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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3843

02/26/2020 Authored by Dettmer, Persell, Mariani, Gunther, Davnie and others
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education; prohibiting construction of schools near former landfills;
1.3 requiring notice by schools located near former landfills; amending Minnesota
1.4 Statutes 2018, section 123B.51, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2018, section 123B.51, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 1a. School on landfill site; prohibition; notice. (a) No school may be constructed
1.9 on land that is located within one-quarter mile of a dump site or closed landfill.

1.10 (b) Beginning with the 2019-2020 school year, a school located within one-quarter mile
1.11 of a dump site or a closed landfill must annually provide written notice by regular mail no
1.12 later than 60 days before the beginning of the school year to parents of all students enrolled
1.13 at the school and to all employees who work at the school. The notice must state that the
1.14 school is located within one-quarter mile of a dump site or a closed landfill. The notice must
1.15 include a map drawn to scale depicting the school grounds and the dump site or closed
1.16 landfill perimeter. The school must display a link to the notice and the map on the main
1.17 home page of its website. The notice must also include, if available, the years of operation
1.18 of the dump site or closed landfill, the volume and type of waste deposited in the dump site
1.19 or closed landfill, any measure of the level of contamination of the soil, groundwater, or
1.20 air, and any mitigating action taken to reduce the level of risk to the environment and public
1.21 health.

1.22 (c) Paragraphs (a) and (b) do not apply if:

2.1 (1) soil gas on the school land has been sampled and tested by an independent contractor
2.2 using industry protocols for methane and all volatile organic chemicals on the agency's
2.3 current intrusion screening value list and, if the school is located on a dump site or closed
2.4 landfill, the school land has been sampled and tested for heavy metals on the agency's current
2.5 soil reference value list and for other materials known or suspected to have been deposited
2.6 in the dump site or closed landfill; and

2.7 (2) the agency, after reviewing the soil test results, issues a written determination to the
2.8 school district confirming that soil testing methods were properly conducted and that:

2.9 (i) the level of contamination measured for all chemicals sampled and tested are below
2.10 the agency's current intrusion screening values or soil reference values, as applicable, for
2.11 those chemicals for residential land;

2.12 (ii) additive health risks from multiple chemicals at the site are below the agency's
2.13 applicable risk standards and there is no evidence of risk from potential interactions among
2.14 multiple chemicals; and

2.15 (iii) if the soil is contaminated with methane, that the concentration level of methane is
2.16 below 0.5 percent by volume.

2.17 (d) For the purposes of this subdivision:

2.18 (1) "agency" means the Pollution Control Agency;

2.19 (2) "dump site" means:

2.20 (i) an unpermitted mixed municipal solid waste disposal site identified in the February
2.21 2001 Dump Assessment Study report to the legislature;

2.22 (ii) an unpermitted disposal site listed on the agency's website as a potentially
2.23 contaminated site; or

2.24 (iii) a site known by a county solid waste officer to have been an unpermitted mixed
2.25 municipal solid waste disposal site;

2.26 (3) "closed landfill" means a closed landfill site listed on the agency's website as a
2.27 potentially contaminated site; and

2.28 (4) "school" means buildings, playgrounds, and athletic fields used by students at a:

2.29 (i) public school as defined in section 120A.05, subdivisions 9, 11, 13, and 17; or

2.30 (ii) a charter school formed and operated under chapter 124E.

2.31 **EFFECTIVE DATE.** This section is effective July 1, 2019.