

Minnesota Statutes 1988, sections 219.27 and 219.28, are repealed.

Sec. 7. **EFFECTIVE DATES.**

Sections 1 and 2 are effective August 1, 1990, and apply to violations committed on or after that date. Sections 3 and 4 are effective the day following final enactment. Sections 5 and 6 are effective December 1, 1991.

Presented to the governor April 19, 1990

Signed by the governor April 20, 1990, 10:56 a.m.

CHAPTER 469—H.F.No. 1918

An act relating to waste control; providing for criminal and civil penalties for violations of criteria of the metropolitan waste control commission and the Western Lake Superior Sanitary District board; amending Minnesota Statutes 1988, section 115A.97, subdivision 4; Laws 1971, chapter 478, section 17, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 473.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1988, section 115A.97, subdivision 4, is amended to read:

Subd. 4. **INTERIM PROGRAM.** (a) Incinerator ash is considered special waste for an interim period which expires on the occurrence of the earliest of the following events:

(1) The United States Environmental Protection Agency establishes testing and disposal requirements for incinerator ash;

(2) The agency adopts the rules required in subdivision 3; or

(3) June 30, ~~1990~~ 1991.

(b) As a special waste incinerator ash must be stored separately from mixed municipal solid waste with adequate controls to protect the environment as provided in agency permits. For the interim period, the agency, in cooperation with generators of incinerator ash and other interested parties, shall establish a temporary program to test, monitor, and store incinerator ash. The program must include separate testing of fly ash, bottom ash, and combined ash unless the agency determines that because of physical constraints at the facility separate samples of fly ash and bottom ash cannot be reasonably obtained in which case only combined ash must be tested. Incinerator ash stored during the interim is subject to the rules adopted pursuant to subdivision 3 and to the provisions of chapter 115B.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 2. [473.5155] ENFORCEMENT OF PRETREATMENT STANDARDS AND REQUIREMENTS.

Subdivision 1. REMEDIES AVAILABLE. (a) For purposes of this section, "violation" means any discharge or action by a person that violates sections 473.501 to 473.549 or rules, standards, variances, limitations, orders, stipulations, agreements, schedules of compliance, or permits that are issued or adopted by the commission under sections 473.501 to 473.549.

(b) Each violation may be enforced by any one or a combination of the following: criminal prosecution, civil action, or other appropriate action in accordance with sections 473.501 to 473.549.

Subd. 2. CRIMINAL PENALTIES; DUTIES. (a) Any person who commits a violation under subdivision 1 may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both.

(b) County attorneys, sheriffs and other peace officers, and other officers authorized to enforce criminal laws shall take all action necessary to prosecute and punish violations.

Subd. 3. CIVIL PENALTIES. A violation is subject to a penalty payable to the state, in an amount to be determined by the court, of not more than \$1,000 per day of violation. The civil penalty may be recovered by a civil action brought by the commission in the name of the state.

Sec. 3. Laws 1971, chapter 478, section 17, subdivision 4, is amended to read:

Subd. 4. The board shall have the power to adopt rules and regulations relating to the board's responsibilities and may provide penalties for the violation thereof ~~not exceeding the maximum which may be specified for a misdemeanor of imprisonment for not more than 90 days or the payment of a fine or civil penalty of not more than \$1,000, or both, for each violation.~~ Any rule or regulation prescribing a penalty for violation shall be published at least once in a newspaper having general circulation in the district. Such violations may be prosecuted before any court in the district having jurisdiction of misdemeanors, and every such court shall have jurisdiction of such violations. Any constable or other peace officer of any municipality in the district may make arrests for such violations committed anywhere in the district in like manner and with like effect as for violations of village ordinances or for statutory misdemeanors. All fines collected in such cases shall be deposited in the treasury of the board, or may be allocated between the board and the municipality in which such prosecution occurs on such basis as the board and the municipality agree.

Sec. 4. EFFECTIVE DATE.

Section 2 is effective the day following final enactment.

New language is indicated by underline, deletions by ~~strikeout~~.

Section 3 is effective only after its approval by the sanitary board of the Western Lake Superior Sanitary District, and upon compliance with Minnesota Statutes, section 645.021.

Presented to the governor April 19, 1990

Signed by the governor April 20, 1990, 10:59 a.m.

CHAPTER 470—S.F.No. 2179

An act relating to local government in Ramsey county; eliminating certain performance bonds; permitting fees for inspections by the county surveyor; amending Minnesota Statutes 1988, section 383A.32, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 383A.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1988, section 383A.32, subdivision 3, is amended to read:

Subd. 3. **WAIVER OF PERFORMANCE BONDS.** Notwithstanding the charter of the city of Saint Paul or prior statutory enactments relating to buying by the city of Saint Paul and the county of Ramsey to the contrary, the council of the city of Saint Paul, the Ramsey county board of commissioners, and the governing body of any municipal subdivision governed by this section may waive the requirements for a performance bond on each purchase of materials and supplies. ~~Performance bonds are required to be furnished in all bids requiring labor and material, or labor alone, where the contract exceeds \$2,000.~~ For bids requiring labor and material or labor alone, and bid in accordance with section 471.345, subdivision 4 or 5, performance bonds may be waived. For bids requiring labor and material or labor alone, and bid in accordance with section 471.345, subdivision 3, performance bonds or equivalent financial security shall be required.

Sec. 2. **[383A.421] SURVEYOR FEES.**

The board of county commissioners, after a public hearing, may establish a system of fees to be charged for inspection services by the county surveyor. The fees collected shall be for the use of the county and placed in the county treasury.

Sec. 3. **LOCAL APPROVAL.**

Section 1 takes effect the day after the Ramsey county board and the St. Paul city council both comply with Minnesota Statutes, section 645.021, subdivision 3.

New language is indicated by underline, deletions by ~~strikeout~~.