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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 2802

February 12, 2008

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The bill was read for the first time and referred to the Committee on Agriculture, Rural Economies and Veterans Affairs

1.1 A bill for an act
1.2 relating to solid waste; prohibiting open burning of solid waste; amending
1.3 Minnesota Statutes 2006, sections 17.135; 88.171, subdivision 4.

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

1.5 Section 1. Minnesota Statutes 2006, section 17.135, is amended to read:

1.6 **17.135 FARM DISPOSAL OF SOLID WASTE.**

1.7 Subdivision 1. Exemption. (a) A permit is not required from a state agency, except
1.8 under sections 88.16, 88.17, and 88.22 for a person who owns or operates land used for
1.9 farming that buries, or burns and buries, solid waste generated from the person's household
1.10 or as part of the person's farming operation if the burying is done in a nuisance-free,
1.11 pollution-free, and aesthetic manner on the land used for farming. This exception does
1.12 not apply if regularly scheduled pickup of solid waste is reasonably available at the
1.13 person's farm, as determined by resolution of the county board of the county where the
1.14 person's farm is located.

1.15 (b) This exemption does not apply to burning tires or plastics, except plastic baling
1.16 twine, or to burning or burial of the following materials:

1.17 (1) household hazardous waste as defined in section 115A.96, subdivision 1;

1.18 (2) appliances, including but not limited to, major appliances as defined in section
1.19 115A.03, subdivision 17a;

1.20 (3) household batteries;

1.21 (4) used motor oil; and

1.22 (5) lead acid batteries from motor vehicles.

1.23 Subd. 2. Expiration. This section expires January 1, 2010.

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

2.2 Sec. 2. Minnesota Statutes 2006, section 88.171, subdivision 4, is amended to read:

2.3 Subd. 4. **Industrial Solid waste.** (a) No person shall conduct, cause, or permit
2.4 open burning of solid waste generated from a household, an industrial or manufacturing
2.5 process, or ~~from~~ a service or commercial structure.

2.6 (b) The commissioner may allow open burning of raw untreated wood if the
2.7 commissioner determines that reuse, recycling, or land disposal is not a feasible or prudent
2.8 alternative.

2.9 **EFFECTIVE DATE.** This section is effective January 1, 2010.