

The Minnesota Pollution Control Agency Policy Bill proposes modifications to numerous legislative reports, the repeal of obsolete rules and small policy changes/corrections.

## **Legislative reports**

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### **Surface and Groundwater Monitoring and Management Efforts Report** (Section 1 & 2)

This report is currently required every two years (Minn. Stat. sections 103H.175 and 103A.43) and the proposal is to change the frequency to every five years to coincide with required Environmental Quality Board reports. Surface and groundwater trends do not typically change over short periods of time, thus frequent reporting is not effective or useful. Also, the five-year cycle would tie monitoring results to planning and management efforts via the state water plan. Other affected agencies have been consulted and support the change.

### **Citizen Monitoring of Surface Water Report** (Section 3)

This report is currently required every two years (Minn. Stat. 115.06, subd. 4) and the proposal is to change the frequency to every four years. Two years does not provide time for meaningful changes and progress from one report to the next. A four-year cycle would put it on a more meaningful and useful schedule.

### **Long-Range Plans Relative to Air, Land and Water Pollution Report** (Sections 4 & 18)

The proposal is to eliminate these repetitive reports (Minn. Stat. 116.10 and 115.42) that feature the agency Strategic Plan. The Strategic Plan is updated every five years and located on our website.

### **Solid Waste Reports** (Sections 5, 7, 9, 11, 15, 23-25)

Together, the Waste Management Act (115A) and the Pollution Prevention Act (115D) require two to three reports annually, resubmitted at one to two year increments. The proposal is to collapse these requirements down to two reports one focused on solid waste issues and one focused on toxic waste and pollution prevention issues. Each report would be submitted on a staggered four year term so that one of the two reports is submitted every two years. This staggered term would allow the agency to focus on one major report every two years and allow time between reports to focus efforts on research and implementation efforts. The reports affected include: Metropolitan Landfill Abatement Fund Report, SCORE Report, E-Waste Report, Solid Waste Policy Report, Toxic Pollution Prevention Evaluation Report, Toxics in Packaging, and Waste Management Act Biennial Report. The proposal includes a change of the due date for the annual Metropolitan Landfill Contingency Action Trust Report to December 31<sup>st</sup>.

### **Resource Recovery Report** (Section 6)

The proposal is to eliminate MPCA and DOC reports to the Department of Administration for their resource recovery report to the legislature. Similar information is shared with all agencies as part of the Interagency Pollution Prevention Advisory Team (IPPAT) and executive order on state agencies' sustainability plans. Department of Commerce and Administration are fine with the proposal.

### **SCORE Report** (Sections 8, 10, 12 & 13)

The Select Committee on Recycling and the Environment (SCORE) is a pass-through grant program established by the Legislature in 1989 to ensure recycling of Minnesota's waste and offer more recycling opportunities in the state.

During the 2009 regular session (Chapter 37, section 62) the MPCA was tasked with abbreviating the scope of the SCORE report requirements. Specifically the agency, in partnership with other organizations, was asked to find ways to reduce the data collection burden on counties, ensure that estimation methods are consistent across counties and ensure the data reported are accurate and useful for policy makers.

In order to reduce the burden on counties, while ensuring the collection of accurate and useful data, the proposal shifts the reporting requirements to waste haulers. Haulers know how much waste is being collected and where it is being taken. Instead of reporting this information to the counties, who, in turn, report it to the MPCA, haulers will send the information directly to the agency. To ensure consistency in estimations methods, the MPCA proposes eliminating estimates and reporting documented tonnages whenever possible. This also includes removing the source reduction and yard waste credits which create a false impression of the actual recycling rates.

These changes would result in more accurate reports which will be beneficial for policy decisions. In addition, local units of government will spend fewer resources attempting to gather information and haulers will only need to report to the agency instead of 87 different counties throughout the state.

The affected reports include: Metropolitan Landfill Abatement fund report, SCORE Report, E-Waste Report, Solid Waste Policy Report, Toxic Pollution Prevention Evaluation Report, Toxics in Packaging and Waste Management Act Biennial Report. The proposal also includes a change of due date for the annual Metropolitan Landfill Contingency Action Trust Report to December 31.

#### **Toxic Pollution Prevention Plans (Section 14)**

This proposal is to codify an executive order originally approved by Governor Carlson in the mid-1990s to change the agency that received pollution prevention progress reports from the MPCA to the Department of Public Safety (DPS). The progress reports essentially became part of the toxic release reports already being submitted to DPS. Subsequent Governors have renewed the executive order. DPS supports the change.

#### **Annual Pollution Report (Section 16)**

The proposal is to change the frequency from annual to biennial to allow the MPCA to better integrate data sources and avoid repeating the same information in successive years since some data is only updated biennially or even every five years. In addition, year to year comparisons are not always reliable given that emissions inventory methodologies are evolving. Reducing the frequency of the report would not reduce the transparency or value of the information reported in identifying changes over time.

#### **Activities of the Midwest Interstate Low Level Radioactive Waste Compact Commission Report (Section 19)**

Due to lack of change in this area and the continued availability of disposal, storage and processing capacity for Minnesota generators, the proposal is to alter the frequency of this report from every two years to every four years. Should the Midwest Compact call for a change in direction or should capacity be an issue, the MPCA would prepare an interim report to inform the legislature.

#### **Greenhouse Gas (GHG) Legislative Proposal Report (Sections 21, 22 & 25)**

Currently the MPCA and the Department of Commerce are required to submit two reports, the GHG Legislation Proposal Report (Minn. Stat. 216H.07) and the GHG Progress Report (Minn. Stat. 216H.07, subd. 3). The progress report is due every two years and the proposal report is due annually. The proposal report is submitted each year and is combined with the progress report in the odd years. The proposal is to eliminate the requirement to submit the annual report and instead submit the combined report every two years. This integration will allow the legislative proposal report to be more closely tied to review of reductions achieved.

#### **Annual Tracking Report for New Wastewater Facilities (Section 25)**

The proposal is to eliminate preparation of this report, which contains data tracked and managed through other reports.

### **Obsolete rules repealed**

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#### **Newly permitted facilities (M.R. 7002.0025, subp. 2a)**

With the implementation of new application fee rules, this rule part is rendered obsolete.

#### **Brick and structural clay products (M.R. 7011.7030)**

This rule is based on a federal standard that has since been vacated by the US District Court of Appeals. Because this standard no longer exists at the federal level, the state rule incorporating the standard is obsolete.

**Land application approvals** (M.R. 7041.0500, subp. 5)

**Treatment works not regulated under chapter 7040 before its repeal** (M.R. 7041.0500, subp. 6)

**Compliance with change of management practices** (M.R. 7041.0500, subp. 7)

Minnesota Rules on Sewage Sludge Management (ch. 7040) were repealed in 1997 and replaced by Minnesota Rules on Sewage Sludge Management (ch. 7041). The three subparts listed here were a transition from the old rule to the new rule. The transition is long since complete making these subparts obsolete.

**Acid deposition control** (M.R. 7021)

**Offsets** (M.R. 7021.0010, subp. 3)

**Acid Deposition Control Requirements in Minnesota** (M.R. 7021.0050)

**Emission limitations** (M.R. 7021.0050, subp. 1)

**Offsets required** (M.R. 7021.0050, subp. 2)

**Transfer requiring reduced emissions** (M.R. 7021.0050, subp. 3)

The federal acid rain program superseded Minnesota's state acid deposition control program when the Clean Air Act Amendments (CAAA) of 1990 were passed. The federal program has proven to be an effective, low cost method for resolving acid deposition problems in Minnesota. As a result, the MPCA has determined that these rule parts are no longer needed and should be repealed.

## **Policy changes and corrections**

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**Extension of open air swine basin prohibition** (Section 17)

State law prohibits the MPCA or a county board from permitting the construction of any new open air swine basins, except in limited cases. The current prohibition expires June 30, 2012. In the past, the prohibition sunset has been renewed. The MPCA is proposing extending it another five years.

**Biobutanol facility environmental review** (Section 20)

This proposal is to correct two errors where biobutanol facilities were left out of the final language regarding environmental review requirements for ethanol and biobutanol facilities.