

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 1590

(SENATE AUTHORS: RARICK)

DATE	D-PG	OFFICIAL STATUS
02/21/2019	486	Introduction and first reading
		Referred to Environment and Natural Resources Policy and Legacy Finance
03/04/2019	601a	Comm report: To pass as amended and re-refer to State Government Finance and Policy and Elections
03/14/2019	949a	Comm report: To pass as amended
	977	Second reading
	4689	Rule 47, returned to State Government Finance and Policy and Elections
		See First Special Session 2019, SF7, Art. 3, Sec. 116

- 1.1 A bill for an act
- 1.2 relating to environment; requiring financial assurance for waste tire facilities;
- 1.3 proposing coding for new law in Minnesota Statutes, chapter 115A.
- 1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.5 Section 1. **[115A.903] WASTE TIRE FACILITIES; FINANCIAL QUALIFICATIONS.**
- 1.6 Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have
- 1.7 the meanings given.
- 1.8 (b) "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.
- 1.9 (c) "Financial qualification" means the ability of an applicant or permit holder to pay
- 1.10 the costs to properly design, construct, operate, maintain, and close a waste tire facility.
- 1.11 (d) "Waste tire facility" means a permitted facility operated by a tire collector or tire
- 1.12 processor at which waste tires are stored or processed.
- 1.13 Subd. 2. Application; financial qualification. (a) An applicant for a permit for a waste
- 1.14 tire facility must submit in an application to the commissioner:
- 1.15 (1) information demonstrating the applicant's financial qualification to design, construct,
- 1.16 operate, maintain, and close a waste tire facility; and
- 1.17 (2) cost estimates for:
- 1.18 (i) site investigation;
- 1.19 (ii) land acquisition costs, including financing terms and costs;
- 1.20 (iii) project design;

2.1 (iv) construction;

2.2 (v) operations;

2.3 (vi) maintenance; and

2.4 (vii) facility closing.

2.5 (b) An applicant or permit holder must provide an audited, certified financial statement
 2.6 to the commissioner as part of the financial qualification review. An applicant may
 2.7 demonstrate financial qualification through a combination of cash deposits, insurance, and
 2.8 binding loan commitments from a financial institution licensed to do business in the state
 2.9 and rated AAA by Standard & Poor's, Moody's Investors Service, or Fitch Ratings. If assets
 2.10 of a parent, subsidiary, or other affiliate of the applicant or permit holder, or a joint venturer
 2.11 with a direct or indirect interest in the applicant or permit holder, are proposed to be used
 2.12 to demonstrate financial qualification, then the party whose assets are to be used must be
 2.13 designated as a joint permittee with the applicant on the permit for the facility.

2.14 Subd. 3. **Financial qualification review.** The commissioner may provide to the state
 2.15 auditor a copy of any filing that an applicant for a permit or a permit holder submits to the
 2.16 commissioner to meet the financial qualification requirement under this section. The state
 2.17 auditor must review the filing and provide the commissioner with a written opinion as to
 2.18 the adequacy of the filing to meet the purposes of this section, including any recommended
 2.19 changes.

2.20 Subd. 4. **Changes affecting financial qualification.** (a) To continue to hold a permit
 2.21 for a waste tire facility, a permit holder must maintain financial qualification and must
 2.22 provide any information requested by the commissioner to establish that the permit holder
 2.23 continues to maintain financial qualification. A permit holder must notify the commissioner
 2.24 within 30 days of any significant change in:

2.25 (1) the identity of any person or structure of the business entity that holds the permit for
 2.26 the facility;

2.27 (2) the identity of any person or structure of the business entity that owns or operates
 2.28 the facility; or

2.29 (3) assets of the permit holder, owner, or operator of the facility.

2.30 (b) A change is significant under paragraph (a) if the change:

2.31 (1) has the potential to affect the financial qualification of the permit holder, owner, or
 2.32 operator; or

3.1 (2) would result in a change in the identity of the permit holder, owner, or operator for
3.2 purposes of financial qualification.

3.3 The commissioner may, after reviewing the changes, require the permit holder to reestablish
3.4 financial qualification and may modify or revoke a permit or require issuance of a new
3.5 permit.

3.6 Subd. 5. **Application.** (a) The financial qualification requirements of this section apply
3.7 only in the first ten years of operation of a waste tire facility permitted in the state.

3.8 (b) This section does not apply to political subdivisions operating a waste tire facility.

3.9 **EFFECTIVE DATE.** This section is effective the day following final enactment and
3.10 applies to waste tire facilities issued a permit on or after that date.

3.11 Sec. 2. **FINANCIAL ASSURANCE STUDY FOR WASTE TIRE FACILITIES.**

3.12 The commissioner of the Pollution Control Agency shall update the financial assurance
3.13 required of owners and operators of permitted waste tire facilities and submit a report to
3.14 the chairs and ranking minority members of the legislative committees with jurisdiction
3.15 over environmental policy and finance that includes the following:

3.16 (1) the calculation that went into the updated financial assurance requirements of waste
3.17 tires and tire-derived products stored at the waste tire facility;

3.18 (2) waste tire processing capacity statewide; and

3.19 (3) a review of additional options for financial assurance mechanisms.

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