



## 2010 Legislative Session Review

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### Chapter 189 (HF2700) Omnibus Capital Investment Bill

Link to legislation: <https://www.revisor.mn.gov/bin/bldbill.php?bill=H2700.4.html&session=ls86>

#### Bonding - Closed Landfill Program and Capital Assistance Program (CAP)

- \$8.7 million for the Closed Landfill Program for ongoing construction and closure activities.
- \$5.075 million in CAP grant to develop a pre-sort system that will reduce emissions and capture discarded recyclables at the Perham Waste to Energy facility.

### Chapter 215 (HF1671) Omnibus Supplemental Budget Bill

Link to legislation: <https://www.revisor.mn.gov/bin/bldbill.php?bill=H1671.5.html&session=ls86>

### Chapter TBD (HF1) Supplemental Budget Bill – Special Session

*NOTE: This bill has not yet been signed into law.*

Link:

[https://www.revisor.mn.gov/bin/bldbill.php?bill=H0001.1.html&session\\_year=2010&session\\_number=1](https://www.revisor.mn.gov/bin/bldbill.php?bill=H0001.1.html&session_year=2010&session_number=1)

#### Budget

- The 2010 Supplemental Budget bill passed in April made a 6 percent cut to the MPCA, which equals \$2.3 million in FY10-11 and \$2.38 million in FY12-13. All reductions were from the general and special revenue fund. There were no reductions to the environmental fund.
- The budget bill passed during the one-day special session made an additional cut to the agency, equaling \$110,000 in FY10 and \$99,000 in each of FY11, FY12 and FY13. These cuts basically ratify the unallotments made by the Governor last year. The cuts include \$98,000 in FY10 and \$38,000 in FY11 from the agency's activities to develop minimal impact design standards for urban stormwater runoff; \$30,000 in FY11 for environmental health tracking and biomonitoring activities; \$16,000 in FY11 for environmental assistance and cross media; and \$12,000 in FY10 and \$15,000 in FY11 for administrative support.
- The two budget bills combined transferred \$48 million from the Closed Landfill Investment Fund for long-term care of closed landfills to the general fund. There is language in statute to transfer \$12 million in FY14, FY15, FY16 and FY17 to pay back the fund.
- State agencies will also face a yet to be defined share of a \$3 million cut to state government.
- At the conclusion of the 2010 legislative session, the projected state budget deficit for FY12-13 is \$5.8 billion.

## Chapter 361 (SF3275) Omnibus Environment & Natural Resources Bill

Link to legislation: <https://www.revisor.mn.gov/bin/bldbill.php?bill=SF3275.4.html&session=ls86>

This legislation made changes to a number of MPCA programs and activities:

### Clean Water Fund – Additional Appropriations for Water Quality:

- Up to \$145,000 in FY11 for continued research and development of best management practices on cleaning up coal tar contamination.
- \$600,000 in FY11 to continue rulemaking to establish water quality standards for total nitrogen and nitrate nitrogen, and available through FY12.
- An additional \$200,000 for a restoration project in the lower St. Louis River and Duluth Harbor to improve water quality.

### FASIT – New Landfill Siting and Financial Assurance

- Clarifies new landfill siting and financial assurance rules apply to landfills permitted after January 1, 2011.
- New rules will prohibit landfills where karst is likely to develop and establish criteria for siting landfills based on site sensitivity to groundwater contamination, which is based on predicted minimum travel time of groundwater contaminants from solid waste to compliance boundary.
- Modifies rules to maintain financial assurance as long as the facility poses a potential environmental risk to human health, wildlife or the environment as determined by an empirical assessment.
- Requires consultation with Minnesota Management and Budget on appropriate forms of financial assurance; and creates a review team to provide input on adequacy of existing rules to address environmental risks, reliability, role of private insurance, and length of time needed based on threat to human health and the environment.

### Permit/Environmental Review – Streamlining the Process:

- Sets in law a requirement to avoid duplication and ensure coordination, to the extent practicable, between state and federal permitting and between environmental review and permitting;
- Requires periodic review of mandatory EAWs and other project types to develop customized forms for the category, including public input on form development and making those forms available online.
- Allows for electronic submission for EAWs and permits, which includes through FTP or email.

### SSTS – Local Ordinance Delay:

- Requires MPCA to adopt rule revisions by April 4, 2011; and counties to adopt local ordinances by February 4, 2012.
- Creates an implementation and enforcement task force designed to reduce the number of SSTS that are an imminent public health threat and enforce all rules related to SSTS.
- Requires MPCA to work in consultation with the Attorney General and County Attorneys on developing and updating enforcement protocols and checklists that can be used in the field when inspecting systems and enforcing rules.
- Requires a progress report to the Minnesota Legislature in January 2011 on rulemaking, local ordinance adoption, and protection of state's water resources from pollution due to SSTS.

## **Chapter 213 (HF3027) Mercury Testing for Incinerator Units**

Link to Legislation: <https://www.revisor.mn.gov/laws/?id=213&year=2010&type=0>

- Allows for less frequent stack testing for mercury at a new unit constructed at a facility that has previously met its emissions limits provided that the new unit demonstrates that mercury emissions have been below 50 percent of the new unit's permitted mercury limit for one year.

## **Chapter 272 (HF3061) Minnesota's Waste Management Hierarchy Amended**

Link to Legislation: <https://www.revisor.mn.gov/laws/?id=213&year=2010&type=0>

- Amends hierarchy definition to add "source-separated materials including but not limited to" the composting of yard waste and food waste.

## **Chapter 258 (SF2152) Lead Acid Battery Recycling, Purchase, Return & Collection**

Link to Legislation: <https://www.revisor.mn.gov/bin/bldbill.php?bill=S2152.1.html&session=ls86>

- Increases the surcharge on the sale of lead acid batteries from \$5 to \$10, and modifies language used on notices regarding the new surcharge.

## **Chapter 325 (SF3080) Modifying Programs for Reducing Emissions at Electric Generating Plants**

Link to legislation: <https://www.revisor.mn.gov/bin/bldbill.php?bill=S2152.0.html&session=ls86>

- Provides Minnesota Power a four-year extension on an upgrade one of its facilities. MPCA will review an annual report that contains mercury reduction plans for units at the facility, assessment of federal laws regulating various pollutants emitted by coal-fired power plants, and the potential utility responses to those laws until Minnesota Power files its mercury reduction emission plan.

## **TBD (SF3046) Providing for Large Solar Energy Electric Generation Demonstration Conservation Improvement Project**

Link to legislation: <https://www.revisor.mn.gov/bin/bldbill.php?bill=S3046.2.html&session=ls86>

- Allows Dairyland Power, which is establishing a solar array at Olmsted County Closed Landfill, to pay a higher amount for electricity generated by the solar project using their conservation improvement dollars. Legislation helps both the solar developer and the utility in that it will help reduce the amount of grants and loans needed to construct the project and provide a substantial amount of renewable energy product to count toward the utility's next gen requirement.