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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1421

02/08/2023 Authored by Hansen, R., and Lee, F.,
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy
02/27/2023 Adoption of Report: Amended and re-referred to the Committee on Climate and Energy Finance and Policy

1.1 A bill for an act
1.2 relating to environment; specifying duties and requiring report for petroleum tank
1.3 release cleanup program.

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

1.5 Section 1. PETROLEUM TANK RELEASE CLEANUP; REPORT TO
1.6 LEGISLATURE.

1.7 The commissioner of the Pollution Control Agency must perform the duties under clauses
1.8 (1) to (5) with respect to the petroleum tank release cleanup program governed by Minnesota
1.9 Statutes, chapter 115C, and must, no later than January 15, 2025, report the results to the
1.10 chairs and ranking minority members of the senate and house of representatives committees
1.11 with primary jurisdiction over environment policy and finance. The report must include any
1.12 recommendations for legislation. The commissioner must:

1.13 (1) explicitly define the conditions that must be present in order for the commissioner
1.14 to classify a site as posing a low potential risk to public health and the environment and
1.15 ensure that all agency staff use the definition in assessing potential risks. In determining
1.16 the conditions that indicate that a site poses a low risk, the commissioner must consider
1.17 relevant site conditions, including but not limited to the nature of groundwater flow, soil
1.18 type, and proximity of features at or near the site that could potentially become contaminated;

1.19 (2) develop guidelines to incorporate consideration of potential future uses of a
1.20 contaminated property into all agency staff decisions regarding site remediation;

2.1 (3) develop scientifically based and measurable technical standards that allow the quality
2.2 of the agency's performance in remediating petroleum-contaminated properties to be
2.3 evaluated and conduct such evaluations periodically;

2.4 (4) in collaboration with the Petroleum Tank Release Compensation Board and the
2.5 commissioner of commerce, examine whether and how to establish technical qualifications
2.6 for consultants hired to remediate petroleum-contaminated properties as a strategy to improve
2.7 the quality of remediation work, and how agencies can share information on consultant
2.8 performance; and

2.9 (5) in collaboration with the commissioner of commerce, make consultants who remediate
2.10 petroleum-contaminated sites more accountable for the quality of their work by:

2.11 (i) requiring a thorough evaluation of the past performance of a contractor being
2.12 considered for hire;

2.13 (ii) developing a formal system of measures and procedures by which to evaluate the
2.14 work; and

2.15 (iii) sharing evaluations with the commissioner of commerce and with responsible parties.

2.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.