

Sec. 3. This act shall take effect upon its approval by the board of county commissioners of Ramsey county, and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 19, 1973.

CHAPTER 373—S.F.No.942

[Coded]

An act relating to counties; authorizing county boards to annually appropriate money as a contingent fund for use by the members of the board for incidental costs and expenses.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **[375.161] COUNTIES; INCIDENTAL COSTS AND EXPENSES; CONTINGENT FUND; ADDITIONAL APPROPRIATIONS.** Subdivision 1. In addition to the amount authorized by Minnesota Statutes, Section 375.16, each county board may annually appropriate from the county revenue fund a sum not exceeding \$750 as a contingent fund for use by the county board to pay for incidental costs and expenses incurred by them in expediting the business of the county.

Subd. 2. Nothing in subdivision 1 of this act shall operate to lessen the amount of a contingent fund available to the county board or the chairman of a county board under the authority of a special act for a single county enacted previous to the effective date of this act.

Approved May 19, 1973.

CHAPTER 374—S.F.No.900

[Coded in Part]

An act relating to water pollution control; authorizing certain advisory and regulatory powers of the pollution control agency over disposal systems; providing penalties; amending Minnesota Statutes 1971, Sections 115.01, Subdivisions 1, 2, 4, 5, and 10, and by adding

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subdivisions; 115.03, Subdivisions 1 and 4, and by adding a subdivision; 115.04; 115.05, Subdivision 1; 115.07, Subdivision 3; 115.44, Subdivisions 5 and 8; 115.49, Subdivision 1, and by adding a subdivision; Chapter 115, by adding sections; 116.05, Subdivision 1; 116.075; 116.11, repealing Minnesota Statutes 1971, Sections 115.05, Subdivision 2; 115.07, Subdivisions 2, 4, and 6; 115.43, Subdivision 3; 115.45, Subdivision 2; 115.47; 115.81; 116.08; 116.30 and 116.31.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1971, Section 115.01, Subdivision 1, is amended to read:

115.01 WATER POLLUTION CONTROL; ADVISORY AND REGULATORY CONTROLS; DEFINITIONS. Subdivision 1. The following words and phrases when used in ~~sections 115.01 to 115.09~~ chapter 115 and, with respect to the pollution of the waters of the state, in chapter 116, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section.

Sec. 2. Minnesota Statutes 1971, Section 115.01, Subdivision 2, is amended to read:

Subd. 2. "Sewage" means the water-carried waste products from residences, public buildings, institutions or other buildings, or any mobile source, including the excrementitious or other discharge from the bodies of human beings or animals, together with such ground water infiltration and surface water as may be present.

Sec. 3. Minnesota Statutes 1971, Section 115.01, Subdivision 4, is amended to read:

Subd. 4. "Other wastes" mean garbage, municipal refuse, decayed wood, sawdust, shavings, bark, lime, sand, ashes, offal, oil, tar, chemicals, dredged spoil, solid waste, incinerator residue, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, cellar dirt or municipal or agricultural waste, and all other substances not included within the definitions of sewage or and industrial waste set forth in this chapter which may pollute or tend to pollute the waters of the state.

Sec. 4. Minnesota Statutes 1971, Section 115.01, Subdivision 5, is amended to read:

Subd. 5. "Pollution" "Pollution of water", "water pollution", or "pollute the water" means: (a) the discharge of any pollutant into any waters of the state or the contamination of any waters of the state so as to create a nuisance or render such waters unclean, or noxious, or impure so as to be actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to

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domestic, agricultural, commercial, industrial or, recreational use or other legitimate uses, or to livestock, wild animals, bird birds, fish, or other aquatic life; or (b) the man-made or man-induced alteration of the chemical, physical, biological, or radiological integrity of waters of the state.

Sec. 5. Minnesota Statutes 1971, Section 115.01, Subdivision 10, is amended to read:

Subd. 10. "Person" means the state or any agency or institution thereof, any municipality, governmental subdivision, public or private corporation, individual, partnership, or other entity, including, but not limited to, association, commission or any interstate body, and includes any officer or governing or managing body of any municipality, governmental subdivision, or public or private corporation, or other entity.

Sec. 6. Minnesota Statutes 1971, Section 115.01, is amended by adding subdivisions to read:

Subd. 12. "Discharge" means the addition of any pollutant to the waters of the state or to any disposal system.

Subd. 13. "Pollutant" means any "sewage," "industrial waste," or "other wastes," as defined in chapter 115, discharged into a disposal system or to waters of the state.

Subd. 14. "Toxic pollutants" means those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the agency, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions, including malfunctions in reproduction, or physical deformation, in such organisms or their offspring.

Subd. 15. "Point source" means any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged.

Subd. 16. "Standards" means effluent standards, effluent limitations, standards of performance for new sources, water quality standards, pretreatment standards, and prohibitions.

Subd. 17. "Schedule of compliance" means a schedule of remedial measures including an enforceable sequence of actions or operations leading to compliance with an effluent limitation, other limitation, prohibition, or standard.

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Sec. 7. Minnesota Statutes 1971, Section 115.03, Subdivision 1, is amended to read:

115.03 POWERS AND DUTIES. Subdivision 1. The agency is hereby given and charged with the following powers and duties:

(a) To administer and enforce all laws relating to the pollution of any of the waters of the state;

(b) To investigate the extent, character, and effect of the pollution of the waters of this state and to gather data and information necessary or desirable in the administration or enforcement of pollution laws, and to make such classification of the waters of the state as it may deem advisable;

(c) To establish and alter such reasonable pollution standards for any waters of the state in relation to the public use to which they are or may be put as it shall deem necessary for the purposes of ~~sections 115.01 to 115.09~~ chapter 115 and, with respect to the pollution of waters of the state, chapter 116;

~~To make and alter reasonable orders requiring the discontinuance of the discharge of sewage, industrial waste or other wastes into any waters of the state resulting in pollution in excess of the applicable pollution standard established under this subdivision;~~

(d) To adopt, issue, reissue, modify, deny, or revoke, enter into or enforce reasonable orders, permits, variances, standards, regulations, schedules of compliance, and stipulation agreements, under such conditions as it may prescribe, in order to prevent, control or abate water pollution, or for the installation or operation of disposal systems or parts thereof, or for other equipment and facilities;

(1) Requiring the discontinuance of the discharge of sewage, industrial waste or other wastes into any waters of the state resulting in pollution in excess of the applicable pollution standard established under this chapter;

(2) Prohibiting or directing the abatement of any discharge of sewage, industrial waste, or other wastes, into any waters of the state or the deposit thereof or the discharge into any municipal disposal system where the same is likely to get into any waters of the state in violation of this chapter and, with respect to the pollution of waters of the state, chapter 116, or standards or regulations promulgated or permits issued pursuant thereto, and specifying the schedule of compliance within which such prohibition or abatement must be accomplished;

(3) Prohibiting the storage of any liquid or solid substance or other pollutant in a manner which does not reasonably assure

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proper retention against entry into any waters of the state that would be likely to pollute any waters of the state;

(4) Requiring the construction, installation, maintenance, and operation by any person of any disposal system or any part thereof, or other equipment and facilities, or the reconstruction, alteration, or enlargement of its existing disposal system or any part thereof, or the adoption of other remedial measures to prevent, control or abate any discharge or deposit of sewage, industrial waste or other wastes by any person;

(5) Establishing, and from time to time revising, standards of performance for new sources taking into consideration, among other things, classes, types, sizes, and categories of sources, processes, pollution control technology, cost of achieving such effluent reduction, and any non-water quality environmental impact and energy requirements. Said standards of performance for new sources shall encompass those standards for the control of the discharge of pollutants which reflect the greatest degree of effluent reduction which the agency determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants. New sources shall encompass buildings, structures, facilities, or installations from which there is or may be the discharge of pollutants, the construction of which is commenced after the publication by the agency of proposed regulations prescribing a standard of performance which will be applicable to such source. Notwithstanding any other provision of the law of this state, any point source the construction of which is commenced after the date of enactment of this act and which is so constructed as to meet all applicable standards of performance for new sources shall, consistent with and subject to the provisions of section 306(d) of the Amendments of 1972 to the Federal Water Pollution Control Act, not be subject to any more stringent standard of performance for new sources during a ten-year period beginning on the date of completion of such construction or during the period of depreciation or amortization of such facility for the purposes of section 167 or 169, or both, of the Federal Internal Revenue Code of 1954, whichever period ends first. Construction shall encompass any placement, assembly, or installation of facilities or equipment, including contractual obligations to purchase such facilities or equipment, at the premises where such equipment will be used, including preparation work at such premises;

(6) Establishing and revising pretreatment standards to prevent or abate the discharge of any pollutant into any publicly owned disposal system, which pollutant interferes with, passes through, or otherwise is incompatible with such disposal system;

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(7) Requiring the owner or operator of any disposal system or any point source to establish and maintain such records, make such reports, install, use, and maintain such monitoring equipment or methods, including where appropriate biological monitoring methods, sample such effluents in accordance with such methods, at such locations, at such intervals, and in such a manner as the agency shall prescribe, and providing such other information as the agency may reasonably require;

(8) Notwithstanding any other provision of chapter 115, and with respect to the pollution of waters of the state, chapter 116, requiring the achievement of more stringent limitations than otherwise imposed by effluent limitations in order to meet any applicable water quality standard by establishing new effluent limitations, based upon section 115.01, subdivision (5)(b), including alternative effluent control strategies for any point source or group of point sources to insure the integrity of water quality classifications, whenever the agency determines that discharges of pollutants from such point source or sources, with the application of effluent limitations required to comply with any standard of best available technology, would interfere with the attainment or maintenance of the water quality classification in a specific portion of the waters of the state. Prior to establishment of any such effluent limitation, the agency shall hold a public hearing to determine the relationship of the economic and social costs of achieving such limitation or limitations, including any economic or social dislocation in the affected community or communities, to the social and economic benefits to be obtained and to determine whether or not such effluent limitation can be implemented with available technology or other alternative control strategies. If a person affected by such limitation demonstrates at such hearing that, whether or not such technology or other alternative control strategies are available, there is no reasonable relationship between the economic and social costs and the benefits to be obtained, such limitation shall not become effective and shall be adjusted as it applies to such person;

(9) Modifying, in its discretion, any requirement or limitation based upon best available technology with respect to any point source for which a permit application is filed after July 1, 1977 upon a showing by the owner or operator of such point source satisfactory to the agency that such modified requirements will represent the maximum use of technology within the economic capability of the owner or operator and will result in reasonable further progress toward the elimination of the discharge of pollutants.

(e) To require to be submitted and to approve plans and specifications for disposal systems or point sources, or any part

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thereof and to inspect the construction thereof for compliance with the approved plans and specifications thereof;

~~To issue, continue in effect or deny permits, under such conditions as it may prescribe for the prevention of pollution, for the discharge of sewage, industrial waste or other wastes, or for the installation or operation of disposal systems or parts thereof;~~

~~To revoke or modify any permit issued under sections 115.01 to 115.09 whenever it is necessary, in the opinion of the agency, to prevent or abate pollution of any waters of the state;~~

(f) To prescribe and alter rules and regulations, not inconsistent with law, for the conduct of the agency and other matters within the scope of the powers granted to and imposed upon it by sections 115.01 to 115.09 this chapter and, with respect to pollution of waters of the state, in chapter 116, provided that every rule or regulation affecting any other department or agency of the state or any person other than a member or employee of the agency shall be filed with the secretary of state; and

(g) To conduct such investigations, issue such notices, public and otherwise, and hold such hearings as are necessary or which it may deem advisable and necessary for the discharge of its duties under sections 115.01 to 115.09 this chapter and, with respect to the pollution of waters of the state, under chapter 116, including, but not limited to, the issuance of permits, and to authorize any member, employee, or agent appointed by it to conduct such investigations or, issue such notices and hold such hearings;

(h) For the purpose of water pollution control planning by the state and pursuant to the Federal Water Pollution Control Act, as amended, to establish and revise planning areas, adopt plans and programs and continuing planning processes, including, but not limited to, basin plans and areawide waste treatment management plans, and to provide for the implementation of any such plans by means of, including, but not limited to, standards, plan elements, procedures for revision, intergovernmental cooperation, residual treatment process waste controls, and needs inventory and ranking for construction of disposal systems;

(i) To train water pollution control personnel, and charge such fees therefor as are necessary to cover the agency's costs. All such fees received shall be paid into the state treasury and credited to the water pollution control training fund of the agency, from which the agency shall have the power to make disbursements to pay expenses relating to such training;

(j) To impose as additional conditions in permits to publicly owned disposal systems appropriate measures to insure compliance

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by industrial and other users with any pretreatment standard, including, but not limited to, those related to toxic pollutants, and any system of user charges ratably as is hereby required under state law or said Federal Water Pollution Control Act, as amended, or any regulations or guidelines promulgated thereunder; and

(k) To set a period not to exceed five years for the duration of any National Pollutant Discharge Elimination System permit.

Sec. 8. Minnesota Statutes 1971, Section 115.03, Subdivision 4, is amended to read:

Subd. 4. It is unlawful for any person to issue or grant a building permit for, or otherwise permit, the construction, enlargement, or relocation of a commercial or industrial building to be used as the place of employment of more than 12 persons, or any *other commercial or industrial building to house a process producing industrial or other wastes*, unless the sewage or industrial or other waste originating in such buildings is or will be discharged into a disposal system for which a permit has first been granted by the agency unless the agency has cause not to apply this requirement, provided that this subdivision shall not apply to building permits issued for buildings, which have an estimated value of less than \$500,000, located or to be located within an incorporated municipality. If an application for After January 1, 1975 such permit permits is not shall be acted upon by the agency within 90 days after submitted, the permit shall be deemed to be granted, provided that the agency, for good cause, may order said 90 day period to be extended for a reasonable time.

Sec. 9. Minnesota Statutes 1971, Section 115.03, is amended by adding a subdivision to read:

Subd. 5. Notwithstanding any other provisions prescribed in or pursuant to chapter 115 and, with respect to the pollution of waters of the state, in chapter 116, or otherwise, the agency shall have the authority to perform any and all acts minimally necessary including, but not limited to, the establishment and application of standards, procedures, regulations, orders, variances, stipulation agreements, schedules of compliance, and permit conditions, consistent with and, therefore not less stringent than the provisions of the Federal Water Pollution Control Act, as amended, applicable to the participation by the state of Minnesota in the National Pollutant Discharge Elimination System (NPDES); provided that this provision shall not be construed as a limitation on any powers or duties otherwise residing with the agency pursuant to any provision of law.

Sec. 10. Minnesota Statutes 1971, Section 115.04, is amended to read:

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115.04 DISPOSAL SYSTEMS AND POINT SOURCES. Subdivision 1. **INFORMATION.** Any person operating or installing a disposal system or other point source, or portion thereof, when requested by the agency, or any member, employee or agent thereof, when authorized by it, shall furnish to it any information which he may have or which is relevant to the subject of sections 115.01 to 115.09 chapter 115 and, with respect to the pollution of waters of the state, of chapter 116.

Subd. 2. **EXAMINATION OF RECORDS.** The agency or any member, employee or agent thereof, when authorized by it, upon presentation of credentials, may examine and copy any books, papers, records or memoranda pertaining to the installation, maintenance, or operation or discharge, including, but not limited to, monitoring data, of a disposal system systems or other point sources, in accordance with the purposes of chapter 115 and, with respect to the pollution of waters of the state, chapter 116.

Subd. 3. **ACCESS TO PREMISES.** Whenever it shall be necessary for the purposes of sections 115.01 to 115.09 chapter 115 and, with respect to pollution of waters of the state, chapter 116, the agency or any member, employee, or agent thereof, when authorized by it, upon presentation of credentials, may enter upon any property, public or private, for the purpose of obtaining information or examination of records or conducting surveys or investigations.

Sec. 11. Minnesota Statutes 1971, Section 115.05, Subdivision 1, is amended to read:

115.05 FINAL ORDER. Subdivision 1. **NOTICE; HEARING.** No final order of the agency shall be effective as to the vested rights of any person adversely affected thereby nor as to any disposal system or point source operated by any person unless the agency or its authorized officer, member, or agent shall have held a hearing upon the matter therein involved at which evidence may be taken, of which hearing such person shall have had notice as hereinafter provided. Any person who will be directly affected by the final order therein shall have the right to be heard at the hearing and to submit evidence thereat. Written notice specifying the time and place of the hearing shall be served by the agency upon all persons known by it to be directly affected by the final order, personally or by mail not less than 30 days before the date of the hearing. A copy of the final order shall be served in the same manner upon all persons who entered an appearance at the hearing.

Sec. 12. Minnesota Statutes 1971, Section 115.07, Subdivision 3, is amended to read:

Subd. 3. **PERMISSION FOR EXTENSION.** It shall be unlawful for any person to make any change in, addition to or extension

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of any existing disposal system or point source, or part thereof ~~that would materially alter the method or the effect of treating or disposing of the sewage, industrial waste or other wastes, to effect any facility expansion, production increase, or process modification which results in new or increased discharges of pollutants,~~ or to operate such system or point source, or part thereof as so changed, added to, or extended until plans and specifications therefor shall have been submitted to the agency unless the agency shall have waived the submission thereof to it and a written permit therefor shall have been granted by the agency.

Sec. 13. Minnesota Statutes 1971, Chapter 115, is amended by adding a section to read:

[115.071] ENFORCEMENT. Subdivision 1. REMEDIES AVAILABLE. The provisions of Minnesota Statutes, Chapter 115 and Chapter 116 and all regulations, standards, orders, stipulation agreements, schedules of compliance, and permits adopted or issued by the agency thereunder or under any other law now in force or hereafter enacted for the prevention, control, or abatement of pollution may be enforced by any one or any combination of the following: criminal prosecution; action to recover civil penalties; injunction; action to compel performance; or other appropriate action, in accordance with the provisions of said chapters and this section.

Subd. 2. CRIMINAL PENALTIES. (a) VIOLATIONS OF LAWS; ORDERS; PERMITS. (1) Any person who willfully or negligently violates any provision of chapter 115 or chapter 116, or any standard, regulation, variance, order, stipulation agreement, schedule of compliance or permit issued or adopted by the agency thereunder, which violation is not included in clause (2) of this subdivision, shall upon conviction be guilty of a misdemeanor.

(2) Any person who willfully or negligently violates any effluent standard and limitation or water quality standard adopted by the agency, any National Pollutant Discharge Elimination System permit issued by the agency or any term or condition thereof, any duty to permit or carry out any recording, reporting, monitoring, sampling, information entry, access, copying, or other inspection or investigation requirement as provided under applicable provisions of chapter 115 and, with respect to the pollution of waters of the state, chapter 116, or any National Pollutant Discharge Elimination System filing requirement, shall upon conviction be punished by a fine of not less than \$2,500 in the event of a willful violation or not less than \$300 in the event of a negligent violation. In any case the penalty shall not be more than \$25,000 per day of violation or by imprisonment for not more than one year, or both. If the conviction is for conduct committed after a first conviction of such person under this subdivision, punishment

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shall be by fine of not more than \$50,000 per day of violation, or by imprisonment for not more than two years, or both.

(b) INFORMATION AND MONITORING. Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under chapter 115 and, with respect to the pollution of the waters of the state, chapter 116, or standards, regulations, orders, stipulation agreements, schedule of compliance or permits pursuant hereto, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under chapter 115 and, with respect to the pollution of waters of the state, chapter 116, or standards, regulations, variances, orders, stipulation agreements, schedules of compliance, or permits pursuant thereto, shall upon conviction, be punished by a fine of not more than \$10,000 per day of violation, or by imprisonment for not more than six months, or both.

(c) DUTY OF LAW ENFORCEMENT OFFICIALS. It shall be the duty of all county attorneys, sheriffs and other peace officers, and other officers having authority in the enforcement of the general criminal laws to take all action to the extent of their authority, respectively, that may be necessary or proper for the enforcement of said provisions, regulations, standards, orders, stipulation agreements, variances, schedule of compliance, or permits.

Subd. 3. CIVIL PENALTIES. Any person who violates any provision of chapter 115 or chapter 116, except any provisions of chapter 116 relating to air and land pollution caused by agricultural operations which do not involve National Pollutant Discharge Elimination System permits, or of (1) any effluent standards and limitations or water quality standards, (2) any National Pollutant Discharge Elimination System permit or term or condition thereof, (3) any National Pollutant Discharge Elimination System filing requirements, (4) any duty to permit or carry out inspection, entry or monitoring activities, or (5) any rules, regulations, stipulation agreements, variances, schedules of compliance, or orders issued by the agency, shall forfeit and pay to the state a penalty, in an amount to be determined by the court, of not more than \$10,000 per day of violation.

In addition, in the discretion of the court, the defendant may be required to:

(a) forfeit and pay to the state a sum which will adequately compensate the state for the reasonable value of cleanup and other expenses directly resulting from unauthorized discharge of pollutants, whether or not accidental;

(b) forfeit and pay to the state an additional sum to constitute just compensation for any loss or destruction to wildlife, fish or

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other aquatic life and for other actual damages to the state caused by an unauthorized discharge of pollutants.

As a defense to any of said damages, the defendant may prove that the violation was caused solely by (1) an act of God, (2) an act of war, (3) negligence on the part of the state of Minnesota, or (4) an act or failure to act which constitutes sabotage or vandalism, or any combination of the foregoing clauses.

The civil penalties and damages provided for in this subdivision may be recovered by a civil action brought by the attorney general in the name of the state.

Subd. 4. INJUNCTIONS. Any violation of the provisions, regulations, standards, orders, stipulation agreements, variances, schedules of compliance, or permits specified in chapter 115 and chapter 116 shall constitute a public nuisance and may be enjoined as provided by law in an action, in the name of the state, brought by the attorney general.

Subd. 5. ACTIONS TO COMPEL PERFORMANCE. In any action to compel performance of an order of the agency for any purposes relating to the prevention, control or abatement of pollution under chapter 115 and chapter 116, the court may require any defendant adjudged responsible to do and perform any and all acts and things within his power which are reasonably necessary to accomplish the purposes of the order. In case a municipality or its governing or managing body or any of its officers is a defendant, the court may require him to exercise his powers, without regard to any limitation of any requirement for an election or referendum imposed thereon by law and without restricting the powers of the agency to do any or all of the following, without limiting the generality hereof: to levy taxes, levy special assessments, prescribe service or use charges, borrow money, issue bonds, employ assistance, acquire real or personal property, let contracts or otherwise provide for the doing of work or the construction, installation, maintenance, or operation of facilities, and do all other acts and things reasonably necessary to accomplish the purposes of the order, but the court shall grant the municipality the opportunity to determine the appropriate financial alternatives to be utilized in complying with the court imposed requirements.

Sec. 14. Minnesota Statutes 1971, Chapter 115, is amended by adding a section to read:

[115.072] RECOVERY OF LITIGATION COSTS AND EXPENSES. In any action brought by the attorney general, in the name of the state, pursuant to the provisions of chapter 115 and chapter 116, for civil penalties, injunctive relief, or in an action to compel compliance, if the state shall finally prevail, and if the

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proven violation was willful, the state, in addition to other penalties provided in chapter 115, may be allowed an amount determined by the court to be the reasonable value of all or a part of the litigation expenses incurred by the state. In determining the amount of such litigation expenses to be allowed, the court shall give consideration to the economic circumstances of the defendant.

All amounts recovered under the provisions of this section and section 13 of this act, subdivisions 3, 4, and 5, shall be paid into the state treasury.

Sec. 15. Minnesota Statutes 1971, Section 115.44, Subdivision 5, is amended to read:

Subd. 5. In establishing such standards, consideration should be given to the following factors:

(a) The extent, if any, to which floating solids may be permitted in the water;

(b) The extent to which suspended solids, colloids or a combination of solids with other substances suspended in water, may be permitted;

(c) The extent to which organism of the coliform group (intestinal bacilli) or any other bacteriological organisms may be permitted in the water;

(d) The extent of the oxygen demand which may be permitted in the receiving waters;

(e) Such other chemical or biological properties necessary for the attainment of the objectives of ~~Laws 1963, Chapter 874~~ chapter 115 and, with respect to pollution of the waters of the state, chapter 116.

(f) Wherever deemed practicable and advisable by the agency, standards specifying the quality and purity, or maximum permissible pollutional content, of effluent entering waters of the state may be established without ~~previously establishing respect to~~ water quality standards; provided, however, that whenever the owner or operator of any point source, after opportunity for public hearing, can demonstrate to the satisfaction of the agency that any effluent limitation proposed for the control of the heat component of any discharge from such source will require effluent limitations more stringent than necessary to assure the protection and propagation of a balanced, indigenous population of fish and wildlife in and on the body of water into which the discharge is to be made, the agency may impose an effluent limitation for such plan, with respect to the heat component of such discharge, taking into account the interaction of such heat component with other pollutants, that will assure the protection and propagation of a balanced, indigenous population of fish and wildlife in and on that

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body of water; and provided further that notwithstanding any other provision of chapter 115 and, with respect to the pollution of the waters of the state, chapter 116, any point source of a discharge having a heat component, the modification of which point source is commenced after the date of enactment of this act, and which, as modified, meets applicable effluent limitations, and which effluent limitations will assure protection and propagation of a balanced, indigenous population of fish and wildlife in or on the water into which the discharge is made, shall not be subject to any more stringent effluent limitation with respect to the heat component of its discharge during a ten year period beginning on the date of completion of such modification or during the period of depreciation or amortization of such facility for the purpose of section 167 or 169, or both, of the Internal Revenue Code of 1954, whichever period ends first.

Sec. 16. Minnesota Statutes 1971, Section 115.44, Subdivision 8, is amended to read:

Subd. 8. If the agency finds in order to comply with the federal water pollution control act or any other federal law or rule or regulation promulgated thereunder that it is impracticable to comply with the requirements of this section in classifying waters or adopting standards or in meeting any of the requirements thereof, compliance with the requirements of such section are waived to the extent necessary to enable the agency to comply with federal laws and rules and regulations promulgated thereunder. The agency may classify waters and adopt criteria and standards in such form and based upon such evidence as it may deem necessary and sufficient for the purposes of meeting requirements of such federal laws, notwithstanding any provisions in chapter 115 or any other state law to the contrary. In the event waters are classified and criteria and standards are adopted to meet the requirements of federal law, the agency shall thereafter proceed to otherwise comply with the provisions of this section which were waived as rapidly as is practicable. This authority shall extend to proceedings pending before the agency on April 20, 1967 the effective date of this act.

Notwithstanding the provisions of subdivision 4, wherever advisable and practicable the agency may establish standards for effluent ~~of or disposal systems entering~~ discharging into waters of the state regardless of whether such waters are or are not classified.

Sec. 17. Minnesota Statutes 1971, Section 115.49, Subdivision 1, is amended as follows:

115.49 COOPERATION BETWEEN MUNICIPALITIES; CONTRACTS. Subdivision 1. If the agency determines after a hearing on the subject matter that cooperation between two or

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more municipalities is necessary to provide for areawide waste management and treatment, in accordance with the Federal Water Pollution Control Act, as amended, or to prevent, control, or abate pollution, it may adopt a resolution so declaring and determining whether it will be feasible to secure such cooperation by contract between the municipalities concerned.

Sec. 18. Minnesota Statutes 1971, Section 115.49, is amended by adding a subdivision to read:

Subd. 9. Any contract ordered by the agency pursuant to this section may be reformed or terminated upon: (a) mutual agreement among all parties to the contract as exhibited by a joint written application to the agency, and approval thereof by the agency; or (b) unilateral application to the agency by registered mail by any party to such a contract, with a copy thereof served by registered mail upon all other parties to the contract, and subsequent order of reformation or termination of the agreement by the agency. The applicant may in its application for reformation or termination seek other relief in addition to said order of reformation or termination, including, but not limited to, an order directing the refund by the municipality operating the disposal system of overpayments made by the municipality being served during the life of the contract, or the further payment by the municipality being served to the municipality operating the disposal system made necessary by the inadequacy of payments made by the municipality being served to the municipality operating the disposal system during the life of the contract. In the event of a unilateral application to the agency, the agency may, after 30 days written notice, hold a public hearing for the purpose of hearing evidence relating to the application. Pursuant to an application under this subdivision, the agency may enter its order reforming or terminating the contract, ordering a refundment of overpayment or payment of underpayment, as aforesaid, or granting any further relief that is reasonable under the circumstances. Any party aggrieved by the agency's decision may thereafter appeal to district court from the agency's order.

Sec. 19. Minnesota Statutes 1971, Section 116.05, Subdivision 1, is amended to read:

Subdivision 1. All state departments and agencies are hereby directed to cooperate with the pollution control agency and its director and assist them in the performance of their duties, and are authorized to enter into necessary agreements with the agency, and the pollution control agency is authorized to cooperate and to enter into necessary agreements with other departments and agencies of the state, with municipalities, with other states, with the federal government and its agencies and instrumentalities, in the public interest and in order to control pollution under this chapter and chapter 115.

Changes or additions indicated by underline, deletions by ~~strikeout~~.

Sec. 20. Minnesota Statutes 1971, Section 116.075, is amended to read:

116.075 HEARINGS AND RECORDS PUBLIC. Subdivision 1. All hearings conducted by the pollution control agency pursuant to ~~this chapter~~ chapters 115 and 116 shall be open to the public, and the transcripts thereof are public records. All final records, studies, reports, orders, and other documents prepared in final form by order of, or for the consideration of, the agency, are public records. Any documents designated as public records by this section may be inspected by members of the public at all reasonable hours and places under such rules and regulations as the agency shall promulgate.

Subd. 2. Any records or other information obtained by the pollution control agency or furnished to the agency by the owner or operator of one or more air contaminant or water or land pollution sources which are certified by said owner or operator, and said certification, as it applies to water pollution sources, is approved in writing by the director, to relate to (a) production or sales figures, (b) processes or methods of production unique to the owner or operator, or (c) information which would tend to affect adversely the competitive position of said owner or operator, shall be only for the confidential use of the agency in discharging its statutory obligations, unless otherwise specifically authorized by said owner or operator. Provided, however that all such information may be used by the agency in compiling or publishing analyses or summaries relating to the general condition of the outdoor atmosphere state's water, air and land resources so long as such analyses or summaries do not identify any owner or operator who has so certified. Notwithstanding the foregoing, the agency may disclose any information, whether or not otherwise considered confidential which it is obligated to disclose in order to comply with federal law and regulations, to the extent and for the purpose of such federally required disclosure.

Sec. 21. Minnesota Statutes 1971, Section 116.11, is amended to read:

116.11 EMERGENCY POWERS. In the event that there is imminent and substantial danger to the health and welfare of the people of the state, or of any part thereof, as a result of the pollution of air, land or water; upon such finding, the agency may by emergency order direct the immediate discontinuance or abatement of such pollution without notice and without a hearing or at the request of the agency, the attorney general of the state may bring an action in the name of the state in the appropriate district court for a temporary restraining order to immediately abate or prevent such pollution. Such agency order or temporary restrain-

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ing order shall remain effective until notice, hearing and determination are effected pursuant to other provisions of law, or, in the interim, as otherwise ordered. Such agency order shall be appealable to the appropriate district court and the provisions of chapter 15 shall govern the procedure and scope of review on such appeal.

Sec. 22. **REPEALER.** Minnesota Statutes 1971, Sections 115.05, Subdivision 2; 115.07, Subdivisions 2, 4, and 6; 115.43, Subdivision 3; 115.45, Subdivision 2; 115.47; 115.81; 116.08; 116.30, and 116.31 are repealed.

Sec. 23. This act is effective the day following its final enactment.

Approved May 19, 1973.

CHAPTER 375—S.F.No.1147

[Coded]

An act relating to motor vehicles; registration and taxation; providing charges for filing applications; amending Minnesota Statutes 1971, Section 168.33, by adding a subdivision.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1971, Section 168.33, is amended by adding a subdivision to read:

Subd. 7. MOTOR VEHICLES; REGISTRATION FEE. The registrar shall charge and receive for each application presented through the United States mail or at a state office a filing fee of 50 cents. Such fee shall be in addition to all other statutory fees and taxes.

Approved May 19, 1973.

CHAPTER 376—S.F.No.1095

An act relating to the regulation of barbers in the state of Minnesota; amending Minnesota Statutes 1971, Sections 154.03; 154.16; 154.18; and 154.22.

Changes or additions indicated by underline, deletions by ~~strikeout~~.