

CHAPTER 473D

METROPOLITAN SOLID WASTE DISPOSAL

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**473D.01 LEGISLATIVE PURPOSE AND POLICY.** The legislature determines that for the protection of the public health, safety, and welfare of the people of the metropolitan area, for the prevention, control and abatement of pollution of air and waters of the state in the metropolitan area, and for the efficient and economic disposal of solid waste in the metropolitan area, it is necessary to authorize the pollution control agency to regulate the location and operation of solid waste disposal sites and facilities in the area, to authorize the metropolitan council to carry on a continuous, long range program of planning with respect to, and regulate the location and use of, solid waste disposal sites and facilities in the area, and to authorize the counties in the area to acquire, construct, operate, maintain and regulate solid waste disposal sites and facilities.

[1969 c 847 s 1]

**473D.02 DEFINITIONS.** Subdivision 1. The terms defined in this section shall have the meanings given them unless otherwise provided or indicated by the context.

Subd. 2. "Metropolitan area" means the area over which the metropolitan council has jurisdiction.

Subd. 3. "Metropolitan council" or "council" means the metropolitan council established by section 473B.02.

Subd. 4. "Metropolitan county" means any one of the following counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott or Washington.

Subd. 5. "Local government unit" means any municipal corporation or governmental subdivision other than a metropolitan county located in whole or in part in the metropolitan area, authorized by law to provide for the disposal of solid waste.

Subd. 6. "Person" means any individual, partnership, corporation, or other organization or entity, public or private.

Subd. 7. "Acquisition" and "betterment" shall have the meanings given to them in chapter 475.

Subd. 8. "Agency" means the Minnesota pollution control agency established by section 116.02.

Subd. 9. "Solid waste" means garbage, refuse and other discarded solid materials, including solid waste materials and waste sludges resulting from industrial, commercial and agricultural operations, and from community activities, but does not include earthen fill, boulders, broken rock, solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants.

Subd. 10. "Solid waste disposal site or facility" means transfer stations and all property, real or personal, including negative and positive easements and water and air rights, which is or may be needed or useful for the disposal of solid waste, except property for the collection of solid waste directly from the source of generation.

Subd. 11. "Transfer station" means an intermediate solid waste disposal facility in which solid waste collected from any source is temporarily deposited to await transportation to the final disposal site or facility.

Subd. 12. "Nonconforming solid waste disposal site or facility" means a public or private solid waste disposal site or facility that does not hold a current li-

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cense by the county and a current permit from the Minnesota pollution control agency.

Subd. 13. "Hazardous waste" means any refuse or discarded material or combinations of refuse or discarded materials in solid, semi-solid, liquid, or gaseous form which cannot be handled by routine waste management techniques because they pose a substantial present or potential hazard to human health or other living organisms because of their chemical, biological, or physical properties. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants, and corrosives.

[1969 c 847 s 2; 1971 c 496 s 1-3; 1974 c 346 s 8; 1974 c 422 art 2 s 1]

473D.03 **METROPOLITAN COUNCIL, COMPREHENSIVE PLAN.** Subdivision 1. The metropolitan council shall prepare and by resolution adopt a comprehensive plan for the disposal of solid waste and the management and disposal of hazardous waste in the metropolitan area for such period as the council deems proper and reasonable; and, when adopted, such plan shall be followed in the metropolitan area. In developing the plan the council shall consider the preservation and best and most economical use of land and water resources in the metropolitan area. The plan shall include a statement of goals and policies for solid waste disposal and hazardous waste disposal and management, criteria for solid waste disposal sites and hazardous waste disposal sites, the general location and capacities of needed disposal sites and facilities, projections of disposal capacities required, regulations for the operation of disposal sites and facilities, a description of disposal techniques which may be used, the type or types of solid waste and hazardous waste to be disposed of at each site or facility, and such other details as the council deems appropriate. Criteria for solid waste disposal sites and hazardous waste disposal sites, and regulations for the operation of disposal sites and facilities, included in the plan, shall be consistent with regulations adopted by the agency pursuant to sections 473D.07 and 116.06. The plan may be revised as often as the council deems necessary in the same manner as provided for the adoption thereof. A copy of the comprehensive plan and each revision thereof shall be delivered or mailed to the agency and the county auditor of each metropolitan county after it has been adopted. Prior to the adoption by the council of its comprehensive plan, no metropolitan county or local government unit shall acquire any solid waste disposal site or hazardous waste disposal site, or facility unless approved by the council; and after the comprehensive plan is adopted no metropolitan county, local government unit or person shall acquire, improve or operate any solid waste disposal site or hazardous waste disposal site or facility in the metropolitan area except in accordance with the plan, provided that no solid waste disposal site or hazardous waste disposal site or facility in use when the comprehensive plan is adopted shall be discontinued solely because it is not located in an area designated in the plan as acceptable for the location of such sites and facilities.

Subd. 2. Prior to the adoption of a comprehensive plan pursuant to subdivision 1, the council shall hold a public hearing thereon at such time and place in the metropolitan area as it shall determine. A notice of such hearing shall be published once each week for two successive weeks in the official newspaper of each metropolitan county, the first publication to be not less than 30 days before the hearing. A copy of the notice and the proposed comprehensive plan shall also be sent by certified mail, not less than 30 days before the hearing, to the agency and the governing body of each metropolitan county and each local government unit wherein a solid waste disposal site or facility is or may be located in accordance with the plan. The notice shall specify the time, date and place of hearing, and the time and place where a copy of the proposed comprehensive plan may be examined by any interested person.

[1969 c 847 s 3; 1974 c 346 s 9]

473D.04 **METROPOLITAN COUNTIES; SOLID WASTE DISPOSAL REPORT.** Subdivision 1. Each metropolitan county, upon receipt of the council's comprehensive plan, shall prepare and submit to the council for its approval, a report including: a description of any solid waste disposal site or facility which the county owns or plans to acquire to implement the comprehensive plan; the planned method, estimated cost and time of acquisition thereof; a description of any improvements which will be necessary to make the site or facility suitable for solid

waste disposal; proposed procedures for the operation and maintenance of any such site or facility; an estimate of the annual cost of operation and maintenance of each site or facility; an estimate of the annual gross revenues which will be received from the operation of each site or facility; and a proposal for the use of each site when filled. The report shall also include a complete survey of existing or proposed municipal or private solid waste disposal sites and facilities in the county containing information similar to that required for county facilities, and a statement of the extent to which they will or may be used to implement the comprehensive plan. The council shall approve the report if it is in accordance with its comprehensive plan. The report, when approved by the council, shall be implemented by the county. Each report not approved by the council shall be returned to the county with a statement of the reasons for the council's failure to approve it.

Subd. 2. Each metropolitan county, as a part of its solid waste plan, shall prepare and submit to the council for its approval, a report including: a description of the county hazardous waste ordinance, the county hazardous waste generator licensing procedures, proposed procedures for implementing the system, and an estimate of the total number of generators. Council approval or disapproval of the report shall be consistent with this section.

[1969 c 847 s 4; 1974 c 346 s 10]

X **473D.05 METROPOLITAN COUNTIES; ACQUISITION OF SITES AND FACILITIES.** Subdivision 1. To accomplish the purpose specified in section 473D.04, each metropolitan county may acquire by purchase, lease, gift or condemnation as provided by law, upon such terms and conditions as it shall determine, including contracts for deed and conditional sales contracts, solid waste disposal sites or facilities which are in accordance with regulations adopted by the agency, the comprehensive plan adopted by the council and the county report as approved by the council, and may improve or construct improvements on any site so acquired. Each metropolitan county is authorized to levy a tax in anticipation of need for expenditure for the acquisition and betterment of solid waste disposal sites or facilities. If such a tax is levied in anticipation of need, the purpose must be specified in a resolution of the county directing that the levy and the proceeds of the tax may be used only for that purpose. Until so used, the proceeds shall be retained in a separate fund or invested in the same manner as surplus in a sinking fund may be invested under Minnesota Statutes 1969, Section 475.66. The right of condemnation shall be exercised in accordance with chapter 117. A metropolitan county may acquire property for and operate a solid waste disposal site or facility within the boundaries of any city or town in the metropolitan area, without complying with the provisions of any zoning ordinance adopted after April 15, 1969.

Subd. 2. Each metropolitan county may by resolution authorize the issuance of bonds to provide funds for the acquisition or betterment of property rights, buildings, structures and equipment for a solid waste disposal site or facility, or for refunding any outstanding bonds issued for any such purpose, and may pledge to the payment of such bonds and the interest thereon, its full faith, credit and taxing powers, or the proceeds of any designated tax levies, or the gross or net revenues or charges to be derived from any such site or facility operated by or for the county, or any combination thereof. Taxes levied for the payment of such bonds and interest shall not reduce the amounts of other taxes which the county is authorized by law to levy. No election shall be required to authorize the issuance of any such bonds. Except as otherwise provided, such bonds shall be issued and sold in accordance with the provisions of chapter 475.

Subd. 3. Each metropolitan county may operate and maintain solid waste disposal sites and facilities, and for this purpose may employ all necessary personnel, may adopt regulations governing the operation thereof, may establish and collect reasonable, non-discriminatory rates and charges for the use thereof by any local government unit or person, estimated to be sufficient, with any other moneys appropriated for such purpose, to pay all costs of acquisition, operation and maintenance thereof.

Subd. 4. Each metropolitan county may contract with any person for the operation and maintenance by such person of any solid waste disposal site or facility owned by it. Such contract shall provide for the operation and maintenance of such site or facility in accordance with any regulations of the agency, the metropolitan council and the county relating thereto.

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Subd. 5. Each metropolitan county may also adopt ordinances governing the operation of solid waste haulers, disposal sites, or facilities in the county by any local government unit or person. The regulation shall not prevent the hauling of solid waste from one county to another. Such ordinances shall be consistent with applicable regulations adopted by the agency or the metropolitan council. The county may prescribe a penalty for the violation of any such ordinance not exceeding the maximum which may be specified for a misdemeanor. Any such ordinance enacted shall be published in accordance with the provisions of section 375.51. A municipality within a metropolitan county may adopt either the county ordinance by reference or a more strict ordinance than the county's to regulate solid waste haulers making pickups within its boundaries. A hauler who qualified under the ordinance of the municipality where he is making pickups may transport solid waste on streets and highways in other municipalities within the county without conforming to their ordinances.

Subd. 5a. Each metropolitan county shall be responsible for insuring that nonconforming solid waste disposal sites and facilities are terminated and abandoned in accordance with rules, regulations and requirements of the agency. Counties may provide by ordinance that operators or owners or both of real property being used for solid waste disposal purposes shall be responsible to the county for satisfactorily performing such terminating and abandonment procedures. Counties may further provide that, in the event such operators or owners or both fail to perform such termination and abandonment activities, costs incurred by the county in completing the satisfactory discharge of such termination and abandonment activities may be levied against said operators or owners or both, personally, or against any real or personal property involved.

Subd. 6. Each metropolitan county may accept gifts, may apply for and accept grants or loans of money or other property from the United States, the state, the metropolitan council, any local government unit, or any person, for solid waste disposal purposes, may enter into any agreement required in connection therewith, and may hold, use, and dispose of such money or property in accordance with the terms of the gift, grant, loan or agreement relating thereto.

Subd. 7. Each metropolitan county and local government unit may act under the provisions of section 471.59 or any other appropriate law providing for joint or cooperative action between government units, to accomplish any purpose specified in sections 473D.01 to 473D.07.

Subd. 8. Each metropolitan county may sell or lease any property rights, land, buildings, structures or equipment previously used or acquired for solid waste disposal purposes. Such property may be sold in the manner provided by section 458.196. Each metropolitan county may convey to or permit the use of any such property by a local government unit, with or without compensation, without submitting the matter to the voters of the county. No property rights or land, improved or unimproved, acquired pursuant to this section, may be disposed of in any manner unless and until the county shall have submitted to the metropolitan council for review and comment the terms on and the use for which the property will be disposed of. The council shall review and comment on the proposed disposition within 60 days after it has received the data relating thereto from the county.

Subd. 9. All moneys received by any metropolitan county from any source specified in sections 473D.01 to 473D.05 shall be paid into the county treasury, placed in a special fund designated as the county solid waste disposal fund, and used only for the purposes authorized in those sections, as appropriated by the county board, subject to any lawful restrictions, conditions, or pledges applicable thereto.

[1969 c 847 s 5; 1971 c 496 s 4-7; Ex1971 c 48 s 40; 1973 c 123 art 5 s 7]

✕ **473D.051 METROPOLITAN COUNTIES; HAZARDOUS WASTE MANAGEMENT.** Each metropolitan county may by ordinance establish and revise rules, regulations, and standards for hazardous waste management relating to (a) identification of hazardous waste, (b) the labeling and classification of hazardous waste, (c) the handling, collection, transportation and storage of hazardous waste, (d) the ultimate disposal site of the hazardous waste, and (e) other matters necessary for the public health, welfare and safety. The county may issue permits or licenses for hazardous waste generation and may require that generators be registered with a county office. The ordinance may require payment by the generator of any costs incurred by the county in completing such procedures. If the generator fails

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to complete such procedures, the county may recover the costs of completion in a civil action in any court of competent jurisdiction or, in the discretion of the board, the costs may be certified to the county auditor as a special tax against the land. The ordinance may be enforced by injunction, action to compel performance, or other action in district court. Any ordinance enacted under this section shall embody standards and requirements established by rule of the agency. Issuing, denying, modifying, imposing conditions upon, or revoking permits pursuant to the provisions of this section of regulations promulgated hereunder, shall be subject to review, denial, suspension, and reversal by the pollution control agency. The pollution control agency shall after written notification have 15 days 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 as provided in section 115.05.

[1974 c 346 s 11]

X **473D.06 RATES AND CHARGES.** On or before July 1, 1969, and thereafter whenever appropriate, each metropolitan county and local government unit shall submit to the metropolitan council a schedule of rates and charges in effect or proposed for the use of any solid waste disposal site or facility owned or operated by or on its behalf, together with a statement of the basis for such charges. Each county or local government unit shall use the schedule of rates and charges submitted by it until it submits to the council a different schedule. Each person who has applied to the agency for a permit to commence or continue the operation of a solid waste disposal site or facility in the metropolitan area shall also submit to the metropolitan council a schedule of rates and charges in effect or proposed for the use of the solid waste disposal site or facility, and shall notify the council of any changes therein within ten days after such change is placed in effect.

[1969 c 847 s 6]

X **473D.07 POLLUTION CONTROL AGENCY, REGULATIONS AND PERMITS.**  
Subdivision 1. The pollution control agency, to abate or prevent pollution of air and waters of the state in the metropolitan area, shall adopt regulations relating to the location and operation of solid waste disposal sites and facilities in the metropolitan area. In adopting such regulations the agency shall consider applicable air and water pollution standards, land and water use, soil conditions, geography, topography, natural drainage, prevailing weather conditions, the costs of acquisition and operation of such sites and facilities, and any other factors it may deem relevant. Such regulations shall be adopted in accordance with chapter 15.

Subd. 2. In the metropolitan area, no metropolitan county, local government unit or person shall commence operation on or after July 1, 1969, and no metropolitan county, local government unit or person shall continue operation on or after January 1, 1970, of any solid waste disposal site or facility, unless a permit for the operation thereof has been issued by the agency, or unless the site or facility is approved for temporary operation by the agency prior to the issuance of a permit.

Subd. 3. The agency may prescribe permit and permit application forms, and may request applicants to submit in writing all information deemed relevant by the agency. The agency, or any employee or agent thereof, when authorized by it, may examine any books, papers, records or memoranda of the applicant pertaining to its solid waste disposal site or facility, and may enter on any property, public or private, for the purpose of obtaining information, conducting surveys or making investigations relative to the location or operation of a solid waste disposal site or facility. The agency may issue permits for the operation of solid waste disposal sites and facilities by any metropolitan county, local government unit or person where the operation thereof is consistent with applicable regulations adopted by the agency pursuant to subdivision 1, provided that no permit may be issued for the operation of a solid waste disposal site or facility in the metropolitan area which is not in accordance with the metropolitan council's comprehensive plan. The metropolitan council shall determine whether a permit is in accordance with its comprehensive plan. For this purpose the agency shall send a copy of each permit application and any supporting information furnished by the applicant to the metropolitan council within 15 days after receipt of the application and all other information requested from the applicant. Within 45 days after the application and supporting information are received by the council, it shall issue to the agency in writing its determination whether the permit is in accordance with its comprehensive

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plan. If the council does not issue its determination to the agency within the 45 day period, the permit shall be deemed to be in accordance with the council's comprehensive plan.

Subd. 4. Regulations adopted pursuant to subdivision 1 may be enforced by the agency in the manner provided in section 115.47.

Subd. 4a. No permit may be issued for the operation of a hazardous waste treatment or disposal site, system or facility in the metropolitan area which does not comply with the metropolitan council's comprehensive plan. A copy of each permit application and any supporting information furnished by the applicant shall be sent to the metropolitan council within 15 days after receipt of the application and all other information requested from the applicant. Within 45 days after the application and supporting information are received by the council, it shall issue to the agency in writing its determination whether the permit complies with its comprehensive plan. If the council does not issue its determination to the agency within the 45 day period, the permit shall be deemed to be in accordance with the council's comprehensive plan.

[1969 c 847 s 7; 1974 c 346 s 12]