

December 23, 2025

The Honorable Tim Walz
Governor, State of Minnesota
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

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Office of the Revisor
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The Honorable Chris Swedzinski
Co-Chair, House Energy Finance and Policy
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The Honorable Peter Fischer
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The Honorable Nick A. Frentz
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The Honorable Andrew Mathews
Ranking Minority Member, Energy, Utilities,
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The Honorable Fong Hawj
Chair, Environment, Climate, and Legacy
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The Honorable Steve Green
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The Honorable D. Scott Dibble
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The Honorable John R. Jasinski
Ranking Minority Member, Transportation
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December 23, 2025

The Honorable Jon Koznick
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The Honorable Brad Tabke
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RE: Annual Report on Obsolete, Unnecessary, or Duplicative Rules, as Required by Minnesota
Statute (Minn. Stat.) § 14.05, subd. 5

Dear Legislators:

Minn. Stat. § 14.05, subdivision 5, states:

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 The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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

The Minnesota Pollution Control Agency (MPCA) has conducted a review of its rules and requested input from interested external parties (e.g., Minnesota Chamber of Commerce, regulated parties, local government, and environmental advocacy groups) to identify rules that are obsolete, unnecessary, or duplicative.

Rules identified as obsolete, unnecessary, or duplicative in 2025

The MPCA identified the additional rules listed below as obsolete, unnecessary, or duplicative in 2025.

1. Updates associated with the Land-Related Housekeeping Rule

The MPCA undertook the permanent rulemaking process in October 2018 to address amendments to chapters 7000, 7001, 7035, 7045, 9210 and 9215. Throughout the process, the MPCA identified language that needed to be repealed, but that sometimes still left some form of the requirement in place or relocated the language for easier navigation. Some of the modified requirements were a result of the adoption of applicable federal standards (some with modifications due to authorities delegated before certain federal standards), adoption of legislative requirements (already applicable), adoption of amendments by other agencies that required changes to our rules, vacating of federal rules, implementation of SWIFT system, corrections to obsolete cross references, amendments due to existing 1996 and 1997 variances with modifications to correct an oversight to ash testing related to mercury holding times, language clarifications, and formatting changes to aid in compliance. While previous ORRs

have listed many of the repeal scenarios just described, none of these amendments are anticipated to use the obsolete rules process. Therefore, the detailed explanations necessary to use the obsolete rules process to make those changes are removed from this ORR, as they will be more fully discussed in the sonar for the rule. Given that this is one rule effort, the lists from previous ORRs are listed separately for completeness.

Minn. R. pts. (Year 2025)

- 7035.0300, subps. 35a and 35b
- 7035.9140, subp. 7
- 7045.0020, subps. 2, 9a, 9b, 10, 24b, 32a, 40a, 10a, 21a, 22b, 37a, 24a, 37c, 47, 59d, 60a, 71a, 72a, 72b, 72c, 73b, 93a, and 102a
- 7045.0075, subp. 5
- 7045.0090, subp. 3
- 7045.0125, subpart 3a
- 7045.0261, subps 1, 1a, 2, 3, 4, 6, 7, 8, and 10
- 7045.0294, subp. 3
- 7045.0381, subps. 1, 2, 3, and 4
- 7045.0395, subps 1, 2, 3, and 4
- 7045.0466, subp. 3
- 7045.0468, subps. 5 and 6
- 7045.0572, subp. 3
- 7045.0574, subps. 5 and 6
- 7045.0665, subps. 1a and 1b
- 7045.0790, subps. 3, 4, 5, 6, 7, 8, 11, and 15.
- 7045.0795.
- 7045.0805.
- 7045.0875, subp. 6.
- 7045.0895, subp. 2.
- 7045.0990, subps. 3, 4, and 5

Minn. R. pts. (Years 2020 - 2022)

- 7001.3175
- 7001.3275
- 7001.3300
- 7045.0075, subp. 2, item E
- 7045.0135, subp. 1a, item F
- 7045.0125, subp. 12
- 7045.0135, subp. 2b, items B and C
- 7045.0248, subp. 4
- 7045.0261
- 7045.0294, subp. 2
- 7045.0302
- 7045.0322
- 7045.0452, subp. 3, item E
- 7045.0556, subp. 3, item D
- 7045.0474
- 7045.0675, subp. 5
- 7045.0692
- 7045.0835
- 7045.0990, subp. 1
- 7045.0075
- 7045.0262
- 7045.0265
- 7045.0375
- 7045.0381
- 7045.0385
- 7045.0391
- 7045.0476
- 7045.0580
- 7045.0582

Minn. R. pts. (Years 2013 and 2015 ORRs)

- 7035.9120, subps. 4 and 5.
- 7045.0075, subp. 5
- 7045.0125, subps 4 to 6.
- 7045.0206, subp. 6, item B
- 7045.0230, subp. 1a
- 7045.0243, subp. 3, item G
- 7045.0261, subp. 1a, item B
- 7045.0294, subp. 1a
- 7045.0381, subp. 5.
- 7045.0325, subp. 2
- 7045.0365, subp. 3
- 7045.0371
- 7045.0395, subp. 5
- 7045.0686
- 7045.0875, subp. 8, item B.
- 9210.0120, subp. 5
- 9210.0810, subp. 1.

The MPCA has started rulemaking to make minor corrections, clarifications, and updates to its solid and hazardous waste rule chapters and various cross-references; this rulemaking will also address the obsolete rules identified above. Addressing these obsolete requirements will involve changes to several chapters of Minnesota rules. The MPCA intends to complete this rulemaking, referred to as the Land-Related Housekeeping Rules (Revisor's ID #04155), in 2026.

2. Rule parts 7023.0150 to 7023.0300

The Clean Cars Minnesota Rule (CCM), Minn. R. Pts. 7023.0150-7023.0300 should be identified as an obsolete rule after reporting is complete for model year (MY) 2025. The Zero Emission Vehicle Standards and the criteria pollutant Low Emission Vehicle Standards both only apply to vehicles delivered for sale in Minnesota during model year 2025. Manufacturers will cease making MY2025 vehicles before January 1, 2026, which will make the CCM rule obsolete for those two requirements. The greenhouse gas (GHG) Low Emission Vehicle Standards do not end after MY2025; however, current federal standards are more stringent than those adopted under CCM, therefore making the CCM standards obsolete. In addition, under the federal Clean Air Act, states must rely either on federal vehicle emissions standards or adopt standards identical to California. MPCA cannot enforce just the GHG emissions standards portion of CCM alone when the criteria pollutant standards have ended.

Status of rules identified in previous Obsolete Rules Reports (ORRs)

The MPCA has identified obsolete rules in previous ORRs, some of which have already been addressed/remedied by the agency. For the previously identified rules listed below, the MPCA is either currently completing rulemaking to address them or still evaluating options to make the necessary changes.

2. Updates to underground waters, *Minn. R. pt. 7060* (2020 ORR)

MPCA staff identified portions of *Minn. R. 7060* with references to other rule parts that require updating—for example, 7060.0200 refers to text in parts 7050.0100-7050.0220 as of 2014 that was moved or changed in 2019. The MPCA, Minnesota Department of Health, and other agencies with relevant authority are reviewing specific items for revision in the Water Quality Standards: Use Class 1 rulemaking (Revisor's ID #04727).

2. Updates to permits and certifications, *Minn. R. pt. 7001* (2020 ORR)

This is now listed above in abbreviated form as part of the Land-Related Housekeeping Rule for project completeness.

2. Updates to solid waste, *Minn. R. pt. 7035* (2020 ORR)

This is now listed above in abbreviated form as part of the Land-Related Housekeeping Rule for project completeness.

2. Updates to hazardous waste, *Minn. R. pt. 7045*. (2020 and 2022 ORR; and 2013 and 2015 ORR)

This is now listed above in abbreviated form as part of the Land-Related Housekeeping Rule for project completeness.

2. MPCA Board Rules (2015 ORR)

The 2015 Legislative session eliminated the MPCA Citizens' Board (Minn. Stat. § 116.02, subd.6 and 8 (<https://www.revisor.mn.gov/laws/?id=4&year=2015&type=1>)). Minn. R. ch. 7000 and several other MPCA rules include obsolete references to the Board and its activities. The MPCA planned to address these obsolete rules by working with the Office of the Revisor of Statutes to prepare proposed

legislation repealing obsolete rule provisions related to the Board according to Laws 2015, First Special Session chapter 4, article 4, section 149.

Revisor's Instruction. *The Revisor of Statutes shall prepare draft legislation to amend statutes to conform with structural changes to the Minnesota Pollution Control Agency under sections 114–117 and 150. The Revisor shall submit the proposed legislation to the chairs of the House of Representatives and senate committees with jurisdiction over environment and policy by January 1, 2016.*

The MPCA expected that the necessary legislation would also grant editorial authority to the Office of the Revisor of Statutes to eliminate references to the Board in rules. This legislation was not introduced. The MPCA will continue to investigate legislative and administrative rulemaking options for eliminating the obsolete references and, as appropriate, refine language in housekeeping rule efforts on a case-by-case basis.

2. Green House Gas Emissions Rules (2014 ORR)

Portions of the federal Green House Gas Emissions Rules were vacated by a 2014 U.S. Supreme Court decision. The MPCA will consider repealing obsolete portions of Minn. R. ch. 7007 in future permanent air rulemakings.

If you have any questions regarding this report, please feel free to contact me at 651-757-2777.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Johnson", with a long horizontal flourish extending to the right.

Tom Johnson
Director of Government Relations and External Affairs
Commissioner's Office

TJ/KI:nld