

# 2015 Legislative Session Review



**Minnesota Pollution  
Control Agency**



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### Minnesota Pollution Control Agency

2015 Minnesota Legislative Session Summary	
Majority Party in the House of Representatives	Republican
Majority Party in the Senate	Democrat
Number of House Bill Introductions	2379
Number of Senate Bill Introductions	2233
Total Bills Sent to the Governor	80
Total Bills Signed By the Governor	77
Total Bills Vetoed By the Governor	3
Special Session Bills	6

2015 Timelines	
Start of Session	January 6
First Committee Deadline	March 20
Second Committee Deadline	March 27
Third Committee Deadline	April 24
Regular Session Adjournment	May 18
Special Session	June 19-20

According to the [Minnesota Reference Library](#), the 2015 Session resulted in the fewest number of bills passed (77) in regular session since 1857. Three bills were vetoed by the Governor this session including Education, Ag & Environment, and the Jobs & Energy Bill.

During the Special Session, revised versions of these three bills were passed and signed by the Governor. Special Session also provided the opportunity to pass a Capital Investment Bonding bill, Legacy Bill, and a Revisors Bill which were not passed during regular session because time ran out.

Historical Note: Because of construction in the State Capitol, the 2015 Special Session was held in the State Office Building. Conference Room 10 was utilized as the House Chamber for the 134 Representatives, while Conference Room 5 served as the Chamber for the 67 Senators.

#### Finance Bills - Enacted During Special Session

#### Omnibus Environment, Natural Resources, and Agriculture Finance Bill Special Session ([SF5](#)) Vetoed bill ([HF0846](#)\*/[SF1764](#))

**Summary and History:** This legislation contains appropriations for the 2016 – 2017 biennium for environment, natural resources, and agriculture agencies. Passed by both the House and Senate late on May 18, 2015, HF0846 was vetoed by MN Governor Mark Dayton. (see attached veto letter)

While most bills passed quickly in the Special Session, the Senate failed to pass the Ag & Environment bill on their initial vote. This bill was amended to remove two provisions – the repeal of the MPCA Citizens Board and

a solid waste permitting provision. The amended bill was sent to the House where these changes were removed. The bill passed with the removed amendments and sent back to the Senate where it was eventually passed late in the evening.

In the final version signed by the Governor following Special Session, the MPCA received a 10.9 percent increase when looking at all the funds in the bill (Clean Water Fund dollars are separate in the Legacy Bill). This included allocation changes resulting in a 67.8 percent General Fund increase for the biennium.

**Special Session Law:** [Chapter 4](#)

**Effective Date:** Various

#### **New Allocations:**

- \$250,000 (General Fund - annually) for a Municipal liaison to assist communities in implementing and participating in water quality standards rulemaking process and navigating the permitting process. In addition, this funding is for enhanced economic analysis in the water quality standards rulemaking process.
- \$500,000 (General Fund – one time) to Minnesota Management and Budget for contract for cost analysis of water quality standards and rules. ([HF616/SF689](#))
- \$200,000 (General Fund – one time) for a grant to the Red River Basin Commission to develop a water quality strategic plan for the Red River of the North. The MPCA must work with the Red River Basin Commission, North Dakota, U.S. Environmental Protection Agency Regions 5 and 8, and wastewater treatment plants to achieve phosphorus reductions needed to protect the Red River and Lake Winnipeg. This item was changed from the vetoed bill. ([HF2052/SF1824](#))
- \$743,000 (General Fund to the Dry Cleaner Environmental Response and Reimbursement Account – one time in the second year) for reimbursement of contamination clean-up at dry cleaner sites by third parties, if legislation is enacted to address the insolvency of the reimbursement account. This item was changed from the vetoed bill. ([HF1968/SF1893](#))
- \$868,000 (General Fund – one time) for a grant to the City of Mountain Iron for remediation of the abandoned wastewater treatment pond of Nichols Township. This item was changed from the vetoed bill.
- Up to \$2,500,000 (General Fund – one time effective December 2015) for a grant to the City of Paynesville to add a treatment process to a water treatment plant to remove volatile organic compounds. This item was changed from the vetoed bill. ([HF1442/SF1337](#))
- \$450,000 per year (Environmental Fund – one time) to develop and maintain systems to support permitting and regulatory business processes and agency data.
- \$1,000,000 annually (General Fund) for competitive recycling grants to local units of government outside the seven county metro area with city populations less than 45,000 to establish curbside recycling composting, or other recycling efforts as listed in MN Statute 115A.565.
- \$50,000 per year (General Fund – one time) to purchase and co-locate waste and recycling bins, in cooperation with the Department of Administration, at the State Office Building.
- \$500,000 (General Fund – one time) to the Environmental Quality Board for activities to streamline the environmental review process. This item was changed from the vetoed bill.

### Reductions:

- Funding to MPCA's Clean Water Partnership program which offered grants for projects preventing impairments and degradation of lakes, rivers, streams, and groundwater. Previously \$400,000 per year.

### Transfers:

- \$58,215,000 from the Closed Landfill Investment Fund to the General Fund. Note: an additional \$5,000,000 was transferred in the Jobs & Energy Bill. These items were changed from the vetoed bill.
- \$8,100,000 from the Metropolitan Landfill Contingency Action Trust account to the General Fund.

### Repayments:

- \$63,215,000 - Minnesota Statute 16A.152, Subdivision 2 was amended to read if there is a surplus in future budget forecasts, this dollar amount will transfer from the General Fund into the Closed Landfill Investment Fund until the entire amount is reached. This item was changed from the vetoed bill.
- \$8,100,000 - Minnesota Statute 16A.152, Subdivision 2 was amended to read if there is a surplus in future budget forecasts, this dollar amount will transfer from the General Fund into the Metropolitan Landfill Contingency Action Trust Account until the entire amount is reached. This item was changed from the vetoed bill.

### Statutory Changes:

The Omnibus Finance Bill also contained a number of policy provisions. These included MPCA initiatives along with provisions from others, including an important Governor's Buffer Initiative to improve water quality.

### MPCA Initiatives:

**MPCA Policy Bill ([HF1326/SF1432](#))** – Our policy bill, which was incorporated into the omnibus finance bill, contained several smaller provisions. These include increasing the expectation to 30% percent for recycled content in copy paper purchased by public entities; clarifying oversight of the piping between a building and septic system through definitions, bonding, and rulemaking; adding vapor intrusion mitigation systems as eligible reimbursed expenses through the Harmful Substances Compensation Program; expanding eligibility to water infrastructure projects for Point Source Implementation Grants; clarifying composting terms to match Minnesota rules; expanding registration and reporting requirements for collectors of recyclable materials and mixed municipal waste; and clarifying fees for air quality permits, licenses, and notifications.

**Rulemaking for Septic System Professional Conditional Eligibility** – This allows expedited rulemaking to establish conditional eligibility for septic professionals whose license recently expired.

**Electronic Waste Recycling (E-waste)** – A temporary measure, this change in statute establishes a minimum recycling goal for year nine of the e-waste recycling program. In a bill introduced this session, a more permanent measure was proposed but was not enacted. Additional details are noted below.

## Other Initiatives worked on with the MPCA:

**Rulemaking for Septic Systems at Existing Campgrounds and Resorts ([HF79/SF681](#))** – This provision requires the Agency to amend SSTS rules through expedited rulemaking to allow existing campgrounds to use certain monitoring results to determine flow rates instead of the estimation table in current rules.

**Permit Exemption for Feedlot Truck Wash facilities ([HF1161/SF1021](#))** – If specific conditions are met, this provision allows feedlot operators to store and apply up to 100,000 gallons per year of off-site wash water from animal transport and supply trucks without an industrial by-product permit; and for feedlot operators that do have an industrial by-product permit, a certified land applicator is not required when applying the wash water.

## Buffer Initiative:

Through a multi-agency effort led by the Board of Water and Soil Resources (BWSR), perennial vegetation or an approved alternative practice is required throughout the state for mapped public waters by November 2017 and for mapped drainage systems by November 2018. Public waters require a riparian buffer that meets the greater of a 50-foot average having a 30-foot minimum or meets existing DNR zoning rules. For public drainage systems, the buffer requirement is 16.5 feet.

## Other Provisions:

**MPCA Citizen Board Elimination ([HF1394/SF1683](#))** – The original bill language which was added to the House omnibus bill changed the Board function to an advisory group for all responsibilities except rulemaking. In Conference Committee, this was amended to repeal the Citizens Board in its entirety.

**Base Budget Report** – The Department of Agriculture, Department of Natural Resources, and Pollution Control Agency are required to submit a report containing the details of base budgets, including prior appropriation riders, by October 15, 2016.

**Voluntary Self Reporting of Minor Violations** – Enforcement is deferred for at least 60 days for environmental requirements that are identified, reported, and committed to be corrected by the regulated entity. Penalties are waived if the violations are corrected within 60 days or a scheduled of compliance is approved by the commissioner. Some exceptions apply, including violations causing serious harm to human health or the environment. This item was changed from the vetoed bill.

**Discretionary Review Notification for Environmental Assessment Worksheet or Environmental Impact Statements (EAW/EIS)** – This requires a 14 day pre-notification to the proposer if the MPCA or DNR orders a discretionary EAW or EIS. This item was changed from the vetoed bill.

**External Peer Review of Water Quality Standards ([HF617/SF690](#))** – When the commissioner convenes an external peer review panel for a water quality standard, public notice and comment is required on charge questions as part of the peer review process. If an external peer review panel is not convened for a new or amended water quality standard, reasoning must be provided in the Statement of Need and Reasonableness. This item was changed from the vetoed bill.

**Cost Analysis of Water Quality Standards ([HF616/SF689](#))** – Directs Minnesota Management and Budget (MMB), in consultation with the MPCA, to contract for an engineering cost analysis of proposed, current, and recently adopted water quality standards and rules.

**Annual Report for Water Quality Standards** – By January 15 each year, the MPCA shall post on its website, a report on activities to implement standards and classification requirements into NPDES/SDS municipal permits.

**Wild Rice Water Quality Standards** ([HF1000/SF1007](#)) – Establishes expectations regarding water quality permits until the MPCA amends rules refining the wild rice water quality standard for sulfate and listing waters subject to the standard.

**Federal Clean Water 404 Permit Program Feasibility Study** ([HF690/SF1225](#)) – Requires BWSR and DNR to study the feasibility of the state administering the federal 404 permitting program (water permits for dredge or fill materials into waters including wetlands).

**Water Retention Projects** – By August 1, 2015, the DNR in cooperation with other agencies including the MPCA, shall develop proposals for the Lessard-Sams Outdoor Heritage Council on large-scale projects that provide flood water retention, water quality improvements, nutrient and sediment reduction, and wildlife habitat.

**Dry Cleaner “Owner or Operator” Defined** ([HF1968/SF1893\\*](#))– in conjunction with the appropriation, this adds the definition of an “owner or operator” to statute language on the dry cleaner environmental response and reimbursement account.

**Recyclable materials and County Recycling Goals**– this bill adds “sole source food streams managed through a biodegradative process” to the definition of recyclable materials. It also includes counts these toward county recycling goals.

**County Solid Waste Grants** ([HF1477/SF1132](#)) – allows counties to spend SCORE grants on development and implementation of food waste prevention programs or collection and transportation of food donated to humans or fed to animals; and to processing of source separated compostables following anaerobic digestion.

**Recycling Competitive Grant Program** – This establishes a new competitive grant program for greater Minnesota counties and cities with a population less than 45,000. Eligible projects include development of residential recycling through curbside or centrally located collection sites, including but not limited to electronic waste.

**Local Approval Prior to MPCA Solid Waste Permit Issuance** ([HF668/SF340](#)) – Requires local approval of solid waste disposal facilities prior to issuance of a MPCA solid waste disposal facility permit. This provision also directs the MPCA and DNR to apply solid waste management facility permitting requirements for mining operations in compliance with these and nonferrous metallic mining rules.

## **Omnibus Capital Improvement Appropriations/Bonding Bill** **Special Session** ([HF2](#)) **Regular Session Bill** ([HF2269/SF2118](#))

**Summary and History:** The bill has a general-obligation bonding and transportation fund impact of over \$370 million with the MPCA receiving \$11.026 million of those funds.

### **Allocations:**

- \$9.276 million for the MPCA’s Capital Assistance Grant Program to assist with the development of recycling and solid waste facilities. These include \$8 million to Polk County ([HF1019/SF821](#)) for Phase 1 of a regional integrated solid waste management system; \$600,000 each for Phase 1 integrated solid waste systems in

Clay County and McLeod County; \$56,000 for a project in Dodge County; and \$20,000 for a project in Western Lake Superior Sanitary District.

- \$1.75 million for the Superfund program to install drinking water treatment systems in Spring Park and Bayport.

Other projects of interest include: Capitol restoration; road projects; capital improvements in municipal wastewater collection systems to reduce inflow and infiltration; grants through the Public Facilities Authority; disaster relief; Reinvest in Minnesota (RIM) conservation easements; Erosion, Sediment, and Water Quality Control Cost-Share Program; and the Lewis and Clark Regional Water System project.

Session Law: [Chapter 5](#)

Effective Date: Final Enactment

### **Omnibus Legacy Finance Bill**

Special Session ([SF1](#)) Regular Session Bill ([HF303\\*](#)/[SF202](#))

**Summary and History:** This bill appropriates money from the outdoor heritage fund, clean water fund, parks and trails fund, and arts and cultural heritage fund. This bill also amends MN Statute 114D to indicate if, in the course of an audit or investigation, the Office of Legislative Auditor reports that a recipient has not complied with applicable laws, rules, or regulations, that the recipient is not eligible for future funding until they demonstrate compliance to the legislative auditor. In addition to funding other organizations and efforts including the Governor's buffer initiative, the MPCA received \$54.698 million for the biennium in allocations from the Clean Water Fund.

#### **Allocations:**

- \$16.5 million for Watershed Assessment and Monitoring to continue ongoing work by completing 20 percent of the needed statewide surface water quality assessments and trends in the biennium.
- \$200,000 for a grant to the Red River Watershed Management Board to enhance and expand the existing water quality and watershed monitoring river watch activities in the schools along the Red River of the North. ([HF618/SF752](#))
- \$19.59 million for Total Maximum Daily Load (TMDL) and Watershed Restoration and Protection Strategies (WRAPS) development for the biennium, which allows the MPCA to continue to develop WRAPS for our impaired water. The bill sets forth a goal to have the MPCA complete an average of 10 percent of the TMDLs each year.
- \$2.363 million for groundwater assessment -including enhancing ambient groundwater monitoring, modeling, and evaluating trends. This includes the re-assessment of contaminated groundwater that was found during assessments ten to 15 years ago.
- \$1.5 million for the St Louis River System Area of Concern Remedial Action Plan. This must be matched at a rate of 65 percent non-state money to 35 percent state money.
- \$550,000 over the biennium for stormwater research and guidance.
- \$2.3 million for TMDL research and database development over the biennium.



- \$1.8 million for National Pollution Discharge Elimination System (NPDES) wastewater and stormwater TMDL implementation efforts.
- \$7.245 million for enhancing county-level delivery systems for the Subsurface Sewage Treatment Systems (SSTS) program through county base grants and competitive grants to counties having plans to significantly reduce the number of failing systems. The counties are required to do additional reporting as part of their annual report to show the numbers of systems that were upgraded. \$750,000 each year is for grants to low-income landowners to deal with failing systems.
- \$550,000 for pass-through to the University of Minnesota for: stormwater best management practice (BMP) performance evaluation and technology transfer program to enhance data and information management of stormwater BMPs; evaluating BMP effectiveness to support meeting TMDLs; develop standards and incorporate state of the art guidance using minimal impact design standards as a model; and implement a system across local government, industry, and regulatory sectors.
- \$2 million for a local government grant program for sanitary sewer projects approved by the Voyageurs National Park Clean Water Joint Powers Board and included in the draft or updated Voyageurs National Park Clean Water Project Comprehensive Plan to restore water quality. This amount must be matched by at least 25% from sources other than the clean water fund. ([HF811/SF833](#))
- \$100,000 to support the Clean Water Council over the biennium.

**Reductions:**

Not included in the Clean Water Fund appropriations this biennium were:

- \$1 million to monitor and assess contaminants of new or emerging concern in both surface water and ground water.
- \$3 million for Clean Water Partnership grants to study and implement solutions that protect basins and watersheds before water quality standards are exceeded.

Session Law: [Chapter 2](#)

Effective Date: Final Enactment

**Omnibus Jobs and Energy Finance Bill**

Special Session ([HF3](#)) Regular Session Bill ([HF1437/SF2101](#))

**Summary and History:** This bill appropriates money to the Department of Commerce, Department of Employment and Economic Development, Labor and Industry, and other state agencies. This bill also contains policy changes, including one provision referencing the MPCA.

Legislative Review of Draft Clean Power Plan ([HF333/SF231](#))– the Commissioners of Commerce and Pollution Control Agency shall submit to the Legislature for review and comment a draft of the state’s Clean Power Plan for Existing Power Plants written to comply with proposed federal requirements.

Session Law: [Chapter 1](#)

Effective Date: Report is due on March 15, 2016

**Legislative-Citizen Commission on Minnesota Resources (LCCMR) ([HF390/SF698](#)\*)**

**Summary and History:** The bill contains project recommendations by the LCCMR, including one project submitted by the MPCA entitled *Improving Community Forests Through Citizen Engagement* (\$800,000). In the House and later in Conference Committee, this provision was changed from a MPCA project to a DNR project. The MPCA will continue to assist the DNR in its implementation. The funding is to design and pilot a program, including grants to communities, to mobilize citizen volunteers to protect, improve, and maintain local forests in communities around the state.

**Session Law:** [Chapter 76](#)

**Effective Date:** July 1, 2015

**Omnibus Public Safety Finance and Policy Bill ([HF849/SF878](#)\*)**

**Summary & History:** This bill provides appropriations and modifies certain provisions for Public Safety, Courts, Corrections, and others.

**Punishment for Prohibited Acts:** ([HF431/SF405](#)) A section in this bill (Article 6, Section 22) specifies that when the performance of any act is prohibited by a statute and there is no statutory penalty for the violation, it is considered a petty misdemeanor.

**Session Law:** [Chapter 65](#)

**Effective Date:** for Article 6, Section 22 - August 1, 2015

**Omnibus Transportation Bill ([HF1733/SF1647](#)\*)**

**Summary & History:** Although much discussed at the beginning of the session, a comprehensive transportation package was not passed due to a primary concern on how to fund future projects. Included in the bill was a provision referencing the MPCA.

**Legislative report on Vehicle Title Transfer Fee Fund:** A section within this bill requires the MPCA to submit a report on the Motor Vehicle Title Transfer Fee (MVTTF) funds to the chairs and ranking members of the transportation and environment policy and finance committees. The report needs to include the annual amount of revenue from the MVTTF, evaluate policy rationale for allocation of the revenue, and specify uses from the fund including identifying any motor vehicle, road, or bridge purposes for which the funds are used.

**Session Law:** [Chapter 75](#)

**Effective Date:** Report is due on November 1, 2015

**Professional Engineer license requirements clarified** ([HF288/SF417](#)\*)

**Summary and History:** This bill provides that a professional engineering license satisfies any state or local governmental requirements to perform actions authorized under the license. A licensed professional engineer can be required to obtain another form of approval only if a law, rule, or ordinance has determined that the additional approval is necessary to safeguard life, health, or property, or to promote public welfare. It does not apply to practice areas where licenses or certifications are required prior to August 1, 2015.

**Session Law:** [Chapter 18](#)

**Effective Date:** August 1, 2015

**Flame Retardant Prohibition** ([HF1100/SF1215](#)\*)

**Summary and History:** This bill prohibits the use of four specific flame retardants used in children's products or upholstered residential furniture by prohibiting products containing these chemicals in amounts greater than 1,000 parts per million. It also prohibits replacement chemicals that are known or suspected with a high degree of probability to cause developmental harm or other health concerns.

The bill also requires a report from the Department of Health on the status of laws, regulations, and relevant fire safety standards for flame retardant use in upholstered furniture, mattresses, and carpet pads.

**Session Law:** [Chapter 62](#)

**Effective Date:** The report is due on January 15, 2016; Manufacture prohibition on July 1, 2018; Retailer prohibition on July 19, 2019.

**Omnibus Agriculture Policy** (\*[HF1554/SF1459](#))

**Summary and History:** The bill contains a variety of provisions related to agriculture policy and technical changes. The bill clarifies waste pesticide provisions including allowing the Department of Agriculture to contract for the disposal of agriculture waste pesticide with a county or group of counties household hazardous waste disposal. It defines "diesel fuel" for petroleum dispensers, labeling, and signage.

**Session Law:** [Chapter 44](#)

**Effective Date:** Various

**Electronic Document Submittal to the Office of Administrative Hearings and Revisor**  
([HF1725](#)\*/[SF1360](#))

**Summary and History:** An agency may file electronically rule-related documents with the Office of Administrative Hearings (OAH) and Revisors Office.

**Session Law:** [Chapter 63](#)

**Effective Date:** January 1, 2016

### **Omnibus Tax Bill** ([HF0848\\*](#)/[SF826](#))

**Summary & History:** A tax bill was not passed during the regular session. A conference committee was formed and met but a conference committee report was not passed. A section within the Senate version of the omnibus bill included the following provision:

Occupation Taxes to be Apportioned ([HF0416/SF677](#)): Amends the language in MN Statute 298.17 to establish a minimum amount of \$1,500,000 generated by an existing 2.5 cent tax on taconite and iron sulfides, to go toward the Department of Natural Resources .

Found in both the Senate and House versions of the omnibus bill, a section included the following provision:

Solid Waste Management Tax Rate Conversion: Amends language in MN Statute 297H.04, subdivision 2, by changing the rate of solid waste management tax for construction debris from \$2 per ton to 60 cents per cubic yard. This equals the same rate for non-mixed municipal solid waste. The provision also required the Commissioner of Revenue, after consultation with the MPCA, to determine and publish a notice of conversion schedule.

**Status:** In the House, the bill passed the Property Tax and Local Government Finance Division (as amended); passed the Ways and Means Committee (as further amended); passed the House floor (as further amended). In the Senate, the bill passed the Taxes Committee (as amended) and received a second reading. Language was substituted into HF848. A conference committee was formed to address the differences.

### **Toxic Free Kids Act** ([HF1276](#)/[SF1099](#))

**Summary and History:** A Governor's initiative, as introduced the bill required manufacturers or distributors 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 including grants to manufacturers for safer alternatives if sufficient fee revenue is collected.

**Status:** This bill was referred to the House Environment and Natural Resources Policy and Finance Committee where it did not receive a hearing. In the Senate, it passed through the Environment and Energy Committee; the Health, Human Services and Housing Committee (as amended); the Judiciary Committee (as amended); the Commerce Committee (as amended); and the Finance Committee (as amended). It was included as part of the Senate's budget bill ([SF1764](#)), however it was removed during conference committee.

### **Electronic Waste Provisions Modified** ([HF1412](#)/[SF1427](#))

**Summary and History:** An Agency initiative, the bill modifies existing statute affecting electronic waste recycling by changing the methodology used to determine the amount of the manufacturers' obligation. Because there is a wider gap between the weight of products placed on the market compared to the weight of

devices recycled, consumers and counties are picking up the difference. This change measures the percentage of sales to determine the portion for which the manufacturer is responsible to recycle.

**Status:** The bill was referred to the House committee on Environment and Natural Resources Policy and Finance, but no hearing was held. In the Senate, the bill was passed as amended in the Environment and Energy Committee. It was referred to the Finance Committee where it was further amended, and laid over.

### **MN Environmental Contamination Awareness Act** ([HF1523/SF1448](#))

**Summary and History:** An Agency initiative, this bill requires a seller to provide written disclosure to a property buyer if there is a vapor intrusion mitigation system or a drinking water treatment system installed on the property. The seller must also provide a written disclosure if there were requests made for contaminant testing, vapor mitigation or drinking water treatment systems, or other response actions.

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

### **Water Quality Standards Legislative Approval** ([HF616/SF689](#))

**Summary and History:** The bill required prior legislative approval of water quality standards or rule changes if the change met financial impact criteria. This bill also requires a cost benefit analysis of recently adopted or proposed changes to water quality standards and rules. Until the cost analysis is submitted and a new rulemaking process is completed and approved by the legislature, water quality amendments for total suspended solids and eutrophication standards noticed in the State Register on November 18, 2013, are suspended and the previous standard is in effect.

**Status:** The bill was referred to the House committee on Environment and Natural Resources Policy and Finance where it was heard for possible inclusion in an omnibus bill. The bill was not heard in the Senate. In the Conference Committee Report and subsequent omnibus bill signed by the Governor as noted above, a cost analysis of water quality standards is required. The provisions requiring suspension of existing water quality standards and rules, and the legislative approval for new standards and rules, were not included in the omnibus bill.

### **Microplastics** ([HF541/SF507](#)) ([HF143/SF516](#)) ([SF627](#)) ([HF834/SF674](#)\*)

**Summary and History:** There were a number of bills to prohibit the use of microbeads in personal care products. Differences included how the material was defined, timelines for meeting prohibitions, and protocols to establish an exemption. During the hearing for these bills, the MPCA testified regarding its 2014 report, [Plastic microbeads in Minnesota](#).

**Status:** In the House, most bills did not receive a hearing except for HF834. This bill was originally referred to the Environment and Natural Resources Policy and Finance, but was recalled and heard in the Commerce and Regulatory Reform Committee where it passed. In the Senate, SF507 was heard in the Environment and Energy Committee and passed as amended. It was referred to the Commerce Committee. SF674 was passed in the Commerce Committee and referred to the Environment and Energy Committee where it passed as amended. It received its Third reading and passed the Senate floor. The House compared SF674 to HF834, and because there were differences, using rule 4.20 interim disposition of bills, returned it to the Commerce and Regulatory

Reform. Language regarding prohibition of microbeads was included in the House and Senate Ag & Environment Omnibus Bills. Because of differences, it was discussed in Conference Committee, and ultimately removed from the final bill.

### **Black Dog Lake Water Quality Assessment** ([HF989/SF1050](#))

**Summary and History:** The bill requires the MPCA to assess the water quality of Black Dog Lake in Dakota County and post the results of the assessment on the agency's website by June 30, 2016.

**Status:** The bill was heard in the House Environment and Natural Resources Policy and Finance, where it was laid over for possible inclusion in an omnibus bill. In the Senate, the bill was referred to the Environment and Energy Committee where it did not receive a hearing.

### **County SSTS Grants for Noncompliant Systems** ([HF2090/SF1967](#))

**Summary and History:** The bill appropriates funding to the PCA for grants to counties to provide financial assistance to landowners to upgrade or replace noncompliant SSTS.

**Status:** In the House, the bill was referred to the Environment and Natural Resources Policy and Finance Committee and did not receive a hearing. In the Senate, the bill was referred to the Environment, Economic Development and Agriculture Budget Division of the Finance Committee. Language was included in the Senate Omnibus Agriculture, Environment and Natural Resources Appropriation bill ([SF1764](#)).

### **Moose Lake Windemere Wastewater Treatment System Design** ([HF1323/SF1243](#))

**Summary and History:** The bill appropriates \$185,000 from the clean water fund to the PCA for a grant to the Moose Lake-Windemere Sanitary Sewer District for a regional plan to address wastewater collection and treatment in the district.

**Status:** In the House, the bill was referred to the Legacy Funding Committee where it received a hearing and was laid over for possible inclusion in the Legacy Omnibus bill. In the Senate, the bill was referred to the Finance Subcommittee on Legacy where it was heard and laid over for possible inclusion in the Omnibus Legacy Bill.

### **White Bear Lake Augmentation Study** ([HF1557/SF1641](#))

**Summary and History:** This bill requires the DNR, in consultation with others including the MPCA, to conduct a study and report to the legislature, the feasibility of constructing a wastewater treatment facilities for communities around White Bear Lake, where the treated wastewater can be used to augment water levels in the lake. This bill also requires the Metropolitan Council to obtain at least three proposals to design and construct an augmentation supply from Sucker Lake.

**Status:** In the House, the bill was introduced and referred to the Environment and Natural Resources Policy and Finance Committee where it was heard, amended, and laid over for possible inclusion in an omnibus bill. In the Senate, the bill was introduced and referred to the Capital Investment Committee, where it did not receive a

hearing. In the final omnibus bill, an appropriation was provided to the DNR to work with the Met Council to develop cost estimates for augmentation from the Sucker Lake chain of Lakes. (Special Session [SF5](#))

### **Lake Redwood Reclamation and Enhancement Project** ([HF1473/SF1421](#))

**Summary and History:** This bill appropriates \$7.8 million from bond proceeds for a grant through the MPCA to the Redwood-Cottonwood Rivers control area to remove 650,000 cubic yards of sediment and increase the depth in order to increase the capacity of the hydroelectric dam, reduce pollutants into the Minnesota River, and increase fish habitat.

**Status:** In the House, the bill was introduced and referred to the Environment and Natural Resources Policy and Finance Committee where it did not get a hearing. In the Senate, the bill was introduced and referred to the Capital Investment Committee where it did not receive a hearing.

### **Wetland Conservation Act Modification** ([HF1489/SF1515](#))

**Summary and History:** This bill modifies the Wetland Conservation Act. It also requires BWSR to work with stakeholders and provide recommendations to improve wetland management, including recommendations to update the Wetland Conservation Act, identifying high priority areas in the state for potential wetland replacement, and developing an in-lieu fee program. It requires BWSR to establish an interagency team including the MPCA to identify and evaluate potential wetland replacement sites.

**Status:** In the House, the bill was introduced and referred to the Environment and Natural Resource Policy and Finance Committee. It was heard and laid over for possible inclusion in an omnibus bill. In the Senate, the bill passed the Environment and Energy Committee, passed the State and Local Government Committee, and was heard and laid over for possible omnibus bill inclusion in the Environment, Economic Development and Agriculture Budget Division of the Finance Committee. Components of the bill can be found in the final Environment, Natural Resources, and Agriculture Omnibus appropriations bill (Special Session [SF5](#)). In this, the language was changed to identify priority wetland replacement areas through state-approved local water management plans instead of an interagency team.

### **Solid Waste Grant Use Modified, Allocation of Revenues, and Market Development Study** ([HF1477/SF1132](#))

**Summary and History:** The bill amends the purposes for which counties can spend solid waste (SCORE) grants to include collecting and transporting food donated to humans or fed to animals, and compostable materials following anaerobic digestion. The bill also decreases the portion of the solid waste management tax going to the General Fund and directs it to the county grant program through the Environmental Fund. A third provision in this bill requires the MPCA, in consultation with others, to perform a recycling market development study and report the findings to the Legislature.

**Status:** In the House, the bill was heard in the Environment and Natural Resources Policy and Finance Committee on March 24 where it was amended and laid over for possible inclusion in an omnibus bill. In the Senate, the bill was first passed as amended in the Environment and Energy Committee, and then amended and laid over in the Finance - Environment, Economic Development and Agriculture Budget Division. The provision to allow increased use of SCORE funding was included in the final Ag & Environment Omnibus bill.

### **Textile Waste Recycling Goal** ([HF848/SF1732](#))

**Summary and History:** The bill creates a textile reuse and recycling goal 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 Finance, but was not heard. In the Senate, the bill passed the Committee on Energy and the Environment and placed on General Orders.

### **Legislative and State Agency Effective Recycling Efforts and Digital Repair Stakeholder Group** (Sections 63 and 67 of [SF1432](#))

**Summary and History:** These provisions were added to the MPCA policy bill in the Senate. One requires the Department of Administration to partner with the legislature to implement methods to increase recycling rates and reduce waste generated in buildings housing state agencies and the legislature. The other provision allows the MPCA to convene a stakeholder group and develop recommendations for "fair repair" requirements for the reuse of computers and other electronic devices.

**Status:** These provisions were added as amendments on the Senate floor. Passed and receiving the 3<sup>rd</sup> reading, the bill was referred to the House where it was placed on the General Register and received a second reading. The bill was referred to the House Government Operations and Elections Policy Committee where it did not receive a hearing. These particular provisions were not included in the Ag and Environment Omnibus bill.

### **Delano Solid Was Processing Facility Appropriation** ([SF1869](#))

**Summary and History:** This bill provides a \$5 million appropriation from the General Fund to a solid waste management company in Delano through a grant from the MPCA. The grant is to construct a municipal solid waste processing facility that recovers organic material and non-recyclable paper and processes it in an anaerobic digester. From this, the facility will produce compost and compressed natural gas used to fuel its solid waste collection vehicles.

**Status:** In the Senate, the bill was introduced and referred to the Finance Committee where it did not get a hearing. There was not a companion bill in the House.

### **Legend Drug Collection and Pharmaceutical Waste Disposal** ([HF1503/SF1425](#))

**Summary and History:** The bill allows for the collection and disposal of certain controlled substances, legend, and non-legend drugs in accordance with federal regulations and MN statute and rules governing hazardous waste disposal.

**Status:** In the House, the bill was referred to the Health and Human Services Reform Committee where it did not receive a hearing. In the Senate, the bill was referred to the Health, Human Services and Housing Committee where it passed and then received a second reading.



## **Disposition of Abandoned Pipelines and Task Force on Pipeline Financial Assurance** ([HF508/SF1059](#))

**Summary and History:** This bill provides a process for landowners to request the removal of an abandoned pipeline from their property, including a provision submit a copy of this request to various agencies including the MPCA. The bill also requires MMB to establish a Task Force on Pipeline Financial Assurance which includes a representative from the MPCA.

**Status:** In the House, the bill was introduced and referred to the Job Growth and Energy Affordability Policy and Finance Committee where it was not heard. In the Senate, the bill was introduced and referred to the Environment and Energy Committee, where it did not receive a hearing.

## **Paynesville Site Remediation Bond Appropriation** ([HF193/SF220](#))

**Summary and History:** This bill appropriates funding from bond proceeds for a grant to the City of Paynesville through the MPCA for site remediation at the former Midtown Service Station.

**Status:** In the House, the bill was introduced and referred to the Environment and Natural Resources Policy and Finance Committee where it was not heard. In the Senate, the bill was introduced and referred to the Capital Investment Committee, where it did not receive a hearing.

## **Health Assessment of Synthetic Turf** ([HF1601/SF1422](#))

**Summary and History:** This bill prohibits installing synthetic turf on an athletic field until the Department of Health, in consultation with the PCA, has prepared site-specific impact report on the health and environmental effects of the use or installation of synthetic turf. It also requires the Department of Health to study the health impacts related to the use of crumb rubber within synthetic turf and include the impacts of various pathways including inhalation, leaching into groundwater, dermal absorption. A report is due by June 30, 2016. In the House Omnibus bill, the appropriation is directed to the PCA to study the impacts related to crumb rubber.

**Status:** In the House, the bill was introduced and referred to the Health and Human Services Reform Committee where it did not get a hearing. In the Senate, the bill was introduced and referred to the Health, Human Services, and Housing Committee where it did not get a hearing. An appropriation was added to the House version of the Omnibus Agriculture and Environment bill ([HF846](#)) but it was not included in the Conference Committee Report.

## **Moratorium of Sale and Use of Pesticides containing Neonicotinoids or Fipronil** ([HF2029](#))

**Summary and History:** This bill prohibits the sale of pesticides containing certain active ingredients. This bill also requires the Commissioner of Agriculture, in consultation with the DNR and PCA, to report on the adverse effects, costs and benefits to the agriculture economy.

**Status:** In the House, the bill was introduced and referred to the Agriculture Policy Committee where it did not get a hearing. There was not a companion bill in the Senate.

### **Air Pollution Health Care Costs Impact Analysis** ([HF646/SF1261](#))

**Summary and History:** This bill requires the MPCA, in consultation with others, to analyze the incremental health care costs attributable to air pollution as referenced in the 2015 Air Quality Report to the Legislature. In addition, the agency shall provide goals and strategies for the next ten years considering which sources contribute most to health care costs.

**Status:** In the House, the bill was introduced and referred to the Health and Human Services Reform Committee where it did not receive a hearing. In the Senate, the bill was introduced and referred to the Health, Human Services and Housing Committee, where it did not receive a hearing.

### **Ag Nuisance Safe Harbor** ([HF582/SF482](#))

**Summary and History:** The bill creates a safe harbor from nuisance claims for an agriculture operation if the facility is operating in compliance with state noise standards and ambient air quality standards including hydrogen sulfide.

**Status:** The bill passed in the House committee on Agriculture Policy, amended and passed in the Civil Law and Data Practices Committee, and was referred to the Environment and Natural Resources Policy and Finance where it was not heard. In the Senate, the bill was heard in the Jobs, Agriculture, and Rural Development Committee where it was laid on the table.

### **Wood Heaters – State Prohibition of Federal Regulations** ([HF483/SF642](#))

**Summary and History:** The bill excludes state employees from regulating federal standards on the manufacture, performance, or use of residential wood-burning heaters or appliances, unless specifically authorized by the legislature. The bill also indicates no rule respecting establishment or enforcement of performance standards for residential wood-burning heaters or appliances is effective unless first approved by the legislature.

**Status:** The bill was heard in the House Environment and Natural Resources Policy and Finance, where it was laid over for possible inclusion in an omnibus bill. In the Senate, the bill was referred to the Environment and Energy Committee where it did not receive a hearing.

### **Greenhouse Gas Emission Goals Modified** ([HF1505](#))

**Summary and History:** This bill removes the statewide numerical goals established for greenhouse gas emission reductions, and replaces them with a goal of reducing greenhouse gas emissions in an affordable manner. This bill also repeals the requirements for greenhouse gas emission controls, reporting, and maintaining an inventory.

**Status:** In the House, the bill was introduced and referred to the Job Growth and Energy Affordability Policy and Finance Committee. It did not receive a hearing.

## **Renewable Energy Standards Modified** ([HF1678/SF1431](#))

**Summary and History:** This bill contains a number of provisions including increasing the required percentage of renewable energy technologies generated by electric utilities for retail customers in Minnesota for 2020, 2025, and 2030. It also requires the Department of Commerce to maintain a state Energy Assurance and Emergency Conservation Plan which includes a determination at which emergency level the MPCA requests the Governor to petition the President for a temporary emergency suspension of air quality standards.

**Status:** In the House, the bill was introduced and referred to the Job Growth and Energy Affordability Policy and Finance Committee. It was heard, amended, and laid over for possible inclusion in an omnibus bill. In the Senate, the bill was introduced and referred to the Environment and Energy Committee where it was heard, amended, and laid over for possible inclusion in an omnibus bill.

## **Metropolitan Council Transportation Planning MPCA - Ex officio** ([HF1144/SF780](#)) ([HF1086/SF744](#))

**Summary and History:** These bills modify various provisions affecting the Metropolitan Council. This includes designating the MPCA, Department of Transportation, and the Metropolitan Airport Commission as non-voting members of the council for transportation planning purposes.

**Status:** In the House, these bills were introduced and referred to the Government Operations and Elections Policy Committee where they did not receive a hearing. In the Senate, the bills were introduced and referred to the State and Local Government Committee, where they did not receive a hearing.

## **Agency Rulemaking – Economic Impact and Legislative Approval** ([HF1261/SF1329](#))

**Summary and History:** The bill requires state agencies to determine if a proposed rule has a substantial economic impact, and if so, request the legislative auditor to convene a five-person peer review advisory panel to conduct an economic impact analysis of the proposed rule. If the agency or administrative law judge determines that the rule has a substantial economic impact, the proposed rule does not take effect until the rule is approved by law.

**Status:** In the House, the bill was adopted by the Government Operations and Elections Policy, the Civil Law and Data Practices Committee (where it was amended), and the State Government Finance Committee where it was then included in the House State Government omnibus bill ([HF495](#)). In the Senate, the bill was referred to the State and Local Government Committee, but was not heard.

## **Agency Rulemaking – Modifying Provisions in MN Chapter 14** ([HF1572/SF1531](#))

**Summary and History:** The bill modifies a number of provisions in Minnesota Statute Chapter 14 - including how rules are reviewed and repealed, public notices, and the requirements for the Statement of Need and Reasonableness (SONAR).

**Status:** In the House, this bill was introduced and referred to the Government Operations and Elections Policy Committee where it did not receive a hearing. In the Senate, the bill was introduced and referred to the State and Local Government Committee, where it did not receive a hearing.

## Environmental Permitting Efficiency, Rulemaking Reform, and State Agency Penalty Reform ([HF1/SF584](#))

**Summary and History:** There were many provisions to the bill including environmental permitting, rule making reform, tax provisions, workforce housing, long-term care, and state agency penalty reform. Related components were introduced in other bills noted below.

In Article 1 of the bill, it changes the goal for issuing Tier 1 environmental and resource management permits from 90 days to 45 days. ([HF345/SF659](#))

Article 2 allows the Legislative Coordinating Commission to object to proposed or final rules if they are beyond the authority delegated to the agency or are inconsistent with the enabling statute; unnecessary or redundant; have a substantial economic impact; not based on sound, reasonable available scientific, technical, economic, or other information; is not cost effective; or is more restrictive than federal requirements. The agency must respond to the objection within 14 days. If the objection is not subsequently withdrawn, the agency may not adopt the rule until the legislature adjourns sine die.

Another section in this article indicates agencies cannot implement or enforce against any person, a policy, guideline, or other non-binding interpretive statements that meet the definition of a rule, if it has not been adopted as a rule.

Article 6 of the bill requires civil or administrative penalties or fines that are collected by state agencies to be deposited into the General Fund.

**Status:** In the House, the bill was heard in the Greater Minnesota Economic and Workforce Development Policy Committee and laid over. In the Senate it was referred to the Jobs, Agriculture and Rural Development Committee where it did not receive a hearing.

### **Additional bills not specifying the MPCA, but potentially of interest**

- Cedar Lake Area Comprehensive Plan for Sewer Management ([HF1541/SF1499](#)\* - passed)
- Metro Area Water Supply Advisory Committee ([HF1835/SF1726](#))
- Riparian Buffers ([HF1819](#))
- Clean Water Council Membership Modified ([HF1113](#)); ([HF2054](#))
- Rural Municipal Water Treatment Renovation Loan Programs ([HF81/SF25](#)) ([HF163/SF1168](#))
- Wastewater Infrastructure Funding Program ([HF711/SF459](#))
- Bonding Projects – Seaforth POTW ([HF762/SF651](#)); Grove City Wastewater ([HF819/SF842](#)); Silver Creek Township ([HF1192/SF1104](#)); Currie POTW ([HF1597/SF1452](#))
- Water Technology Cluster Development Fund ([HF2217/SF1924](#))
- Damage Caused by Trains ([HF1922/SF1705](#))
- Brownfield Redevelopment Grants through DEED ([HF807/SF1022](#)) ([HF1175/SF1326](#))
- Fair Repair Requirements for Digital Electronics Manufacturers ([HF1048/SF873](#))
- Department of Revenue Modifications including Pollution Control Equipment and Compostable Materials ([HF1590/SF1558](#))