



Minnesota Pollution Control Agency

05 - 0629

Office of the Commissioner

November 9, 2005

The Honorable Tim Pawlenty
Governor, State of Minnesota

The Honorable Steve Sviggum, Chair
Legislative Coordinating Commission

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

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

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

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

Ms. Michele Timmons
Revisor of Statutes

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 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 The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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 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 report must state that conclusion.”

The Minnesota Pollution Control Agency (MPCA) has reviewed its' rules and determined that it has no obsolete rules at this time.

Status of obsolete rules identified in the MPCA's 2004 Obsolete Rules Report:

1. The following rules have been proposed for repeal in the *State Register* on October 24, 2005:
 - a. Minn. R. 7001.0020, item G – Scope (General Permit Requirements)
 - b. Minn. R. 7027.1150, subp. 2 (only) – Standards for Appliance Recyclers (Self-certification)

Status of obsolete rules identified in the MPCA's 2003 Obsolete Rules Report:

1. The rules listed below (items a - d) have been proposed for repeal in the *State Register* on October 24, 2005:
 - a. Minn. R. 7021.0050, subps. 4 and 6 – Compliance Dates
 - b. Minn. R. 7039.0010 to 7039.0120 – Listed Metals in Specified Products
 - c. Minn. R. 7075.0100 to 7075.5000 – State Fund and Federal Grants
 - d. Minn. R. 7105.0060, subp. 5a – Certification Renewal Schedule for Supervisors
2. Minn. R. 7002.0305 – Water Quality Permit Fee Table – The MPCA planned to repeal this rule part when the agency amended the water quality permit fee rules. However, the MPCA has not yet determined when it plans to amend the water quality permit fee rules and until that decision is made this rulemaking remains a low priority for the MPCA due to staff and program reductions in the past year. The MPCA now plans to repeal this rule part using Minn. Stat. § 14.3895.
3. Minn. R. 7150.0300, subps. 3 and 4 – Compliance Dates (General Requirements for all Underground Storage Tank Systems) and Minn. R. 7150.0310, item A, subitem (2) – Compliance Date (Requirements for Petroleum Underground Storage Tank Systems). The MPCA identified these rules as obsolete in the MPCA's 2003 Obsolete Rules Report. However, after further discussions between the MPCA program staff and the United States Environmental Protection Agency (U.S. EPA), the MPCA has been advised to remove these two regulations from obsolete status and keep them active. The U.S. EPA is concerned about Minnesota's State Program Approval (SPA) process currently underway and whether or not these regulations are truly obsolete.

The U.S. EPA approved the Minnesota SPA process a number of years ago. However, because of outstanding issues, the U.S. EPA has not codified the approved program. Codification will formally systematize the Minnesota SPA process. The codification of Minnesota's SPA process should be completed prior to the MPCA making any changes to regulations that are part of the approved program. The U.S. EPA advised the MPCA to keep

these rules active and revisit the issue of repealing them in 2006. The U.S. EPA stated they anticipated codification of Minnesota's SPA process by late winter of 2005.

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

Staff cost: \$885.00 (30 hours of staff time)

Printing cost in-house: \$32.50 (Approximately 50 copies)

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

Sincerely,

A handwritten signature in black ink, appearing to read "Sheryl A. Corrigan". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Sheryl A. Corrigan
Commissioner

SAC:jae:mk