

# 2012 Legislative Session Review



**Minnesota Pollution  
Control Agency**



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## Environmental Permitting and Environmental Review Efficiency Bill II

(SF1567\*/HF2095)

**Summary & History:** The bill started out as the Chamber of Commerce's permitting and environmental review efficiency bill. A number of provisions were added along the way (e.g. MPCA/DNR's pilot program for alternative environmental review). Highlights of the final bill include:

- Starts the clock on the 150 day permit issuance goal when an application is first submitted to MPCA without considering if the application contains the necessary information needed for us to start our work. It removes the responsibility/role a project proposer has in the timely issuance of a permit, which is providing a complete application. It repeals the 150 day goal language in last year's HF1/SF42.
- Allows the project proposer to employ a permit professional (licensed permit writer with 10 years of experience) to use a slightly different permitting process. As an example, the permit professional could attend a pre-application meeting to ensure that their application is reviewed within seven days instead of the standard 30.
- Removes any requirement for a state permit for a manure digester and its associated electric generator. This does not affect federal air regulations and permits that an operator of such equipment may still be subject to depending on the specifics of the project.
- Increases the duration of a state feedlot permit from five to ten years. The federal permit remains a five year duration.
- Requires, every five years, a review of the mandatory environmental assessment worksheet (EAW) and environmental impact statement (EIS) categories and a report to the Legislature.
- Allows consolidated hearings when an EIS is prepared for a project that requires multiple permits from multiple agencies if approved by the proposer and agencies.
- Creates an alternative environmental review pilot program for three projects that meet certain qualifications limiting their potential environmental impact (e.g. no discharge of water, does not burn solid waste or hazardous materials). The pilot program includes streamlining the environmental review process, while protecting public input and review of potential environmental impacts. A report on the outcomes of the pilot program is due to the Legislature in 2016.

The two largest items of concern for the Agency were changing how the 150 day permit issuance goal is calculated and various provisions in the proposed permit professional designation. During the legislative process the issues with the permit professional process were worked out.

**Status:** Signed into law on April 2, 2012, [Chapter 150](#)

**Effective Date:** April 3, 2012 (Art. 1, Sec. 4, Art. 2, Sec. 4); July 1, 2012 (Art. 1, Sec. 1-3, 5-8, Art. 2, Sec. 1-3)

## **Bills & Provisions Contained in [\(SF1567/HF2095\)](#)**

**Bill Name & Numbers:** Cellulosic Biofuel Facilities Environmental Review Requirements Modifications [\(SF1486/HF2092\)](#)

**Summary & History:** Expands current law (mandatory EIS cannot be required of an ethanol plant located outside of the 7-county metro area that produces less than 125 million gallons of ethanol) to other biofuels such as biobutanol and cellulosic biofuels. Also, it changes the definition of cellulosic biofuels to

include those made from wood feedstock. SF1486 did not include the provision for biobutanol, but the language was expanded in SF1567.

**Effective Date:** July 1, 2012

### **Legacy Finance Bill (SF2493\*/HF2430)**

**Summary & History:** The Omnibus Legacy Finance Bill includes clean water, parks and trails, outdoor heritage, and environment and natural resources trust fund appropriations. Of most interest to the MPCA are the Clean Water Fund (CWF) appropriations and various small policy/finance provisions, including:

- \$1.8 million from the CWF and another \$2 million from the Environment and Natural Resources Trust Fund to the University of Minnesota for an aquatic invasive species (AIS) research center.
- \$4.2 million from the CWF for BWSR grants for resource protection and enhancement, state oversight and accountability, technical assistance for conservation drainage, and conservation easements on wellhead protection areas projects.
- Allows the MPCA to reimburse legislative members on the Clean Water Council for expenses.
- Expands the number of projects eligible for grants to ethanol plants for the beneficial use of stormwater or wastewater by removing the “greater than 300,000 gallons per day” requirement.
- \$35,000 from the Arts and Cultural Heritage Fund for publicly searchable website of historical rulemaking.

The original changes to the beneficial use of stormwater and wastewater grants were much more extensive and sent the funds to a specific project. Discussions with interested parties resulted in language that preserves the need for a public partner, significant financial match, and competitive grant process.

**Status:** Signed into law on May 1, 2012, [Chapter 264](#)

**Effective Date:** Various

### **Omnibus Environment and Natural Resources Policy Bill (SF1830/HF2164\*)**

**Summary & History:** The legislation contained various environment and natural resources policy provisions, including those recommended by the DNR, MPCA, and BWSR as part of their agency bills. Below is a list of various amendments added during the committee process and floor debate of interest to the MPCA, followed by individual bills rolled into the omnibus policy bill.

- Requires a report on MPCA’s efforts to enforce the state law requiring metro solid waste to fill the area’s processing (waste-to-energy facilities) capacity before any can be landfilled (thus reducing landfilling and encouraging resource recovery). It also prevents MPCA from requiring compliance with the existing metro waste processing law before February 15, 2013. MPCA opposed the provision as it will result in additional tons of trash unnecessarily being landfilled in the meantime.
- Allows beneficial use grants awarded last biennium from the CWF to be altered so the reuse of stormwater or wastewater can replace the use of surface water (new allowance) in addition to groundwater (already allowed).
- Requires a report on the MPCA Citizens’ Board’s role in making final decisions on permits, EAWs and EISs and contrasting it against all decisions being made by the MPCA Commissioner without Board involvement.

- Allows the public comment period for an EAW to start after a notice is published in local newspaper(s) or on the Internet. Current law requires it to be published in the Environmental Quality Board Monitor before the public comment period can start.

**Status:** Signed into law May 3, 2012, [Chapter 272](#)

**Effective Date:** Various

## **Bills & Provisions Contained in ([SF1830](#)/[HF2164](#))**

**Bill Name & Numbers:** MPCA Policy Bill ([SF1830](#)/[HF2164](#)\*)

**Summary & History:** The bill contained a number of different MPCA proposed provisions. It extends the expiring prohibition on open air swine basins until June 2017; reduces Agency resources committed to mandated legislative reports, by consolidating, eliminating and reducing the frequency of various reports; and repeals a number of obsolete rules.

The bill originally proposed statutory changes to the SCORE reports counties file on their solid waste and recycling programs to streamline the process and facilitate a move towards actual numbers to improve the quality of data used for policy decisions. Only the elimination of automatic credits counties receive for having a solid waste reduction and/or yard waste management program(s) when calculating their recycling rate was enacted. The proposed changes shifting data collection from counties to entities that actually handle the materials were successfully opposed by waste haulers.

**Effective Date:** July 1, 2012

**Bill Name & Numbers:** Alternative Local Standards (ALS) for Septic Systems ([SF2260](#)/[HF2634](#))

**Summary & History:** The provision allows counties to adopt ALSs for septic systems in shoreland areas (currently allowed in non-shoreland areas) that are equal to the 2006 Rules with certain restrictions (residential strength waste only, systems under 2,500 gallons/day and with three feet of treatment separation). The restrictions ensure ALSs will protect ground and surface water quality. It is one part of the AMC/MPCA agreement to provide additional flexibility in implementing the 2008 SSTS Rules revisions and bring closure to the issue.

**Effective Date:** July 1, 2012

**Bill Name & Numbers:** Advisory Inspection Process ([SF2478](#)/[HF2458](#))

**Summary & History:** The bill requires all state agencies to conduct an advisory inspection upon request by a regulated party. If the inspection results in noncompliance being found, the entity has a period of time to correct the situation before a penalty is assessed (there are some exceptions). MPCA already allows self-audits and a similar opportunity to correct violations without a penalty as part of our Minnesota Green Star program (with certain exceptions). In essence, the bill adds to the Green Star program the option for a regulated party to pay the MPCA to conduct the audit, instead of doing a self-audit.

**Effective Date:** July 1, 2012

**Bill Name & Numbers:** Local Water Management Reform ([SF1885](#)/[HF1596](#))

**Summary & History:** The bill was a BWSR and local governments' initiative to help consolidate and coordinate local water planning efforts. It also moves local water planning efforts toward a watershed approach and aligns them with the state's Clean Water Legacy Act.

**Effective Date:** July 1, 2012

**Bill Name & Numbers:** Wetland Conservation Act (WCA) Modifications ([SF2042](#)/[HF2393](#))

**Summary & History:** The final language slightly modified WCA (e.g. increased the de minimis acreage for type 7 wetlands in areas of the state where less than 50% of pre-settlement wetlands remain). However, the changes may have very little impact on wetlands and water quality (e.g. very few type 7 wetlands remain in these areas of the state).

In addition, the bill allows BWSR to establish a wetland banking program which may include provisions allowing monetary payment to a wetland bank for impacts to wetlands on agricultural land, for public road projects, and for those that occur in greater than 80 percent of (pre-settlement wetland) areas in coordination with DNR, MPCA, the U.S. Army Corps of Engineers, and NRCS. It also allows BWSR to adopt rules to establish a program for regulating the discharge of fill material into the waters of the state. The U.S. Environmental Protection Agency (EPA) requires adoption of such rules to administer the permitting and wetland banking programs under Section 404 of the Clean Water Act (CWA).

Earlier versions of this language were much more expansive and rolled back wetland protection and Minnesota's "no net loss" policy. We opposed these earlier provisions because of our responsibility through the Clean Water Act to protect and restore water quality in the state including wetlands. The earlier changes would also have undermined some lake and stream restoration work being done with Clean Water funding.

**Effective Date:** July 1, 2012

**Bill Name & Numbers:** Waste Tire Beneficial Use Changes ([SF2526](#))

**Summary & History:** The original bill removed MNDOT and MPCA oversight of waste tire use (e.g. road construction), which we both opposed. State law prohibits waste tires from being landfilled. MPCA and MNDOT oversight ensures waste tire shreds are used in a controlled manner that accounts for public health and environmental protections, ensures road integrity, and prevents de facto landfilling. The final language in the bill did not jeopardize these protections.

**Effective Date:** July 1, 2012

### **Omnibus Bonding Bill (SF1463/[HF1752\\*](#))**

**Summary & History:** The final bonding bill totaled \$496 million in capital projects, with the MPCA receiving \$2 million for the Closed Landfill Program. PFA received \$15 million for the Wastewater Infrastructure Funding Program and \$8.5 million for state match of federal grants for the Clean Water and Drinking Water Revolving Funds. Some other projects of interest include: \$4 million to Metropolitan Council for wastewater inflow and infiltration grants, \$6 million each for BWSR's local road project wetland replacement program and Reinvestment in Minnesota (RIM) projects, and \$3 million to DNR for a Lake Zumbro lake dredging project.

Governor Dayton's proposed bonding bill at the beginning of session was \$750 million. In regards to MPCA it included \$10 million for the Closed Landfill program, \$5.6 million for the Capital Assistance Program (county solid waste and recycling facilities) and \$2.788 million for a new stormwater pond restoration grant program. Unfortunately, the MPCA only received the \$2 million mentioned above for the Closed Landfill Program.

**Status:** Signed into law May 11, 2012, [Chapter 293](#)

**Effective Date:** Various



**Bill Name & Numbers:** Omnibus Agriculture Policy Bill ([SF2061/HF2398\\*](#))

**Summary & History:** The only MPCA-related provision was the change of the effective date on last year's revisions to the concrete and reinforced burial provision. Retroactively, the effective date of change moved from July 1, 2011 to April 16, 2011.

**Status:** Signed into law April 28, 2012, [Chapter 244](#)

**Effective Date:** Section 78 is effective retroactively from April 16, 2011.

**Bill Name & Numbers:** State Agency Rulemaking Modifications and Report ([SF1922\\*/HF2169](#))

**Summary & History:** The bill makes three changes. 1) It requires all agencies to submit, to the Legislature, rulemaking dockets and the official rule records for any rule adopted the previous year. 2) All rulemakings must include in the statement of need and reasonableness (SONAR) an assessment of the cumulative effect (incremental effects of a regulation) of the rule with other state and federal regulations. 3) MPCA and other environmental agencies must update their 2003 Report on Agency Rulemaking (2000 Session Law ch. 469, sec. 4, subd. 1) to include changes and new information since the reports were released.

Initially, the bill was much more expansive. It placed new limitations (removal of general rulemaking authorities, e.g. general ability for MPCA to set water quality standards and DNR to set hunting/fishing seasons) and additional requirements (e.g. costly and lengthy reports) on all state agencies' abilities to undertake rulemakings to protect Minnesotans, and the state's economy and natural resources. Supporters argued the changes would improve agencies' abilities to meet regulatory objectives while reducing unnecessary burdens on regulated parties. As the result of many hearings and meetings, significant changes were made to the bill, which made it more practicable.

**Status:** Signed into law April 27, 2012, [Chapter 238](#)

**Effective Date:** August 1, 2012.

**Bill Name & Numbers:** Concrete Diamond Grinding and Saw Slurry Disposal Requirements ([SF1860\\*/HF2316](#))

**Summary & History:** The bill allows for the by-products of concrete diamond grinding (aka: concrete slurry) during road projects to be disposed of on site, if handled properly (according to best management practices and MPCA rules). It accomplishes this by exempting concrete diamond grinding and the saw slurry associated with it from the definition of solid waste. MNDOT, MPCA and the industry agreed on this language to reduce costs for companies utilizing concrete diamond grinding while still being protective of clean water and road integrity.

**Status:** Signed into law on April 5, 2012, [Chapter 161](#)

**Effective Date:** Day following final enactment (April 6, 2012)

**Bill Name & Numbers:** Sunset Review Process Modifications ([SF2304/HF2555\\*](#))

**Summary & History:** It implements changes to the sunset review process. Of concern to MPCA is the change in items agencies must provide to the Sunset Advisory Commission in advance of their review (e.g. report of an outcome-based budget instead of priority-based budget).

**Status:** Signed into law May 4, 2012, [Chapter 278](#)

**Effective Date:** July 1, 2012, Art. 1, Sec. 2

**Bill Name & Numbers:** Department of Employment and Economic Development Policy Bill ([SF1441/HF1721\\*](#))

**Summary & History:** It includes a provision granting Albert Lea the authority to rebate sewer charges for new or expanding businesses.

**Status:** Signed into law May 10, 2012, [Chapter 288](#)

**Effective Date:** Effective upon local compliance

**Bill Name & Numbers:** Omnibus Transportation Policy Bill ([SF2321](#)/[HF2685](#)\*)

**Summary & History:** The bill requires MNDOT, DNR, and MPCA, in consultation with local road authorities and BWSR, to report by January 15, 2013 on recommendations for a single point of issuance system to streamline water-related permitting for transportation projects.

**Status:** Signed into law May 10, 2012, [Chapter 287](#)

**Effective Date:** May 11, 2012, Art. 3, Sec. 63



## **Provisions Not Enacted**

**Bill Name & Numbers:** Spill Regulation Reform Bill ([HF2163](#))

**Summary & History:** The bill was an initiative of the MPCA. The existing state spill reporting law is complicated and in places vague, which has resulted in disputes about who must report spills and under what circumstances. Also the existing preparedness law is duplicative. The proposal was to simplify and sharpen the focus of the law to add clarity, eliminate duplicative requirements, and protect water quality.

Regulated parties were supportive of the goals and efforts of the MPCA, but believed more time was needed to understand and work out areas of concern. MPCA will continue to work on the proposal with regulated parties for possible legislative action in the future.

**Status (furthest point of advancement noted):** House Environment, Energy and Natural Resources Policy and Finance Committee

**Bill Name & Numbers:** Paint Product Stewardship Program ([SF2547/HF2945](#))

**Summary & History:** The Governor's Environment and Natural Resources Finance Bill included the MPCA's proposal for a paint product stewardship program. Leftover paint is the largest in volume and most expensive material collected by county household hazardous waste programs in Minnesota, yet nearly 500,000 gallons go uncollected. The proposal creates a private market program, financed and implemented by the industry, to increase the collection of leftover paint in Minnesota at a cost savings to taxpayers. The paint industry supports the creation of the program.

**Status:** Senate Environment and Natural Resources Committee and House Environment, Energy and Natural Resources Policy and Finance Committee

**Bill Name & Numbers:** MPCA Citizen Board, Water Quality Standards and Other Revisions ([HF2273](#))

**Summary & History:** The bill contained a number of proposals that were part of the House Republican's Reform 2.0 platform, which the Agency did not support.

The bill removed any role for the MPCA Citizens' Board in making final decisions on environmental review and permitting, instead giving all authority to the Commissioner. Supporters believed it would reduce the time required to approve environmental reviews and permits and not hurt the opportunity for public input. However, we believed it was ill advised, since the Board has helped mediate controversial projects and offered citizens a valued opportunity to argue their case before their peers. In addition, the EQB review of environmental governance had just started and would allow for a much more in depth examination on the complexities of the issues involved.

A prohibition was proposed on state water quality standards being more restrictive than federal standards. Supporters argued the federal standards were protective enough and anything Minnesota did additional would put its businesses at a disadvantage. In response, we argued the only thing it would result in was confusion and lawsuits. In the worst case, Minnesota would be prevented from adopting standards protective of our State's public health and environment. The federal government does not set standards, but rather the Clean Water Act sets a framework which states must follow when developing standards based on local conditions and needs. In some cases EPA may offer guidance/criteria on a specific item.

It also would have required the automatic approval of "minor" DNR and MPCA permits if they take longer than 60 days. Supporters again pointed to it as a way to increase permit approval timeliness. We

countered the proposal had many unintended consequences. Our state departments do not approve permits unless we can defend them to the public, courts and federal government. If a department could not meet the 60 day requirement, it would just deny the permit or in the case of federal permits defer them to the federal government. To ensure a complete review before 60 days, we would have to reassign staff, so minor permits (including renewals) would get a priority over larger construction projects that could include greater job creation. Both the potential denial and/or reassignment of priorities would impair permitting efficiency.

Finally, the bill would have changed where penalties for public health and environmental violations are deposited (General Fund instead of the Environmental Fund). It was argued the change would eliminate the idea spread by some that MPCA assigns penalties to fund its operations. However, the historical data already shows this is not the case and the Legislature must first appropriate any dollars the Agency receives from the Environmental Fund. The change also jeopardizes the fiscal future of the Environmental Fund, which historically has been at risk of going into deficit and is used by more agencies than just the MPCA.

**Status:** Passed in the House's Omnibus Environmental Policy Bill, not enacted in the final bill; no Senate action

**Bill Name & Numbers:** Legislative Approval Required for Certain Agencies Rules ([SF0261/HF0203](#))

**Summary & History:** The bill requires that administrative rules created by agencies be approved by the Legislature before becoming effective. Initially, it was written to affect any rule that exceeded \$10,000 in costs for any one person/entity, while the final version of the bill modified it to any business or local government with 25 employees. It included some exceptions for conforming to federal requirements or if money was appropriated to cover the anticipated costs. Supporters believed it provided legislators an opportunity to influence the rules and would result in fewer and less costly regulations for individuals, businesses and local governments to implement

The Dayton Administration, just like the Pawlenty Administration, opposed the idea for multiple reasons. Agencies undergo rulemakings to create the systems and programs needed to carry out the public policies created by the Legislature. It is a highly technical and detailed process, which includes consideration of evidence and input collected during the public process, which agencies expertise are better positioned to carry out. An agency can only undertake a rulemaking if the Legislature has granted the agency the ability to do so. Also, the Legislature has additional tools to influence agencies' rules already. Requiring final approval by the Legislature would only serve to create a duplicative process that would slow down and unnecessarily politicize the rulemaking process and efforts to protect public health and the environment.

Committee hearings were held on a number of additional pieces of legislation that proposed modifying the relationship between the legislative and executive branches when it comes to rulemaking. Four are listed below with a brief description and status of each. The rationale in opposition to this bill also holds true for those below.

**Status:** Governor vetoed the bill; House passed it 82-45, Senate passed it 43-20

### **Additional Rulemaking Bills**

**Bill Name & Numbers:** Legislative Approval Required for All Agencies Rules ([SF0575/HF1241](#))

**Summary & History:** The legislation requires legislative approval of any agency rules before they can become effective. There are no exceptions.

**Status:** Senate Finance Committee (heard in one Senate committee) and House Government Operations and Elections Committee

**Bill Name & Numbers:** Legislative Approval Required for Major Agencies Rules, Sunset and Renewal Process for Major Rules Created ([SF2167/HF1831](#))

**Summary & History:** The bill requires additional reports and analysis to be sent to the Legislature on all agencies' rulemakings. Rulemakings deemed major (having a private-sector impact of \$2 million or more, significantly increasing consumer costs, or negatively impacting business competitiveness) must receive legislative approval before they can take effect. All major rules must sunset after two years; unless legislative approval is given for them to be renewed for another two years.

**Status:** Senate State Government Innovation and Veterans Committee and House Commerce and Regulatory Reform Committee (heard in one House committee)

**Bill Name & Numbers:** Two Year Moratorium on Rulemakings ([SF1631/HF2211](#))

**Summary & History:** The legislation places a two year moratorium on rulemakings with certain exceptions. It would prevent agencies from writing any new rules and delay those that already have started the process. The exceptions include rules that implement federal law, react to emergencies or are enacted by the Legislature.

**Status:** Senate Finance Committee (heard in two Senate committees) and House State Government Finance Committee (heard in three House committees)

**Bill Name & Numbers:** Small Business Regulatory Review Board for Rulemakings ([SF1614/HF2319](#))

**Summary & History:** The proposal creates a Small Business Regulatory Review Board in the legislative branch to review the impacts of existing rules, statutes, and laws and proposed rules on small businesses. If the Board finds a rule places an unnecessary burden on small businesses, it must file a report (with recommendations) to the agency and legislative committees with jurisdiction over the subject area.

**Status:** Senate Finance Committee (heard in two Senate committees) and House Jobs and Economic Development Finance Committee

**Bill Name & Numbers:** Office of Administrative Hearings Issues Final Decisions On Contested Case Hearings ([SF0993/HF1560\\*](#))

**Summary & History:** The bill provides that in a contested case proceeding, the report/order of the Administrative Law Judge (ALJ) constitutes the final decision in the case. Under current law, the ALJ holds a hearing on a contested case and issues findings of facts and a recommendation to the agency. The agency then makes the final decision utilizing the information collected by the ALJ. Supporters of the legislation claimed an ALJ would provide a neutral arbitrator on a case and provide a business or individual a less costly option than appealing an agency's decision to the Court of Appeals.

Opponents of the proposal, including state agencies, argued there was no evidence of abuse or problems with the current system and the change would cause other unintended problems. It would result in a loss of expertise and experience provided by the agencies on the highly detailed and technical issues the decisions revolve around. While ALJs are talented and good at their job, they are generalists that must cover all areas of state law and do not specialize in one area. Also, agency heads are more accountable to elected officials and the public (Governor appointments/Senate approval and legislative actions) than ALJs which are provided civil service protections.

**Status:** Governor vetoed the bill; House passed it 70-62, Senate passed it 36-28

**Bill Name & Numbers:** Limitation of State Agency Civil Penalty Authorities ([SF1298\\*](#)/[HF0997](#))

**Summary & History:** The initial version of the bill placed restrictions on how a penalty for violations could be determined (e.g. cap on initial violation penalties, based on ability to pay, etc.), required a 60 day delay before initiating any enforcement actions, awarded court expenses if a party has the terms of a penalty reduced (under current law they must prove a violation did not occur) and expanded the eligibility from businesses with 500 employees and \$7 million in gross revenues to those with \$30 million in revenues. During the committee process the bill was amended so only the change in eligibility and awarding of court expenses remained. Supporters argued the package of changes would prevent unnecessarily high penalties that a party could not afford and level the playing field when legally challenging the State and its perceived unlimited resources.

Opponents, including state agencies, responded that the limitations on enforcement would only prevent corrective actions being taken in a timely manner for serious violations. State agencies already often work with parties to negotiate a resolution to a matter, which may include reductions in penalties. The change in awarding court expenses only encourages court actions, since businesses would no longer need to prove they did not violate state law, only change the terms of the penalty. It would unnecessarily draw out resolution to serious violations and take away agencies' resources from other compliance issues that also need attention (state agencies have a finite amount of time and resources). The proposed change in the size of businesses eligible was also troubling because businesses with 500 employees and \$30 million in revenues are clearly large enough and better equipped to follow the rules in the first place and respond efficiently to state regulatory actions.

**Status:** Senate Finance Committee (heard in two Senate committees) and House Ways and Means Committee (heard in four House committees)

**Bill Name & Numbers:** Modification of Deadline for Verification of Septic Systems Tanks ([SF1859](#)/[HF2314](#))

**Summary & History:** The goal of the bill was to delay the April 4, 2012 deadline for septic system manufacturers to verify their septic tanks met water tightness and strength requirements. Some manufacturers were worried about meeting the deadline. However the language of the bill would have inadvertently pushed back all the deadlines in the state's septic system rules until February 4, 2014, including those that already have passed.

MPCA wrote a letter to tank manufacturers noting that if folks start the registration process by April 4, 2012 (and at least provided draft tank drawings), then we would give them until November 15, 2012 to complete the process. The soft deadline approach helped relieve the concerns of legislators and tank manufacturers on meeting the deadline.

**Status:** Senate Environment and Natural Resources Committee (heard in one Senate Committee) and House Environment, Energy and Natural Resources Policy and Finance Committee

**Bill Name & Numbers:** Compensation Required When Organized Collection of Mixed Municipal Solid Waste Is Established ([SF1664](#)/[HF2084](#))

**Summary & History:** The bill would require a political subdivision that institutes an organized system for the collection of mixed municipal solid waste to pay a business, which is not awarded a contract to provide service, the fair market value of the business lost. Supporters of the bill contended when a city establishes an organized system and does not allow all businesses to continue their traditional market share they are taking private property.

MPCA, local units of government, environmental groups and others opposed the legislation since it would prevent any efforts by cities to organize waste collection. Organized waste collection is about maximizing efficiencies in the collection of solid waste in an effort to provide numerous public health, environmental, and economic benefits. It does not need to be limited to one hauler, but can include multiple providers in one city. The Legislature has made local governments responsible for the collection of solid waste and the proposal removes a valuable tool to accomplish it, along with being responsive to local citizens concerns (garbage service costs, noise, etc.). In addition it goes against the whole idea of “low bid” wins and creating competition in the marketplace so that government services are as cost effective as possible.

**Status:** Senate Local Government and Elections (heard in one Senate Committee), House Floor

**Bill Name & Numbers:** State Feedlot Permit Modifications ([SF2339/HF2787](#))

**Summary & History:** The bill proposed changes to the State Disposal System (SDS) permit requirements for feedlots with greater than 1,000 animal units that are not required to obtain a federal National Pollutant Discharge Elimination System (NPDES) permit. Supporters explained their goal was to streamline the permit process, but still require the state feedlot regulations to be followed.

MPCA and other stakeholders opposed it because the language removed valuable public health and environmental protections built into the current SDS permit process. It eliminates important information provided by producers regarding the construction and operation of their facilities and ultimately results in a registration-only type of permit. It would shift MPCA actions from prevention and assistance to more compliance and enforcement, create new burdens for producers, and could re-open fee negotiations.

**Status:** Senate Agriculture and Rural Economies Committee (heard in one Senate Committee) and House Environment, Energy and Natural Resources Policy and Finance Committee

**Bill Name & Numbers:** Occupational Regulations Removal ([SF1629/HF2002](#))

**Summary & History:** The bill proposed limitations for when government units could place legal or regulatory requirements (including what type) on a person’s ability to engage in an occupation, with certain exceptions. It also provides a legal option for a person to assert that an existing occupational regulation is a substantial burden and the individual should not be required to comply with it. Supporters argued licensing and other occupational regulations are unnecessarily restrictive, limit entrepreneurship and provide no or limited public benefit in return.

State agencies and other stakeholders expressed concern over the impact it would have on state regulatory programs and their ability to meet their goals. An example is the MPCA’s wastewater facility licensure program and the protections it puts in place for public health and the environment by requiring increased levels of training and experience for someone who operates more complex wastewater treatment systems.

**Status:** Senate Judiciary and Public Safety Committee (heard in one Senate Committee) and House Commerce and Regulatory Reform Committee