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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3540

February 28, 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 re-referred to the Energy Finance and Policy Division

1.1 A bill for an act
1.2 relating to solid waste; modifying the Waste Management Act; modifying
1.3 definitions; establishing principles of product stewardship; requiring recycling
1.4 of construction and demolition waste; setting standards for compost containers;
1.5 establishing eligibility of waste management activities as greenhouse gas offset
1.6 projects; allowing residents to decline to receive local telephone directories;
1.7 requiring a model ordinance; providing civil penalties; requiring a study;
1.8 amending Minnesota Statutes 2006, section 115A.03, subdivisions 21, 32a, by
1.9 adding a subdivision; Minnesota Statutes 2007 Supplement, section 216B.241,
1.10 by adding a subdivision; proposing coding for new law in Minnesota Statutes,
1.11 chapters 16B; 115A; 325E; repealing Minnesota Statutes 2006, sections
1.12 115A.175; 115A.18; 115A.19; 115A.191; 115A.192; 115A.194; 115A.195;
1.13 115A.20; 115A.24; 115A.28, subdivision 3; 115A.30; 115A.301; 115A.55,
1.14 subdivision 4; 115A.5501, subdivision 1; 115A.551, subdivision 7; Minnesota
1.15 Statutes 2007 Supplement, sections 115A.193; 115A.28, subdivision 2.

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

1.17 Section 1. **[16B.327] RECYCLING CONSTRUCTION AND DEMOLITION**
1.18 **WASTE FROM STATE BUILDINGS; REQUIREMENT.**

1.19 The Department of Administration shall require in contracts for the construction,
1.20 renovation or demolition of a state building that the contractor and any subcontractor
1.21 must divert from deposit in a landfill and must recycle 40 percent of the waste tonnage
1.22 produced by the project. This requirement shall apply to all construction, renovation or
1.23 demolition projects for state buildings receiving funding from the bond proceeds fund
1.24 after January 1, 2009.

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

1.26 Sec. 2. Minnesota Statutes 2006, section 115A.03, subdivision 21, is amended to read:

2.1 Subd. 21. **Mixed municipal solid waste.** (a) "Mixed municipal solid waste" means
 2.2 garbage, refuse, and other solid waste from residential, commercial, industrial, and
 2.3 community activities that the generator of the waste aggregates for collection, except as
 2.4 provided in paragraph (b).

2.5 (b) Mixed municipal solid waste does not include auto hulks, street sweepings, ash,
 2.6 construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid
 2.7 batteries, motor and vehicle fluids and filters, and other materials collected, processed,
 2.8 and disposed of as separate waste streams, ~~but does include source-separated compostable~~
 2.9 ~~materials.~~

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

2.11 Sec. 3. Minnesota Statutes 2006, section 115A.03, is amended by adding a subdivision
 2.12 to read:

2.13 Subd. 28c. **Reuse.** "Reuse" means:

2.14 (1) using materials for the purpose for which they were originally intended or for
 2.15 another purpose that does not cause their destruction in a manner that precludes their
 2.16 further use;

2.17 (2) using food manufactured for human consumption for human consumption by
 2.18 humans for whom it was not originally intended; and

2.19 (3) diverting food manufactured for human consumption to consumption by animals.

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

2.21 Sec. 4. Minnesota Statutes 2006, section 115A.03, subdivision 32a, is amended to read:

2.22 Subd. 32a. **Source-separated compostable materials.** "Source-separated
 2.23 compostable materials" means ~~mixed municipal solid waste~~ materials that:

2.24 (1) ~~is~~ are separated at the source by waste generators for the purpose of preparing
 2.25 ~~it~~ them for use as compost;

2.26 (2) ~~is~~ are collected separately from ~~other~~ mixed municipal solid ~~wastes~~ waste, and
 2.27 are governed by the licensing provisions of section 115A.93;

2.28 (3) ~~is~~ are comprised of food wastes, fish and animal waste, plant materials,
 2.29 diapers, sanitary products, and paper that is not recyclable because the commissioner has
 2.30 determined that no other person is willing to accept the paper for recycling; ~~and~~

2.31 (4) ~~is~~ are delivered to a facility to undergo controlled microbial degradation to yield
 2.32 a humus-like product meeting the agency's class I or class II, or equivalent, compost

3.1 standards and where process residues do not exceed 15 percent by weight of the total
3.2 material delivered to the facility; and

3.3 (5) may be delivered to a transfer station, mixed municipal solid waste processing
3.4 facility, or recycling facility only for the purposes of composting or transfer to a
3.5 composting facility, unless the commissioner determines that no other person is willing
3.6 to accept the materials.

3.7 **Sec. 5. [115A.0712] PRODUCT STEWARDSHIP.**

3.8 Subdivision 1. **Principles.** Consistent with Minnesota Statutes, section 115A.02, it
3.9 is the goal of this state to promote resource conservation and protect public health and
3.10 the environment through product stewardship. Product stewardship is a preferred method
3.11 the state may implement to conserve resources, prevent waste, and reduce the toxicity of
3.12 product constituents. The principles of product stewardship are:

3.13 (a) All parties who have a role in designing, producing, or selling a product or
3.14 product component assume responsibility for achieving the following goals:

3.15 (1) ensuring that the principles of design for the environment govern product design
3.16 so that toxic and hazardous constituents of products are reduced or eliminated, and product
3.17 reuse and recycling are facilitated;

3.18 (2) reducing the toxicity and amount of waste resulting from the manufacture, use
3.19 and disposal of products; and

3.20 (3) using materials, energy and water efficiently at every stage of a product's life
3.21 cycle, including manufacture, distribution, sale, use and recovery.

3.22 (b) Purchasers and users play an important role in selecting products that reflect
3.23 design for the environment practices and managing the products appropriately at the
3.24 end of the product's life.

3.25 (c) The more influence a party has over a product's life-cycle impacts, the greater the
3.26 party's responsibility to address those impacts.

3.27 (d) Product stewardship programs should be flexible, transparent, and sustainable.

3.28 (e) End-of-life costs to recover resources and manage products are internalized into
3.29 product costs, so they are not transferred to government and taxpayers.

3.30 (f) Product stewardship programs are designed to maximize economic efficiency,
3.31 promote market competition, stimulate innovation, reduce costs, and provide convenient
3.32 collection opportunities.

3.33 (g) Government provides leadership in product stewardship in all its activities,
3.34 including, but not limited to, purchasing products and services, promoting stewardship

4.1 programs, and, if appropriate, facilitating collection and recycling options for products in
4.2 conjunction with other parties.

4.3 Subd. 2. **Recommendations.** By January 15, 2009, the commissioner must
4.4 present to the chairs and ranking minority members of the senate and house committees
4.5 with primary jurisdiction over environmental policy and environmental finance,
4.6 recommendations for establishing a comprehensive product stewardship approach to
4.7 reducing environmental and health risks posed by the use or disposal of certain products in
4.8 this state.

4.9 The recommendations must include, at a minimum:

4.10 (1) a set of criteria to be used to evaluate products proposed for product stewardship
4.11 solutions;

4.12 (2) a process for designating products for product stewardship solutions, and the role
4.13 the legislature would play in that process;

4.14 (3) typical components of product stewardship plans;

4.15 (4) options to facilitate the creation of industry-managed stewardship management
4.16 organizations;

4.17 (5) methods to identify and monitor progress towards stewardship performance
4.18 goals for specific products; and

4.19 (6) strategies to implement the use of standards, certifications, and eco-labels to
4.20 promote environmentally preferable products.

4.21 To the extent possible, the recommendations must be consistent with existing
4.22 product stewardship programs in North America. In developing the recommendations,
4.23 the commissioner must consult with manufacturers, retailers, recyclers, environmental
4.24 advocacy organizations, local units of government and other interested parties.

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

4.26 Sec. 6. **[115A.413] SOLID WASTE CHARACTERIZATION STUDY.**

4.27 Beginning in 2010, and at least every ten years thereafter, the agency must conduct
4.28 a solid waste characterization study of waste generated by households and industrial,
4.29 commercial and institutional generators both inside and outside the seven-county
4.30 metropolitan area. The study must conduct field sorting events at multiple locations under
4.31 a sampling and sorting plan that insures that the data collected allows for an accurate
4.32 estimate of the composition of the waste stream by type of material, which estimate must
4.33 have a statistical margin of error at least as reliable as that in the agency's Statewide
4.34 Municipal Solid Waste Composition Study published in March 2000.

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

5.2 Sec. 7. **[115A.5591] CONSTRUCTION AND DEMOLITION WASTE**
 5.3 **RECYCLING REQUIREMENT.**

5.4 A contractor constructing or demolishing a building of more than 1,000 square
 5.5 feet located in the seven-county metropolitan area must recycle or reuse or arrange for
 5.6 the recycling or reuse of 40 percent of the waste, by weight, from the project. The waste
 5.7 must be recycled on-site or delivered to recycling facilities permitted by the agency, but
 5.8 may not be buried on-site.

5.9 **EFFECTIVE DATE.** This section is effective July 1, 2009.

5.10 Sec. 8. **[115A.933] MATERIALS USED FOR COMPOSTING.**

5.11 After January 1, 2009, any plastic bag or container containing yard waste or food
 5.12 waste collected in the seven-county metropolitan area and delivered by a person to a
 5.13 compost facility and not removed from the compost facility by the person must meet all
 5.14 the specifications in ASTM Standard Specification for Compostable Plastics (D6400). For
 5.15 purposes of this section "ASTM" has the meaning given in section 296A.01, subdivision 6.

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

5.17 Sec. 9. Minnesota Statutes 2007 Supplement, section 216B.241, is amended by adding
 5.18 a subdivision to read:

5.19 Subd. 1h. **Solid waste reduction activities that reduce greenhouse gases.** (a) A
 5.20 utility may spend up to ... percent of its required conservation improvement expenditures
 5.21 on a project that reduces greenhouse gas emissions resulting from solid waste management
 5.22 activities, provided that it meets the following conditions:

5.23 (1) the activities undertaken by the project would not occur in the absence of the
 5.24 project;

5.25 (2) the project activities are carried out entirely within Minnesota; and

5.26 (3) the reduction in greenhouse gases attributable to the project are permanent,
 5.27 quantifiable, verifiable and enforceable.

5.28 (b) Projects eligible as offsets include, but are not limited to, activities that meet
 5.29 the requirements of paragraph (a) and that:

5.30 (1) improve recycling infrastructure;

5.31 (2) increase the amount of recyclable materials collected from residential,
 5.32 commercial or industrial generators;

- 6.1 (3) improve the efficiency of the recycling system; and
6.2 (4) increase the quality and value of recycled materials.

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

6.4 Sec. 10. **[325E.319] LOCAL TELEPHONE DIRECTORIES; OPTION TO**
6.5 **DECLINE DELIVERY.**

6.6 Subdivision 1. **Definitions.** For the purposes of this section, the following terms
6.7 have the meanings given.

6.8 (a) "Deliver" means to physically bring to a resident by personal delivery, but
6.9 does not include actions by the United States Postal Service, a commercial courier, or
6.10 a commercial package delivery service that allows a customer to track the status of a
6.11 shipment by destination, date and time of delivery.

6.12 (b) "'Do Not Receive' registry" means a list established and maintained by a person
6.13 who publishes and delivers local telephone directories to residents that contains the names
6.14 and addresses of residents who have notified the person that they do not wish to receive a
6.15 local telephone directory.

6.16 (c) "Local telephone directory" means a publication listing the names, addresses, and
6.17 telephone numbers of local businesses by type and containing advertisements promoting
6.18 those businesses or the products they sell.

6.19 (d) "Resident" means a person that has a mailing address in Minnesota that is not a
6.20 post office box.

6.21 Subd. 2. **Option to decline delivery.** (a) A person publishing and delivering local
6.22 telephone directories in this state must print in boldfaced type in 12-point font or larger on
6.23 the outside front cover of each directory the following information:

6.24 (1) a statement that reads: "IF YOU NO LONGER WISH TO RECEIVE THIS
6.25 DIRECTORY, PLEASE CALL THE FOLLOWING NUMBER, WRITE TO THE
6.26 FOLLOWING ADDRESS, OR E-MAIL THE FOLLOWING E-MAIL ADDRESS:"

6.27 (2) a toll-free telephone number, mailing address, and an e-mail address and Internet
6.28 web site that a resident may use to contact the person delivering the local telephone
6.29 directory to provide notice that the resident no longer wishes to receive the local directory
6.30 and wishes to be entered into the "Do Not Receive" registry. The telephone number,
6.31 mailing address, and e-mail address must remain active for at least three years.

6.32 (b) A person publishing and delivering local telephone directories in this state must
6.33 prominently and conspicuously place on the homepage of its Internet web site instructions
6.34 detailing how residents can enter their name, or verify that their name has been entered,
6.35 into the "Do Not Receive" registry.

7.1 (c) A person publishing and delivering local telephone directories in this state must
7.2 place into the "Do Not Receive" registry the name of a resident who requests to be entered
7.3 on it under paragraph (b), and must not remove the name unless the person receives
7.4 notice from the resident that the resident's name is to be removed from the "Do Not
7.5 Receive" registry.

7.6 (d) A person publishing and delivering local telephone directories in this state
7.7 must not deliver a local telephone directory to a resident whose name is in the "Do Not
7.8 Receive" registry.

7.9 (e) A person publishing a telephone directory may ask a resident requesting to be
7.10 entered into the "Do Not Receive" registry for only the resident's name, address, and
7.11 telephone number.

7.12 (f) A resident may not be charged a fee to be entered into the "Do Not Receive"
7.13 registry.

7.14 Subd. 3. **Enforcement.** (a) The attorney general or the county attorney located in
7.15 the county in which a violation occurs may enforce this section by commencing a civil
7.16 action in district court against a violator or to prevent a violation of this section. A civil
7.17 penalty of \$500 may be assessed for each violation of this section.

7.18 (b) In any action pursuant to paragraph (a), it is a defense that the defendant
7.19 delivered a local telephone directory to a resident in error.

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

7.21 Sec. 11. **MODEL ORDINANCE; CONSTRUCTION AND DEMOLITION**
7.22 **WASTE.**

7.23 By January 1, 2009, the agency must arrange for the development of a model
7.24 ordinance for counties requiring contractors to process and recycle waste from
7.25 construction and demolition projects located in Minnesota. The model ordinance must
7.26 include provisions specifying that the contractor and any subcontractor must divert a
7.27 portion of construction waste and demolition waste from being deposited in a landfill
7.28 and recycle those wastes.

7.29 For the purposes of this subdivision, "construction waste" and "demolition waste"
7.30 have the meanings given in section 115A.1512, subdivision 1, paragraphs (b) and (c),
7.31 respectively.

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

7.33 Sec. 12. **REPORT ON 2020 GOALS.**

8.1 By January 1, 2009, the commissioner shall, after obtaining input from counties
8.2 inside and outside the seven-county metropolitan area, recycling and composting facilities,
8.3 waste haulers, environmental organizations, and other interested parties, submit a report
8.4 to the chairs and ranking minority members of the senate and house committees with
8.5 primary jurisdiction over solid waste policy, that recommends options for achieving the
8.6 following goals by 2020:

8.7 (1) an increase in county recycling rates to 60 percent of the weight of total solid
8.8 waste generation; and

8.9 (2) the diversion, prior to delivery to landfills and waste-to-energy plants, and
8.10 recycling and reuse of an amount of source-separated compostable materials equal to
8.11 15 percent of total solid waste generation.

8.12 The report must also contain estimates of the economic costs of implementing
8.13 the strategies.

8.14 **Sec. 13. REVISOR'S INSTRUCTION.**

8.15 In Minnesota Statutes, section 115A.03, the Revisor is instructed to renumber the
8.16 subdivisions in alphabetical order.

8.17 **Sec. 14. REPEALER.**

8.18 Minnesota Statutes 2006, sections 115A.175; 115A.18; 115A.19; 115A.191;
8.19 115A.192; 115A.194; 115A.195; 115A.20; 115A.24; 115A.28, subdivision 3; 115A.30;
8.20 115A.301; 115A.55, subdivision 4; 115A.5501, subdivision 1; and 115A.551, subdivision
8.21 7, and Minnesota Statutes 2007 Supplement, sections 115A.193; and 115A.28, subdivision
8.22 2, are repealed.

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