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HOUSE FILE No. **3293**

FIRST COMMITTEE ENGROSSMENT

February 20, 2008

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

March 10, 2008

Committee Recommendation and Adoption of Report:

To Pass as Amended and Read Second Time

March 18, 2008

By motion, 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 environment; requiring the Pollution Control Agency to analyze
1.3 cumulative pollution effects in an area prior to issuing a permit; amending
1.4 Minnesota Statutes 2006, section 116.07, subdivision 4a.

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

1.6 Section 1. Minnesota Statutes 2006, section 116.07, subdivision 4a, is amended to read:

1.7 Subd. 4a. **Permits.** (a) The Pollution Control Agency may issue, continue in
1.8 effect or deny permits, under such conditions as it may prescribe for the prevention of
1.9 pollution, for the emission of air contaminants, or for the installation or operation of
1.10 any emission facility, air contaminant treatment facility, treatment facility, potential air
1.11 contaminant storage facility, or storage facility, or any part thereof, or for the sources
1.12 or emissions of noise pollution.

1.13 The Pollution Control Agency may also issue, continue in effect or deny permits,
1.14 under such conditions as it may prescribe for the prevention of pollution, for the storage,
1.15 collection, transportation, processing, or disposal of waste, or for the installation or
1.16 operation of any system or facility, or any part thereof, related to the storage, collection,
1.17 transportation, processing, or disposal of waste.

1.18 The agency may not issue a permit to a facility without analyzing and considering
1.19 the cumulative levels and effects of past and current environmental pollution from all
1.20 sources on the environment and residents of the geographic area within which the facility's
1.21 emissions are likely to be deposited, provided that the facility is located in a community in
1.22 a city of the first class in Hennepin County that meets all of the following conditions:

1.23 (1) is within a half mile of a site designated by the federal government as an EPA
1.24 superfund site due to residential arsenic contamination;

2.1 (2) a majority of the population are low-income persons of color and American
2.2 Indians;

2.3 (3) a disproportionate percent of the children have childhood lead poisoning, asthma,
2.4 or other environmentally related health problems;

2.5 (4) is located in a city that has experienced numerous air quality alert days of
2.6 dangerous air quality for sensitive populations between February 2007 and February
2.7 2008; and

2.8 (5) is located near the junctions of several heavily trafficked state and county
2.9 highways and two one-way streets which carry both truck and auto traffic.

2.10 The Pollution Control Agency may revoke or modify any permit issued under this
2.11 subdivision and section 116.081 whenever it is necessary, in the opinion of the agency, to
2.12 prevent or abate pollution.

2.13 (b) The Pollution Control Agency has the authority for approval over the siting,
2.14 expansion, or operation of a solid waste facility with regard to environmental issues.
2.15 However, the agency's issuance of a permit does not release the permittee from any
2.16 liability, penalty, or duty imposed by any applicable county ordinances. Nothing in this
2.17 chapter precludes, or shall be construed to preclude, a county from enforcing land use
2.18 controls, regulations, and ordinances existing at the time of the permit application and
2.19 adopted pursuant to sections 366.10 to 366.181, 394.21 to 394.37, or 462.351 to 462.365,
2.20 with regard to the siting, expansion, or operation of a solid waste facility.

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