

MINNESOTA MAJOR ENVIRONMENTAL
LAWS IN THE 1970's:
A SUMMARY FROM 1969 TO 1979

JOHN HELLAND
JANUARY, 1981

STATE OF MINNESOTA
HOUSE OF REPRESENTATIVES
RESEARCH DEPARTMENT
17 STATE CAPITOL
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INTRODUCTION

The following document contains a chronological summary of major Minnesota environmental laws enacted from 1969 to 1979. The document also includes the major energy laws passed in Minnesota during the 1970's. "Major" is used subjectively in the compilation, and the summaries do not include most environmental appropriation and game and fish laws. The majority of the laws included herein were controversial proposals and had many hearings.

There is a topical index on the following page which lists the laws by broad subject category, and shows the number of laws passed and where they are located in the document according to the year of passage. After each chapter number in the compilation, except for those that were not coded, is the Minnesota statutory reference in parenthesis.

The document was prepared as a reference guide for Minnesota legislators and interested parties in environmental law. The "environmental decade" for Minnesota law paralleled the federal direction in enacting a multitude of legislation. Environmental law is now institutionalized in Minnesota statutes and society. Recent environmental legislation is moving away from what kinds of new law should be passed to how we can make the recent laws enacted work better.

Questions concerning this document should be directed to John Helland, Legislative Analyst of the House of Representatives Research Department, 296-5039.

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1976 - Chapter 333
1977 - Chapter 381
1978 - Chapter 786
1979 - Chapter 2 (extra session)

Environmental Policy

1973 - Chapters 342, 412 and 558

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1973 - Chapters 351, 526, 591, and 752
1974 - Chapter 571
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1973 - Chapter 748
1977 - Chapter 268

Tax Policy

1971 - Chapter 794

Trespass

1978 - Chapter 794

1979 - Chapter 291

Water Appropriation

1973 - Chapters 211 and 315

MAJOR MINNESOTA ENVIRONMENTAL LAWS

FROM 1969 to 1979

1969

LAND USE

Chapter 590 (M.S.104.01)

The "Flood Plain Management Act" specifies the powers and duties of the Commissioner of Conservation (now Natural Resources) and local governments in flood plain management.

Chapter 695 (M.S.84.81)

Requires registration of snowmobiles owned by individuals, dealers or manufacturers. Grants the Commissioner of Conservation the power to regulate snowmobile use, design, traffic and information and educational programs.

Chapter 777 (M.S.105.485)

Regulates lake and stream shoreline use and development. Defines regulatory responsibilities of state agencies and local governments, and sets penalties for improper shoreline use.

SOLID WASTE

Chapter 847 (M.S. 473D.01)

Authorizes MPCA regulation of solid waste disposal sites and facilities in the metro area. Mandates a Metro Council plan for solid waste disposal and allows area counties to obtain, operate and/or regulate disposal sites and facilities.

WATER

Chapter 449 (M.S. 473C.01)

Establishes a sewer service board under the Metropolitan Council to advise the Council and to regulate the operations of interceptors and treatment plants. The board may impose penalties for violations of its rules, contract with governmental units for joint use of sewage facilities, and construct and/or operate its own facilities.

Chapter 825

The "Crystal Waters Act" makes public agencies or governmental units anticipating federal water pollution control grants eligible for a share of a \$1.5 million state fund to be administered by the MPCA.

Chapter 931 (M.S.115)

Requires anyone who discharges any substance that may cause water pollution to notify the MPCA immediately, and makes the discharge of any such substance illegal in the absence of disposal standards. Allows construction permits for buildings to be used by more than 12 people to be granted only if sewage from the structure will be discharged into an MPCA-approved sewer system.

1971

ENVIRONMENTAL RIGHTS

Chapter 952 (M.S.116B.01)

The "Minnesota Environmental Rights Act" allows anyone to file a class action suit for protection of the environment against a violator of pollution standards. Plaintiff has burden of proof; defendant must use more than economic considerations as a defense.

NOISE

Chapter 727 (M.S.116.06)

Authorizes the MPCA to regulate noise pollution. Allows local governments to set standards more stringent than the MPCA's for stationary noise sources.

PARKS

Chapter 852 (M.S.84B.01)

Authorizes the donation of state land to the U.S. government for the establishment of Voyageurs National Park - the first national park to be created in Minnesota.

Chapter 859 (M.S.85.015)

Establishes a number of state trails for the first time in state legislation, including the authorization of the Minnesota Valley trail, as part of an omnibus park lands acquisition law.

POLLUTION CONTROL

Chapter 887 (M.S.116.075)

Requires MPCA hearings to be open. Protects the confidentiality of information given to the MPCA by the owner or operator of a pollutant source if release of the information would jeopardize the competitive position of his/her business.

Chapter 904 (M.S.116.07)

Requires MPCA permits for the construction, operation or alteration of any type of pollution control or abatement facility. Gives MPCA access to permit holders' records to ensure enforcement.

TAX POLICY

Chapter 794 (M.S.272.02, 290.06)

Makes 10% of pollution control and abatement costs to feed lot operators tax deductible. Exempts land used for pollution control and abatement from taxation.

WATER

Chapter 828 (M.S.115.71)

Requires classification of water supply and wastewater treatment systems based on public health hazard, type and loading of plant and population served. Requires licensure of operators of these facilities.

Chapter 953 (M.S.116.16)

Establishes a \$34,750,000 state fund for grants and loans to municipalities for sewage treatment facilities. Authorizes the state to pay up to 25% of facilities' cost based on municipalities' financial and environmental need.

1973

ENVIRONMENTAL POLICY

Chapter 342 (M.S.116C.01)

Establishes the Environmental Quality Council to be made up of several state department heads and representatives of the governor's office and the Council's Citizens' Advisory Board. The Council will consider inter-departmental environmental quality issues, review proposed environmental legislation and, through its Advisory Board, gather public opinion on state environmental policy.

Chapter 412 (M.S.116D.01)

The "Minnesota Environmental Policy Act" establishes state policy for environmental protection, including the requirement of environmental impact statements for all actions significantly affecting the environment. Requires an annual report by the Governor on the state's environmental quality.

Chapter 558 (M.S.116E.01)

Establishes the Minnesota Environmental Education Council to implement a state environmental education plan for formal and informal education of state citizens. Regional environmental education councils in each state region are also created.

LAKES AND RIVERS

Chapter 246 (M.S.104.25)

Provides for the joint administration and preservation of the St. Croix River below Taylors Falls by Minnesota and Wisconsin. St. Croix becomes the state's first national wild and scenic river designation, which includes land acquisition, zoning ordinances and watercraft regulations by state units of government.

Chapter 271 (M.S.104.31)

The "Minnesota Wild and Scenic Rivers Act" directs the DNR to develop a management plan for rivers it classifies as "wild", "scenic" or "recreational", and to acquire or regulate adjacent land. Requires local governments to adopt protective ordinances if such a river passes through their boundaries.

Chapter 702 (M.S.378.31)

Empowers county boards to regulate surface use of recreational waters and levy the cost of lake improvement projects. Gives the counties the power of cities in building, regulating and financing sewage treatment.

LAND USE

Chapter 351 (M.S.104)

Gives flood plain management first priority among flood damage reduction practices. Directs the DNR to review local governments' flood emergency plans and establish plans at local governments' expense for those who fail to submit them. Requires local governments subject to recurrent flooding to participate in the national flood insurance program. (PL90-338).

Chapter 526 (M.S.93.46)

Directs the DNR to regulate mine waste disposal, mining areas and permits to mine. Allows mining permits to be issued only if the applicant has a plan for mine land reclamation, and allows the DNR to revoke a permit if land is not reclaimed.

Chapter 591 (M.S. 116C.51)

Appropriates \$500,000 to the Minnesota Environmental Quality Council to enable them to select power plant sites and transmission line corridors compatible with environmental preservation. Directs utilities to submit their projected power plant needs for the next several years.

Chapter 752 (M.S.116G.01)

The "Critical Areas Act" mandates the designation of areas of historical, natural, scientific or cultural interest threatened by urban or other development as critical areas. Directs the Environmental Quality Council to establish criteria and select the areas to be approved by the governor.

SOLID WASTE

Chapter 748 (M.S.116.F01)

Authorizes the MPCA to review product packaging. Establishes fees for use of sanitary landfills and incinerators without heat recovery features, and a state grant program for recycling.

WATER

Chapter 211 (M.S.105.44)

Authorizes DNR to charge fees for water appropriation permits to fund water use data collection. Also allows fees for underground gas and liquid storage to cover the cost of processing and inspection.

Chapter 315 (M.S.105.37)

Gives DNR regulatory authority over the appropriation of public waters. Places justification on permit applicant, allows DNR to require rehabilitation of misused waters, and specifies penalties for violations.

Chapter 374 (M.S.115, 116)

Redefines and expands PCA responsibilities for water pollution in response to federal legislation. Strengthens MPCA authority over potential pollution sources and specifies civil and criminal penalties. Requires MPCA to develop and implement a statewide water pollution control plan.

Chapter 423 (M.S.116.16)

Directs MPCA to establish sewage treatment grant guidelines and to allocate \$25,000,000 to municipalities, including Indian tribes and tribal organizations. Sets a state funding limit of 15% that may be expended for plant construction. Repeals the "Crystal Waters Act".

Chapter 479 (M.S.106.021)

Directs the DNR to more closely regulate all drainage projects. Halts drainage and channelization of public waters. Directs the DNR to regulate the sale of licenses for the passage of utilities over public lands and waters.

1974

ENDANGERED SPECIES

Chapter 465 (M.S.97.488)

Authorizes DNR to develop a management plan for animal species it deems endangered, following the example of the federal law protecting timber wolves. Allows emergency capture or destruction of endangered species when life or property is at stake.

ENERGY

Chapter 307 (M.S.116H.01)

Establishes the Minnesota Energy Agency and the Legislative Commission on Energy to review the activities of the Energy Agency and state energy policy. The Energy Agency will adopt regulations relating to the allocation of energy resources, certificates of need for major energy facilities, etc. It will analyze the state's energy needs, carry on conservation and education programs and recommend legislation. Directs other departments to find ways to reduce the state's energy consumption.

HAZARDOUS WASTE

Chapter 346 (M.S.116, 400, 473D)

Establishes a comprehensive program for the regulation of hazardous waste under the auspices of the MPCA. Allows non-metro counties and the Metro Council to regulate hazardous waste management.

LAND USE

Chapter 571 (M.S.394.22)

Broadens county land use planning authority. Stipulates structure and procedures of county planning authorities and makes technical changes in county zoning authority to include environmental elements.

PARKS

Chapter 563 (M.S.4736.01)

Establishes an Open Space Commission under the Metro Council to develop a long-range plan for metropolitan parks and to purchase recreational land at the Council's discretion. Requires metro area park boards to acquire land consistent with the commission's plan. Sets bonding limits.

PUBLIC WATER

Chapter 558 (M.S.105)

Directs DNR to assess the state's water resources and develop new rules for lake improvement projects. Mandates specific changes in water appropriation rules. Allows DNR to set fees for mining under public waters.

1975

ENERGY

Chapter 170 (M.S.116H)

Adds coal conversion plants to the list of large energy facilities and prohibits construction of any such facility without a certificate of need. Directs the Energy Agency to establish criteria for certificate of need.

PARKS

Chapter 353 (M.S.86A)

The "Outdoor Recreation Act" classifies many kinds of state owned recreational land and provides criteria for acquisition and management of each class. Requires the development of management plans for most classes and for new facilities. Sets procedures for reclassification and makes many minor changes in state recreational land management.

Chapter 415

Appropriates \$15 million for the acquisition of state recreational and wildlife lands and stipulates the division of the money among the many types of land. Appropriates \$20 million for metropolitan parks and authorizes the state to issue bonds for the amount.

1976

BWCA

Chapter 322 (M.S.84.23)

Prohibits mining and peat harvesting in the BWCA except with legislative approval. Appropriates money for mine land reclamation by the DNR.

ENERGY

Chapter 333 (M.S.116H)

Establishes an energy conservation information center and directs the Energy Agency to monitor energy research. Requires legislative reports on the energy use of some public buildings and certain types of heating and cooling equipment. Prohibits use of decorative gas lamps.

LAND USE

Chapter 167 (M.S.4.26)

Establishes a land use planning assistance program of funds to local units of government. Directs the State Planning Agency to administer the grant program.

PUBLIC WATERS

Chapter 83 (M.S. 97.481, 105, 106)

Revises classification and management procedures for public waters and sets up a state water bank project. Clarifies the role of county boards in considering drainage programs, limits certain kinds of drainage and clarifies wildlife land acquisition.

PCB's

Chapter 344 (M.S.116.36)

Requires a certificate of exemption from the PCA for most activities using PCB's. Stipulates a graded assessment scale for state expenses incurred in environmental impact studies. Requires disclosure on product labels of the presence of PCB's.

RESERVE MINING

Chapter 228

Authorizes the sale of state lands and county tax forfeited lands at the site chosen for the disposal of Reserve Mining Company's taconite tailings; thus facilitating land disposal of tailings instead of dumping into Lake Superior.

1977

DISEASED TREES

Chapter 90 (M.S. 18.023)

Appropriates \$27,525,000 for diseased tree removal, reforestation and research. Sets funding limits, eligibility and other rules to be used by the Department of Agriculture in administering this fund for local governments.

ENERGY

Chapter 381 (M.S.116H)

Extends the life of the Energy Agency and requires it to set energy efficiency standards for certain classes of buildings and products and to run a public education program on energy conservation and housing. Mandates a comprehensive legislative proposal on solar energy. Bans certain outdoor advertising energy use. Grants money to the University of Minnesota for diesel-alcohol fuel research.

Extends the building code statewide. Requires inspection of mobile home installation and changes building code enforcement rules.

PARKS

Chapter 421 (M.S.4.35)

Appropriates and authorizes bonding of \$61 million for acquisition and improvement of outdoor recreational facilities. Stipulates the portion of the appropriation to be used for each type of facility.

PLASTIC CONTAINERS

Chapter 268 (M.S.116F.21)

Prohibits retail sale of milk in non-returnable, non-refillable plastic containers, later overturned by Minnesota Supreme Court, and recently upheld by U.S. Supreme Court.

POWER LINES

Chapter 439 (M.S.116C)

Clarifies and enlarges the Environmental Quality Board's responsibility for power line routing. Requires some utilities to update their 5-year

plans every year and exempts others from submitting plans. Requires line routing and power plant siting procedures to be conducted by a hearing examiner. Eliminates the high voltage line corridor designation process.

RADIOACTIVE WASTE

Chapter 416 (M.S.116C.71)

Prohibits construction of permanent radioactive waste storage facilities without legislative approval. Prohibits permanent storage of radioactive wastes from other states and limits temporary storage of such waste. Sets penalties for violation.

WATER POLICY

Chapter 446 (M.S.105.401)

Creates a Water Planning Board composed of six state agency heads and appropriates money to several agencies. Requires municipalities to conserve water during shortages and gives the state emergency power to curtail certain water uses. Clarifies some water appropriation permit procedures.

1978

ENERGY

Chapter 786 (M.S.116H, 325.984, 500.30).

"The Omnibus Energy Bill of 1978" expands Energy Agency funding sources and directs it to design and enforce energy efficiency standards for residential and rental property by 1983. Requires sellers of such buildings to disclose energy efficiency ratings. Encourages maintenance of residential sun rights and allows solar easements. Gives Energy Agency regulatory

authority over insulation. Exempts certain alternative energy devices from inclusion in residential assessed valuation.

TRESPASS

Chapter 794 (M.S.100.273)

Stipulates the kinds of owner permission required for hunting and other recreational activities on non-recreational land. Limits hunting on public rights of way and near dwellings and livestock. Includes a summary of trespass laws in license information provided for hunters.

1979

ENERGY

Chapter 2 (M.S.116H)

"The Omnibus Energy Bill of 1979" adds energy shortages to the list of state emergencies, regulates nuclear accident evacuation planning and enlarges energy agency emergency and educational duties. Requires energy audits of state and university owned or heated buildings, and allocates \$10 million to local governments for audits. Prohibits zoning banning earth-sheltered dwellings and regulates discontinuance of district heating systems.

PARKS

Chapter 301

Allocates \$48,065,000 in bonding authority for state outdoor recreation purposes and \$25,000,000 for metropolitan parks. Revises state compensation to counties for tax lost through creation of parks. Establishes Tettegouche State Park and a citizens' advisory task force for the BWCA.

PUBLIC WATERS

Chapter 199 (M.S.105.37)

Redefines "public water" and adds wetlands to DNR's public waters jurisdiction. Relieves DNR of necessity to prove that a public water has a "beneficial public purpose". Provides a date certain - December 31, 1982 - to identify public waters throughout the state.

TRESPASS

Chapter 291 (M.S.100.273)

Redefines agricultural lands for purposes of requesting permission to enter and defines trespassing in hunting or snowmobiling.

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