

## 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.

**History:** 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. [ Repealed, 1980 c 564 art 13 s 2 ]

Subd. 4. [ Repealed, 1980 c 564 art 13 s 2 ]

Subd. 5. [ Repealed, 1980 c 564 art 13 s 2 ]

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.

**History:** 1973 c 123 art 5 s 7; 1973 c 748 s 2

116F.03 [ Repealed, 1980 c 564 art 13 s 2 ]

116F.04 [ Repealed, 1980 c 564 art 13 s 2 ]

#### 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. [ Repealed, 1980 c 564 art 13 s 2 ]

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.

**History:** 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 resubmit such product to the agency, or, the agency may, by order made after notice 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.

**History:** 1973 c 748 s 6; 1975 c 271 s 6

**116F.07 MS 73 Supp** [ Repealed, 1974 c 78 s 2 ]

**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.

**History:** 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.

**History:** 1977 c 268 s 1

**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.

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

**History:** 1977 c 268 s 2

**116F.30 CONSERVATION OF BIOMASS FUEL, FIREWOOD.**

In any instance where trees or portions of trees usable as firewood are removed from property under the control of a public utility, pipeline company, railroad, state agency or department, or a political subdivision, that portion of the tree material that is six inches or larger in diameter shall not be destroyed by open burning or deposited in a landfill without first having been offered for use to the public, subject to the approval of the landowner or landowners involved. This section shall not apply to tree material removed in a program of sanitation or disease control, as defined in Minnesota Statutes, 1979 Supplement, Section 18.023.

**History:** 1980 c 614 s 185