

CHAPTER 116F

RECYCLING OF SOLID WASTE

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116F.01 STATEMENT OF POLICY. The legislature seeks to encourage both the reduction of the amount and type of material entering the solid waste stream and the reuse and recycling of materials. Solid waste represents discarded material and energy resources, and it also represents an economic burden to the people of the state. The recycling of solid waste materials is one alternative for the conservation of material and energy resources, but it is also in the public interest to reduce the amount of materials requiring recycling or disposal.

The legislature also seeks to encourage the design and implementation of regional programs for materials conservation which take into account the variations in solid waste generation throughout the state.

[1973 c 748 s 1]

116F.02 DEFINITIONS. Subdivision 1. As used in sections 116F.01 to 116F.08, the terms defined in this section have the meanings given to them.

Subd. 2. "Agency" means the Minnesota pollution control agency.

Subd. 3. "Institution" means an incorporated private organization.

Subd. 4. "Municipality" means any city or any designated agency thereof.

Subd. 5. "Region" means any county, group of counties, group of municipalities, any special district, or any designated agency thereof.

Subd. 6. "Resource recovery system" means any system used for (a) the recovery of materials or energy from solid waste, or for (b) the collection, transportation, separation, sorting, processing or storage of solid materials which aids in the recovery of materials or energy from solid waste.

Subd. 7. "Solid waste generation" means that a solid material in its final configuration has fulfilled the purpose for which it was created, cannot be reused in its final configuration, and must be disposed of or recycled into a new or different product.

[1973 c 123 art 5 s 7; 1973 c 748 s 2]

116F.03 STATE AID TO REGIONS, MUNICIPALITIES, INSTITUTIONS. The agency may, in the name of the state and within the limit of appropriations provided herein, make or contract to make grants-in-aid to any region, municipality, or institution for:

(1) The development of feasibility studies for resource recovery systems or facilities;

(2) The construction of a resource recovery facility or implementation of a resource recovery system; and

(3) The development of programs to encourage solid materials conservation and the reduction of environmental impact from solid waste, including but not limited to, public education and encouragement of market demand for reusable or recyclable materials.

[1973 c 748 s 3]

116F.04 RULES. Subdivision 1. The agency shall promulgate rules for the administration of grants authorized in section 116F.03. The rules shall establish and contain as a minimum:

(a) Procedures for grant applications by regions, municipalities, or institutions;

(b) Conditions and procedures for the administration of such grants;

(c) Criteria of eligibility for grants including, but not limited to, those specified in subdivision 2; and

(d) Such other matters as the agency may find necessary to the proper administration of the grant program.

Subd. 2. The rules of the agency shall provide that a high priority be given to applications for projects and programs designed to service more than one county or designed to service areas of the state where natural geologic conditions make sanitary landfills undesirable. The rules shall contain criteria relating to:

(a) The technological feasibility of a project;

(b) The availability of other sources of financing; and

(c) The adequacy of provisions to assure proper, efficient and economical operation and maintenance of a resource recovery project after the construction is completed or the resource recovery system is implemented.

Subd. 3. Grant-in-aid payments made by the agency pursuant to section 116F.03, shall not exceed 50 percent of the total costs of the projects or programs funded.

Subd. 4. Funding under section 116F.03 shall not be made available to any resource recovery facility which accepts solid waste material which is transported to the facility primarily in motor vehicles with a load capacity of less than ten cubic yards.

[1973 c 748 s 4]

116F.05 POWERS AND DUTIES. Subdivision 1. **State powers.** In administering and enforcing sections 116F.01 to 116F.08, the agency may:

(a) Initiate and conduct public education programs which encourage the conservation of solid materials, the reduction of solid waste generation, and the reduction of environmental impact of solid waste;

(b) Encourage the development of markets for reusable or recyclable solid materials;

(c) Conduct studies of the environmental, resource and economic impact, and of the relative advisability or preference of use, of various material components which enter the solid waste stream;

(d) Develop recommendations to encourage redesign and the standardization of material composition and configuration, in order to facilitate material reuse or recyclability;

(e) Assist in the planning and development of resource recovery systems; and

(f) Encourage the extension of the useful lives of products, and the reduction of both solid waste generation and solid waste management costs.

Subd. 2. **Powers of grantees.** A region, municipality, or institution may apply to and contract with the agency for state aid, but may expend aid moneys received from the agency pursuant to sections 116F.01 to 116F.08 only for purposes which are consistent with sections 116F.01 to 116F.06.

Subd. 3. **Limitation.** In exercising its powers under this section, the agency shall seek those alternatives which maximize the conservation of energy and materials while minimizing the environmental impact and the cost to the people of the state. Consideration shall be given to economic factors, including but not limited to, effects on the labor force.

[1973 c 748 s 5]

116F.06 PACKAGES AND CONTAINERS; ASSISTANCE; ORDERS; REPORT. Subdivision 1. The agency shall advise and assist industry and business within the state in providing and developing packaging and containers consistent with environmental policies of the state.

Subd. 2. The agency shall review new or revised packages or containers except when such changes involve only color, size, shape or printing. The agency shall review innovations including, but not limited to, changes in constituent materials or combinations thereof and changes in closures. When the agency determines that any new or revised package or container would constitute a solid waste disposal problem or be inconsistent with state environmental policies, the manufacturer of the product may withdraw it from further consideration until such time as the manufacturer may re-submit such product to the agency, or, the agency may, by order made after notice

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and hearing as provided in chapter 15, and following an additional period not to exceed 30 days during which the environmental quality board may review the proposed action, prohibit the sale of the package or container in the state. Any such prohibition shall continue in effect until revoked by the agency or until the last legislative day of the next following legislative session, whichever occurs first, unless extended by law. This subdivision shall not apply to any package or container sold at retail in this state prior to final enactment of sections 116F.01 to 116F.08.

Subd. 3. The agency shall adopt and may amend or rescind guidelines identifying the types of new or revised containers and packaging that are subject to its review after notice and hearing as provided in section 15.0412, subdivision 4. Any person may submit to the agency a sample of a package or container for agency review. The agency shall review the sample, and may require the person to furnish such additional samples and information as may be necessary for it to determine the environmental or solid waste disposal problems that the container or packaging would cause. Except as may be necessary in connection with any public hearing, the agency shall keep the samples and information confidential if the person submitting them certifies that disclosure of said samples and information would affect the competitive position of the person. If the agency fails to issue an order prohibiting sale of a package or container within 120 days after the sample was submitted, the agency shall not prohibit it thereafter. The agency may, however, for good cause, order the 120 day period to be extended for an additional period not to exceed 30 days.

Subd. 4. The agency's report to the legislature on progress on abatement of land pollution required by section 116.10, shall be supplemented by annual recommendations concerning problems relating to solid waste generation and suggested remedies, including but not limited to the prohibition of the sale or use of any package or container.

Subd. 5. The provisions of this section shall not be severable. If any provision of this section is found to be void for any reason, the remaining provisions of the section shall be void also.

[1973 c 748 s 6; 1975 c 271 s 6]

116F.08 PENALTIES. Any person, corporation, partnership, firm, association, political subdivision or body corporate and politic which violates any provision of sections 116F.01 to 116F.06, or any regulation or rule promulgated thereunder, shall be guilty of a misdemeanor; and each day that a violation occurs or continues may be deemed a separate offense. In addition, the agency may revoke the grant of any grantee violating the provisions of sections 116F.01 to 116F.06, or may seek other equitable or legal relief.

[1973 c 748 s 8; 1976 c 2 s 54; 1976 c 239 s 25]

116F.21 MILK PACKAGING; POLICY. The legislature finds that the use of nonreturnable, nonrefillable containers for the packaging of milk and other milk products presents a solid waste management problem for the state, promotes energy waste and depletes natural resources. The legislature therefore, in furtherance of the policies stated in section 116F.01, determines that the use of nonreturnable, nonrefillable containers for packaging milk and other milk products should be discouraged and that the use of returnable and reusable packaging for these products is preferred and should be encouraged.

[1977 c 268 s 1]

NOTE: Laws 1977, Chapter 455, Section 96 reads as follows:

"Sec. 96. Notwithstanding any law to the contrary, no prohibition on the retail sale or the offer for retail sale of milk in nonreturnable, nonrefillable plastic containers shall be effective prior to July 1, 1978. This section is effective the day following final enactment."

116F.22 PROHIBITIONS; PENALTY. Subdivision 1. No person shall sell at retail or offer for sale at retail in this state any milk or fluid milk product as defined in section 32.391, other than sour cream, cottage cheese and yogurt, in a nonreturnable, nonrefillable rigid or semi-rigid container at least 50 percent of which is plastic.

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Subd. 2. A violation of subdivision 1 is a misdemeanor and each day of violation is a separate offense.

[1977 c 268 s 2]

NOTE: Laws 1977, Chapter 455, Section 96 reads as follows:

"Sec. 96. Notwithstanding any law to the contrary, no prohibition on the retail sale or the offer for retail sale of milk in nonreturnable, nonrefillable plastic containers shall be effective prior to July 1, 1978. This section is effective the day following final enactment."