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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3293

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

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 After July 1, 2008, the agency may not issue a permit to a facility without analyzing
1.19 and considering the cumulative levels and effects of past and current 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.

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

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

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