

S.F. No. 639 – Fee and Permit Conditions Modifications (1st Engrossment)

Author: Senator Bill Ingebrigtsen

Prepared by: Ben Stanley, Senate Counsel (651/296-4793)

Date: March 5, 2021

Section 1 [Unadopted Rules] prohibits the commissioner of natural resources from attempting to impose, require, or incorporate by reference a guideline, bulletin, criterion, manual standard, interpretive statement, policy plan, or similar pronouncement that has not been properly adopted under Minnesota Statutes, chapter 14.

Section 2 [PCA Training Fee] clarifies that the Pollution Control Agency (PCA) may not increase the fee for training water pollution control or subsurface sewage treatment system personnel without legislative approval.

Section 3 [Effluent Limitation Compliance] provides that to the extent allowed by federal law, an industrial NPDES or state disposal system permit holder that constructs a treatment works facility to comply with modified effluent standards, may not be required to expend additional capital investment on the treatment works for 16 years.

Section 4 [Wastewater & Water Supply System Operator Certification Fee] clarifies that the PCA may not increase the fee for wastewater & water supply system operator certification without legislative approval.

Sections 5 & 6 [Wastewater Laboratory Certification Fee] prohibit the PCA from increasing the fee for wastewater laboratory certification without legislative approval.

Section 7 [PCA Permitting Efficiency Report Modifications] modifies requirements for the PCA's permitting efficiency report as follows:

- Makes it semiannual instead of annual
- Requires it to cover only Tier 2 permits, not Tier 1 permits
- Requires implementation of needed program or system changes, not just their identification
- Requires information about the percentage of applications completed in a category
- Requires separate information about industrial and municipal permits to be separately stated

- Grants permit applicants authority to seek court mandate to act on permit application

Section 8 [Water Permit Fees] clarifies that the PCA may not increase water-related permit fees without legislative approval.

Section 9 [Unadopted Rules] prohibits the commissioner of the Pollution Control Agency from attempting to impose, require, or incorporate by reference a guideline, bulletin, criterion, manual standard, interpretive statement, policy plan, or similar pronouncement that has not been properly adopted under Minnesota Statutes, chapter 14.

Section 10 [EAW Petitions] requires that the 100 signatories to an environmental assessment worksheet petition reside or own property in the county where the proposed action will be undertaken or in one or more adjoining counties.

Section 11 [Analysis of Green Tier Program] requires the PCA to analyze Wisconsin's Green Tier Program, which recognizes and rewards environmental performance that voluntarily exceeds legal requirements, and to report on challenges and benefits of establishing a similar program in Minnesota.

Section 12 [State Implementation Plan Revision] requires the PCA to seek EPA approval of a modification of Minnesota's Clean Air Act State Implementation Plan so that the PCA would be prohibited from applying ambient air quality standards in permits issued solely to authorize operations to continue at an existing facility with unmodified emissions.