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HOUSE FILE NO. 863

FIRST COMMITTEE ENGROSSMENT

February 12, 2007

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The bill was read for the first time and referred to the Committee on Environment and Natural Resources

February 18, 2008

To Pass as Amended and re-referred to the Committee on Governmental Operations, Reform, Technology and Elections

February 28, 2008

Committee Recommendation and Adoption of Report: To Pass and re-referred to the Committee on Commerce and Labor

March 17, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended and re-referred to the Committee on Finance

Referred by Chair to Environment and Natural Resources Finance Division.

March 25, 2008

Returned to the Committee on Finance as Amended.

1.1 A bill for an act
1.2 relating to global warming and the environment; requiring adoption of California
1.3 standards regarding low emission vehicles; providing for updates to the standards
1.4 as necessary to comply with the federal Clean Air Act; amending Minnesota
1.5 Statutes 2006, section 116.07, subdivision 2.

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

1.7 Section 1. Minnesota Statutes 2006, section 116.07, subdivision 2, is amended to read:

1.8 Subd. 2. **Adoption of standards.** (a) The Pollution Control Agency shall improve
1.9 air quality by promoting, in the most practicable way possible, the use of energy sources
1.10 and waste disposal methods which produce or emit the least air contaminants consistent
1.11 with the agency's overall goal of reducing all forms of pollution. The agency shall also
1.12 adopt standards of air quality, including maximum allowable standards of emission of air
1.13 contaminants from motor vehicles, recognizing that due to variable factors, no single
1.14 standard of purity of air is applicable to all areas of the state. In adopting standards the
1.15 Pollution Control Agency shall give due recognition to the fact that the quantity or
1.16 characteristics of air contaminants or the duration of their presence in the atmosphere,
1.17 which may cause air pollution in one area of the state, may cause less or not cause any air
1.18 pollution in another area of the state, and it shall take into consideration in this connection
1.19 such factors, including others which it may deem proper, as existing physical conditions,
1.20 zoning classifications, topography, prevailing wind directions and velocities, and the fact
1.21 that a standard of air quality which may be proper as to an essentially residential area of
1.22 the state, may not be proper as to a highly developed industrial area of the state. Such
1.23 standards of air quality shall be premised upon scientific knowledge of causes as well as
1.24 effects based on technically substantiated criteria and commonly accepted practices. No

2.1 local government unit shall set standards of air quality which are more stringent than
2.2 those set by the Pollution Control Agency.

2.3 (b) The Pollution Control Agency shall adopt rules, as authorized under the federal
2.4 Clean Air Act, United States Code, title 42, section 7507, to regulate emission standards
2.5 of motor vehicles sold in this state. The rules:

2.6 (1) must be adopted under section 14.388, subdivision 1, clause (3);

2.7 (2) except as provided in clause (3), must be identical to and must incorporate by
2.8 reference the California low emission vehicle regulations adopted by the California Air
2.9 Resources Board under the California Code of Regulations, title 13, sections 1900,
2.10 1961, and 1961.1;

2.11 (3) must not include the zero emission vehicle standards contained in California
2.12 Code of Regulations, title 13, section 1962;

2.13 (4) must not include the 15-year or 150,000-mile extended warranty specified in
2.14 California Code of Regulations, title 13, section 1962, for partial zero emission vehicles,
2.15 provided that partial zero emission vehicles delivered for sale to Minnesota are equipped
2.16 with the same quality components as partial zero emission vehicles supplied to areas
2.17 where the full 15-year or 150,000-mile warranty remains in effect. This section does not
2.18 amend the requirements of California Code of Regulations, title 13, section 1962, that
2.19 indicate the warranty period for a zero emission energy storage device used for traction
2.20 power will be ten years; and

2.21 (5) must be amended as necessary in a timely fashion to minimize the time during
2.22 which Minnesota's rules are not identical with California's regulations, as required under
2.23 United States Code, title 42, section 7507. Amendments under this clause must be made
2.24 under section 14.388, subdivision 1, clause (3).

2.25 If the California emission standards referred to under this section are extended
2.26 to off-road vehicles or engines including, but not limited to, all-terrain vehicles,
2.27 snowmobiles, boats, aircraft, lawnmowers, or tractors, this section is no longer effective,
2.28 and Minnesota reverts to the federal motor vehicle emissions standards by operation of
2.29 law without requiring further executive or legislative branch action.

2.30 Any portion of California's regulations requiring a federal waiver under the Clean
2.31 Air Act in order to become effective may not be enforced in Minnesota unless and until
2.32 California receives the requisite federal waiver.

2.33 (c) The Pollution Control Agency shall promote solid waste disposal control
2.34 by encouraging the updating of collection systems, elimination of open dumps, and
2.35 improvements in incinerator practices. The agency shall also adopt standards for the
2.36 control of the collection, transportation, storage, processing, and disposal of solid waste

3.1 and sewage sludge for the prevention and abatement of water, air, and land pollution,
3.2 recognizing that due to variable factors, no single standard of control is applicable to
3.3 all areas of the state. In adopting standards, the Pollution Control Agency shall give
3.4 due recognition to the fact that elements of control which may be reasonable and proper
3.5 in densely populated areas of the state may be unreasonable and improper in sparsely
3.6 populated or remote areas of the state, and it shall take into consideration in this connection
3.7 such factors, including others which it may deem proper, as existing physical conditions,
3.8 topography, soils and geology, climate, transportation, and land use. Such standards of
3.9 control shall be premised on technical criteria and commonly accepted practices.

3.10 (d) The Pollution Control Agency shall also adopt standards describing the
3.11 maximum levels of noise in terms of sound pressure level which may occur in the outdoor
3.12 atmosphere, recognizing that due to variable factors no single standard of sound pressure
3.13 is applicable to all areas of the state. Such standards shall give due consideration to
3.14 such factors as the intensity of noises, the types of noises, the frequency with which
3.15 noises recur, the time period for which noises continue, the times of day during which
3.16 noises occur, and such other factors as could affect the extent to which noises may be
3.17 injurious to human health or welfare, animal or plant life, or property, or could interfere
3.18 unreasonably with the enjoyment of life or property. In adopting standards, the Pollution
3.19 Control Agency shall give due recognition to the fact that the quantity or characteristics
3.20 of noise or the duration of its presence in the outdoor atmosphere, which may cause
3.21 noise pollution in one area of the state, may cause less or not cause any noise pollution
3.22 in another area of the state, and it shall take into consideration in this connection such
3.23 factors, including others which it may deem proper, as existing physical conditions,
3.24 zoning classifications, topography, meteorological conditions and the fact that a standard
3.25 which may be proper in an essentially residential area of the state, may not be proper as to
3.26 a highly developed industrial area of the state. Such noise standards shall be premised
3.27 upon scientific knowledge as well as effects based on technically substantiated criteria
3.28 and commonly accepted practices. No local governing unit shall set standards describing
3.29 the maximum levels of sound pressure which are more stringent than those set by the
3.30 Pollution Control Agency.

3.31 (e) The Pollution Control Agency shall adopt standards for the identification of
3.32 hazardous waste and for the management, identification, labeling, classification, storage,
3.33 collection, transportation, processing, and disposal of hazardous waste, recognizing
3.34 that due to variable factors, a single standard of hazardous waste control may not be
3.35 applicable to all areas of the state. In adopting standards, the Pollution Control Agency
3.36 shall recognize that elements of control which may be reasonable and proper in densely

4.1 populated areas of the state may be unreasonable and improper in sparsely populated
4.2 or remote areas of the state. The agency shall consider existing physical conditions,
4.3 topography, soils, and geology, climate, transportation and land use. Standards of
4.4 hazardous waste control shall be premised on technical knowledge, and commonly
4.5 accepted practices. Hazardous waste generator licenses may be issued for a term not to
4.6 exceed five years. No local government unit shall set standards of hazardous waste control
4.7 which are in conflict or inconsistent with those set by the Pollution Control Agency.

4.8 A person who generates less than 100 kilograms of hazardous waste per month is
4.9 exempt from the following agency hazardous waste rules:

4.10 (1) rules relating to transportation, manifesting, storage, and labeling for
4.11 photographic fixer and X-ray negative wastes that are hazardous solely because of silver
4.12 content; and

4.13 (2) any rule requiring the generator to send to the agency or commissioner a copy
4.14 of each manifest for the transportation of hazardous waste for off-site treatment, storage,
4.15 or disposal, except that counties within the metropolitan area may require generators to
4.16 provide manifests.

4.17 Nothing in this paragraph exempts the generator from the agency's rules relating to on-site
4.18 accumulation or outdoor storage. A political subdivision or other local unit of government
4.19 may not adopt management requirements that are more restrictive than this paragraph.

4.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.21 **Sec. 2. ADOPTION.**

4.22 The rules under section 1 must be adopted and made effective by September 30,
4.23 2008, and shall be effective for motor vehicles with a model year of 2012 and later.

4.24 The rules adopted under section 1 do not affect collector vehicles or street rods under
4.25 Minnesota Statutes, section 168.10.

4.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.