2014 Legislative Session Review
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**Minnesota Pollution Control Agency**

<table>
<thead>
<tr>
<th>2014 Minnesota Legislative Session Summary</th>
<th>Number</th>
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<tr>
<td>Number of House Bill Introductions</td>
<td>1,534</td>
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<tr>
<td>Number of Senate Bill Introductions</td>
<td>1,309</td>
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<tr>
<td>Total Bills Sent to the Governor</td>
<td>170</td>
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<tr>
<td>Total Bills Signed By the Governor</td>
<td>169</td>
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<td>Total Bills Vetoed By the Governor</td>
<td>1</td>
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**Finance Bills - Enacted**

**Omnibus Supplemental Finance Bill (HF3172/SF2785)**

**Summary and History:** The supplemental budget omnibus bill contains funding items of interest to the Minnesota Pollution Control Agency (MPCA). Along with appropriations, many policy items that were introduced as stand-alone bills were rolled into the omnibus bill.

**Allocations:**
- $155,000 in Fiscal Year (FY) 2015 and in the future $145,000 annually (General Fund) for the Legislative Water Commission. The Commission has a July 2019 sunset date.
- $104,000 (Railroad and Pipeline Safety Account) annually for new duties related to railroad and pipeline preparedness and spill response. The account is created with base funding from the General Fund and with a three-year assessment (FY2015-FY2017) of railroad and pipeline companies.
- $1.15 million (Remediation Fund – one time) for additional management, investigation and mitigation of Superfund sites. The additional resources will expand the investigation and potential cleanup of contamination at Superfund sites.
- $4 million (Environmental Fund) in FY2015, in the future $3 million of which will be for annual base funding for SCORE (Select Committee on Recycling and the Environment) grants to assist counties with waste reuse, reduction, and recycling efforts. Half of the new funds received by metropolitan counties must be used for composting activities.
- $1 million (General Fund – one time) for the University of Minnesota to research and report on how to protect the state's natural resources and increase agricultural efficiencies by incorporating perennial and winter annual crops into existing agricultural practices. Forever Green Agricultural Initiative (HF2619/SF2304).
- $200,000 (Clean Water Fund – one time) for St. Croix Basin Water Resources Planning Team and the St. Croix River Association to reduce phosphorus in Lake St. Croix.
- $250,000 (General Fund – one time) for the Northwest Indian Opportunities Industrialization Center for a green jobs deconstruction pilot program, which includes the demolition of homes and recycling of the components.

**Reductions:**
- $750,000 that was unallocated as part of the MPCA’s Beneficial Use of Wastewater and Stormwater grant program has been canceled back to the Clean Water Fund.
The Omnibus Finance Bill also contained policy provisions, including some recommended by the MPCA, Department of Natural Resources (DNR), Board of Water and Soil Resources (BWSR), and the Minnesota Department of Agriculture (MDA) as part of their agency bills.

**Bills Contained in Omnibus Supplemental Finance Bill**

**Plastic Microbead Surface Water Study and Report (HF2101/SF1881)** – By December 2014, the MPCA in consultation with the University of Minnesota must write a report on the presence of plastic microbeads in Minnesota’s waters and the potential impacts of those beads on aquatic ecosystems and human health.

**DNR Water Use Administrative Penalty Orders (HF2616/SF2016)** – The DNR is authorized to issue administrative penalty orders where water appropriation activities have occurred without a permit.

**Military Licensure (HF2365/SF1807)** – This directs certain licensing boards to establish procedures to expedite licenses and to issue temporary licenses to qualified active duty military members, their spouses, and veterans who have left service in the prior two-years with honorable or general discharge status.

**Railroad Preparedness and Spill Response (HF3135/SF2797)** – The portion applying to the MPCA sets spill response times used to incrementally get railroad personnel, equipment and a spill response and recovery effort underway during emergencies. In addition, environmental response plans for railroad companies must now be submitted to the MPCA every three-years and railroads must participate in drills for oil containment, recovery and sensitive area protection every three-years.

**Legislative Water Commission (HF683/SF243)** – The Commission is comprised of 12 legislators to research, oversee, and create water policy. The Commission may conduct public hearings to make recommendations to the Legislature. The Commission has a July 2019 sunset date.

**Recycling Goals, Funding and Policy Expanded (HF2564/SF2384)** – The metropolitan area goal for recycling is increased from a 50 percent target to a 75 percent target by the end of 2030. It adds sport facilities to the commercial and public entity recycling requirements (also see SF663 for the new state policy regarding recycling at commercial facilities).

**White Bear Lake Groundwater Recharge** – In FY2015, the MPCA must collaborate with the Metropolitan Council and the BWSR on the feasibility of collecting and treating stormwater for recharge of surface and groundwater. The DNR must provide on their website stream and lake level gauge information from the DNR and MPCA. Additional funding allocations were made to various agencies related to groundwater management around White Bear Lake, the East Metropolitan area, and Bonanza Valley.

**Session Law:** Chapter 312

**Effective Date:** Various

**Capital Improvement Appropriations/Bonding Bill (HF2490*/SF2605)**

**Summary and History:** The bill has a general-obligation bonding impact of $846 million with the MPCA receiving $2.625 million of those funds.

**Allocations:**

$2.625 million for the MPCA and Capital Assistance Grant Program to assist with the development of recycling and solid waste facilities for Becker County. Other projects of interest include: $6 million for Reinvest in MN Reserve Program; $2 million for Local Government Roads Wetland Replacement Program; $2 million for Metropolitan Cities Inflow and Infiltration Grants; $3.5 million for Lake Elmo Drinking Water; $18.333 million for Wastewater Infrastructure Funding
Program; $12 million for Public Facilities Authority grants; $4.5 million for Big Lake Area Sanitary District; $1.4 million for Truman stormwater project; $8.5 million for Voyageurs wastewater projects.

**Session Law:** Chapter 294

**Effective Date:** Various

**Capital Improvement Appropriations/Cash Bonding Bill (HF1068*/SF882)**

**Summary and History:** The bill allocated $198.7 million from the General Fund towards many projects, but specifically for infrastructure projects. There was no additional allocation of funds to the MPCA.

**Allocations:** Projects of interest include: $1.5 million to MN Amateur Sports Commission for air quality improvements at ice arenas; $3.4 million Spirit Mountain Recreation Area Authority; $1.1 million Poplar River Water District; $22 million for Lewis and Clark Regional Water System. The bill includes policy language preventing any wastewater penalties to the Lincoln-Pipestone Rural Water System until the city of Worthington is connected to Lewis and Clark Regional Water System.

**Session Law:** Chapter 295

**Effective Date:** Various

**Legislative-Citizen Commission on Minnesota Resources (LCCMR) (HF1874/SF1899)**

**Summary and History:** The bill contains project recommendations by the LCCMR, including one project for the MPCA entitled *Identifying Causes of Exceptionally High Mercury in Fish* ($743,000). The funding will allow MPCA to pursue research to answer the question – why 10 percent of our rivers have higher levels of mercury and are not responding to statewide reductions like the rest of the state’s rivers? Foundational research will be done on five northern rivers, with a complete analysis on the Roseau River.

**Session Law:** Chapter 226

**Effective Date:** July 1, 2014

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**Policy Bills of Interest – Enacted**

**Regulatory Efficiency (HF2543/SF2193)**

**Summary and History:** This multifaceted bill aims at increasing permitting and enforcement efficiencies. It was proposed by the MPCA and DNR.

Permitting efficiencies include: making draft online applicant data private until the applicant formally submits it to the MPCA at which time it is public data; creation of a new second permitting timeliness goal of 90-days, which covers 75 percent of MPCA issued permits; non-federal water and solid waste permits are extended from five-years to ten-years; through MN Business First Stop businesses will have the option to pay a fee for a pre-application feasibility review of a proposed concept; flexibility added to the voluntary expedited permitting process; and the septic tank fee process is streamlined for septic tank installers. Lastly, the allowance for water quality trading between willing participants is expanded to all types of pollutants and other restrictions removed (previously only for new or expanding dischargers, impaired waters).
Enforcement efficiencies include increasing the availability for Administrative Penalty Orders from $10,000 to $20,000 so more regulated parties get through a faster and simpler enforcement process and the authorization of field citations for septic system violations, for quicker resolutions to non-compliance.

**Session Law:** Chapter 237

**Effective Date:** Various

**Toxics Reduction (HF2542/SF2192)**

**Summary and History:** The bill focuses on reducing the sale, use, and improper disposal of lead and mercury-containing products, and improving tracking of disposal methods to better assess progress in meeting mercury emission reduction goals. It was proposed by the MPCA.

It prohibits the sale and use of mercury or lead containing wheel weights starting in 2016 and requires that the MPCA to distribute education materials about the ban to industries subject to it. Starting in 2015, the sale and use of mercury containing balancing, dampening and weight/counter weight equipment is banned. The current prohibition on mercury thermometers is reinforced through the elimination of obsolete exemptions. The mercury thermostat collection program was strengthened, reporting added, and manufacturers given antitrust protections when collectively managing thermostats through a stewardship program.

During the legislative process a few amendments were added, including: a ban starting in 2017 on the retail sale of cleaning products containing triclosan used directly by consumers, except those with FDA approval (HF2772/SF2908); clarification of language in 2013’s ban on formaldehyde in children’s products by adding a de minimis level (0.05%) for free formaldehyde; and requires any mercury being transported must be contained so that it is not released nor volatilized.

**Session Law:** Chapter 277

**Effective Date:** Various

**Environment and Natural Resources Unsession (HF2715/SF2454)**

**Summary and History:** The bill contains “unsession” initiatives proposed by MPCA, DNR and BWSR. The legislation addresses duplicative or obsolete language, reports, programs and requirements. Some of the items repealed include the unused Project Riverbend and Corrective Actions Grants programs, the replaced pilot contaminated groundwater and soils injection project, and obsolete notification requirements for wastewater facilities and the state refuse derived fuel requirements (replaced by federal regulations).

**Session Law:** Chapter 248

**Effective Date:** August 1, 2014

**Executive Advisory Groups (HF1863/SF1776)**

**Summary and History:** Preceding the 2014 legislative session, the Legislative Commission on Planning and Fiscal Policy compiled a list of executive branch advisory groups in statute not currently needed. Most of the changes in this bill repeal advisory groups or statutory references to those groups. Specific to the MPCA, the bill repeals the Subsurface Sewage Treatment System Advisory Committee and it extends the sunset for the Advisory Council on Water Supply and Wastewater Treatment Facilities out to June, 30, 2019.
**Session Law:** Chapter 286

**Effective Date:** August 1, 2014

**Commercial and Agency Recycling (HF855/SF663)**

**Summary and History:** The bill contains provisions regarding reuse, recycling, and waste reduction efforts specific to state agencies' recycling rate goals, reporting, and recycling improvement process. During the House floor debate two additional recycling amendments were added, including: commercial buildings within the seven county metropolitan area to offer recycling opportunities to their employees, tenants, and customers starting in 2016. However the requirement only applies to businesses that produce more than 4 cubic yards of solid waste per week. This provision was originally part of (HF2564/SF2384). The second amendment added to the bill prohibits sharps from being placed with recyclable materials.

**Session Law:** Chapter 225

**Effective Date:** Various

**DNR Policy Bill (HF2733/SF2191)**

**Summary and History:** The DNR Policy Bill has two MPCA related provisions that were amended into the bill.

- **Goodhue County and Closed Landfill Program (HF3223/SF2870)** – The bill allows the Goodhue County Landfill to enter the Closed Landfill Program after the County closes the landfill per current closure standards and turns over its financial assurance funds to the State to supplement the long term care of the landfill. In addition, the County must meet the state's recycling goals and arrange for the trash generated in the county to be sent to a resource recovery (waste to energy) facility for 20-years in order for the landfill to be accepted into the program.

- **Environmental Review and Cellulosic Feedstock (HF2719/SF1747)** – the bill clarifies that a facility that uses cellulosic feedstock to produce only chemicals and does not further refine them into biofuels, does not fall under the biofuel mandatory environmental category.

**Session Law:** Chapter 289

**Effective Date:** Various

**Abolishing Wastewater Privatization (HF2622/SF2764)**

**Summary and History:** The bill repeals statutory language in Chapter 471A that relates to the privatization of municipal water and wastewater treatment facilities. The concept of privatizing municipal water and wastewater treatment facilities was originally adopted in the 1980's and designed to fit with federal and state grant programs that were available at that time for the construction of municipal wastewater treatment systems. The program no longer aligns with current funding mechanisms, nor has the privatization of municipal water and wastewater treatment facilities been utilized.

**Session Law:** Chapter 258

**Effective Date:** August 1, 2014
Tariff for Charging Electric Vehicles (HF2884/SF2622)

Summary and History: The bill requires public utilities selling electricity solely for the purpose of recharging an electric vehicle to file a tariff that provides lower off-peak rates, allows customers to select electricity from renewable sources and be available to residential classes.

Session Law: Chapter 254
Effective Date: August 1, 2014

Electric and Plug-In Purchasing (HF2849/SF2887)

Summary and History: The bill requires state agency bid solicitation to include the intent of the state to begin purchasing electric vehicles, plug-in hybrid electric vehicles, and neighborhood electric vehicles if the total life-cycle cost of ownership is less than or comparable to that of gasoline-powered vehicles. It replaces the language in current law that the state intends to purchase these vehicles as soon as these vehicles become commercially available, and also adds natural gas vehicles to the type of vehicles the state may purchase.

Session Law: Chapter 281
Effective Date: August 1, 2014

Cleaner Fuel Purchasing (HF2392/SF2353 and HF2849/SF2887)

Summary and History: The bill removes a limitation in current law that requires state agencies to purchase motor vehicles capable of being powered by clean fuels (vehicles powered by electricity or a combination of electricity and liquid fuel) only when the vehicle is reasonably available at similar costs to gasoline-powered vehicles.

Session Law: Chapter 281
Effective Date: August 1, 2014

Biodiesel Changes (HF2746/SF2618)

Summary and History: An amendment was added to MDA’s unsession bill related to biodiesel. The language moves from March 2015 to March 2018 the date when the state can increase the minimum biodiesel content in diesel from 10 to 20 percent. It also shrinks by one month (eliminates October) when blends greater than “B5” must be offered (April – September) and makes permanent the exemptions of certain equipment (e.g. railroad locomotives, mining, logging, etc.) from using biodiesel.

Session Law: Chapter 181
Effective Date: August 1, 2014

Other Bills of Interest – Not Enacted

Administrative Rulemaking (HF2724/SF2467)

Summary and History: The bill proposes to streamline administrative rulemaking making the process shorter and more efficient, while preserving public participation and independent legal review. A new procedure is designed, mimicking portions of the expedited procedure for rules with little or no public controversy.
Status: The bill passed off of the House floor. In the Senate it was partially heard on the floor before it was laid on the table and not taken up again before the end of the 2014 session.

MPCA Policy Bill (HF2653/SF2276)

Summary and History: The bill contains provisions relating to rule notices when involving the classification of waters and reduces the contents of a statement of need and reasonableness when rulemaking to adopt standards for air quality, solid waste, or hazardous waste, or standards for water quality. In addition, it sets an expiration date for the Advisory Council on Water Supply Systems and Wastewater Treatment Facilities, eliminates the expiration date for the Small Business Air Quality Compliance Assistance Advisory Council and repeals the Subsurface Sewage Treatment System Advisory Committee. Lastly, the bill proposes to modify the tank fee system associated with the subsurface sewage treatment system (SSTS) program.

Status: The sections on executive advisory groups were incorporated into HF1863/SF1776 and the section on a modified SSTS tank fee system were included in HF2543/SF2193, all of which were enacted. The sections related to rulemaking were added to the administrative rulemaking bill (HF2724/SF2467), which did not pass.

Toxic Free Kids Act (HF605/SF466)

Summary and History: The bill requires manufacturers of children’s products that contain a chemical on the Minnesota Department of Health’s (MDH) priority chemical list to report that fact to the MPCA. The longer the priority chemical remains in the product, more information would have to be reported (down to the Universal Product Code – UPC). The Minnesota Department of Commerce (MDC) and MDH would provide useful guidance to consumers about priority chemicals in the identified children’s products. The bill also contains disincentives and incentives to spur the removal of priority chemicals from products.

Status: The proposal was included as part of the House’s supplemental budget bill (HF3172/SF2785), however it removed during conference committee.

Triclosan Cleaning Products Prohibited (HF2772/SF2908)

Summary and History: This bill prohibits the sale of sanitizing or hand and body cleansing products that contain triclosan, except those with FDA approval.

Status: The House held a hearing in the Health and Human Services Policy committee and referred the bill to the Commerce and Consumer Protection Finance and Policy committee where no action was taken. The bill was referred to the Senate Health, Human Services and Housing committee, but no hearing was held. A narrower ban of Triclosan in consumer products only was enacted as part of HF2542/SF2192.

Triclosan Labeling Regulation (HF3089)

Summary and History: The bill provides consumer protection by requiring that products containing triclosan or similar antibacterial compounds permitted to be labeled as "triclosan free" only under certain circumstances.

Status: The House held a hearing in the Commerce and Consumer Protection Finance and Policy committee and was referred to the General Register. This bill does not have a Senate companion bill.
Environmental Justice (HF2614)

**Summary and History:** The bill requires the MPCA develop and adopt environmental justice policies to ensure that environmental decisions are made with the involvement of all people regardless of race, color, ethnicity, religion, income or education level. This includes holding quarterly meetings with interested parties for input on developing the environmental justice policies.

**Status:** The bill was referred to the House committee on Environment and Natural Resources Policy, but no hearing was held. A version of the proposal was added on the House floor to HF2542, but was removed in conference committee. There was no Senate companion.

Textile Waste Recycling Goal (HF2445/SF2377)

**Summary and History:** The bill creates a textile reuse and recycling goals from 20 percent to 75 percent incrementally over 10-years. The data would be collected by measuring the amount of diverted textiles from landfill and waste-to-energy facilities.

**Status:** The bill was referred to the House committee on Environment and Natural Resources Policy and was referred to the General Register. The bill passed off the Senate floor.

State Hydrologist (HF2088/SF2560)

**Summary and History:** The bill requires the Governor appoint an employee of the University of Minnesota to serve as state hydrologist. The state hydrologist must advise the Governor and coordinate water policy among executive branch agencies.

**Status:** The bill was referred to the House committee on Government Operations, but no hearing was held. The bill was referred to the Senate Environment and Energy committee, but no hearing was held.

B10 and B20 Requirement Changes (HF2441/SF2215 and HF2572/SF2351)

**Summary and History:** These bills seek to cap the biodiesel content requirement at 10 percent, changing current law to make a required maximum level instead of a minimum level. However, the 10 percent level only becomes effective after a contested case hearing that includes certification by the commissioner of public safety that the biodiesel content requirement meets manufacturer recommendations for all diesel powered motor vehicles registered in Minnesota.

**Status:** HF2441 and HF2572 were referred to the House committee on Agriculture Policy, but no hearing was held. SF2441 and SF2572 were referred to the Senate committee on Commerce where they were heard and voted down. Smaller changes to the biodiesel statute were contained in HF2746/SF2618.

Schools and Dumps (HF957/SF775)

**Summary and History:** The bill prohibits a school (including athletic fields) from being located within a quarter mile from land that was formerly used as a dump or landfill. Already constructed schools within a quarter mile would need to provide information to students and employees about the dump or landfill.

**Status:** The bill passed the House committee on Education Policy and was referred to the committee on Environment and Natural Resource Policy where an informational hearing was held. During the hearing an amendment was offered incorporating MPCA suggestions to improve the bill. The bill was referred to the Senate committee on Education, but failed to pass.
Solar Panel Production Stewardship (HF2909/SF2698)

Summary and History: The bill requires the creation of a solar photovoltaic module product stewardship program. Manufacturers selling solar photovoltaic modules would need to be part of a product stewardship program or be prohibited from selling in Minnesota.

Status: The bill was referred to the House committee on Environment and Natural Resource Policy, but no hearing was held. The bill was referred to the Senate Environment and Energy committee, but no hearing was held.

Stormwater Pond Requirements (HF2534/SF2409)

Summary and History: This bill would limit the maximum depth of stormwater ponds to three feet after a storm event or require the installation of barriers around the ponds to prevent vehicles from entering them.

Status: The bill was referred to the House committee on Transportation Policy, but no hearing was held. The bill was referred to the Senate Transportation and Public Safety committee, but no hearing was held.

Microplastic Personal Care Products Prohibited (HF2414)

Summary and History: Personal care products containing microplastics cannot be sold or offered in the state unless the microplastics are less than one parts per million or if the MPCA can demonstrate that the use of the product will not impact waters of the state. The bill also authorizes a maximum amount for civil penalties per personal care product.

Status: The bill was referred to the House Environment and Natural Resource Policy committee, but no hearing was held. There is no Senate companion bill.

Medical Sharps Disposal (HF2892/SF1559)

Summary and History: The bill requires that sharps be placed in a puncture resistant disposal container which would be provided by manufacturers to consumers upon purchasing 90 or more syringes in a single purchase.

Status: The bill was referred to the House committee on Environment and Natural Resources Policy, but failed to pass out of the committee. The bill was referred to the Senate Environment and Energy committee and referred to General Orders.

Airport Noise Monitoring (HF3219/SF2855)

Summary and History: This bill directs the Metropolitan Airports Commission to perform aircraft noise monitoring and analysis, with a report to the Legislature and cities due December 1, 2014.

Status: The bill was referred to the House committee on Transportation Policy before moving to the General Register. The bill was referred to the Senate Transportation and Public Safety before moving to the General Orders.