

December 16, 2004

The Honorable Tim Pawlenty  
Governor, State of Minnesota

The Honorable Tom Hackbarth, Chair  
House Environment and Natural Resources  
Policy Committee

The Honorable James Metzen, Chair  
Legislative Coordinating Commission

The Honorable Dennis Ozment, Chair  
House Environment and Natural Resources  
Finance Committee

The Honorable John Marty, Chair  
Senate Environment and Natural Resources  
Committee

Ms. Michele Timmons  
Revisor of Statutes

The Honorable Dallas Sams, Chair  
Senate Environment and Agriculture  
Budget Division

RE: Annual Report on Obsolete, Unnecessary, or Duplicative Rules, as Required by  
Minn. Stat. § 14.05, subd. 5

Dear Committee Chairs:

Minn. Stat. § 14.05, subd. 5, states:

“By December 1<sup>st</sup> of each year, an agency must submit to the governor, the legislative coordinating commission, the policy and funding committees and divisions with jurisdiction over the agency, and the revisor of statutes, a list of any rules or portions of rules that are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules. By December 1<sup>st</sup> the agency must either report a timetable for repeal of the rule or portion of the rule, or must develop a bill for submission to the appropriate policy committee to repeal the obsolete, unnecessary, or duplicative rule. Such a bill must include proposed authorization to use the expedited procedures of section 14.389 to repeal or amend the obsolete, unnecessary, or duplicative rule. A report submitted under this subdivision must be signed by the person in the agency who is responsible for identifying and initiating repeal of obsolete rules. The report also must identify the status of any rules identified in the prior year’s report as obsolete, unnecessary, or duplicative. If none of an agency’s rules are obsolete, unnecessary, or duplicative, an agency’s December 1<sup>st</sup> report must state that conclusion.”

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The Minnesota Pollution Control Agency (MPCA) has reviewed and identified the following rules that are obsolete and should be repealed:

1. Minn. R. 7001.0020, item G – Scope (General Permit Requirements)

Minn. R. ch. 7001 establishes permits and certifications issued by the MPCA to regulate the following: general permits, hazardous waste facility permits; NPDES permits; solid waste management facility permits; major facility substance storage permits and 401 certifications. Minn. R. 7001.0020, item G contains rule language governing mobile sources and indirect source permits for parking facilities. This rule part is obsolete. The rules governing indirect source permits were repealed by the Legislature, Special Session, Minn. Laws ch. 2, sec. 162, (2001). The MPCA's timetable for repeal of this rule part is winter of 2005. The MPCA will retain part 7001.0020, items A, B, C, D, E, F, H and I.

2. Minn. R. 7027.1150, subp. 2 – Standards for Appliance Recyclers (Self-certification)

Minn. R. 7027.1150, subp. 2 requires persons engaged in the business of recycling appliances as described in Minn. Stat. § 115A.9561, subd. 2 to self certify, in a prescribed manner, to the MPCA Commissioner by January 15<sup>th</sup> of each calendar year. This rule part is obsolete. The federal requirements require technician certification for individuals that service appliances and autos. The federal requirements do not require technician certification for appliance and auto recyclers. The MPCA's timetable for repeal of this rule part is winter of 2005. The MPCA will retain part 7027.1150, subparts 1 and 3.

Status of obsolete rules listed in last year's report:

1. The MPCA was required by Minnesota Statutes, section 14.3691 to report to the governor and the appropriate legislative committees by August 1, 2003, on all MPCA rules. For purposes of this letter, the MPCA will refer to the August 1, 2003, report as the "Rules Report." The MPCA has attached a copy of the [Executive Summary from the Rules Report](#) which contains a complete list of rules the MPCA recommended for repeal. The MPCA plans to use the process for repealing obsolete rules as prescribed in Minn. Stat. § 14.3895. The MPCA is currently drafting a Notice Plan and will be seeking approval of the Notice Plan from the Chief Administrative Law Judge by December 2004.

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2. Minn. R. 7002.0305 – Water Quality Permit Fee Table – The MPCA was mandated by the Legislature to amend existing rules governing water quality permit fees (Minn. R. 7002.0210 to 7002.0310). The Legislature established increases to the existing water quality permit fees under Minn. Laws, ch. 220, article 8, sec. 15 (2002). The MPCA plans to repeal this rule part when the agency amends the water quality permit fee rules.

Costs of preparing this report. In compliance with Minn. Stat. § 3.197, the cost of preparing this report is as follows:

Staff cost: \$590.00 (20 hours of staff time)

Printing cost in-house: \$37.50 (50 copies)

If you have any questions regarding this report, please contact Nelson French, of my staff at (651) 296-7002.

Sincerely,

Sheryl A. Corrigan  
Commissioner

SAC:jae:mk

Enclosures