

1.1 A bill for an act

1.2 relating to environment; prohibiting siting of land disposal facilities in certain
1.3 areas; proposing coding for new law in Minnesota Statutes, chapter 115A.

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

1.5 Section 1. [115A.9175] LANDFILL; SITING.

1.6 (a) An applicant for a permit for a solid waste land disposal facility (1) that was
1.7 not in operation prior to March 1, 2008, and (2) at which solid waste, industrial waste,
1.8 hazardous waste, or ash are proposed to be accepted for disposal must submit as part of
1.9 the application the results of an independent laboratory analysis for major cations and
1.10 anions and for tritium in water samples taken from an upgradient and downgradient well
1.11 finished in the uppermost unconsolidated aquifer encountered, and an upgradient and
1.12 downgradient well finished in the uppermost bedrock aquifer at the site. If 150 feet of
1.13 continuous nonaquifer material is encountered above the bedrock, testing of bedrock wells
1.14 is not required. If no unconsolidated or bedrock aquifers are found within the first 150 feet
1.15 at the site, no cation, anion, or tritium testing is required.

1.16 (b) The commissioner may not issue a solid waste land disposal facility permit to an
1.17 applicant whose test results for tritium required in paragraph (a) report concentrations of
1.18 five tritium units or greater in any well tested, except as provided in paragraph (c).

1.19 (c) If test results report concentrations of five tritium units or greater for any well,
1.20 an applicant may present to the commissioner reasons, and supporting documentation,
1.21 why the tritium test results may not indicate that the site is highly sensitive to groundwater
1.22 contamination at the site. If the commissioner determines that the applicant's reasons
1.23 and supporting documentation are scientifically valid, the commissioner shall specify
1.24 additional testing of groundwater samples from the site that will allow a better estimate to

H.F. No. 3997, 1st Engrossment - 2007-2008th Legislative Session (2007-2008)

2.1 be made of the sensitivity of groundwater contamination at the site. If, after reviewing
2.2 the additional data, the commissioner determines that the conclusion that the site is not
2.3 highly sensitive to groundwater contamination is supported by a preponderance of the
2.4 scientifically valid evidence available, the commissioner may issue the permit.

2.5 For the purposes of this section, "highly sensitive to groundwater contamination"
2.6 means that the travel time of water from the land surface to the water table or bedrock is
2.7 less than 20 years.

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