capital costs of land, structures, and equipment needed to establish waste tire collection sites, and to collect and transport waste tires. A grant may not exceed 50 percent of the cost to a local government unit to establish a waste tire collection site.

Subd. 3. **Feasibility studies.** The agency may conduct research and studies to determine the technical and economic feasibility of uses for waste tire derived products.

Subd. 4. **Public education.** The agency may conduct a program to inform the public about proper handling and opportunities for processing of waste tires consistent with section 115A.072.

History: 1999 c 73 s 5

115A.914 ADMINISTRATION; COUNTY PLANNING AND ORDINANCES.

Subdivision 1. **Regulatory and enforcement powers.** For purposes of implementing and enforcing the waste tire programs in sections 115A.90 to 115A.914, the agency may exercise the regulatory and enforcement powers of the agency under chapters 115 and 116.

Subd. 2. **Agency rules.** The agency shall adopt rules for administration of waste tire collector and processor permits, waste tire nuisance abatement, and waste tire collection.

Subd. 3. **County planning; ordinances.** Counties shall include collection and processing of waste tires in the solid waste management plan prepared under sections 115A.42 to 115A.46 and shall adopt ordinances under sections 400.16 and 473.811 for management of waste tires that embody, but may be more restrictive than, agency rules.

History: 1999 c 73 s 5