

## CHAPTER 115A

### WASTE MANAGEMENT

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#### 115A.0716 ENVIRONMENTAL ASSISTANCE GRANT AND LOAN PROGRAM.

*[For text of subs 1 and 2, see M.S.2000]*

Subd. 3. **Revolving account.** An environmental assistance revolving account is established in the environmental fund. All repayments of loans awarded under this subdivision, including principal and interest, must be deposited into the account. Money in the account is annually appropriated to the director for loans for purposes identified in subdivisions 1 and 2.

**History:** *1Sp2001 c 2 s 122*

#### 115A.12 ADVISORY COUNCILS.

(a) The director shall establish a solid waste management advisory council and a prevention, reduction, and recycling advisory council that are broadly representative of the geographic areas and interests of the state.

(b) The solid waste council shall have not less than nine nor more than 21 members. 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 three members experienced in the private recycling industry and 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.

(c) The prevention, reduction, and recycling advisory council shall have not less than nine nor more than 24 members. The membership shall consist of one-third citizen representatives, one-third representatives of government, and one-third representatives of business and industry. The director may appoint nonvoting members from other environmental and business assistance providers in the state.

(d) The chairs of the advisory councils shall be appointed by the director. The director shall provide administrative and staff services for the advisory councils. The advisory councils shall have such duties as are assigned by law or the director. The solid waste advisory council shall make recommendations to the office on its solid waste management activities. The prevention, reduction, and recycling advisory council shall make recommendations to the office on policy, programs, and legislation in pollution prevention, waste reduction, reuse and recycling, resource conservation, and the management of hazardous waste. Members of the advisory councils shall serve without compensation but shall be reimbursed for their reasonable expenses as determined by the director. Notwithstanding section 15.059, subdivision 5, the solid waste management advisory council and the prevention, reduction, and recycling advisory council expire June 30, 2003.

**History:** *2001 c 161 s 17*

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

*[For text of subs 1 to 4, see M.S.2000]*

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 commerce through the state energy office shall submit recommendations to the commissioner regarding the operation of the program.

*[For text of subs 6 to 10, see M.S.2000]*

**History:** *1Sp2001 c 4 art 6 s 17*

#### **115A.54 WASTE PROCESSING FACILITIES.**

*[For text of subs 1 and 2, see M.S.2000]*

Subd. 2a. **Solid waste management projects.** (a) The director 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, except that projects constructed as a result of intercounty cooperative agreements may receive (1) grant assistance up to 25 percent of the capital cost of the project; or (2) \$2,000,000 times the number of participating counties, whichever is less.

(c) A recycling project or a project to compost or cocompost waste may receive grant assistance up to 50 percent of the capital cost of the project or \$2,000,000, whichever is less, except that projects completed as a result of intercounty cooperative agreements may receive (1) grant assistance up to 50 percent of the capital cost of the project; or (2) \$2,000,000 times the number of participating counties, whichever is less. The following projects may also receive grant assistance in the amounts specified in this paragraph:

(1) a project to improve control of or reduce air emissions at an existing resource recovery facility; and

(2) a project to substantially increase the recovery of materials or energy, substantially reduce the amount or toxicity of waste processing residuals, or expand the capacity of an existing resource recovery facility to meet the resource recovery needs of an expanded region if each county from which waste is or would be received has achieved a recycling rate in excess of the goals in section 115A.551, and is implementing aggressive waste reduction and household hazardous waste management programs.

(d) Notwithstanding paragraph (e), the director may award grants for transfer stations that will initially transfer waste to landfills if the transfer stations are part of a planned resource recovery project, the county where the planned resource recovery facility will be located has a comprehensive solid waste management plan approved by the director, and the solid waste management plan proposes the development of the resource recovery facility. If the proposed resource recovery facility is not in place and operating within 16 years of the date of the grant award, the recipient shall repay the grant amount to the state.

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

(f) In addition to any assistance received under paragraph (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.

(g) 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.

(h) 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 director shall adopt rules for the program by July 1, 1985.

(i) Notwithstanding anything in this subdivision to the contrary, a project to construct a new mixed municipal solid waste transfer station that has an enforceable commitment of at least ten years, or of sufficient length to retire bonds sold for the facility, to serve an existing resource recovery facility may receive grant assistance up to 75 percent of the capital cost of the project if addition of the transfer station will increase substantially the geographical area served by the resource recovery facility and the ability of the resource recovery facility to operate more efficiently on a regional basis and the facility meets the criteria in paragraph (c), the second clause (2). A transfer station eligible for assistance under this paragraph is not eligible for assistance under any other paragraph of this subdivision.

[For text of subd 3, see M.S.2000]

**History:** 1Sp2001 c 2 s 123

#### 115A.545 MIXED MUNICIPAL SOLID WASTE PROCESSING PAYMENT.

Subdivision 1. **Definition.** For the purpose of this section, "processed" means mixed municipal solid waste that has been:

- (1) burned for energy recovery; or
- (2) processed into usable compost or refuse derived fuel.

Subd. 2. **Processing payment.** (a) The director shall pay counties a processing payment for each ton of mixed municipal solid waste that is generated in the county and processed at a resource recovery facility located in Minnesota. The processing payment shall be \$5 for each ton of mixed municipal solid waste processed.

(b) By the last day of October, January, April, and July, each county claiming the processing payment shall file a claim for payment with the director for the three previous months certifying the number of tons of mixed municipal solid waste that were generated in the county and processed at a resource recovery facility. The director shall pay the processing payments by November 15, February 15, May 15, and August 15 each year.

(c) If the total amount for which all counties are eligible in a quarter exceeds the amount available for payment, the director shall make the payments on a pro rata basis.

(d) All of the money received by a county under this section must be used to lower the tipping fee for waste to be processed at a resource recovery facility.

Subd. 3. **Expiration date.** The payment in subdivision 2 expires on July 1, 2005. For waste delivered to a resource recovery facility from April 1, 2005, to June 30, 2005, a county must submit payment claims by July 31, 2005. The director shall make the final mixed municipal solid waste processing payments by August 15, 2005.

**History:** 1Sp2001 c 2 s 124

**115A.557 COUNTY WASTE REDUCTION AND RECYCLING FUNDING.**

*[For text of subd 1, see M.S.2000]*

Subd. 2. **Purposes for which money may be spent.** A county receiving money distributed by the director under this section may use the money only for the development and implementation of programs to:

- (1) reduce the amount of solid waste generated;
- (2) recycle the maximum amount of solid waste technically feasible;
- (3) create and support markets for recycled products;
- (4) remove problem materials from the solid waste stream and develop proper disposal options for them;
- (5) inform and educate all sectors of the public about proper solid waste management procedures;
- (6) provide technical assistance to public and private entities to ensure proper solid waste management;
- (7) provide educational, technical, and financial assistance for litter prevention; and
- (8) process mixed municipal solid waste generated in the county at a resource recovery facility located in Minnesota.

*[For text of subds 3 and 4, see M.S.2000]*

**History:** *1Sp2001 c 2 s 125*

**115A.906** [Repealed, 1Sp2001 c 2 s 162]

**115A.908 MOTOR VEHICLE TRANSFER FEE.**

Subdivision 1. **Fee charged.** A fee of \$4 shall be charged on the initial registration and each subsequent transfer of title within the state, other than transfers for resale purposes, of every motor vehicle weighing more than 1,000 pounds. The fee shall be collected in an appropriate manner by the motor vehicle registrar. Registration plates or certificates may not be issued by the motor vehicle registrar for the ownership or operation of a motor vehicle subject to the transfer fee unless the fee is paid. The fee may not be charged on the transfer of:

- (1) previously registered vehicles if the transfer is to the same person;
  - (2) vehicles subject to the conditions specified in section 297A.25, subdivision 11;
- or
- (3) vehicles purchased in another state by a resident of another state if more than 60 days have elapsed after the date of purchase and the purchaser is transferring title to this state and has become a resident of this state after the purchase.

*[For text of subd 2, see M.S.2000]*

**History:** *2000 c 418 art 1 s 44*

**115A.912 WASTE TIRE MANAGEMENT.**

Subdivision 1. **Purpose.** Money appropriated to the agency for waste tire management may be spent for 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. [Repealed, 1Sp2001 c 2 s 162]

Subd. 3. [Repealed, 1Sp2001 c 2 s 162]

*[For text of subd 4, see M.S.2000]*

**History:** *1Sp2001 c 2 s 126*

**115A.914 ADMINISTRATION; COUNTY PLANNING AND ORDINANCES.**

*[For text of subd 1, see M.S.2000]*

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

*[For text of subd 3, see M.S.2000]*

**History:** *1Sp2001 c 2 s 127*