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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2164

02/09/2012 Authored by McNamara and Schomacker

The bill was read for the first time and referred to the Committee on Environment, Energy and Natural Resources Policy and Finance

1.1 A bill for an act  
1.2 relating to environment; modifying certain reporting and assessment  
1.3 requirements; modifying waste management provisions; clarifying certain  
1.4 environmental review; eliminating certain fees; modifying toxic pollution  
1.5 prevention requirements; modifying certain standards for stationary sources;  
1.6 extending prohibition on new open air swine basins; modifying acid deposition  
1.7 control requirements; modifying sewage sludge management; amending  
1.8 Minnesota Statutes 2010, sections 103A.43; 103H.175, subdivision 3;  
1.9 115.06, subdivision 4; 115.42; 115A.15, subdivision 5; 115A.411; 115A.551,  
1.10 subdivisions 2a, 4; 115A.557, subdivisions 3, 4; 115A.93, subdivisions 1,  
1.11 3; 115D.08; 115D.10; 116.011; 116.0714; 116.10; 116C.833, subdivision 2;  
1.12 216C.055; 216H.07, subdivision 3; 473.149, subdivision 6; 473.846; Minnesota  
1.13 Statutes 2011 Supplement, sections 115A.1320, subdivision 1; 116D.04,  
1.14 subdivision 2a; repealing Minnesota Statutes 2010, sections 115.447; 115A.07,  
1.15 subdivision 2; 115A.15, subdivision 5; 115A.965, subdivision 7; 216H.07,  
1.16 subdivision 4; Minnesota Rules, parts 7002.0025, subpart 2a; 7011.7030;  
1.17 7021.0010, subpart 3; 7021.0050, subparts 1, 2, 3; 7041.0500, subparts 5, 6, 7.

1.18 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.19 Section 1. Minnesota Statutes 2010, section 103A.43, is amended to read:

1.20 **103A.43 WATER ASSESSMENTS AND REPORTS.**

1.21 (a) The Environmental Quality Board shall consolidate the assessments required  
1.22 in paragraphs (b) and (c) with the policy report in section 103A.204 and submit a single  
1.23 report to the house of representatives and senate committees with jurisdiction over the  
1.24 environment, natural resources, and agriculture and the Legislative-Citizen Commission  
1.25 on Minnesota Resources by September 15, 2010, and every five years thereafter.

1.26 (b) The Pollution Control Agency and the Department of Agriculture shall provide a  
1.27 ~~biennial~~ an assessment and analysis of water quality, groundwater degradation trends, and  
1.28 efforts to reduce, prevent, minimize, and eliminate degradation of water. The assessment  
1.29 and analysis must include an analysis of relevant monitoring data.

2.1 (c) The Department of Natural Resources shall provide an assessment and analysis  
 2.2 of the quantity of surface and ground water in the state and the availability of water to  
 2.3 meet the state's needs.

2.4 Sec. 2. Minnesota Statutes 2010, section 103H.175, subdivision 3, is amended to read:

2.5 Subd. 3. **Report.** ~~In each even-numbered year~~ Every five years, the Pollution  
 2.6 Control Agency, in cooperation with other agencies participating in the monitoring of  
 2.7 water resources, shall provide a draft report on the status of groundwater monitoring to  
 2.8 the Environmental Quality Board for review and then to the house of representatives  
 2.9 and senate committees with jurisdiction over the environment, natural resources, and  
 2.10 agriculture as part of the report in section 103A.204.

2.11 Sec. 3. Minnesota Statutes 2010, section 115.06, subdivision 4, is amended to read:

2.12 Subd. 4. **Citizen monitoring of water quality.** (a) The agency may encourage  
 2.13 citizen monitoring of ambient water quality for public waters by:

2.14 (1) providing technical assistance to citizen and local group water quality monitoring  
 2.15 efforts;

2.16 (2) integrating citizen monitoring data into water quality assessments and agency  
 2.17 programs, provided that the data adheres to agency quality assurance and quality control  
 2.18 protocols; and

2.19 (3) seeking public and private funds to:

2.20 (i) collaboratively develop clear guidelines for water quality monitoring procedures  
 2.21 and data management practices for specific data and information uses;

2.22 (ii) distribute the guidelines to citizens, local governments, and other interested  
 2.23 parties;

2.24 (iii) improve and expand water quality monitoring activities carried out by the  
 2.25 agency; and

2.26 (iv) continue to improve electronic and Web access to water quality data and  
 2.27 information about public waters that have been either fully or partially assessed.

2.28 (b) This subdivision does not authorize a citizen to enter onto private property  
 2.29 for any purpose.

2.30 (c) By January 15 ~~of each odd-numbered year~~, 2017, and every fourth year thereafter,  
 2.31 the commissioner shall report to the senate and house of representatives committees with  
 2.32 jurisdiction over environmental policy and finance on activities under this section.

3.1 Sec. 4. Minnesota Statutes 2010, section 115.42, is amended to read:

3.2 **115.42 POLICY; LONG-RANGE PLAN; PURPOSE.**

3.3 It is the policy of the state to provide for the prevention, control, and abatement  
 3.4 of pollution of all waters of the state, so far as feasible and practical, in furtherance  
 3.5 of conservation of such waters and protection of the public health and in furtherance  
 3.6 of the development of the economic welfare of the state. The agency shall prepare a  
 3.7 long-range plan and program for the effectuation of said policy, ~~and shall make a report of~~  
 3.8 ~~progress thereon to the legislature by November 15 of each even-numbered year, with~~  
 3.9 ~~recommendations for action in furtherance of such program during the ensuing biennium.~~

3.10 It is the purpose of sections 115.41 to 115.53 to safeguard the waters of the state from  
 3.11 pollution by: (a) preventing any new pollution; and (b) abating pollution existing  
 3.12 when sections 115.41 to 115.53 become effective, under a program consistent with the  
 3.13 declaration of policy above stated.

3.14 Sec. 5. Minnesota Statutes 2011 Supplement, section 115A.1320, subdivision 1,  
 3.15 is amended to read:

3.16 Subdivision 1. **Duties of the agency.** (a) The agency shall administer sections  
 3.17 115A.1310 to 115A.1330.

3.18 (b) The agency shall establish procedures for:

3.19 (1) receipt and maintenance of the registration statements and certifications filed  
 3.20 with the agency under section 115A.1312; and

3.21 (2) making the statements and certifications easily available to manufacturers,  
 3.22 retailers, and members of the public.

3.23 (c) The agency shall annually review the value of the following variables that are  
 3.24 part of the formula used to calculate a manufacturer's annual registration fee under section  
 3.25 115A.1314, subdivision 1:

3.26 (1) the proportion of sales of video display devices sold to households that  
 3.27 manufacturers are required to recycle;

3.28 (2) the estimated per-pound price of recycling covered electronic devices sold to  
 3.29 households;

3.30 (3) the base registration fee; and

3.31 (4) the multiplier established for the weight of covered electronic devices collected  
 3.32 in section 115A.1314, subdivision 1, paragraph (d). If the agency determines that any of  
 3.33 these values must be changed in order to improve the efficiency or effectiveness of the  
 3.34 activities regulated under sections 115A.1312 to 115A.1330, the agency shall submit

4.1 recommended changes and the reasons for them to the chairs of the senate and house of  
4.2 representatives committees with jurisdiction over solid waste policy.

4.3 (d) By January 15 each year, beginning in 2008, the agency shall calculate estimated  
4.4 sales of video display devices sold to households by each manufacturer during the  
4.5 preceding program year, based on national sales data, and forward the estimates to the  
4.6 department.

4.7 (e) ~~On or before December 1, 2010, and each year thereafter,~~ The agency shall  
4.8 provide a report to the governor and the legislature on the implementation of sections  
4.9 115A.1310 to 115A.1330. For each program year, the report must discuss the total weight  
4.10 of covered electronic devices recycled and a summary of information in the reports  
4.11 submitted by manufacturers and recyclers under section 115A.1316. The report must  
4.12 also discuss the various collection programs used by manufacturers to collect covered  
4.13 electronic devices; information regarding covered electronic devices that are being  
4.14 collected by persons other than registered manufacturers, collectors, and recyclers; and  
4.15 information about covered electronic devices, if any, being disposed of in landfills in  
4.16 this state. The report must include a description of enforcement actions under sections  
4.17 115A.1310 to 115A.1330. The agency may include in its report other information received  
4.18 by the agency regarding the implementation of sections 115A.1312 to 115A.1330. The  
4.19 report must be done in conjunction with the report required under section 115D.10.

4.20 (f) The agency shall promote public participation in the activities regulated under  
4.21 sections 115A.1312 to 115A.1330 through public education and outreach efforts.

4.22 (g) The agency shall enforce sections 115A.1310 to 115A.1330 in the manner  
4.23 provided by sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072, except for those  
4.24 provisions enforced by the department, as provided in subdivision 2. The agency may  
4.25 revoke a registration of a collector or recycler found to have violated sections 115A.1310  
4.26 to 115A.1330.

4.27 (h) The agency shall facilitate communication between counties, collection and  
4.28 recycling centers, and manufacturers to ensure that manufacturers are aware of video  
4.29 display devices available for recycling.

4.30 (i) The agency shall develop a form retailers must use to report information to  
4.31 manufacturers under section 115A.1318 and post it on the agency's Web site.

4.32 (j) The agency shall post on its Web site the contact information provided by each  
4.33 manufacturer under section 115A.1318, paragraph (e).

4.34 Sec. 6. Minnesota Statutes 2010, section 115A.15, subdivision 5, is amended to read:

5.1 Subd. 5. **Reports.** ~~(a)~~ By January 1 of each odd-numbered year, the commissioner  
 5.2 of administration shall submit a report to the governor and to the senate and house of  
 5.3 representatives committees having jurisdiction over environment and natural resources  
 5.4 and environment and natural resources finance summarizing past activities and proposed  
 5.5 goals of the program for the following biennium. The report shall include at least:

5.6 (1) a summary list of product and commodity purchases that contain recycled  
 5.7 materials;

5.8 (2) the results of any performance tests conducted on recycled products and agencies'  
 5.9 experience with recycled products used;

5.10 (3) a list of all organizations participating in and using the cooperative purchasing  
 5.11 program; and

5.12 (4) a list of products and commodities purchased for their recyclability and of  
 5.13 recycled products reviewed for purchase.

5.14 ~~(b) By July 1 of each even-numbered year, the commissioner of the Pollution  
 5.15 Control Agency and the commissioner of commerce through the State Energy Office shall  
 5.16 submit recommendations to the commissioner regarding the operation of the program.~~

5.17 Sec. 7. Minnesota Statutes 2010, section 115A.411, is amended to read:

5.18 **115A.411 SOLID WASTE MANAGEMENT POLICY; CONSOLIDATED**  
 5.19 **REPORT.**

5.20 Subdivision 1. **Authority; purpose.** The commissioner shall prepare and adopt a  
 5.21 report on solid waste management policy and activities under this chapter. The report must  
 5.22 be submitted by the commissioner to the senate and house of representatives committees  
 5.23 having jurisdiction over environment and natural resources ~~and environment and natural~~  
 5.24 ~~resources finance~~ by December 1 ~~of each odd-numbered year~~ 31, 2015, and every four  
 5.25 years thereafter and shall include reports required under sections ~~115A.55, subdivision 4,~~  
 5.26 ~~paragraph (b);~~ 115A.551, subdivision 4; 115A.557, subdivision 4; 473.149, subdivision  
 5.27 6; 473.846; and 473.848, subdivision 4.

5.28 Subd. 2. **Contents.** (a) The report ~~must~~ may also include:

5.29 (1) a summary of the current status of solid waste management, including the amount  
 5.30 of solid waste generated and reduced, the manner in which it is collected, processed, and  
 5.31 disposed, the extent of separation, recycling, reuse, and recovery of solid waste, and the  
 5.32 facilities available or under development to manage the waste;

5.33 (2) an evaluation of the extent and effectiveness of implementation ~~and~~ of section  
 5.34 115A.02, including an assessment of progress in accomplishing state policies, goals, and  
 5.35 objectives, including those listed in paragraph (b);

6.1 (3) identification of issues requiring further research, study, and action, the  
 6.2 appropriate scope of the research, study, or action, the state agency or political subdivision  
 6.3 that should implement the research, study, or action, and a schedule for completion  
 6.4 of the activity; and

6.5 (4) recommendations for establishing or modifying state solid waste management  
 6.6 policies, authorities, responsibilities, and programs.

6.7 (b) Beginning in 1997, and every sixth year thereafter, the report shall be expanded  
 6.8 to include the metropolitan area solid waste policy plan required in section 473.149,  
 6.9 subdivision 1, and strategies for the agency to advance the goals of this chapter, to manage  
 6.10 waste as a resource, to further reduce the need for expenditures on resource recovery and  
 6.11 disposal facilities, and to further reduce long-term environmental and financial liabilities.  
 6.12 The expanded report must include strategies for:

6.13 (1) achieving the maximum feasible reduction in waste generation;

6.14 (2) encouraging manufacturers to design products that eliminate or reduce the  
 6.15 adverse environmental impacts of resource extraction, manufacturing, use, and waste  
 6.16 processing and disposal;

6.17 (3) educating businesses, public entities, and other consumers about the need to  
 6.18 consider the potential environmental and financial impacts of purchasing products that  
 6.19 may create a liability or that may be expensive to recycle or manage as waste, due to the  
 6.20 presence of toxic or hazardous components;

6.21 (4) eliminating or reducing toxic or hazardous components in compost from  
 6.22 municipal solid waste composting facilities, in ash from municipal solid waste incinerators,  
 6.23 and in leachate and air emissions from municipal solid waste landfills, in order to reduce  
 6.24 the potential liability of waste generators, facility owners and operators, and taxpayers;

6.25 (5) encouraging the source separation of materials to the extent practicable, so that  
 6.26 the materials are most appropriately managed and to ensure that resources that can be  
 6.27 reused or recycled are not disposed of or destroyed; and

6.28 (6) maximizing the efficiency of the waste management system by managing waste  
 6.29 and recyclables close to the point of generation, taking into account the characteristics of  
 6.30 the resources to be recovered from the waste and the type and capacity of local facilities.

6.31 Sec. 8. Minnesota Statutes 2010, section 115A.551, subdivision 2a, is amended to read:

6.32 Subd. 2a. **Supplementary recycling goals.** ~~(a)~~ By December 31, 1996, each county  
 6.33 will have as a goal to recycle the following amounts:

6.34 (1) for a county outside of the metropolitan area, 35 percent by weight of total  
 6.35 solid waste generation;

7.1 (2) for a metropolitan county, 50 percent by weight of total solid waste generation.

7.2 Each county will develop and implement or require political subdivisions within the  
7.3 county to develop and implement programs, practices, or methods designed to meet its  
7.4 recycling goal. Nothing in this section or in any other law may be construed to prohibit a  
7.5 county from establishing a higher recycling goal.

7.6 ~~(b) For a county that, by January 1, 1995, is implementing a solid waste reduction  
7.7 program that is approved by the commissioner, the commissioner shall apply up to three  
7.8 percentage points toward achievement of the recycling goals in this subdivision. In  
7.9 addition, the commissioner shall apply demonstrated waste reduction that exceeds three  
7.10 percent reduction toward achievement of the goals in this subdivision.~~

7.11 ~~(c) No more than five percentage points may be applied toward achievement of the  
7.12 recycling goals in this subdivision for management of yard waste. The five percentage  
7.13 points must be applied as provided in this paragraph. The commissioner shall apply three  
7.14 percentage points for a county in which residents, by January 1, 1996, are provided with:~~

7.15 ~~(1) an ongoing comprehensive education program under which they are informed  
7.16 about how to manage yard waste and are notified of the prohibition in section 115A.931;  
7.17 and~~

7.18 ~~(2) the opportunity to drop off yard waste at specified sites or participate in curbside  
7.19 yard waste collection.~~

7.20 ~~The commissioner shall apply up to an additional two percentage points toward  
7.21 achievement of the recycling goals in this subdivision for additional activities approved  
7.22 by the commissioner that are likely to reduce the amount of yard waste generated and to  
7.23 increase the on-site composting of yard waste.~~

7.24 Sec. 9. Minnesota Statutes 2010, section 115A.551, subdivision 4, is amended to read:

7.25 Subd. 4. **Interim monitoring.** The commissioner shall monitor the progress of each  
7.26 county toward meeting the recycling goals in subdivisions 2 and 2a. The commissioner  
7.27 shall report to the senate and house of representatives committees having jurisdiction over  
7.28 environment and natural resources ~~and environment and natural resources finance on the~~  
7.29 ~~progress of the counties by July 1 of each odd-numbered year as part of the report required~~  
7.30 under section 115A.411. If the commissioner finds that a county is not progressing toward  
7.31 the goals in subdivisions 2 and 2a, the commissioner shall negotiate with the county to  
7.32 develop and implement solid waste management techniques designed to assist the county  
7.33 in meeting the goals, such as organized collection, curbside collection of source-separated  
7.34 materials, and volume-based pricing.

7.35 ~~The progress report shall be included in the report required under section 115A.411.~~

8.1 Sec. 10. Minnesota Statutes 2010, section 115A.557, subdivision 3, is amended to read:

8.2 Subd. 3. **Eligibility to receive money.** (a) To be eligible to receive money  
8.3 distributed by the commissioner under this section, a county shall within one year of  
8.4 October 4, 1989:

8.5 (1) create a separate account in its general fund to credit the money; and

8.6 (2) set up accounting procedures to ensure that money in the separate account is  
8.7 spent only for the purposes in subdivision 2.

8.8 (b) In each following year, each county shall also:

8.9 (1) have in place an approved solid waste management plan or master plan including  
8.10 a recycling implementation strategy under section 115A.551, subdivision 7, and a  
8.11 household hazardous waste management plan under section 115A.96, subdivision 6,  
8.12 by the dates specified in those provisions;

8.13 (2) submit a report by April 1 of each year to the commissioner detailing for the  
8.14 previous calendar year:

8.15 (i) how the money was spent ~~including, but not limited to, specific information on~~  
8.16 ~~the number of employees performing SCORE planning, oversight, and administration; the~~  
8.17 ~~percentage of those employees' total work time allocated to SCORE planning, oversight,~~  
8.18 ~~and administration; the specific duties and responsibilities of those employees; and the~~  
8.19 ~~amount of staff salary for these SCORE duties and responsibilities of the employees; and~~

8.20 (ii) the resulting gains achieved in solid waste management practices; and

8.21 (3) provide evidence to the commissioner that local revenue equal to 25 percent of  
8.22 the money sought for distribution under this section will be spent for the purposes in  
8.23 subdivision 2.

8.24 (c) The commissioner shall withhold all or part of the funds to be distributed  
8.25 to a county under this section if the county fails to comply with this subdivision and  
8.26 subdivision 2.

8.27 Sec. 11. Minnesota Statutes 2010, section 115A.557, subdivision 4, is amended to read:

8.28 Subd. 4. **Report.** ~~By July 1 of each odd-numbered year,~~ The commissioner  
8.29 shall report on how the money was spent and the resulting statewide improvements in  
8.30 solid waste management to the senate and house of representatives committees having  
8.31 jurisdiction over ways and means, finance, environment and natural resources, and  
8.32 environment and natural resources finance. The report shall be included in the report  
8.33 required under section 115A.411.

8.34 Sec. 12. Minnesota Statutes 2010, section 115A.93, subdivision 1, is amended to read:

9.1 Subdivision 1. **License and registration required.** (a) A person may not collect  
 9.2 mixed municipal solid waste for hire without a license from the jurisdiction where the  
 9.3 mixed municipal solid waste is collected.

9.4 (b) A person may not collect recyclables for hire unless registered with the agency.  
 9.5 If a person is licensed under paragraph (a), the person need not register with the agency  
 9.6 under this paragraph.

9.7 Sec. 13. Minnesota Statutes 2010, section 115A.93, subdivision 3, is amended to read:

9.8 Subd. 3. **License requirements; pricing based on volume or weight.** (a) A  
 9.9 licensing authority shall require licensees to impose charges for collection of mixed  
 9.10 municipal solid waste that increase with the volume or weight of the waste collected.

9.11 (b) A licensing authority may impose requirements that are consistent with the  
 9.12 county's solid waste policies as a condition of receiving and maintaining a license.

9.13 (c) A licensing authority shall prohibit mixed municipal solid waste collectors from  
 9.14 imposing a greater charge on residents who recycle than on residents who do not recycle.

9.15 (d) Licensed and registered collectors shall provide, at a minimum, the following  
 9.16 data to the agency:

9.17 (1) the quantity of mixed municipal solid waste and recyclables collected, reported  
 9.18 by commercial sector and by residential sector;

9.19 (2) the final destination of mixed municipal solid waste and recyclables;

9.20 (3) the county of origin of the waste or recyclables; and

9.21 (4) the participation rate for curbside recycling programs.

9.22 ~~(d)~~ (e) The commissioner may exempt a licensing authority from the requirements of  
 9.23 paragraph (a) if the county within which the authority is located has an approved solid  
 9.24 waste management plan that concludes that variable rate pricing is not appropriate for that  
 9.25 jurisdiction because it is inconsistent with other incentives and mechanisms implemented  
 9.26 within the jurisdiction that are more effective in attaining the goals of this chapter to  
 9.27 discourage on-site disposal, littering, and illegal dumping.

9.28 ~~(e)~~ (f) In the interim between revisions to the county solid waste management plan,  
 9.29 the commissioner may exempt a licensing authority from the requirements of paragraph  
 9.30 (a) if the commissioner makes the determination otherwise made by the plan in paragraph  
 9.31 ~~(d)~~ (e) and finds that the licensing authority:

9.32 (1) operates or contracts for the operation of a residential recycling program that  
 9.33 collects more categories of recyclable materials than required in section 115A.552;

10.1 (2) has a residential participation rate in its recycling programs of at least 70 percent  
 10.2 or in excess of the participation rate for the county in which it is located, whichever  
 10.3 is greater; and

10.4 (3) is located in a county that has exceeded the recycling goals in section 115A.551.

10.5 An exemption granted by the commissioner in the interim between revisions to the county  
 10.6 solid waste management plan is only effective until the county solid waste management  
 10.7 plan is revised.

10.8 Sec. 14. Minnesota Statutes 2010, section 115D.08, is amended to read:

10.9 **115D.08 PROGRESS REPORTS.**

10.10 Subdivision 1. **Requirement to submit progress report.** (a) All persons required to  
 10.11 prepare a toxic pollution prevention plan under section 115D.07 shall submit an annual  
 10.12 progress report to the commissioner of public safety that may be drafted in a manner that  
 10.13 does not disclose proprietary information. Progress reports are due on ~~October~~ July 1 of  
 10.14 each year. The first progress reports are due in 1992.

10.15 (b) At a minimum, each progress report must include:

10.16 (1) a summary of each objective established in the plan, including the base year for  
 10.17 any objective stated in numeric terms, and the schedule for meeting each objective;

10.18 (2) a summary of progress made during the past year, if any, toward meeting each  
 10.19 objective established in the plan including the quantity of each toxic pollutant eliminated  
 10.20 or reduced;

10.21 (3) a statement of the methods through which elimination or reduction has been  
 10.22 achieved;

10.23 (4) if necessary, an explanation of the reasons objectives were not achieved during  
 10.24 the previous year, including identification of any technological, economic, or other  
 10.25 impediments the facility faced in its efforts to achieve its objectives; and

10.26 (5) a certification, signed and dated by the facility manager and an officer of the  
 10.27 company under penalty of section 609.63, attesting that a plan meeting the requirements  
 10.28 of section 115D.07 has been prepared and also attesting to the accuracy of the information  
 10.29 in the progress report.

10.30 Subd. 2. **Review of progress reports.** (a) The commissioner of public safety shall  
 10.31 review all progress reports to determine if they meet the requirements of subdivision 1.  
 10.32 If the commissioner of public safety determines that a progress report does not meet the  
 10.33 requirements, the commissioner of public safety shall notify the facility in writing and  
 10.34 shall identify specific deficiencies and specify a reasonable time period of not less than 90  
 10.35 days for the facility to modify the progress report.

11.1 (b) The commissioner of public safety shall be given access to a facility plan  
 11.2 required under section 115D.07 if the commissioner of public safety determines that  
 11.3 the progress report for that facility does not meet the requirements of subdivision 1.  
 11.4 Twenty-five or more persons living within ten miles of the facility may submit a petition  
 11.5 to the commissioner of public safety that identifies specific deficiencies in the progress  
 11.6 report and requests the commissioner of public safety to review the facility plan. Within  
 11.7 30 days after receipt of the petition, the commissioner of public safety shall respond in  
 11.8 writing. If the commissioner of public safety agrees that the progress report does not meet  
 11.9 requirements of subdivision 1, the commissioner of public safety shall be given access  
 11.10 to the facility plan.

11.11 (c) After reviewing the plan and the progress report with any modifications  
 11.12 submitted, the commissioner of public safety shall state in writing whether the progress  
 11.13 report meets the requirements of subdivision 1. If the commissioner of public safety  
 11.14 determines that a modified progress report still does not meet the requirements of  
 11.15 subdivision 1, the commissioner of public safety shall schedule a public meeting. The  
 11.16 meeting shall be held in the county where the facility is located. The meeting is not  
 11.17 subject to the requirements of chapter 14.

11.18 (d) The facility shall be given the opportunity to amend the progress report within a  
 11.19 period of not less than 30 days after the public meeting.

11.20 (e) If the commissioner of public safety determines that a modified progress report  
 11.21 still does not meet the requirements of subdivision 1, action may be taken under section  
 11.22 115.071 to obtain compliance with sections 115D.01 to 115D.12.

11.23 Sec. 15. Minnesota Statutes 2010, section 115D.10, is amended to read:

11.24 **115D.10 TOXIC PRODUCT AND POLLUTION PREVENTION**  
 11.25 **EVALUATION POLICY; CONSOLIDATED REPORT.**

11.26 Subdivision 1. **Definitions.** For purposes of this section, the terms used have the  
 11.27 meaning given in sections 115A.03 and 115D.03.

11.28 Subd. 2. **Report.** The commissioner, ~~in cooperation with the commission, shall~~  
 11.29 ~~report to the Environment and Natural Resources Committees of the senate and house~~  
 11.30 ~~of representatives, the Finance Division of the senate Committee on Environment and~~  
 11.31 ~~Natural Resources, and the house of representatives Committee on Environment and~~  
 11.32 ~~Natural Resources Finance on progress being made in achieving the objectives of sections~~  
 11.33 ~~115D.01 to 115D.12. The report must be submitted by February 1 of each even-numbered~~  
 11.34 ~~year.~~ shall prepare and adopt a report on toxic pollution prevention, problem materials, and  
 11.35 product stewardship policy and activities in this chapter and chapter 115A. The report must

12.1 be submitted by the commissioner to the senate and house of representatives committees  
 12.2 having jurisdiction over environment and natural resources by December 31, 2013, and  
 12.3 every four years thereafter and must include the report required under section 115A.1320.

12.4 Subd. 3. **Discretionary report contents.** The report under subdivision 2 may  
 12.5 also include:

12.6 (1) a summary of the current status of toxic pollutant and hazardous waste  
 12.7 management, including the amount of toxic pollutant and hazardous waste generated  
 12.8 and reduced, and the manner in which it is processed, recycled, reused, recovered, and  
 12.9 disposed of;

12.10 (2) a summary of problem material generation and management, including, if  
 12.11 available, the amounts collected separately from the waste streams and the manner in  
 12.12 which the problem material is processed, recycled, or disposed of;

12.13 (3) a summary of pollution prevention and green chemistry activities designed to  
 12.14 reduce the use, generation, and release of toxic pollutants, hazardous waste, and problem  
 12.15 materials;

12.16 (4) a summary of product stewardship activities for problem materials occurring in  
 12.17 the state, including efforts to encourage manufacturers to design products that eliminate or  
 12.18 reduce the adverse environmental impacts of resource extraction, manufacturing, use, and  
 12.19 waste processing and disposal;

12.20 (5) an evaluation of the efforts to prevent pollution and reduce, recycle, and manage  
 12.21 problem materials and the extent the efforts prevent pollution and remove problem  
 12.22 materials from the waste stream;

12.23 (6) identification of issues requiring further research, study, or action; the appropriate  
 12.24 scope of the research, study, or action; the state agency or political subdivision that should  
 12.25 implement the research, study, or action; and a schedule for completion of the activity; and

12.26 (7) recommendations for establishing or modifying state policies, authorities,  
 12.27 responsibilities, and programs related to pollution prevention and problem materials.

12.28 Sec. 16. Minnesota Statutes 2010, section 116.011, is amended to read:

12.29 **116.011 ~~ANNUAL~~ POLLUTION REPORT.**

12.30 A goal of the Pollution Control Agency is to reduce the amount of pollution that is  
 12.31 emitted in the state. By April 1 of each even-numbered year, the Pollution Control Agency  
 12.32 shall report the best estimate of the agency of the total volume of water and air pollution  
 12.33 that was emitted in the state in the previous two calendar ~~year~~ years for which data are  
 12.34 available. The agency shall report its findings for both water and air pollution:

13.1 (1) in gross amounts, including the percentage increase or decrease over the ~~previous~~  
 13.2 previously reported two calendar year years; and

13.3 (2) in a manner which will demonstrate the magnitude of the various sources of  
 13.4 water and air pollution.

13.5 Sec. 17. Minnesota Statutes 2010, section 116.0714, is amended to read:

13.6 **116.0714 NEW OPEN AIR SWINE BASINS.**

13.7 The commissioner of the Pollution Control Agency or a county board shall not  
 13.8 approve any permits for the construction of new open air swine basins, except that existing  
 13.9 facilities may use one basin of less than 1,000,000 gallons as part of a permitted waste  
 13.10 treatment program for resolving pollution problems or to allow conversion of an existing  
 13.11 basin of less than 1,000,000 gallons to a different animal type, provided all standards are  
 13.12 met. This section expires June 30, ~~2012~~ 2017.

13.13 Sec. 18. Minnesota Statutes 2010, section 116.10, is amended to read:

13.14 **116.10 POLICY; LONG-RANGE PLAN; PURPOSE.**

13.15 Consistent with the policy announced herein and the purposes of Laws 1963, chapter  
 13.16 874, the Pollution Control Agency shall, ~~before November 15 of each even-numbered~~  
 13.17 ~~year,~~ prepare a long-range plan and program for the effectuation of said policy, ~~and shall~~  
 13.18 ~~make a report also of progress on abatement and control of air and land pollution during~~  
 13.19 ~~each biennium to the legislature with recommendations for action in furtherance of the air~~  
 13.20 ~~and land pollution and waste programs.~~

13.21 Sec. 19. Minnesota Statutes 2010, section 116C.833, subdivision 2, is amended to read:

13.22 Subd. 2. **Biennial Quadrennial report.** In addition to other duties specified in  
 13.23 sections 116C.833 to 116C.843, the commissioner shall report by January 31, ~~1997~~ 2013,  
 13.24 and ~~biennially~~ every four years thereafter, to the governor and the legislature concerning  
 13.25 the activities of the Interstate Commission. The report shall include any recommendations  
 13.26 the commissioner deems necessary to assure the protection of the interest of the state in  
 13.27 the proper functioning of the compact. The commissioner also shall report to the governor  
 13.28 and the legislature any time there is a change in the status of a host state or other party  
 13.29 states in the compact.

13.30 Sec. 20. Minnesota Statutes 2011 Supplement, section 116D.04, subdivision 2a,  
 13.31 is amended to read:

14.1 Subd. 2a. **When prepared.** Where there is potential for significant environmental  
14.2 effects resulting from any major governmental action, the action shall be preceded by a  
14.3 detailed environmental impact statement prepared by the responsible governmental unit.  
14.4 The environmental impact statement shall be an analytical rather than an encyclopedic  
14.5 document which describes the proposed action in detail, analyzes its significant  
14.6 environmental impacts, discusses appropriate alternatives to the proposed action and  
14.7 their impacts, and explores methods by which adverse environmental impacts of an  
14.8 action could be mitigated. The environmental impact statement shall also analyze those  
14.9 economic, employment and sociological effects that cannot be avoided should the action  
14.10 be implemented. To ensure its use in the decision-making process, the environmental  
14.11 impact statement shall be prepared as early as practical in the formulation of an action.  
14.12 No mandatory environmental impact statement may be required for an ethanol plant,  
14.13 as defined in section 41A.09, subdivision 2a, paragraph (b), that produces less than  
14.14 125,000,000 gallons of ethanol annually and is located outside of the seven-county  
14.15 metropolitan area.

14.16 (a) The board shall by rule establish categories of actions for which environmental  
14.17 impact statements and for which environmental assessment worksheets shall be prepared  
14.18 as well as categories of actions for which no environmental review is required under this  
14.19 section. A mandatory environmental assessment worksheet shall not be required for the  
14.20 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph  
14.21 (b), or the conversion of an ethanol plant to a biobutanol facility or the expansion of a  
14.22 biobutanol facility as defined in section 41A.105, subdivision 1a, based on the capacity  
14.23 of the expanded or converted facility to produce alcohol fuel, but must be required if  
14.24 the ethanol plant or biobutanol facility meets or exceeds thresholds of other categories  
14.25 of actions for which environmental assessment worksheets must be prepared. The  
14.26 responsible governmental unit for an ethanol plant or biobutanol facility project for which  
14.27 an environmental assessment worksheet is prepared shall be the state agency with the  
14.28 greatest responsibility for supervising or approving the project as a whole.

14.29 (b) The responsible governmental unit shall promptly publish notice of the  
14.30 completion of an environmental assessment worksheet in a manner to be determined by  
14.31 the board and shall provide copies of the environmental assessment worksheet to the board  
14.32 and its member agencies. Comments on the need for an environmental impact statement  
14.33 may be submitted to the responsible governmental unit during a 30-day period following  
14.34 publication of the notice that an environmental assessment worksheet has been completed.  
14.35 The responsible governmental unit's decision on the need for an environmental impact  
14.36 statement shall be based on the environmental assessment worksheet and the comments

15.1 received during the comment period, and shall be made within 15 days after the close of  
15.2 the comment period. The board's chair may extend the 15-day period by not more than 15  
15.3 additional days upon the request of the responsible governmental unit.

15.4 (c) An environmental assessment worksheet shall also be prepared for a proposed  
15.5 action whenever material evidence accompanying a petition by not less than 100  
15.6 individuals who reside or own property in the state, submitted before the proposed  
15.7 project has received final approval by the appropriate governmental units, demonstrates  
15.8 that, because of the nature or location of a proposed action, there may be potential for  
15.9 significant environmental effects. Petitions requesting the preparation of an environmental  
15.10 assessment worksheet shall be submitted to the board. The chair of the board shall  
15.11 determine the appropriate responsible governmental unit and forward the petition to it.  
15.12 A decision on the need for an environmental assessment worksheet shall be made by  
15.13 the responsible governmental unit within 15 days after the petition is received by the  
15.14 responsible governmental unit. The board's chair may extend the 15-day period by not  
15.15 more than 15 additional days upon request of the responsible governmental unit.

15.16 (d) Except in an environmentally sensitive location where Minnesota Rules, part  
15.17 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental  
15.18 review under this chapter and rules of the board, if:

15.19 (1) the proposed action is:

15.20 (i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

15.21 (ii) an expansion of an existing animal feedlot facility with a total cumulative  
15.22 capacity of less than 1,000 animal units;

15.23 (2) the application for the animal feedlot facility includes a written commitment by  
15.24 the proposer to design, construct, and operate the facility in full compliance with Pollution  
15.25 Control Agency feedlot rules; and

15.26 (3) the county board holds a public meeting for citizen input at least ten business  
15.27 days prior to the Pollution Control Agency or county issuing a feedlot permit for the  
15.28 animal feedlot facility unless another public meeting for citizen input has been held with  
15.29 regard to the feedlot facility to be permitted. The exemption in this paragraph is in  
15.30 addition to other exemptions provided under other law and rules of the board.

15.31 (e) The board may, prior to final approval of a proposed project, require preparation  
15.32 of an environmental assessment worksheet by a responsible governmental unit selected  
15.33 by the board for any action where environmental review under this section has not been  
15.34 specifically provided for by rule or otherwise initiated.

15.35 (f) An early and open process shall be utilized to limit the scope of the environmental  
15.36 impact statement to a discussion of those impacts, which, because of the nature or location

16.1 of the project, have the potential for significant environmental effects. The same process  
16.2 shall be utilized to determine the form, content and level of detail of the statement as well  
16.3 as the alternatives which are appropriate for consideration in the statement. In addition,  
16.4 the permits which will be required for the proposed action shall be identified during the  
16.5 scoping process. Further, the process shall identify those permits for which information  
16.6 will be developed concurrently with the environmental impact statement. The board  
16.7 shall provide in its rules for the expeditious completion of the scoping process. The  
16.8 determinations reached in the process shall be incorporated into the order requiring the  
16.9 preparation of an environmental impact statement.

16.10 (g) The responsible governmental unit shall, to the extent practicable, avoid  
16.11 duplication and ensure coordination between state and federal environmental review  
16.12 and between environmental review and environmental permitting. Whenever practical,  
16.13 information needed by a governmental unit for making final decisions on permits or  
16.14 other actions required for a proposed project shall be developed in conjunction with the  
16.15 preparation of an environmental impact statement.

16.16 (h) An environmental impact statement shall be prepared and its adequacy  
16.17 determined within 280 days after notice of its preparation unless the time is extended by  
16.18 consent of the parties or by the governor for good cause. The responsible governmental  
16.19 unit shall determine the adequacy of an environmental impact statement, unless within 60  
16.20 days after notice is published that an environmental impact statement will be prepared,  
16.21 the board chooses to determine the adequacy of an environmental impact statement. If an  
16.22 environmental impact statement is found to be inadequate, the responsible governmental  
16.23 unit shall have 60 days to prepare an adequate environmental impact statement.

16.24 (i) The proposer of a specific action may include in the information submitted to the  
16.25 responsible governmental unit a preliminary draft environmental impact statement under  
16.26 this section on that action for review, modification, and determination of completeness and  
16.27 adequacy by the responsible governmental unit. A preliminary draft environmental impact  
16.28 statement prepared by the project proposer and submitted to the responsible governmental  
16.29 unit shall identify or include as an appendix all studies and other sources of information  
16.30 used to substantiate the analysis contained in the preliminary draft environmental impact  
16.31 statement. The responsible governmental unit shall require additional studies, if needed,  
16.32 and obtain from the project proposer all additional studies and information necessary for  
16.33 the responsible governmental unit to perform its responsibility to review, modify, and  
16.34 determine the completeness and adequacy of the environmental impact statement.

17.1 Sec. 21. Minnesota Statutes 2010, section 216C.055, is amended to read:

17.2 **216C.055 KEY ROLE OF SOLAR AND BIOMASS RESOURCES IN**  
 17.3 **PRODUCING THERMAL ENERGY.**

17.4 The ~~annual~~ biennial legislative proposals required to be submitted by the  
 17.5 commissioners of commerce and the Pollution Control Agency under section 216H.07,  
 17.6 subdivision ~~4~~ 3, must include proposals regarding the use of solar energy and the  
 17.7 combustion of grasses, agricultural wastes, trees, and other vegetation to produce thermal  
 17.8 energy for heating commercial, industrial, and residential buildings and for industrial  
 17.9 processes if the commissioners determine that such policies are appropriate to achieve the  
 17.10 state's greenhouse gas emissions-reduction goals. No legal claim against any person is  
 17.11 allowed under this section. This section does not apply to the combustion of municipal  
 17.12 solid waste or refuse-derived fuel to produce thermal energy. For purposes of this section,  
 17.13 removal of woody biomass from publicly owned forests must be consistent with the  
 17.14 principles of sustainable forest management.

17.15 Sec. 22. Minnesota Statutes 2010, section 216H.07, subdivision 3, is amended to read:

17.16 Subd. 3. **Biennial ~~reduction progress~~ report.** (a) By January 15 of each  
 17.17 odd-numbered year, the commissioners of commerce and the Pollution Control Agency  
 17.18 shall jointly report to the chairs and ranking minority members of the legislative  
 17.19 committees with primary policy jurisdiction over energy and environmental issues to  
 17.20 provide:

17.21 (1) the most recent and best available evidence identifying the level of reductions  
 17.22 already achieved and the level necessary to achieve the reductions timetable in section  
 17.23 216H.02-; and

17.24 (2) proposed legislation the commissioners determine appropriate to achieve the  
 17.25 reductions in section 216H.02. The proposed legislation must be based on the principles  
 17.26 in subdivision 5. If the commissioners determine no legislation is appropriate, they shall  
 17.27 report that determination to the chairs along with an explanation of the determination.

17.28 (b) The report must be in easily understood nontechnical terms.

17.29 Sec. 23. Minnesota Statutes 2010, section 473.149, subdivision 6, is amended to read:

17.30 Subd. 6. **Report to legislature.** The commissioner shall report on abatement to  
 17.31 the senate and house of representatives committees having jurisdiction over ways and  
 17.32 means, finance, environment and natural resources committees of the senate and house  
 17.33 of representatives, the Finance Division of the senate Committee on Environment and  
 17.34 Natural Resources, and the house of representatives Committee on Environment and

18.1 ~~Natural Resources Finance by July 1 of each odd-numbered year~~ policy, and environment  
 18.2 and natural resources finance. The report must include an assessment of whether the  
 18.3 objectives of the metropolitan abatement plan have been met and whether each county  
 18.4 and each class of city within each county have achieved the objectives set for it in the  
 18.5 plan. The report must recommend any legislation that may be required to implement the  
 18.6 plan. The report shall be included in the report required by section 115A.411. If in any  
 18.7 year the commissioner reports that the objectives of the abatement plan have not been  
 18.8 met, the commissioner shall evaluate and report on the need to reassign governmental  
 18.9 responsibilities among cities, counties, and metropolitan agencies to assure implementation  
 18.10 and achievement of the metropolitan and local abatement plans and objectives.

18.11 The report must include a report on the operating, capital, and debt service costs of  
 18.12 solid waste facilities in the metropolitan area; changes in the costs; the methods used to  
 18.13 pay the costs; and the resultant allocation of costs among users of the facilities and the  
 18.14 general public. The facility costs report must present the cost and financing analysis in the  
 18.15 aggregate and broken down by county and by major facility.

18.16 Sec. 24. Minnesota Statutes 2010, section 473.846, is amended to read:

18.17 **473.846 ~~REPORT~~ REPORTS TO LEGISLATURE.**

18.18 The agency shall submit to the senate ~~Finance Committee, the~~ and house of  
 18.19 representatives ~~Ways and Means Committee, and the Environment and Natural Resources~~  
 18.20 ~~Committees of the senate and house of representatives, the Finance Division of the senate~~  
 18.21 ~~Committee on Environment and Natural Resources, and the house of representatives~~  
 18.22 ~~Committee on~~ committees having jurisdiction over environment and natural resources  
 18.23 ~~finance~~ separate reports describing the activities for which money for landfill abatement  
 18.24 has been spent under sections 473.844 and 473.845. ~~The agency shall report by November~~  
 18.25 ~~1 of each year on expenditures during its previous fiscal year. The commissioner shall~~  
 18.26 ~~report on expenditures during the previous calendar year and must incorporate its report~~  
 18.27 The report for section 473.844 expenditures shall be included in the report required by  
 18.28 section 115A.411, ~~due July 1 of each odd-numbered year.~~ By December 31 each year,  
 18.29 the commissioner shall submit the report for section 473.845 on contingency action  
 18.30 trust fund activities. In both reports, the commissioner shall make recommendations  
 18.31 ~~to the Environment and Natural Resources Committees of the senate and house of~~  
 18.32 ~~representatives, the Finance Division of the senate Committee on Environment and~~  
 18.33 ~~Natural Resources, and the house of representatives Committee on Environment and~~  
 18.34 ~~Natural Resources Finance~~ on the future management and use of the metropolitan landfill  
 18.35 abatement account.

19.1       Sec. 25. **REPEALER.**

19.2               Minnesota Statutes 2010, sections 115.447; 115A.07, subdivision 2; 115A.15,  
19.3 subdivision 5; 115A.965, subdivision 7; and 216H.07, subdivision 4, and Minnesota  
19.4 Rules, parts 7002.0025, subpart 2a; 7011.7030; 7021.0010, subpart 3; 7021.0050, subparts  
19.5 1, 2, and 3; and 7041.0500, subparts 5, 6, and 7, are repealed.