



# Minnesota Pollution Control Agency

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December 1, 2010

The Honorable Tim Pawlenty  
Governor, State of Minnesota

The Honorable Don Betzold, Chair  
Legislative Coordinating Commission

The Honorable Satveer Chaudhary, Chair  
Senate Environment and Natural Resources  
Committee

The Honorable Ellen Anderson, Chair  
Senate Environment, Energy and Natural  
Resources Budget Division

The Honorable Kent Eken, Chair  
House Environment, Policy and Oversight  
Committee

The Honorable Jean Wagenius, Chair  
House Environment and Natural Resources  
Finance Committee

Ms. Michele Timmons  
Revisor of Statutes

RE: Annual Report on Obsolete, Unnecessary, or Duplicative Rules, as Required by  
Minn. Stat. § 14.05, subd. 5

Minn. Stat. § 14.05, subd. 5, states:

“By December 1 of each year, an agency must submit to the governor, the legislative coordinating commission, the policy and funding committees and divisions with jurisdiction over the agency, and the revisor of statutes, a list of any rules or portions of rules that are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules. By December 1, the agency must either report a timetable for repeal of the rule or portion of the rule, or must develop a bill for submission to the appropriate policy committee to repeal the obsolete, unnecessary, or duplicative rule. Such a bill must include proposed authorization to use the expedited procedures of section 14.389 to repeal or amend the obsolete, unnecessary, or duplicative rule. A report submitted under this subdivision must be signed by the person in the agency who is responsible for identifying and initiating repeal of obsolete rules. The report also must identify the status of any rules identified in the prior year’s report as obsolete, unnecessary, or duplicative. If none of an agency’s rules are obsolete, unnecessary, or duplicative, an agency’s December 1 report must state that conclusion.”

The Minnesota Pollution Control Agency (MPCA) has reviewed and determined that we have no new obsolete rules at this time for inclusion in this report.

**Status of obsolete rules identified in the MPCA's 2009 Obsolete Rules Report:**

**Minn. R. ch. 7011 – Standards for Stationary Sources**

1. Minn. R. 7011.7930 – Brick and Structural Clay Products Manufacturing

This standard is a federal standard promulgated by U.S. Environmental Protection Agency (EPA) that was incorporated by reference into Minnesota's rules a few years ago. The federal standard has since been vacated by the U.S. District Court of Appeals, and EPA has announced that it will either delist the sources from regulation, or will repropose a different standard. Because this standard no longer exists at the federal level, the state rule incorporating the standard is obsolete.

**Minn. R. ch. 7041 – Sewage Sludge Management Basic Provisions**

1. Minn. R. 7041.0500, subp. 5 – Land application approvals; subpart 6 – Treatment works not regulated under chapter 7040 before its repeal; and subpart 7 – Compliance with change of management practices.

These subparts are obsolete because they address conditions of transition from the repealed rules found in Minn. R. ch. 7040 to the new codification in Minn. R. ch. 7041. Minn. R. ch. 7040 was repealed around 1997.

The MPCA is planning to repeal these two rules in 2011 using the expedited process prescribed in Minn. Stat. § 14.3895, Process for Repealing Obsolete Rules.

**Cost of preparing this report:** In compliance with Minn. Stat. § 3.197, the cost of preparing this report is as follows:

Staff cost: \$76.00 (Includes time for one support staff and one technical staff).  
Printing cost in-house: \$32.50 (Approximately 50 copies and includes administrative support staff time to make copies).

If you have any questions regarding this report, please contact me at 651-757-2241.

Sincerely,



Jodi Boyne  
Public Affairs Director

JB/NC:km