

CHAPTER 249—H.F.No. 287

An act relating to waste management; encouraging local government units to use purchasing techniques to reduce waste and develop markets for recycled products; prohibiting burning and burial of harmful materials on farms; defining packaging and recycling facility; prohibiting disposal of unprocessed mixed municipal solid waste; extending the time to construct certain projects with grant money; authorizing counties to count waste reduction toward 1996 recycling goals; regulating management of certain automobile waste; providing for county management and service contracts; requiring local government units to separately account for all revenue and spending related to waste management; requiring collectors of solid waste to disclose where the waste is deposited; prohibiting fluorescent and high intensity discharge lamps in solid waste; clarifying that organized waste collection is one of several tools for cities and counties to use to collect waste; requiring labeling of hazardous products; requiring reporting of tipping fee schedules at all waste facilities; requiring owners or operators of waste facilities that are publicly financed to account for charges and expenditures related to the facilities; regulating lamp recycling facilities; requiring electric utilities to encourage use of fluorescent and high intensity discharge lamps and requiring certain utilities to collect spent lamps; requiring a study of collection of such lamps; extending by one year the solid waste field citation pilot program; clarifying the effects of the repeal of the metropolitan landfill siting process; requiring an environmental enforcement policy; providing for reports; amending Minnesota Statutes 1992, sections 16B.121, 16B.122, 16B.123, 16B.24, by adding a subdivision; 17.135; 115.071, subdivision 1; 115A.03, by adding subdivisions; 115A.034; 115A.54, subdivision 2a; 115A.5501, subdivision 3; 115A.551, subdivisions 2a and 4; 115A.56; 115A.916; 115A.929; 115A.932, subdivision 1; 115A.94, subdivisions 5 and 6; 115A.941; 115A.965, subdivision 1; 115A.9651; 115A.981; 116.78, by adding a subdivision; 116.92, subdivision 7; 216B.241, by adding a subdivision; 325E.1151, subdivision 1; 325E.12; 325E.125, subdivision 1; 325E.1251; 400.04, subdivisions 3 and 4; 400.08, subdivision 3; 473.149, subdivision 6; 473.803, subdivision 3; 473.8441, subdivision 5; 473.846; and 473.848, subdivisions 2 and 3; Laws 1991, chapter 347, article 1, sections 15, subdivisions 1 and 6; and 20; Laws 1992, chapter 593, article 1, section 55; proposing coding for new law in Minnesota Statutes, chapters 115A; and 116.

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

Section 1. Minnesota Statutes 1992, section 16B.121, is amended to read:

16B.121 PURCHASE OF RECYCLED, REPAIRABLE, AND DURABLE MATERIALS.

The commissioner shall take the recycled content and recyclability of commodities to be purchased into consideration in bid specifications. When feasible and when the price of recycled materials does not exceed the price of nonrecycled materials by more than ten percent, the commissioner, and state agencies when purchasing under delegated authority, shall purchase recycled materials. In order to maximize the quantity and quality of recycled materials purchased, the commissioner, and state agencies when purchasing under delegated authority, may also use other appropriate procedures to acquire recycled materials at the most economical cost to the state.

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When purchasing commodities and services, the commissioner, and state agencies when purchasing under delegated authority, shall apply and promote the preferred waste management practices listed in section 115A.02, with special emphasis on reduction of the quantity and toxicity of materials in waste. The commissioner, and state agencies when purchasing under delegated authority, in developing bid specifications, shall consider the extent to which a commodity or product is durable, reusable, or recyclable and marketable through the state resource recovery program and the extent to which the commodity or product contains postconsumer material.

Sec. 2. Minnesota Statutes 1992, section 16B.122, is amended to read:

16B.122 PURCHASE AND USE OF PAPER STOCK; PRINTING.

Subdivision 1. **DEFINITIONS.** The definitions in this subdivision apply to this section.

(a) "Copier paper" means paper purchased for use in copying machines.

(b) "Office paper" means notepads, loose-leaf fillers, tablets, and other paper commonly used in offices.

~~(b)~~ (c) "Postconsumer material" means a finished material that would normally be discarded as a solid waste, having completed its life cycle as a consumer item.

~~(c)~~ (d) "Practicable" means capable of being used, consistent with performance, in accordance with applicable specifications, and availability within a reasonable time.

~~(d)~~ (e) "Printing paper" means paper designed for printing, other than newsprint, such as offset and publication paper.

~~(e)~~ (f) "Public entity" means the state, an office, agency, or institution of the state, the metropolitan council, a metropolitan agency, the metropolitan mosquito control district, the legislature, the courts, a county, a statutory or home rule charter city, a town, a school district, another special taxing district, or any contractor acting pursuant to a contract with a public entity.

~~(f)~~ (g) "Soy-based ink" means printing ink made from soy oil.

~~(g)~~ (h) "Uncoated" means not coated with plastic, clay, or other material used to create a glossy finish.

Subd. 2. **PURCHASES; PRINTING.** (a) Whenever practicable, a public entity shall:

(1) purchase uncoated office paper and printing paper;

(2) purchase recycled content paper with at least ten percent postconsumer material by weight;

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(3) purchase paper which has not been dyed with colors, excluding pastel colors;

(4) purchase recycled content paper that is manufactured using little or no chlorine bleach or chlorine derivatives;

(5) use no more than two colored inks, standard or processed, except in formats where they are necessary to convey meaning;

(6) use reusable binding materials or staples and bind documents by methods that do not use glue;

(7) use soy-based inks; and

(8) produce reports, publications, and periodicals that are readily recyclable within the state resource recovery program.

(b) Paragraph (a), clause (1), does not apply to coated paper that is made with at least 50 percent postconsumer material.

(c) A public entity shall print documents on both sides of the paper where commonly accepted publishing practices allow.

(d) Notwithstanding paragraph (a), clause (2), and section 16B.121, copier paper purchased by a state agency must contain at least ten percent postconsumer material by fiber content.

Subd. 3. PUBLIC ENTITY PURCHASING. (a) Notwithstanding section 365.37, 375.21, 412.331, or 473.705, a public entity may purchase recycled materials when the price of the recycled materials does not exceed the price of nonrecycled materials by more than ten percent. In order to maximize the quantity and quality of recycled materials purchased, a public entity also may use other appropriate procedures to acquire recycled materials at the most economical cost to the public entity.

(b) When purchasing commodities and services, a public entity shall apply and promote the preferred waste management practices listed in section 115A.02, with special emphasis on reduction of the quantity and toxicity of materials in waste. A public entity, in developing bid specifications, shall consider the extent to which a commodity or product is durable, reusable, or recyclable and marketable through the applicable local or regional recycling program and the extent to which the commodity or product contains postconsumer material.

Sec. 3. Minnesota Statutes 1992, section 16B.123, is amended to read:

16B.123 PACKING MATERIALS.

Subdivision 1. REQUIRED USE. Whenever technically feasible, a public entity shall purchase and use degradable loose foam packing material manufac-

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tured from vegetable starches or other renewable resources, unless the cost of the packing material is more than ten percent greater than the cost of packing material made from nonrenewable resources.

Subd. 2. DEFINITION; PACKING MATERIAL. For the purposes of this section, "packing material" means loose foam material, other than an exterior packaging shell, that is used to stabilize, protect, cushion, or brace the contents of a package.

Subd. 3. PURCHASE OF PACKAGED PRODUCTS. Whenever practicable, a public entity shall specify use of degradable loose foam packing material in contracting for purchase of packaged products, unless the cost of packaging a product with loose foam packing material is more than ten percent greater than the cost of packaging the product with loose foam packing material made from nonrenewable resources.

Sec. 4. Minnesota Statutes 1992, section 16B.24, is amended by adding a subdivision to read:

Subd. 11. RECYCLING OF FLUORESCENT LAMPS. When a fluorescent lamp containing mercury is removed from service in a building or premises owned by the state or rented by the state, the commissioner shall ensure that the lamp is recycled if a recycling facility, which has been licensed or permitted by the agency or is operated subject to a compliance agreement with, or other approval by, the commissioner, is available in this state.

Sec. 5. Minnesota Statutes 1992, section 17.135, is amended to read:

17.135 FARM DISPOSAL OF SOLID WASTE.

(a) A permit is not required from a state agency, except under sections 88.16, 88.17, and 88.22 for a person who owns or operates land used for farming that buries, or burns and buries, solid waste generated from the person's household or as part of the person's farming operation if the burying is done in a nuisance free, pollution free, and aesthetic manner on the land used for farming. This exception does not apply if regularly scheduled pickup of solid waste is reasonably available at the person's farm, as determined by resolution of the county board of the county where the person's farm is located.

(b) This exemption does not apply to burning tires or plastics, except plastic baling twine, or to burning or burial of the following materials:

- (1) household hazardous waste as defined in section 115A.96, subdivision 1;
- (2) appliances, including but not limited to, major appliances as defined in section 115A.03, subdivision 17a;
- (3) household batteries;
- (4) used motor oil; and

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(5) lead acid batteries from motor vehicles.

Sec. 6. Minnesota Statutes 1992, section 115.071, subdivision 1, is amended to read:

Subdivision 1. **REMEDIES AVAILABLE.** The provisions of sections 103F.701 to 103F.761, chapters 115, 115A, and 116, and sections 325E.10 to 325E.1251 and 325E.32 and all rules, standards, orders, stipulation agreements, schedules of compliance, and permits adopted or issued by the agency thereunder or under any other law now in force or hereafter enacted for the prevention, control, or abatement of pollution may be enforced by any one or any combination of the following: criminal prosecution; action to recover civil penalties; injunction; action to compel performance; or other appropriate action, in accordance with the provisions of said chapters and this section.

Sec. 7. Minnesota Statutes 1992, section 115A.03, is amended by adding a subdivision to read:

Subd. 22b. PACKAGING. "Packaging" means a container and any appurtenant material that provide a means of transporting, marketing, protecting, or handling a product. "Packaging" includes pallets and packing such as blocking, bracing, cushioning, weatherproofing, strapping, coatings, closures, inks, dyes, pigments, and labels.

Sec. 8. Minnesota Statutes 1992, section 115A.03, is amended by adding a subdivision to read:

Subd. 25c. RECYCLING FACILITY. "Recycling facility" means a facility at which materials are prepared for reuse in their original form or for use in manufacturing processes that do not cause the destruction of the materials in a manner that precludes further use.

Sec. 9. Minnesota Statutes 1992, section 115A.034, is amended to read:

115A.034 **ENFORCEMENT.**

This chapter may be enforced under ~~section~~ sections 115.071 and 116.072.

Sec. 10. **[115A.415] SUBSTANDARD DISPOSAL FACILITIES.**

Beginning July 1, 1995:

(1) a person may not deliver unprocessed mixed municipal solid waste to a substandard disposal facility; and

(2) an operator of a substandard disposal facility may not accept unprocessed mixed municipal solid waste for deposit in the disposal facility.

For the purpose of this section, "substandard disposal facility" means a disposal facility that does not meet the design, construction, and operation requirements for a new mixed municipal solid waste facility contained in state rules in effect as of January 1, 1993.

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For the purpose of this section, waste is "unprocessed" if it has not, after collection and before disposal, undergone at least one process, as defined in section 115A.03, subdivision 25, excluding storage, exchange, and transfer of the waste.

Sec. 11. Minnesota Statutes 1992, section 115A.54, subdivision 2a, is amended to read:

Subd. 2a. **SOLID WASTE MANAGEMENT PROJECTS.** (a) The ~~office~~ 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.

(d) Notwithstanding paragraph (e), the agency 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 agency 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 ~~five~~ eight 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

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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 office director shall adopt rules for the program by July 1, 1985.

Sec. 12. Minnesota Statutes 1992, section 115A.5501, subdivision 3, is amended to read:

Subd. 3. **FACILITY COOPERATION AND REPORTS.** The owner or operator of a solid waste composting, incineration, refuse derived fuel or disposal facility shall allow access upon reasonable notice to authorized office, agency, or metropolitan council staff for the purpose of conducting waste composition studies or otherwise assessing the amount of total packaging in the waste delivered to the facility under this section.

Beginning in 1993, by February 1 of each year the owner or operator of a facility governed by this subdivision shall submit a report to the commissioner, on a form prescribed by the commissioner, ~~information~~ specifying the total amount of solid waste received by the facility between January 1 and December 31 of the previous year. The commissioner shall calculate the total amount of solid waste delivered to solid waste facilities from the reports received from the facility owners or operators and shall report the aggregate amount to the director by April 1 of each year. The commissioner shall assess a nonforgivable administrative penalty under section 116.072 of \$500 plus any forgivable amount necessary to enforce this subdivision on any owner or operator who fails to submit a report required by this subdivision.

Sec. 13. Minnesota Statutes 1992, section 115A.551, subdivision 2a, is amended to read:

Subd. 2a. **SUPPLEMENTARY RECYCLING GOALS.** 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, 30 percent by weight of total solid waste generation;
- (2) for a metropolitan county, 45 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. For the purposes of this subdivision "recycle" and "total solid waste generation"

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have the meanings given them in subdivision 1, except that neither includes yard waste.

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 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.

Sec. 14. Minnesota Statutes 1992, section 115A.551, subdivision 4, is amended to read:

Subd. 4. **INTERIM MONITORING.** The office, for counties outside of the metropolitan area, and the metropolitan council, for counties within the metropolitan area, shall monitor the progress of each county toward meeting the recycling goals in subdivisions 2 and 2a ~~and~~. The office shall report to the legislative commission on waste management on the progress of the counties by July 1 of each year. The metropolitan council shall report to the legislative commission on waste management on the progress of the counties by July 1 of each year. If the office or the council finds that a county is not progressing toward the goals in subdivisions 2 and 2a, it shall negotiate with the county to develop and implement solid waste management techniques designed to assist the county in meeting the goals, such as organized collection, curbside collection of source-separated materials, and volume-based pricing.

In even-numbered years the office's progress report may be included in the solid waste management policy report required under section 115A.411. The metropolitan council's progress report shall be included in the report required by section 473.149.

Sec. 15. Minnesota Statutes 1992, section 115A.56, is amended to read:

115A.56 RECYCLED CONTENT; LABELS.

(a) A person may not label or otherwise indicate on a product or package for sale or distribution that the product or package contains recycled material unless the label or other indication states the minimum percentage of postconsumer material in the product or package:

- (1) by weight for a finished nonpaper product or package; and
- (2) by fiber content for a finished paper product or package.

For the purposes of this section "product" includes advertising materials and campaign material as defined in section 211B.01, subdivision 2.

(b) Paragraph (a) does not apply to products that qualify for and use the recycling emblem established by the state of New York that was in effect on December 14, 1990.

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Sec. 16. Minnesota Statutes 1992, section 115A.916, is amended to read:

115A.916 ~~USED OIL; LAND DISPOSAL PROHIBITED MOTOR AND VEHICLE FLUIDS AND FILTERS; PROHIBITIONS.~~

A person may not place used motor oil, brake fluid, power steering fluid, transmission fluid, motor oil filters, or antifreeze:

- (1) ~~in mixed municipal solid waste or place used oil;~~
- (2) in or on the land, unless approved by the agency; or

(3) in or on the waters of the state or in a stormwater or wastewater collection or treatment system. This section may be enforced by the agency pursuant to sections ~~115.071 and 116.072.~~

For the purposes of this section, "antifreeze" does not include small amounts of antifreeze contained in water used to flush the cooling system of a vehicle after the antifreeze has been drained and does not include deicer that has been used on the exterior of a vehicle.

This section does not apply to antifreeze placed in a wastewater collection system that includes a publicly owned treatment works that is permitted by the agency until July 1, 1995.

Sec. 17. Minnesota Statutes 1992, section 115A.929, is amended to read:

115A.929 FEES; ACCOUNTING.

Each local government unit ~~that collects a fee under section 115A.919, 115A.921, or 115A.923~~ shall account for all revenue collected from the fee waste management fees, together with interest earned on ~~the~~ revenue from the fee fees, separately from other revenue collected by the local government unit and shall report revenue collected from the fees and use of the revenue separately from other revenue and use of revenue in any required financial report or audit. For the purposes of this section, "waste management fees" means:

- (1) all fees, charges, and surcharges collected under sections 115A.919, 115A.921, and 115A.923;
- (2) all tipping fees collected at waste management facilities owned or operated by the local government unit;
- (3) all charges imposed by the local government unit for waste collection and management services; and
- (4) any other fees, charges, or surcharges imposed on waste or for the purpose of waste management, whether collected directly from generators or indirectly through property taxes or as part of utility or other charges for services provided by the local government unit.

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Sec. 18. [115A.9302] WASTE DEPOSIT DISCLOSURE.

Subdivision 1. DISCLOSURE REQUIRED. By January 1, 1994, and at least annually thereafter, a person that collects construction debris, industrial waste, or mixed municipal solid waste for transportation to a waste facility shall disclose to each waste generator from whom waste is collected the name, location, and type of, and the number of the permit issued by the agency, or its counterpart in another state, if applicable, for the processing or disposal facility or facilities, excluding a transfer station, at which the waste will be deposited. The collector shall note both the primary facility at which the collector most often deposits waste and any alternative facilities regularly used by the collector.

Subd. 2. FORM OF DISCLOSURE. A collector shall make the disclosure to the waste generator in writing at least once per year or on any written contract for collection services for that year. If an additional facility becomes either a primary facility or an alternative facility during the year, the collector shall make the disclosure set forth in subdivision 1 within 30 days. A local government unit that collects solid waste without direct charges to waste generators shall make the disclosure on any statement that includes an amount for waste management, provided that, at a minimum, disclosure to waste generators must be made at least twice annually in a form likely to be available to all generators.

Subd. 3. TRANSFER STATIONS. If the collector deposits waste at a transfer station, the collector need not disclose the name and location of the transfer station but must disclose the destination of the waste when it leaves the transfer station.

Sec. 19. Minnesota Statutes 1992, section 115A.932, subdivision 1, is amended to read:

Subdivision 1. **PROHIBITIONS.** (a) A person may not place mercury or a thermostat, thermometer, electric switch, appliance, or medical or scientific instrument from which the mercury has not been removed for reuse or recycling:

- (1) in solid waste; or
- (2) in a wastewater disposal system.

(b) A person may not knowingly place mercury or a thermostat, thermometer, electric switch, appliance, or medical or scientific instrument from which the mercury has not been removed for reuse or recycling:

- (1) in a solid waste processing facility; or
- (2) in a solid waste disposal facility, as defined in section 115.01, subdivision 4.

(c) A person may not knowingly place a fluorescent or high intensity discharge lamp:

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(1) in solid waste; or

(2) in a solid waste facility, except a household hazardous waste collection or recycling facility.

This paragraph does not apply to waste lamps generated by households until August 1, 1994.

Sec. 20. Minnesota Statutes 1992, section 115A.94, subdivision 5, is amended to read:

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 under subdivision 4 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.

Sec. 21. Minnesota Statutes 1992, section 115A.94, subdivision 6, is amended to read:

Subd. 6. **ORGANIZED COLLECTION NOT REQUIRED OR PREVENTED.** (a) The authority granted in this section to organize solid waste collection is optional and is in addition to authority to govern solid waste collection granted by other law.

(b) Except as provided in subdivision 5, a city, town, or county is not:

(1) required to organize collection; or

(2) prevented from organizing collection of solid waste or recyclable material.

(c) Except as provided in subdivision 5, a city, town, or county may exercise any authority granted by any other law, including a home rule charter, to govern collection of solid waste.

Sec. 22. Minnesota Statutes 1992, section 115A.941, is amended to read:

115A.941 **SOLID WASTE; REQUIRED COLLECTION.**

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(a) Except as provided in paragraph (b), each city, and town described in section 368.01, with a population of 1,000 or more, and any other town with a population of 5,000 or more shall ensure that every residential household and business in the city or town has solid waste collection service. To comply with this section, a city or town may organize collection, provide collection, or require by ordinance that every household and business has a contract for collection services. An ordinance adopted under this section must provide for enforcement.

(b) A city or town ~~with a population of 5,000 or more~~ described in paragraph (a) may exempt a residential household or business in the city or town from the requirement to have solid waste collection service if the household or business ensures that an environmentally sound alternative is used.

(c) To the extent practicable, the costs incurred by a city or town under this section must be incorporated into the collection system or the enforcement mechanisms adopted under this section by the city or town.

Sec. 23. [115A.9523] HAZARDOUS PRODUCTS; LABELING.

Subdivision 1. DEFINITIONS. (a) The definitions in this subdivision apply to this section.

(b) "Hazardous product" means a product that, as a product or when it becomes a waste, exhibits a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, or any combination of these characteristics, as defined and listed under the criteria in Code of Federal Regulations, title 40, sections 261.20 to 261.24. "Hazardous product" does not include:

- (1) a pesticide that is registered under chapter 18B;
- (2) a product that is required to be labeled for proper waste management under other state or federal law;
- (3) a battery that complies with sections 115A.961 and 325E.125 as applicable to the battery; or
- (4) a prescription drug.

(c) "Product" means tangible personal property that is manufactured or imported for retail sale or use in this state. "Product" does not include a durable good with an expected useful life of three years or more.

Subd. 2. UNIFORM LABEL. The director shall adopt a rule to establish a uniform label for hazardous products that must include at least a warning that, as waste, the product contains a hazardous material that can harm the environment if not properly managed and information for proper management or disposal of the waste product.

Subd. 3. LABEL; REQUIRED USE. After January 1, 2000, a manufacturer

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may not knowingly offer a hazardous product for distribution, sale, or use in this state unless the product is labeled, on the product itself or on the container, with the label adopted under subdivision 2. This subdivision is not effective if the federal government adopts and implements uniform labeling of hazardous products by January 1, 2000, and if the label required both warns of the presence of hazardous material and informs of proper management of the product as waste. For the purposes of this subdivision, a retailer or a distributor is not a manufacturer and is not subject to the requirements of this section.

Sec. 24. Minnesota Statutes 1992, section 115A.965, subdivision 1, is amended to read:

Subdivision 1. **PACKAGING.** (a) As soon as feasible but not later than August 1, 1993, no manufacturer or distributor may sell or offer for sale or for promotional purposes in this state packaging or a product that is contained in packaging if the packaging itself, or any inks, dyes, pigments, adhesives, stabilizers, or any other additives to the packaging contain any lead, cadmium, mercury, or hexavalent chromium that has been intentionally introduced as an element during manufacture or distribution of the packaging. Intentional introduction does not include the incidental presence of any of the prohibited elements.

(b) For the purposes of this section:

(1) "distributor" means a person who imports packaging or causes packaging to be imported into the state; and

(2) until August 15, 1995, "packaging" does not include steel strapping containing a total concentration level of lead, cadmium, mercury, and hexavalent chromium, added together, of less than 100 parts per million by weight.

Sec. 25. Minnesota Statutes 1992, section 115A.9651, is amended to read:

115A.9651 TOXICS IN PRODUCTS; ENFORCEMENT.

After July 1, 1994, no person may deliberately introduce lead, cadmium, mercury, or hexavalent chromium into any ink, dye, pigment, paint, or fungicide that is intended for use or for sale in this state.

Until July 1, 1997, this section does not apply to electrodeposition primer coating, porcelain enamel coatings, medical devices, hexavalent chromium in the form of chromine acid when processed at a temperature of at least 750 degrees Fahrenheit, or ink used for computer identification markings.

This section does not apply to art supplies.

This section may be enforced under sections 115.071 and 116.072. The attorney general or the commissioner of the agency shall coordinate enforcement of this section with the director of the office.

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Sec. 26. Minnesota Statutes 1992, section 115A.981, is amended to read:

115A.981 SOLID WASTE MANAGEMENT; ECONOMIC STATUS AND OUTLOOK.

Subdivision 1. **RECORD KEEPING REQUIREMENTS.** The owner or operator of a solid waste ~~disposal~~ facility must maintain the records necessary to comply with the requirements of subdivision 2.

Subd. 2. **ANNUAL REPORTING.** (a) The owner or operator of a solid waste disposal facility shall submit an annual report to the commissioner that includes:

(1) a certification that the owner or operator has established financial assurance for closure, postclosure care, and corrective action at the facility by using one or more of the financial assurance mechanisms specified by rule and specification of the financial assurance mechanism used, including the amount paid in or assured during the past year and the total amount of financial assurance accumulated to date; and

(2) a schedule of fees charged ~~by~~ at the facility for waste management, including all tipping fees, rates, charges, surcharges, and any other fees charged to each classification of customer.

(b) The owner or operator of a solid waste facility, other than a private recycling facility, that is not a disposal facility and that is not governed by paragraph (c) shall submit an annual report to the commissioner that includes a schedule of fees charged at the facility for waste management, including all tipping fees, rates, charges, surcharges, and any other fees charged to each classification of customers.

(c) The owner or operator of a solid waste facility whose construction or operation was or is wholly or partially publicly financed, except when the public financing consists entirely of a grant for less than 15 percent of the cost of construction or consists solely of the sale of revenue bonds, and a local government unit that is the owner or operator of a solid waste facility shall submit an annual report to the commissioner that includes:

(1) a schedule of fees charged at the facility for waste management, including all tipping fees, rates, charges, surcharges, and any other fees charged to each classification of customers;

(2) a description of the amounts and sources of capital financing for the facility, including current debt and principal and interest payments made on the debt to date;

(3) an accounting of the costs of administration and operation of the facility;

(4) identification of the source and amount of any additional financing for

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the administration or operation of the facility not included in the fees reported under clause (1); and

(5) identification of the purposes of expenditure of any fees reported under clause (1) that are not expended for servicing or repaying debt on the facility or for administration and operation of the facility.

(d) The agency may suspend the operation of a ~~disposal~~ facility whose permittee fails to file the information required under this subdivision. The owner or operator of a facility may not increase fees until 30 days after the owner or operator has submitted a fee schedule amendment to the commissioner.

Subd. 3. **REPORT.** (a) The commissioner shall report to the legislative commission on waste management by July 1 of each odd-numbered year on the economic status and outlook of the state's solid waste management sector including:

(1) an estimate of the extent to which prices for solid waste management paid by consumers reflect costs related to environmental and public health protection, including a discussion of how prices are publicly and privately subsidized and how identified costs of waste management are not reflected in the prices;

(2) a discussion of how the market structure for solid waste management influences prices, considering:

(i) changes in the solid waste management market structure;

(ii) the relationship between public and private involvement in the market; and

(iii) the effect on market structures of waste management laws and rules; and

(3) any recommendations for strengthening or improving the market structure for solid waste management to ensure protection of human health and the environment, taking into account the preferred waste management practices listed in section 115A.02 and considering the experiences of other states.

(b) In preparing the report, the commissioner shall:

(1) consult with the director; the metropolitan council; local government units; solid waste collectors, transporters, and processors; owners and operators of solid waste ~~disposal~~ facilities; and other interested persons;

(2) consider information received under subdivision 2; and

(3) analyze information gathered and comments received relating to the most recent solid waste management policy report prepared under section 115A.411.

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The commissioner shall also recommend any legislation necessary to ensure adequate and reliable information needed for preparation of the report.

~~(c) If an action recommended by the commissioner under paragraph (a) would significantly affect the solid waste management market structure, the commissioner shall, in consultation with the entities listed in paragraph (b), clause (1), prepare and include in the report an analysis of the potential impacts and effectiveness of the action, including impacts on:~~

~~(1) the public and private waste management sectors;~~

~~(2) future innovation and responsiveness to new approaches to solid waste management; and~~

~~(3) the costs of waste management.~~

~~(d) The report must also include:~~

(1) statewide and facility by facility estimates of the total potential costs and liabilities associated with solid waste disposal facilities for closure and postclosure care, response costs under chapter 115B, and any other potential costs, liabilities, or financial responsibilities;

(2) statewide and facility by facility requirements for proof of financial responsibility under section 116.07, subdivision 4h, and how each facility is meeting those requirements.

Sec. 27. Minnesota Statutes 1992, section 116.78, is amended by adding a subdivision to read:

Subd. 3a. WASTE CONTAINERS. Noninfectious mixed municipal solid waste generated by a facility must be placed for containment, collection, and processing or disposal in containers that are sufficiently transparent that the contents of the containers may be viewed from the exterior of the containers. The operator of a mixed municipal solid waste facility may not refuse to accept mixed municipal solid waste generated by a facility that complies with this subdivision, unless the operator observes that the waste contains sharps or other infectious waste.

Sec. 28. Minnesota Statutes 1992, section 116.92, subdivision 7, is amended to read:

Subd. 7. FLUORESCENT AND HIGH INTENSITY DISCHARGE LAMPS; LARGE USE APPLICATIONS. (a) A person who sells fluorescent or high intensity discharge lamps that contain mercury to the owner or manager of an industrial, commercial, office, or multiunit residential building, or to any person who replaces or removes from service outdoor lamps that contain mercury, shall clearly inform the purchaser in writing on the invoice for the lamps, or in a separate writing, that the lamps contain mercury, a hazardous substance that is regulated by federal or state law and that they may not be placed in solid waste.

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This paragraph does not apply to a person who incidentally sells fluorescent or high intensity discharge lamps at retail to the specified purchasers.

(b) A person who contracts with the owner or manager of an industrial, commercial, office, or multiunit residential building, or with a person responsible for outdoor lighting, to remove from service fluorescent or high intensity discharge lamps that contain mercury shall clearly inform, in writing, the person for whom the work is being done that the lamps being removed from service contain mercury and what the contractor's arrangements are for the management of the mercury in the removed lamps.

Sec. 29. [116.93] LAMP RECYCLING FACILITIES.

Subdivision 1. DEFINITION. For the purposes of this section, "lamp recycling facility" means a facility operated to remove, recover, and recycle for reuse mercury or other hazardous materials from fluorescent or high intensity discharge lamps.

Subd. 2. LAMP RECYCLING FACILITY; PERMITS OR LICENSES. (a) A person may not operate a lamp recycling facility without obtaining a permit or license for the facility from the agency. The permit or license must require:

(1) a plan for response to releases, including emergency response;

(2) proof of financial responsibility for closure and any necessary postclosure care at the facility which may include a performance bond or other insurance; and

(3) liability insurance or another financial mechanism that provides proof of financial responsibility for response actions required under chapter 115B.

(b) A lamp recycling facility that is licensed or permitted by a county under section 473.811, subdivision 5b, complies with this subdivision if the license or permit held by the facility contains at least all the terms and conditions required by the agency for a license or permit issued under this subdivision.

(c) A lamp recycling facility with a demonstrated capability for recycling that is in operation prior to adoption of rules for a licensing or permitting process for the facility by the agency may continue to operate in accordance with compliance agreement or other approval by the commissioner until a license or permit is issued by the agency under this subdivision.

Sec. 30. [116.94] LOOSE FOAM PACKING MATERIAL; DIFFERENTIATION.

(a) By July 1, 1995, the commissioner shall adopt rules to implement a method for easily and visually differentiating between packing material that is manufactured using only vegetable starches or other renewable resources and packing material manufactured using petroleum and other nonrenewable resources.

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(b) For the purposes of this section "packing material" has the meaning given in section 16B.123, subdivision 2.

(c) This section applies only if loose foam packing material manufacturers do not establish and implement a differentiation method that complies with paragraph (a) not later than July 1, 1994.

Sec. 31. Minnesota Statutes 1992, section 216B.241, is amended by adding a subdivision to read:

Subd. 5. CONSERVATION IMPROVEMENT PROGRAM; EFFICIENT LIGHTING. (a) Each public utility, cooperative electric association, and municipal utility that provides electric service to retail customers shall include as part of its conservation improvement activities a program to strongly encourage the use of fluorescent and high intensity discharge lamps. The program must include at least a public information campaign to encourage use of the lamps and proper management of spent lamps by all customer classifications.

(b) A public utility that provides electric service at retail to 200,000 or more customers shall establish, either directly or through contracts with other persons, including lamp manufacturers, distributors, wholesalers, and retailers and local government units, a system to collect for delivery to a reclamation or recycling facility spent fluorescent and high intensity discharge lamps from households and from small businesses as defined in section 645.445 that generate an average of fewer than ten spent lamps per year.

(c) A collection system must include establishing reasonably convenient locations for collecting spent lamps from households and financial incentives sufficient to encourage spent lamp generators to take the lamps to the collection locations. Financial incentives may include coupons for purchase of new fluorescent or high intensity discharge lamps, a cash back system, or any other financial incentive or group of incentives designed to collect the maximum number of spent lamps from households and small businesses that is reasonably feasible.

(d) A public utility that provides electric service at retail to fewer than 200,000 customers, a cooperative electric association, or a municipal utility that provides electric service at retail to customers may establish a collection system under paragraphs (b) and (c) as part of conservation improvement activities required under this section.

(e) The commissioner of the pollution control agency may not, unless clearly required by federal law, require a public utility, cooperative electric association, or municipality that establishes a household fluorescent and high intensity discharge lamp collection system under this section to manage the lamps as hazardous waste as long as the lamps are managed to avoid breakage and are delivered to a recycling or reclamation facility that removes mercury and other toxic materials contained in the lamps prior to placement of the lamps in solid waste.

(f) If a public utility, cooperative electric association, or municipal utility

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contracts with a local government unit to provide a collection system under this subdivision, the contract must provide for payment to the local government unit of all the unit's incremental costs of collecting and managing spent lamps.

(g) All the costs incurred by a public utility, cooperative electric association, or municipal utility for promotion and collection of fluorescent and high intensity discharge lamps under this subdivision are conservation improvement spending under this section.

Sec. 32. Minnesota Statutes 1992, section 325E.1151, subdivision 1, is amended to read:

Subdivision 1. **PURCHASERS MUST RETURN BATTERY OR PAY \$5.**

(a) A person who purchases a lead acid battery at retail, except a lead acid battery that is designed to provide power for a boat motor that is purchased at the same time as the battery, must:

(1) return a lead acid battery to the retailer; or

(2) pay the retailer a \$5 surcharge.

(b) A person who has paid a \$5 surcharge under paragraph (a) must receive a \$5 refund from the retailer if the person returns a lead acid battery with a receipt for the purchase of a new battery from that retailer within 30 days after purchasing a new lead acid battery.

(c) A retailer may keep the unrefunded surcharges for lead acid batteries not returned within 30 days.

Sec. 33. Minnesota Statutes 1992, section 325E.12, is amended to read:

325E.12 PENALTY.

Any person violating Violation of sections 325E.10 to ~~325E.12~~ shall be guilty of 325E.1151 is a petty misdemeanor. Sections 325E.10 to 325E.1151 may be enforced under section 115.071.

Sec. 34. Minnesota Statutes 1992, section 325E.125, subdivision 1, is amended to read:

Subdivision 1. **LABELING.** (a) The manufacturer of a button cell battery that is to be sold in this state shall ensure that each battery contains no intentionally introduced mercury or is labeled to clearly identify for the final consumer of the battery the type of electrode used in the battery.

(b) The manufacturer of a rechargeable battery that is to be sold in this state shall ensure that each rechargeable battery is labeled to clearly identify for the final consumer of the battery the type of electrode and the name of the manufacturer. The manufacturer of a rechargeable battery shall also provide clear instructions for properly recharging the battery.

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Sec. 35. Minnesota Statutes 1992, section 325E.1251, is amended to read:

325E.1251 PENALTY ENFORCEMENT.

Subdivision 1. **PENALTY.** Violation of ~~sections 115A.9155 and section 325E.125~~ is a misdemeanor. A manufacturer who violates ~~section 115A.9155 or 325E.125~~ is also subject to a minimum fine of \$100 per violation.

Subd. 2. **RECOVERY OF COSTS.** Section 325E.125 may be enforced under section 115.071. In an enforcement action under this section in which the state prevails, the state may recover reasonable administrative expenses, court costs, and attorney fees incurred to take the enforcement action, in an amount to be determined by the court.

Sec. 36. Minnesota Statutes 1992, section 400.04, subdivision 3, is amended to read:

Subd. 3. **ACQUISITION, CONSTRUCTION, AND OPERATION OF PROPERTY AND FACILITIES.** A county may acquire, construct, enlarge, improve, repair, supervise, control, maintain, and operate any and all solid waste facilities and other property and facilities needed, used, or useful for solid waste management purposes. Notwithstanding any other law to the contrary, a county may ~~contract for recycling services, and~~ purchase and lease materials, equipment, machinery, and such other personal property as is necessary for such purposes including recycling upon terms and conditions determined by the board, with or without advertisement for bids including the use of conditional sales contracts and lease-purchase agreements. If a county contract is let by negotiation, without advertising for bids, the county shall conduct such negotiation and award the contract using a fair and open procedure and in full compliance with section 471.705. If a county contract is to be awarded by bid, the county may, after notice to the public and prospective bidders, conduct a fair and open process of prequalification of bidders prior to advertisement for bids. A county may employ such personnel as are reasonably necessary for the care, maintenance and operation of such property and facilities. A county shall contract with private persons for the construction, maintenance, and operation of solid waste facilities where the facilities are adequate and available for use and competitive with other means of providing the same service.

Sec. 37. Minnesota Statutes 1992, section 400.04, subdivision 4, is amended to read:

Subd. 4. **MANAGEMENT AND SERVICE CONTRACTS.** Notwithstanding sections 375.21 and 471.345, a county may enter into contracts for the construction, installation, maintenance and operation of property and facilities on private or public lands and may contract for the furnishing of solid waste management services: upon terms and conditions determined by the board, with or without advertisement for bids, including the use of conditional sales contracts and lease-purchase agreements. If a county contract is let by negotiation, without advertising for bids, the county shall conduct negotiations and award the contract using a fair and open procedure and in full compliance with section 471.705.

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Sec. 38. Minnesota Statutes 1992, section 400.08, subdivision 3, is amended to read:

Subd. 3. **SERVICE CHARGES.** The county may establish by ordinance, revise when deemed advisable, and collect just and reasonable rates and charges for solid waste management services provided by the county or by others under contract with the county. The ordinance may obligate the owners, lessees, or occupants of property, or any or all of them, to pay charges for solid waste management services to their properties, including properties owned, leased, or used by the state or a political subdivision of the state, including the regional transit board established in section 473.373, the metropolitan airports commission established in section 473.603, the state agricultural society established in section 37.01, a local government unit, and any other political subdivision, and may obligate the user of any facility to pay a reasonable charge for the use of the facility. Rates and charges may take into account the character, kind, and quality of the service and of the solid waste, the method of disposition, the number of people served at each place of collection, and all other factors that enter into the cost of the service, including but not limited to depreciation and payment of principal and interest on money borrowed by the county for the acquisition or betterment of facilities. A notice of intention to enact an ordinance, published pursuant to section 375.51, subdivision 2, shall provide for a public hearing prior to the meeting at which the ordinance is to be considered.

Sec. 39. Minnesota Statutes 1992, section 473.149, subdivision 6, is amended to read:

Subd. 6. **REPORT TO LEGISLATURE.** The council shall report on abatement to the legislative commission on waste management by ~~November~~ July 1 of each year. The report must include an assessment of whether the objectives of the metropolitan abatement plan have been met and whether each county and each class of city within each county have achieved the objectives set for it in the council's plan. The report must recommend any legislation that may be required to implement the plan. The report shall include the reports required by sections 115A.551, subdivision 5; 473.846; and 473.848, subdivision 4. If in any year the council reports that the objectives of the council's abatement plan have not been met, the council shall evaluate and report on the need to reassign governmental responsibilities among cities, counties, and metropolitan agencies to assure implementation and achievement of the metropolitan and local abatement plans and objectives.

The report in each even-numbered year must include a report on the operating, capital, and debt service costs of solid waste facilities in the metropolitan area; changes in the costs; the methods used to pay the costs; and the resultant allocation of costs among users of the facilities and the general public. The facility costs report must present the cost and financing analysis in the aggregate and broken down by county and by major facility.

Sec. 40. Minnesota Statutes 1992, section 473.803, subdivision 3, is amended to read:

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Subd. 3. **ANNUAL REPORT.** By April 1 of each year, each metropolitan county shall prepare and submit ~~annually~~ to the council for its approval a report containing information, as the council may prescribe in its policy plan, concerning solid waste generation and management within the county. The report shall include a statement of progress in achieving the land disposal abatement objectives for the county and classes of cities in the county as stated in the council's policy plan and county master plan. The report must list cities that have not satisfied the county performance standards for local abatement required by subdivision 1c. The report must include a schedule of rates and charges in effect or proposed for the use of any solid waste facility owned or operated by or on its behalf, together with a statement of the basis for such charges.

The report shall contain the recycling development grant report required by section 473.8441 and the annual certification report required by section 473.848.

Sec. 41. Minnesota Statutes 1992, section 473.8441, subdivision 5, is amended to read:

Subd. 5. **GRANT ALLOCATION PROCEDURE.** (a) The council shall distribute the funds annually so that each qualifying county receives an equal share of 50 percent of the council's allocation to the program described in this section, plus a proportionate share of the remaining funds available for the program. A county's proportionate share is an amount that has the same proportion to the total remaining funds as the number of households in the county has to the total number of households in all metropolitan counties.

(b) To qualify for distribution of funds, a county, by ~~August 15~~ April 1 of each year, must submit for council approval a report on expenditures and activities under the program during the preceding fiscal year and any proposed changes in its recycling implementation strategy or performance funding system. The report shall be included in the county report required by section 473.803, subdivision 3.

Sec. 42. Minnesota Statutes 1992, section 473.846, is amended to read:

473.846 REPORT TO LEGISLATURE.

~~By November 1, 1986, and each year thereafter,~~ The agency and metropolitan council shall submit to the senate finance committee, the house appropriations committee, and the legislative commission on waste management separate reports describing the activities for which money from the landfill abatement account and contingency action funds trust fund has been spent during the previous fiscal year. The agency shall report by November 1 of each year. The council ~~may~~ shall incorporate its report in the report required by section 473.149, due July 1 of each year. ~~In its 1988 report,~~ The council shall make recommendations to the legislature legislative commission on waste management the future management and use of the metropolitan landfill abatement ~~fund~~ account.

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Sec. 43. Minnesota Statutes 1992, section 473.848, subdivision 2, is amended to read:

Subd. 2. **COUNTY CERTIFICATION; COUNCIL APPROVAL.** (a) By April 1 of each year, each county shall submit ~~a semiannual~~ an annual certification report to the council detailing:

(1) the quantity of waste generated in the county that was not processed prior to transfer to a disposal facility during the ~~six months~~ year preceding the report;

(2) the reasons the waste was not processed;

(3) a strategy for development of techniques to ensure processing of waste including a specific timeline for implementation of those techniques; and

(4) any progress made by the county in reducing the amount of unprocessed waste.

The report shall be included in the county report required by section 473.803, subdivision 3.

(b) The council shall approve a county's certification report if it determines that the county is reducing and will continue to reduce the amount of unprocessed waste, based on the report and the county's progress in development and implementation of techniques to reduce the amount of unprocessed waste transferred to disposal facilities. If the council does not approve a county's report, it shall negotiate with the county to develop and implement specific techniques to reduce unprocessed waste. If the council does not approve ~~three~~ two or more consecutive reports from any one county, the council shall develop specific reduction techniques that are designed for the particular needs of the county. The county shall implement those techniques by specific dates to be determined by the council.

Sec. 44. Minnesota Statutes 1992, section 473.848, subdivision 3, is amended to read:

Subd. 3. **FACILITY CERTIFICATION; COUNTY REPORTS.** (a) The operator of each resource recovery facility that receives waste from counties in the metropolitan area shall certify as unprocessable each load of mixed municipal solid waste it does not process. Certification must be made to each county that sends its waste to the facility at intervals specified by the county. Certification must include at least the number and size of loads certified as unprocessable and the reasons the waste is unprocessable. Loads certified as unprocessable must include the loads that would otherwise have been processed but were not processed because the facility was not in operation, but nothing in this section relieves the operator of its contractual obligations to process mixed municipal solid waste.

(b) A county that sends its waste to a resource recovery facility shall submit a semiannual report to the council detailing the quantity of waste generated within the county that was not processed during the six months preceding the

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~~report, the reasons the waste was not processed, and a strategy for reducing the amount of unprocessed mixed municipal solid waste.~~

Sec. 45. Laws 1991, chapter 347, article 1, section 15, subdivision 1, is amended to read:

Subdivision 1. **AUTHORITY TO ISSUE.** Pollution control agency staff designated by the commissioner and department of natural resources conservation officers may issue citations to a person who disposes of solid waste as defined in Minnesota Statutes, section 116.06, subdivision 10, at a location not authorized by law for the disposal of solid waste without permission of the owner of the property. A citation issued under this subdivision must include a requirement that the person cited remove and properly dispose or otherwise manage the waste.

Sec. 46. Laws 1991, chapter 347, article 1, section 15, subdivision 6, is amended to read:

Subd. 6. **STUDY OF FIELD CITATION PILOT PROGRAM.** The pollution control agency, in consultation with the department of natural resources and the attorney general, shall prepare a study on the effectiveness and limitations of the field citation pilot program. The study must make recommendations about the continued use of field citations. The study must be submitted to the legislative commission on waste management by November 15, 1992, and must be updated and resubmitted to the commission by November 15, 1993.

Sec. 47. Laws 1991, chapter 347, article 1, section 20, is amended to read:

Sec. 20. **EFFECTIVE DATE.**

Section 19 is effective July 1, ~~1993~~ 1994.

Sec. 48. Laws 1992, chapter 593, article 1, section 55, is amended to read:

Sec. 55. **EFFECTIVE DATE.**

Except as provided in this section, article 1 is effective August 1, 1992.

Sections 22, 31 to 34, 37 to 40, and 45 are effective the day following final enactment.

Section 43 is effective August 1, 1991.

Sections 12; 17; 24; 27, subdivision 1; 29, subdivision 3; and 36 are effective January 1, 1993, and section 36 applies to sweeping compound manufactured on or after that date.

Section 18 is effective for products and packaging manufactured on or after January 1, 1993.

Section 35, paragraph (a), is effective ~~July 1, 1993~~ January 1, 1997, and

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paragraph (b) is effective July 1, 1993, and applies those paragraphs apply to batteries manufactured on or after that date those dates.

Sections 3 and 29, subdivision 2, are Section 3 is effective August 1, 1993.

Sections 26 and 27, subdivision 2, are effective January 1, 1994.

Section 29, subdivision subdivisions 2 and 4, clauses (1) and (2), are effective August 1, 1994.

Sec. 49. POLICY PLAN AMENDMENT.

The metropolitan council shall amend the policy plan required by Minnesota Statutes, section 473.149, to incorporate the requirements imposed by sections 40 to 44.

Sec. 50. WASTE TIRE REPORT; INCLUSION.

The waste tire report due to the legislative commission on waste management under Minnesota Statutes, section 115A.913, subdivision 5, by November 15, 1993, must include an evaluation of the adequacy of existing mechanisms and systems for managing waste tires as they are generated. The commissioner of the pollution control agency shall include in the report recommendations for legislation, if needed, to ensure that mechanisms are in place or are put in place to collect, store, transport, recycle, and otherwise manage waste tires properly.

Sec. 51. SOLID WASTE MANAGEMENT POLICY REPORT; POST-PONEMENT.

Under Minnesota Statutes, section 115A.411, a solid waste management policy report is not due to the legislative commission on waste management until July 1, 1996. In the interim, any reports authorized to be included with that report may be submitted as a combined report on or before the dates required for their submission.

Sec. 52. PACKAGING REPORT.

By October 1, 1993, the director of the office of waste management shall report to the legislative commission on waste management, and to the policy and finance committees of the legislature that address environment and natural resources, the current and projected costs of managing waste packaging under existing solid waste management systems.

Sec. 53. FLUORESCENT AND HIGH INTENSITY DISCHARGE LAMPS; COLLECTION STUDY.

The director of the office of waste management, in consultation with representatives of public utilities, electric cooperative associations, and municipal utilities that provide electric service to retail customers, the commissioners of the pollution control agency and the department of public service, the Minne-

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sota technical assistance program, the director of the legislative commission on waste management, residential, commercial, and industrial electric power consumers, local government units, representatives of manufacturers, wholesalers, distributors, retailers, and recyclers of fluorescent and high intensity discharge lamps, and other interested persons, shall examine and evaluate the potential for collection systems for spent fluorescent and high intensity discharge lamps from households and small businesses. The director shall identify barriers to an effective collection system and approaches to reduce and remove those barriers.

By November 1, 1993, the director shall submit a report to the legislative commission on waste management that, at a minimum, recommends:

(1) collection and management systems for spent lamps that are generated within the service areas of public utilities not governed by Minnesota Statutes, section 216B.241, subdivision 5, paragraph (b), cooperative electric associations, and municipal utilities that provide electric service to retail customers; and

(2) an implementation plan that includes provisions for technical assistance to public utilities, electric cooperative associations, municipal utilities, lamp manufacturers, wholesalers, distributors, and retailers, and local government units that establish fluorescent and high intensity discharge lamp promotion programs and collection systems.

Any person may establish or participate in pilot projects to encourage the use and proper management of spent lamps as part of the study required under this section. All the costs incurred by a public utility, cooperative electric association, or municipal utility related to a pilot project are conservation improvement spending for the purposes of Minnesota Statutes 1992, section 216B.241.

Sec. 54. SOLID WASTE FACILITIES; PROOF OF FINANCIAL RESPONSIBILITY; STUDY.

The commissioner of the pollution control agency shall determine whether insurance mechanisms exist that may adequately meet the requirements for proof of financial responsibility for reasonable and necessary response actions at solid waste disposal facilities as required under Minnesota Statutes 1992, section 116.07, subdivision 4h. The commissioner shall report findings made under this section, along with any recommendations for legislation, to the legislative commission on waste management by November 1, 1993. The commissioner shall also review existing regulatory requirements for proof of financial responsibility to ensure that the requirements have resulted in viable and adequate financial mechanisms to cover all projected reasonable and necessary response costs at facilities.

Sec. 55. RECYCLING GLOSSY PAPER; TECHNICAL ASSISTANCE; REPORT.

The director of the office of waste management shall provide technical assistance to persons who collect materials for recycling to encourage collection and recycling of glossy paper magazines and catalogs.

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The director shall also survey collectors of recyclable materials in the state and markets for recyclable materials to determine the extent to which glossy paper catalogs and magazines are collected for recycling, the extent to which markets exist for recyclable glossy paper, and the extent to which market demand for glossy paper is being met by recycling collectors. By December 1, 1993, the director shall report to the legislative commission on waste management:

(1) the approximate percentage of glossy paper in the residential mixed municipal solid waste stream;

(2) waste management capacity needed to process or dispose of glossy paper as waste and the costs associated with managing glossy paper as waste;

(3) the percentage of glossy paper that is being collected and marketed for recycling;

(4) how to balance the supply of and demand for glossy paper for recycling, taking into account facilities and resources necessary for both management as waste and management as a recyclable material;

(5) the market price for recyclable glossy paper in relation to collection and transportation costs; and

(6) barriers to collection and marketing of glossy paper for recycling and suggestions for overcoming those barriers while minimizing public subsidization.

Sec. 56. VOLUME OR WEIGHT BASED FEES; POSTPONEMENT OF EFFECTIVE DATE.

A local government unit affected by the requirement in Minnesota Statutes 1992, section 115A.9301, to implement volume or weight based fees for solid waste collection may apply to the director of the office of waste management for postponement of the date for implementation of the fees. The director may grant a postponement only if the local government unit submits with its application a plan for evaluating alternative methods for complying with the law and a schedule for implementation of the required volume or weight based fees that the director determines will result in compliance with the law not later than January 1, 1995.

Sec. 57. BASE UNITS FOR HOMESTEADED MULTIUNIT DWELLINGS.

Upon application by an owner of a homesteaded multiunit dwelling, a local government unit that collects charges for solid waste collection directly from waste generators shall allocate a single base unit to not more than three dwelling units. The number of base units allocated to a multiunit dwelling must be sufficient to contain the amount of waste generated by the dwelling's occupants. This section expires January 1, 1995.

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Sec. 58. METROPOLITAN LANDFILL SITING; EFFECT OF MORATORIUM AND REPEAL.

(a) The effects of Laws 1991, chapter 337, sections 84 and 90, paragraph (b), that were effective June 5, 1991 and August 1, 1992 respectively, include that:

(1) no development limitation continued under Minnesota Statutes 1982 to 1990, section 473.806, after December 31, 1992, and a claim for compensation for temporary development rights does not exist for any time period after that date;

(2) the metropolitan council may use the proceeds of bonds issued under Minnesota Statutes 1980 to 1990, section 473.831, to compensate property owners for temporary development rights or to purchase property under Minnesota Statutes 1984 to 1990, section 473.840, if the time period for which compensation for temporary development rights is claimed occurred prior to December 31, 1992, or if the request for purchase of the property was received prior to June 5, 1991; and

(3) a metropolitan county that acquired property under Minnesota Statutes 1984 to 1990, section 473.840, shall sell the property, subject to the approval of the metropolitan council.

(b) A county may lease or rent property that must be sold under paragraph (a), subject to approval of the metropolitan council, and may maintain property and casualty insurance on the property until ownership of the property is transferred. The county shall remit to the council any proceeds from leasing, renting, or selling property subject to this paragraph, less the reasonable expenses of the county to maintain the value of the property and to transfer ownership. The council shall use money remitted to it under this paragraph to retire solid waste debt incurred under Minnesota Statutes 1980 to 1990, section 473.831.

Sec. 59. PENALTIES FOR ENVIRONMENTAL VIOLATIONS; LIST.

(a) The attorney general shall compile a complete list of existing civil and criminal penalties for violations of laws and rules administered by the pollution control agency.

(b) The list must be submitted by February 1, 1994, to the senate and house of representatives committees on environment and natural resources, the senate committee on crime prevention, and the house of representatives committee on judiciary.

Sec. 60. USE OF STATE FUNDS TO INVESTIGATE ENVIRONMENTAL VIOLATIONS.

The attorney general may not use state funds to investigate violations of Minnesota Statutes, chapter 115 or 116 or section 609.671 unless the attorney general has developed a written policy in consultation with the commissioner of the pollution control agency regarding how these investigations are to be conducted.

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

Sec. 61. INSTRUCTION TO REVISOR.

The revisor of statutes shall delete the phrases "used oil" and "used motor oil" in Minnesota Statutes, sections 115A.03, subdivision 21; 115A.551, subdivision 1; and 115A.935; and insert the phrase "motor and vehicle fluids and filters."

Sec. 62. EFFECTIVE DATE.

Section 2, subdivisions 1 and 2, are effective July 1, 1996. Section 16 is effective January 1, 1994, except it is effective for motor oil filters generated by households on January 1, 1995. Sections 22 and 31 are effective August 1, 1994. Section 26 is effective the day following final enactment, except subdivision 2 is effective August 1, 1993. Section 34 is effective January 1, 1997. Section 38 is effective May 20, 1971. Section 60 is effective December 31, 1993.

Presented to the governor May 15, 1993

Signed by the governor May 19, 1993, 3:40 p.m.

CHAPTER 250—H.F.No. 931

An act relating to motor fuels; increasing minimum oxygen content in certain areas at certain times; amending Minnesota Statutes 1992, sections 239.791, subdivision 1; and 273.1399, by adding a subdivision; repealing Minnesota Statutes 1992, section 239.791, subdivision 2.

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

Section 1. Minnesota Statutes 1992, section 239.791, subdivision 1, is amended to read:

Subdivision 1. **MINIMUM OXYGEN CONTENT REQUIRED.** A person responsible for the product shall comply with the following requirements:

(a) After October ~~31~~ 1, ~~1992~~ 1993, gasoline sold or offered for sale in a carbon monoxide control area, and during a carbon monoxide control period, must contain at least ~~two~~ 2.7 percent oxygen by weight.

(b) After October ~~31~~ 1, 1995, gasoline sold or offered for sale at any time in a carbon monoxide control area must contain at least ~~two~~ 2.7 percent ~~by~~ oxygen by weight.

(c) After October ~~31~~ 1, 1997, all gasoline sold or offered for sale in Minnesota must contain at least ~~two~~ 2.7 percent oxygen by weight.

Sec. 2. Minnesota Statutes 1992, section 273.1399, is amended by adding a subdivision to read:

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