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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3417

02/12/2024 Authored by Jordan; Hansen, R.; Pérez-Vega; Xiong and Lee, F., The bill was referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to solid waste; requiring waste composition studies; amending Minnesota
1.3 Statutes 2022, section 115A.5502; proposing coding for new law in Minnesota
1.4 Statutes, chapter 115A; repealing Minnesota Statutes 2022, section 115A.5501.

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

1.6 Section 1. [115A.412] WASTE COMPOSITION; INFORMATION REQUIRED.

1.7 Subdivision 1. Study required. (a) Every two years, beginning in ..., the commissioner
1.8 must direct the owners and operators at 20 percent of each of the following facility types
1.9 to perform a waste composition study:

1.10 (1) mixed municipal solid waste land disposal facilities;

1.11 (2) industrial solid waste land disposal facilities;

1.12 (3) demolition debris land disposal facilities;

1.13 (4) resource recovery facilities;

1.14 (5) transfer stations; and

1.15 (6) other facilities identified by the commissioner.

1.16 (b) The waste composition study must be performed at the sole expense of each owner
1.17 or operator as directed by the commissioner.

1.18 (c) When selecting facilities for waste composition studies, the commissioner must rotate
1.19 the participants so that, over time, the studies cover the entirety of the facilities identified
1.20 under paragraph (a). The commissioner must determine the time frame for each study in
1.21 the two-year cycle. The owner or operator of each selected facility must complete the study

2.1 within one year of being notified by the commissioner of selection to perform a waste  
 2.2 composition study.

2.3 Subd. 2. **Study requirements.** (a) The commissioner must:

2.4 (1) determine the sampling methods to be used and the categories of materials to be  
 2.5 sampled for waste composition studies; and

2.6 (2) provide the sampling methods and any additional requirements identified by the  
 2.7 commissioner to each owner or operator directed to perform a study.

2.8 (b) The sampling methods must include the number of samples to be taken, the size or  
 2.9 weight of each sample, the duration of a sampling event, the sampling interval, and any  
 2.10 additional methods identified by the commissioner. The categories of materials to be sampled  
 2.11 must include categories and subcategories identified by the commissioner to represent the  
 2.12 materials present at each facility.

2.13 Subd. 3. **Report.** Within six months after completing a waste composition study required  
 2.14 under this section, the owner or operator of a facility must submit the raw data and results  
 2.15 of the study to the commissioner in a form and manner prescribed by the commissioner.

2.16 Subd. 4. **Compilation.** After each two-year cycle, the commissioner must compile and  
 2.17 summarize the waste composition data received under subdivision 3. The commissioner  
 2.18 must make the summary information available to the public.

2.19 Subd. 5. **Additional studies; information.** (a) The commissioner may conduct additional  
 2.20 waste composition studies at facilities described in subdivision 1.

2.21 (b) Upon request of the commissioner for purposes of determining compliance with this  
 2.22 section, a person must furnish to the commissioner any information that the person has or  
 2.23 may reasonably obtain.

2.24 (c) The owner or operator of a facility shall allow access upon reasonable notice to  
 2.25 authorized agency staff for the purpose of conducting waste composition studies.

2.26 Sec. 2. Minnesota Statutes 2022, section 115A.5502, is amended to read:

2.27 **115A.5502 PACKAGING PRACTICES; PREFERENCES; GOALS.**

2.28 Packaging forms a substantial portion of solid waste and contributes to environmental  
 2.29 degradation and the costs of managing solid waste. It is imperative to reduce the amount  
 2.30 and toxicity of packaging that must be managed as solid waste. In order to achieve significant  
 2.31 reduction of packaging in solid waste ~~and to assist packagers and others to meet the packaging~~  
 2.32 ~~reduction goal in section 115A.5501~~, the goal of the state is that items be distributed without

3.1 any packaging where feasible and, only when necessary to protect health and safety or  
3.2 product integrity, with the minimal amount of packaging possible. The following categories  
3.3 of packaging are listed in order of preference for use by all persons who find it necessary  
3.4 to package items for distribution or use in the state:

3.5 (1) minimal packaging that contains no intentionally introduced toxic materials and that  
3.6 is designed to be and actually is reused for its original purpose at least five times;

3.7 (2) minimal packaging that contains no intentionally introduced toxic materials and  
3.8 consists of a significant percentage of postconsumer material;

3.9 (3) minimal packaging that contains no intentionally introduced toxic materials, that is  
3.10 recyclable, and is regularly collected through recycling collection programs available to at  
3.11 least 75 percent of the residents of the state;

3.12 (4) minimal packaging that does not comply with clause (1), (2), or (3) because it is  
3.13 required under federal or state law and for which there does not exist a commercially feasible  
3.14 alternative that does comply with clause (1), (2), or (3);

3.15 (5) packaging that contains no intentionally introduced toxic materials but does not  
3.16 comply with clauses (1) to (4); and

3.17 (6) all other packaging.

3.18 Sec. 3. **REPEALER.**

3.19 Minnesota Statutes 2022, section 115A.5501, is repealed.

**115A.5501 REDUCING PACKAGING IN WASTE.**

Subdivision 1. **Statewide reduction goal.** It is the goal of the state that there be a minimum 25 percent statewide per capita reduction in the amount of discarded packaging delivered to facilities by December 31, 1995, based on a reasonable estimate of the amount of packaging that was delivered to facilities in calendar year 1992.

Subd. 2. **Measurement; procedures.** (a) To measure the overall percentage of packaging in the statewide solid waste stream, the commissioner shall conduct annual solid waste composition studies in the nonmetropolitan and metropolitan areas or shall develop an alternative method that is as statistically reliable as a waste composition study to measure the percentage of packaging in the waste stream.

(b) The commissioner shall average the nonmetropolitan and metropolitan results and submit the statewide percentage, along with a statistically reliable margin of error, to the senate and house of representatives committees having jurisdiction over environment and natural resources and environment and natural resources finance by July 1 of each year. The 1994 report must include a discussion of the reliability of data gathered under this subdivision and the methodology used to determine a statistically reliable margin of error.

Subd. 3. **Access; waste composition studies.** The owner or operator of a facility shall allow access upon reasonable notice to authorized agency staff for the purpose of conducting waste composition studies or otherwise assessing the amount of total packaging in the waste delivered to the facility under this section.

Subd. 4. **Report.** The commissioner shall apply the statewide percentage determined under subdivision 2 to the aggregate amount of solid waste determined under subdivision 3 to determine the amount of packaging in the waste stream. By July 1, 1996, the commissioner shall submit to the Legislative Commission on Waste Management an analysis of the extent to which the waste packaging reduction goal in subdivision 1 has been met. In determining whether the goal has been met, the margin of error must be applied in favor of meeting the goal. The commissioner shall use the statistical mean for the data collected in determining whether the goal has been met and shall include in the analysis a discussion of the margin of error and statistical reliability for the data collected.

Subd. 5. **Recommendations for further reduction goals.** If the goal in subdivision 1 is met, the commissioner shall include in the report required in subdivision 4 recommendations for appropriate goals for further reducing the amount of discarded packaging delivered to facilities. The report must include an analysis of the costs of further reductions.

Subd. 6. **Definition.** For the purposes of this section, "facility" means a composting, incineration, refuse-derived fuel, or disposal facility that accepts mixed municipal solid waste or construction waste.