

# HOUSE RESEARCH

## Bill Summary

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### Overview

This bill contains a number of provisions being recommended by the Minnesota Pollution Control Agency (MPCA).

#### Section

#### Article 1: Environmental Policy

##### Overview

This article contains various provisions being recommended by the MPCA.

- 1 **Expenditures; accountability.** Amends § 114D.50, subd. 4. Allows money from the clean water fund to be used to leverage federal funds through project partnership agreements.
- 2 **Wastewater laboratory certification.** Adds § 115.84.

**Subd. 1. Wastewater laboratory certification required.** Requires labs performing wastewater or other water analysis to be sent to the MPCA to determine compliance with national pollutant discharge elimination system (NPDES) permit requirements or other regulatory documents to be certified. Exempts private for-profit labs and those performing drinking water or remediation program analyses. Requires the labs to register with the agency or be certified by a recognized certification authority until the agency adopts rules governing the certification requirements.

## Section

**Subd. 2. Rules.** Allows the agency to adopt rules governing the certifications, including fees.

**Subd. 3. Fees.** Requires the agency to collect fees that cover the reasonable costs of the certification program until the fees established in rule are adopted. Requires the fees to be based upon the number, type, and complexity of the analytical methods the lab performs. Requires revenue from the fees to be deposited in the environmental fund.

**Subd. 4. Enforcement.** Allows the commissioner to deny, suspend, or revoke a certification. Allows the rules adopted under this section to be enforced through a number of means, including civil and criminal penalties.

- 3 Duties of the agency.** Amends § 115A.1320, subd. 1. Technical.
- 4 Report to the legislature.** Amends § 115B.20, subd. 6. Changes the legislative report requirement for certain activities funded from the remediation fund from annual to biennial.
- 5 Duties.** Amends § 115B.28, subd. 1. Changes the legislative report requirement for certain activities funded from the remediation fund from annual to biennial.
- 6 Corrective action.** Amends § 115C.02, subd. 4. Modifies the definition of corrective action for purposes of the Petroleum Tank Release Cleanup Act to include institutional controls (defined in the next section).
- 7 Institutional controls.** Adds § 115C.02, subd. 6b. Defines “institutional controls” for purposes of the Petroleum Tank Release Cleanup Act to include legally enforceable restrictions, conditions, or controls that are placed on the use of real property, groundwater, or surface water located on or adjacent to property where a corrective action has been taken.
- 8 Expenditures.** Amends § 115C.08, subd. 4. Allows the agency to acquire interests in real property, including easements and environmental covenants, with funds from the petroleum tank fund.
- 9 Disposition of property acquired for corrective action.** Amends § 115C.08, subd. 6. Allows the commissioner to transfer land acquired for a corrective action that is no longer needed to be sold or held by another state agency, or dispose of it according to federal law, if applicable. Allows the commissioner to transfer property acquired for a corrective action to another state agency, political subdivision, or special district that agrees to accept the property and allows the commissioner to set the terms and conditions for the transfer. Requires proceeds from sales of land under this subdivision to be deposited in the petroleum tank fund or other appropriate fund.
- 10 Toxic pollution prevention evaluation report.** Amends § 115D.10. Technical.
- 11 Affidavit.** Amends § 116.48, subd. 6. Allows the commissioner to require owners of property to file an affidavit with the county as part of a corrective action resulting from a petroleum tank release that details the owners name, tank location, tank description,

## Section

description of any known tank release, and any restrictions on the property as a result of a tank release. States that fail to record an affidavit does not affect the transfer of ownership of the property.

- 12 Report to the legislature.** Amends § 473.846. Eliminates a legislative report requirement on the status and spending from the metropolitan landfill contingency action trust account.
- 13 Repealer.** Repeals: Minnesota Rules, chapter 7021 (acid disposition standards); Minnesota Rules, parts 9210.0300 to 9210.0380 (solid waste processing facility demonstration program); and Minnesota Rules, part 9220.0530 (waste tire transportation identification requirements).

## Article 2: Sanitary Districts

### Overview

This article recodifies, modifies, and expands statutory language governing sanitary districts, including switching oversight over the sanitary district process from the MPCA to the Office of Administrative Hearings (OAH).

- 1 Special taxing districts; definition.** Amends § 275.066. Technical.
- 2 Definitions.** Adds § 442A.01. Recodifies definitions from section 115.18 and chapter 414.
- 3 Applicability.** Adds § 442A.015. States that all new and previously formed sanitary districts must comply with this chapter which switches oversight over the sanitary district process to the OAH.
- 4 Sanitary districts; procedures and authority.** Adds § 442A.02. Recodifies, modifies, and combines language from chapters 414 and 115. Specifies the procedures to be used to create a sanitary district. Provides the chief administrative law judge with rulemaking authority including establishing fees and provides authority to adopt initial rules that are exempt from the rulemaking process.
- 5 Filing of maps in sanitary district proceedings.** Adds § 442A.03. Requires a party initiating a sanitary district proceeding that includes platted land to file maps with the chief administrative law judge (similar to the procedure used when a municipality initiates a boundary adjustment under chapter 414).
- 6 Sanitary district creation.** Adds § 442A.04. Establishes the process for creating a sanitary district.
- 7 Sanitary district annexation.** Adds § 442A.05. Establishes the process for the annexation of adjacent area into a sanitary district.
- 8 Sanitary district detachment.** Adds § 442A.06. Establishes the process for the detachment of an area within a sanitary district.

## Section

- 9 Sanitary district dissolution.** Adds § 442A.07. Establishes the process for the dissolution of a sanitary district.
- 10 Joint public informational meeting.** Adds § 442A.08. Requires a joint public informational meeting of local governments of any proposed sanitary district creation, annexation, detachment, or dissolution (similar to the requirement for a joint public meeting for annexations under section 414.0333).
- 11 Annexation by order of Pollution Control Agency.** Adds § 442A.09. Codifies and modifies language from section 414.0335. Allows the MPCA to order sanitary district annexations under existing authorities under section 115.49.
- 12 Petitioners to pay expenses.** Adds § 442A.10. Recodifies section 115.22 and expands it to provide rulemaking authority for the OAH to establish fees necessary to support the preparation and submission of sanitary district petitions. Fees are required to be deposited in the environmental fund and the costs of hearings are no longer required to come out of funds appropriated to the agency.
- 13 Time limits for orders; appeals.** Adds § 442A.11. Establishes time limits for orders and grounds for appeals similar to those established from municipal boundary adjustments under section 414.07.
- 14 Chief administrative law judge may appeal from district court.** Adds § 442A.12. Allows the chief administrative law judge to appeal a district court order or judgment under the Rules of Civil Appellate Procedure (as allowed for municipal boundary adjustments under chapter 414).
- 15 Uniform procedures.** Adds § 442A.13. Establishes uniform procedures similar to the procedures for municipal boundary adjustments under chapter 414.
- 16 District board of managers.** Adds § 442A.14. Recodifies section 115.23.
- 17 Board organization and procedures.** Adds § 442A.15. Recodifies section 115.24.
- 18 District status and powers.** Adds § 442A.16. Recodifies section 115.25.
- 19 Specific purposes and powers.** Adds § 442A.17. Recodifies section 115.26.
- 20 District projects and facilities.** Adds § 442A.18. Recodifies section 115.27.
- 21 Control of sanitary facilities.** Adds § 442A.19. Recodifies section 115.28.
- 22 District programs, surveys, and studies.** Adds § 442A.20. Recodifies section 115.29.
- 23 General and statutory city powers.** Adds § 442A. 21. Recodifies section 115.30.
- 24 Advisory committee.** Adds § 442A.22. Recodifies section 115.31.
- 25 Board powers.** Adds § 442A.23. Recodifies section 115.32.

**Section**

- 26**      **Tax levies, assessments, and service charges.** Adds § 442A.24. Recodifies section 115.33.
- 27**      **Borrowing powers; bonds.** Adds § 442A.25. Recodifies section 115.34.
- 28**      **Funds; district treasury.** Adds § 442A.26. Recodifies section 115.35.
- 29**      **Effect of district ordinances and facilities.** Adds § 442A.27. Recodifies section 115.36.
- 30**      **Application.** Adds § 442A.28. Recodifies section 115.37.
- 31**      **Chief administrative law judge's powers.** Adds § 442A.29. Allows the chief administrative law judge to require alternative dispute resolution processes as is allowed for municipal boundary disputes.
- 32**      **Repealer.** Repeals sections 115.18 through 115.37 (existing sanitary district provisions).
- 33**      **Effective date.** Provides an effective date of August 1, 2013, for the bill unless otherwise provided.