

Bruce D. Miller, 626 County Road 67, Grand Rapids, MN 55744.....\$585.00.

Dennis R. Morris, 273 Dayton Avenue, St. Paul, MN 55102.....\$100.00.

Robert J. Nelson, P.O. Box 179, Onamia, MN 56359.....\$100.00.

Kenneth J. Nurmi, 1322 12th Street South, Virginia, MN 55792.....\$300.00.

Nathan A. Olson, 5450 Audobon Avenue #305, Inver Grove Heights, MN 55077.....\$100.00.

Dennis Ray Petersen, 220 State Street, Crookston, MN 56716.....\$600.00.

J'Aime Ann Pryor, Box 87, Merrifield, MN 56465.....\$195.00.

Cleveland L. Ray, c/o Odelia Ray, 1575 East County Road B, Maplewood, MN 55109.....\$100.00.

Daniel J. Smilanich, 6583 Sherwood Road, Britt, MN 55710.....\$100.00.

Rudolph G. Tomson, HC 61, Box 195, Deerwood, MN 56444.....\$165.00.

William L. Wright, Route 2, Box 262, Park Rapids, MN 56470.....\$100.00.

Subd. 8. VIETNAM SERVICE - BENEFICIARY. Virginia Kolstad Daul, 9825 Essex Place, Fort Smith, AR 72903.....\$1,000.00.

Sec. 5. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

Presented to the governor May 15, 1993

Signed by the governor May 19, 1993, 10:40 a.m.

**CHAPTER 279—S.F.No. 880**

*An act relating to the environment; changing methods for assessing and collecting hazardous waste administration fees; providing for rulemaking; amending Minnesota Statutes 1992, sections 116.12; and 473.811, subdivision 5b.*

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

Section 1. Minnesota Statutes 1992, section 116.12, is amended to read:

116.12 **HAZARDOUS WASTE ADMINISTRATION FEES.**

Subdivision 1. **FEE SCHEDULES.** The agency shall establish the fees pro-

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vided in subdivisions 2 and 3 in the manner provided in section 16A.128 to cover the amount appropriated from the ~~special revenue account~~ environmental fund to the agency for permitting, monitoring, inspection, and enforcement expenses of the hazardous waste activities of the agency.

The legislature may appropriate additional amounts from the general fund that need not be covered by fees, in order to assure adequate funding for the regulatory and enforcement functions of the agency related to hazardous waste. All fees collected by the agency under this section shall be deposited in the ~~special revenue account~~ environmental fund.

Subd. 2. **HAZARDOUS WASTE GENERATOR FEE.** (a) Each generator of hazardous waste shall pay a fee on the hazardous waste generated by that generator. The agency shall ~~compute the amount of the fee due based on the hazardous waste disclosures submitted by the generators and other information available to the agency. The agency shall annually prepare a statement of the amount of the fee due from each generator. The fee shall be paid annually commencing with the first day of the calendar quarter after the date of the statement~~ adopt rules in accordance with chapter 14 establishing a system for charging fees to generators. The rules must include the basis for determining the amount of fees, and procedures and deadlines for payment of fees. The agency shall base the amount of fees on the quantity of hazardous waste generated and may charge a minimum fee for each generator not exempted by the agency. In adopting the fee rules, the agency shall consider:

(1) reducing the fees for generators using environmentally beneficial hazardous waste management methods, including recycling;

(2) the agency resources allocated to regulating the various sizes or types of generators;

(3) adjusting fees for sizes or types of generators that would bear a disproportionate share of the fees to be collected; and

(4) whether implementing clauses (1) to (3) would require excessive staff time compared to staff time available for providing technical assistance to generators or would make the fee system difficult for generators to understand.

(b) The agency may exempt generators of very small quantities of hazardous wastes otherwise subject to the fee if it finds that the cost of administering a fee on those generators is excessive relative to the proceeds of the fee. ~~The fee shall consist of a minimum fee for each generator not exempted by the agency and an additional fee based on the quantity of wastes generated by the generator.~~

(c) ~~If any metropolitan counties recover the costs of administering county hazardous waste regulations by charging fees, the fees charged by the agency outside of those counties shall not exceed the fees charged by those counties. The agency shall not charge a fee in any metropolitan county which charges such a fee. The agency shall impose a fee calculated as a surcharge on the fees charged~~

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by the metropolitan counties and by the agency to reflect the agency's expenses in carrying out its statewide hazardous waste regulatory responsibilities. The agency shall reduce fees charged to generators in counties which also charge generator fees to reflect a lesser level of activity by the agency in those counties. The surcharge imposed on the fees charged by the metropolitan agency in those counties shall be collected by the metropolitan counties in the manner in which and at the same time as those counties collect their generator fees. Metropolitan Counties shall remit the proceeds of the surcharge to the agency the amount of the fees charged by the agency by the last day of the month following the month in which they were collected. If a county does not collect or remit generator fees due to the agency, the agency may collect fees from generators in that county according to rules adopted under paragraph (a).

(d) The agency may not impose a volume-based fee under this subdivision on material that is reused at the facility where the material is generated in a manner that the facility owner or operator can demonstrate does not increase the toxicity of, or the level of hazardous substances or pollutants or contaminants in, products that leave the facility. The agency may impose a flat annual fee on a facility that generates the type of material described in the preceding sentence, provided that the fee reflects the reasonable and necessary costs of inspections of the facility.

Subd. 3. **FACILITY FEES.** The agency shall charge hazardous waste facility fees including, but not limited to, an original permit fee, a reissuance fee, a major modification fee, and an annual operator's facility fee for any hazardous waste facility regulated by the agency. The agency shall adopt rules in accordance with chapter 14 establishing a system for charging hazardous waste facility fees. The agency may exempt facilities otherwise subject to the fee if regulatory oversight of those facilities is minimal. The agency may include reasonable and necessary costs of any environmental review required under chapter 116D in the original permit fee for any hazardous waste facility.

Sec. 2. Minnesota Statutes 1992, section 473.811, subdivision 5b, is amended to read:

Subd. 5b. **ORDINANCES; HAZARDOUS WASTE MANAGEMENT.** (a) Each metropolitan county shall by ordinance establish and revise rules, regulations, and standards relating to (1) the identification of hazardous waste, (2) the labeling and classification of hazardous waste, (3) the collection, storage, transportation, processing, and disposal of hazardous waste, and (4) other matters necessary for the public health, welfare and safety. The county shall require permits or licenses for the generation, collection, processing, and disposal of hazardous waste and shall require registration with a county office. County hazardous waste ordinances shall embody and may not be consistent inconsistent with, and must be at least as stringent as, the agency hazardous waste rules. Counties shall submit adopted ordinances to the agency for review. Counties may adopt ordinances for the issuance of permits or licenses for generators, collectors, or processors of hazardous waste that are more stringent than agency

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rules if the ordinances do not present an obstacle or impediment to implementation of the agency rules. In the event that agency rules are modified, each county shall modify its ordinances accordingly and shall submit the modification to the agency for review within 120 days. Issuing, denying, suspending, modifying, imposing conditions upon, or revoking hazardous waste permits or licenses, and county hazardous waste regulations and ordinances, shall be subject to review, denial, suspension, modification, and reversal by the agency. The agency shall after written notification have 15 days in the case of hazardous waste permits and licenses and 30 days in the case of hazardous waste ordinances to review, suspend, modify, or reverse the action of the county. After this period, the action of the county board shall be final subject to appeal to the district court in the manner provided in chapter 14.

(b) A metropolitan county may not impose a volume-based fee under this subdivision on material that is reused at the facility where the material is generated in a manner that the facility owner or operator can demonstrate does not increase the toxicity of, or the level of hazardous substances or pollutants or contaminants in, products that leave the facility. A metropolitan county may impose a flat annual fee on a facility that generates the type of material described in the preceding sentence, provided that the fee reflects the reasonable and necessary costs of inspections of the facility. A county imposing a fee under this paragraph must comply with section 373.41.

### Sec. 3. SINGLE BILLING STATEMENT; REPORT.

(a) The commissioner of revenue, in cooperation with the pollution control agency, the office of waste management, the emergency response commission, and the seven metropolitan counties, shall evaluate the feasibility of collecting the following tax and fees using a single billing statement:

(1) the hazardous waste generator tax in Minnesota Statutes, section 115B.22;

(2) the hazardous waste administration fees in Minnesota Statutes, section 116.12;

(3) the pollution prevention fees in Minnesota Statutes, section 115D.12;  
and

(4) the fees in Minnesota Statutes, sections 299K.09 and 299K.095.

(b) In doing the evaluation, the commissioner of revenue shall consider at least the following:

(1) the benefits to the payers of the tax and fees;

(2) the administrative cost savings;

(3) the simplification possible in administering the tax and fee collections;

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(4) the degree of control that each of the affected agencies prefers to retain in administering its programs; and

(5) any issues relating to cash flow from one fiscal year to the next.

(c) The commissioner of revenue shall submit a report by October 1, 1993, to the legislative commission on waste management, the senate environment and natural resources finance division, and the house of representatives committee on environment and natural resources finance. The report must include options and recommendations, including proposed legislation if necessary.

Presented to the governor May 15, 1993

Signed by the governor May 19, 1993, 8:30 a.m.

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#### CHAPTER 280—S.F.No. 566

*An act relating to retirement; removing the requirement for periodic review of the rule of 90; repealing Minnesota Statutes 1992, section 356.85.*

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

Section 1. **REPEAL.**

Minnesota Statutes 1992, section 356.85, is repealed.

Presented to the governor May 15, 1993

Signed by the governor May 19, 1993, 10:32 a.m.

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#### CHAPTER 281—S.F.No. 1221

*An act relating to motor vehicles; requiring license plates to stay with motor carrier on prorated truck; changing the registration period for prorated vehicles; excepting prorated vehicles from renewal notice requirements; making owner-operator subject to suspension of plates and international fuel tax agreement license for certain delinquent filings or payments; authorizing warning lamps on solid waste collection vehicles; amending Minnesota Statutes 1992, sections 168.09, subdivisions 3 and 5; 168.12, subdivision 1; 168.187, subdivision 26; 168.31, subdivision 4a; and 169.64, by adding a subdivision.*

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

Section 1. Minnesota Statutes 1992, section 168.09, subdivision 3, is amended to read:

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