

## CHAPTER 115D

### TOXIC POLLUTION PREVENTION

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#### 115D.03 DEFINITIONS.

*[For text of subs 1 to 4, see M.S.1994]*

**Subd. 5. Eligible recipients.** "Eligible recipients" means persons who use, generate, or release toxic pollutants, hazardous substances, or hazardous wastes, or individuals or organizations that provide assistance to these persons.

*[For text of subd 6, see M.S.1994]*

**Subd. 6a. Officer of the company.** "Officer of the company" means one of the following:

- (1) an owner or sole proprietor;
- (2) a partner;
- (3) for a corporation incorporated under chapter 300, the president, secretary, treasurer, or other officer as provided for in the corporation's bylaws or certificate of incorporation;
- (4) for a corporation incorporated under chapter 302A, an individual exercising the functions of the chief executive officer or the chief financial officer under section 302A.305 or another officer elected or appointed by the directors of the corporation under section 302A.311;
- (5) for a corporation incorporated outside this state, an officer of the company as defined by the laws of the state in which the corporation is incorporated; or
- (6) for a limited liability company organized under chapter 322B, the chief manager or treasurer.

*[For text of subs 7 to 11, see M.S.1994]*

**History:** 1995 c 247 art 1 s 29,30

#### 115D.05 POLLUTION PREVENTION GRANTS.

**Subdivision 1. Purpose.** The director may make grants to develop or implement pollution prevention projects or practices.

**Subd. 2. Eligibility.** (a) Eligible recipients may receive grants under this section.

(b) Grants may be awarded up to a maximum of three-quarters of the total cost of the project.

**Subd. 3. Procedure for awarding grants.** (a) In determining whether to award a grant, the director shall consider at least the following:

- (1) the potential of the project to prevent pollution;
- (2) the likelihood that the project will minimize the transfer of pollution from one environmental medium to another;
- (3) the extent to which information to be developed through the project will be applicable and disseminated to other persons in the state; and
- (4) the extent to which the project will conform to the pollution prevention policy established in section 115D.02.

(b) The director shall adopt rules to administer the grant program and may administer the grant program in conjunction with the grant program established under section 115A.55, subdivision 3.

**History:** 1995 c 247 art 1 s 31

**115D.07 TOXIC POLLUTION PREVENTION PLANS.**

**Subdivision 1. Requirement to prepare and maintain a plan.** (a) Persons who operate a facility required by United States Code, title 42, section 11023, or section 299K.08, subdivision 3, to submit a toxic chemical release form shall prepare a toxic pollution prevention plan for that facility. A facility that is required to submit a toxic chemical release form but does not release a toxic chemical is exempt from the requirements of this subdivision. The plan must contain the information listed in subdivision 2.

(b) Except as provided in paragraphs (d) and (e), for facilities that release a total of 10,000 pounds or more of toxic pollutants annually, the plan must be completed as follows:

(1) on or before July 1, 1991, for facilities having a two-digit standard industrial classification of 35 to 39;

(2) by January 1, 1992, for facilities having a two-digit standard industrial classification of 28 to 34; and

(3) by July 1, 1992, for all other persons required to prepare a plan under this subdivision.

(c) Except as provided in paragraphs (d) and (e), facilities that release less than a total of 10,000 pounds of toxic pollutants annually must complete their plans by July 1, 1992.

(d) For the following facilities, the plan must be completed as follows:

(1) by January 1, 1995, for facilities required to report under section 299K.08, subdivision 3, that have a two-digit standard industrial classification of 01 to 50; and

(2) by January 1, 1996, for facilities required to report under section 299K.08, subdivision 3, that have a two-digit standard industrial classification of 51 to 99.

(e) For facilities that become subject to this subdivision after July 1, 1993, the plan must be completed by six months after the first submittal for the facility under United States Code, title 42, section 11023, or section 299K.08, subdivision 3.

(f) Each plan must be updated by January 1 of every even-numbered year and must be maintained at the facility to which it pertains.

**Subd. 2. Contents of plan.** (a) Each toxic pollution prevention plan must establish a program identifying the specific technically and economically practicable steps that could be taken during at least the three years following the date the plan is due, to eliminate or reduce the generation or release of toxic pollutants reported by the facility. Toxic pollutants resulting solely from research and development activities need not be included in the plan.

(b) At a minimum, each plan must include:

(1) a policy statement articulating upper management support for eliminating or reducing the generation or release of toxic pollutants at the facility;

(2) a description of the current processes generating or releasing toxic pollutants that specifically describes the types, sources, and quantities of toxic pollutants currently being generated or released by the facility;

(3) a description of the current and past practices used to eliminate or reduce the generation or release of toxic pollutants at the facility and an evaluation of the effectiveness of these practices;

(4) an assessment of technically and economically practicable options available to eliminate or reduce the generation or release of toxic pollutants at the facility, including options such as changing the raw materials, operating techniques, equipment and technology, personnel training, and other practices used at the facility. The assessment may include a cost benefit analysis of the available options;

(5) a statement of objectives based on the assessment in clause (4) and a schedule for achieving those objectives. Wherever technically and economically practicable, the objectives for eliminating or reducing the generation or release of each toxic pollutant at the facility must be expressed in numeric terms based on a specified base year that is no earlier than 1987. Otherwise, the objectives must include a clearly stated list of actions designed to lead to the establishment of numeric objectives as soon as practicable;

(6) an explanation of the rationale for each objective established for the facility;

(7) a listing of options that were considered not to be economically and technically practicable; and

(8) a certification, signed and dated by the facility manager and an officer of the company under penalty of section 609.63, attesting to the accuracy of the information in the plan.

**History:** 1995 c 247 art 1 s 32,33

#### **115D.08 PROGRESS REPORTS.**

Subdivision 1. **Requirement to submit progress report.** (a) All persons required to prepare a toxic pollution prevention plan under section 115D.07 shall submit an annual progress report to the commissioner that may be drafted in a manner that does not disclose proprietary information. Progress reports are due on October 1 of each year. The first progress reports are due in 1992.

(b) At a minimum, each progress report must include:

(1) a summary of each objective established in the plan, including the base year for any objective stated in numeric terms, and the schedule for meeting each objective;

(2) a summary of progress made during the past year, if any, toward meeting each objective established in the plan including the quantity of each toxic pollutant eliminated or reduced;

(3) a statement of the methods through which elimination or reduction has been achieved;

(4) if necessary, an explanation of the reasons objectives were not achieved during the previous year, including identification of any technological, economic, or other impediments the facility faced in its efforts to achieve its objectives; and

(5) a certification, signed and dated by the facility manager and an officer of the company under penalty of section 609.63, attesting that a plan meeting the requirements of section 115D.07 has been prepared and also attesting to the accuracy of the information in the progress report.

*[For text of subd 2, see M.S.1994]*

**History:** 1995 c 247 art 1 s 34

#### **115D.10 TOXIC POLLUTION PREVENTION EVALUATION REPORT.**

The director, in cooperation with the commissioner and commission, shall report to the environment and natural resources committees of the legislature and the legislative commission on waste management on progress being made in achieving the objectives of sections 115D.01 to 115D.12. The report must be submitted by February 1 of each even-numbered year.

**History:** 1995 c 247 art 1 s 35