

**EXECUTIVE ORDER 93-10  
DIRECTING STATE DEPARTMENTS AND AGENCIES  
TO TAKE CERTAIN STEPS TO ASSURE THAT RULES  
AND RULEMAKING ACTIVITIES ARE  
APPROPRIATE, EFFECTIVE, AND EFFICIENT**

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, in response to Executive Order 92-15, state departments and agencies have analyzed and reviewed existing rules and regulations affecting Minnesota businesses, and have identified for elimination or revision all rules and regulations which do not have an immediate, necessary, and substantial impact on achieving the interest intended to be protected; and

WHEREAS, the Commissioner of Trade and Economic Development has presented to the Governor a composite report on the implementation of Executive Order 92-15, and has made certain recommendations for further executive and legislative action; and

WHEREAS, it is in the interest of the citizens of the state of Minnesota that rules and regulations which directly affect Minnesota businesses are appropriate, effective, and efficient to achieving the policy and purpose of the underlying legislation but do not unnecessarily restrict economic expansion and job growth; and

WHEREAS, state agencies and departments are in the best position to monitor their rules and regulations and take prompt action to assure that those rules and regulations continue to further their underlying purpose while minimizing adverse effects on job growth and the vitality of Minnesota businesses;

NOW, THEREFORE, I hereby order that:

1. All state departments and agencies shall review their regulatory statutes that directly affect Minnesota businesses and identify for repeal or amendment all statutes which are no longer appropriate, effective, or efficient, and shall, by September 1, 1993, report to the Governor on their specific plans and timetables for securing repeal or amendment of those statutes. The report shall include draft legislation for the 1994 legislative session. State departments and agencies shall then implement their plans, timetables and legislative initiatives and submit to the Governor, by September 30, 1994, a report on the results. This process shall be repeated annually.
2. All state departments and agencies shall develop and implement a plan for biannually reviewing, prior to the budget preparation process, their rules and regulations which directly affect Minnesota businesses and for amending or repealing those which are no longer appropriate, effective, or efficient. Departments and agencies shall report the results of implementing their plans to the Governor by September 30, 1994, and biannually by September 30 thereafter.
3. All state departments and agencies that have in place alternatives to traditional command and control methods of securing regulatory compliance by businesses shall, by September 30, 1993, publicize their efforts to other state departments and agencies. All state departments and agencies shall evaluate alternatives to traditional command and control regulations and report to the Governor, by January 1, 1994, their proposals, plans, and timetables for achieving appropriate alternatives or their reasons for not implementing such alternatives. Results shall be reported to the Governor by September 30, 1994, and each September 30 thereafter.

4. All state departments and agencies shall identify and implement new or improved procedures to improve their day-to-day operations so as to clarify and shorten the internal critical paths for handling regulatory matters, and shall report the results to the Governor by January 1, 1994.
  
5. As used in this Executive Order, rules or regulations that directly affect Minnesota businesses are rules which determine a business' eligibility for benefits or programs administered by the state department or agency; rules which pertain to the granting or revocation of occupational or operating licenses or permits; rules which impose fines or penalties on businesses; rules which establish reporting requirements for businesses; rules which govern a business' access to the agency, and any other rules or regulations which directly affect the rights or duties of a business.
  
6. As used in this Executive Order, the terms appropriate, effective, and efficient have the following meanings: "Appropriate" means regulatory activity for which there is a demonstrated need which can only or best be met by state government regulation; "Effective" means that the regulation maximizes the net benefits to the citizens of Minnesota; "Efficient" means the regulation maximizes the net benefits to Minnesota citizens at the least net cost.

In addition, I hereby encourage all units of local government to take similar actions to reduce the regulatory burdens on Minnesota businesses within their jurisdiction.

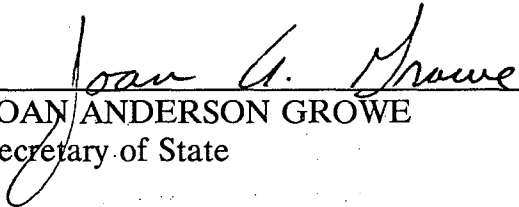
Pursuant to Minnesota Statutes 1992, Section 4.035, subd. 2, this Order shall be effective fifteen (15) days after publication in the State Register and filing with the Secretary of State and shall remain in effect until rescinded by proper authority or it expires in accordance with Minnesota Statutes 1992, Section 4.035, subd. 3.

IN TESTIMONY WHEREOF, I have set my hand this seventh day of July, 1993.



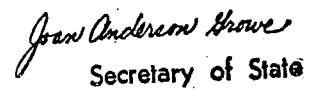
ARNE H. CARLSON  
Governor

Filed According to Law:

  
JOAN ANDERSON GROWE  
Secretary of State

STATE OF MINNESOTA  
DEPARTMENT OF STATE  
FILED

JUL 07 1993

  
Secretary of State

DEPARTMENT : POLLUTION CONTROL AGENCY

STATE OF MINNESOTA



# Office Memorandum

DATE : September 16, 1993

TO : State Departments

FROM : Charles Williams  
Commissioner *CW*

PHONE : 296-7301

SUBJECT : Response to Executive Order 93-10

Executive Order 93-10 was issued on July 7, 1993. Item 3 of this order requires agencies to identify alternatives to traditional "command and control" methods of securing compliance that are in place and share those methods with other agencies. The Pollution Control Agency is committed to using a variety of approaches to ensure compliance with state and federal standards for the program areas that we are responsible for. I will present these approaches by agency divisions.

### Air Quality Division:

This division is responsible for ensuring compliance with the recently amended federal Clean Air Act. This Act dramatically expanded the universe of facilities that need permits and compliance tracking.

The division has undertaken rule revisions which eliminate the need for businesses to obtain permits if proposed actions will either reduce emissions, result in no change in emissions or result in a small change in emissions. The proposed rule changes also eliminate the need for permit reissuance for state only permits every five years.

We have established a small business ombudsman position to provide assistance in compliance and permitting issues. Many small business owners do not have the technical or financial resources to evaluate the need for permits or methods of attaining compliance. This program will assist efforts to gain voluntary compliance and will act independent of regulatory powers.

### Water Quality Division:

The division continues to operate one of the nation's first training and certification programs for operators of wastewater facilities. There are currently 2,500 certified wastewater treatment operators in Minnesota. In 1993-1994, the division will conduct 18 wastewater operator training courses. We anticipate that over 1,500 operators, municipal officials, consultants and suppliers will attend these

sessions. This is coupled with an outreach program that was initiated in 1984 where staff provide on-site technical assistance to treatment plant operators to help them review and alter operations so that they are in compliance. Over 100 municipalities have used the technical assistance program and 72% of these communities are meeting discharge standards.

Since 1977, the division has awarded certificates of commendation each year to municipalities and industries that maintain compliance for the previous year. This system promotes efficient operations and compliance by recognizing those who have accomplished the goals.

In 1994, the division will implement a program of self evaluation for permittees. A form will be provided to assist operators in conducting analysis that will result in early intervention and correction if needed.

The division also provides technical assistance to feedlot operators and assists in the development of manure management plans; trains over 1,000 installers and others involved in septic tank system installation; provides technical assistance to industrial stormwater discharge permittees, and has a variety of citizen advisory committees and partnerships with local government and citizen groups on lake and river issues. Education is a vital part of this process.

The division has also started self certification programs in the area of stormwater discharges from industrial facilities. The emphasis is on development and implementation of pollution prevention programs to reduce the need to do exhaustive and expensive monitoring. Over 2,400 permits have been issued under this approach.

#### **Hazardous Waste and Tank Division:**

Training and technical assistance are major efforts within this division. Regional workshops and an annual conference are held each year. In 1992, 8 regional workshops were held and over 650 persons were trained in management of hazardous waste. An additional 700 attended the annual conference. Coupled with additional public presentations the hazardous waste staff rang up over 18,000 contact hours of non command and control compliance activities in 1992.

Tank contractors are required to be trained and certified. Approximately 600 people are certified. We also have conducted many workshops for tank owners, consultants, emergency responders and others to help them understand the regulations. Over 3,000 have attended these workshops. We use and continue to develop Fact Sheets and other outreach materials that are designed to provide assistance to ensure compliance with both state and federal regulations. Over 130 separate fact sheets have been developed and distributed.

**Ground Water and Solid Waste Division:**

This division operates the nation's first training and certification program for disposal facility operators and has developed training for other types of facility operators. Annual workshops are provided. Technical assistance and outreach activities are provided through newsletters. New technical standards were developed in 1988. We developed several implementation manuals that are structured to lead a permittee to compliance. Operational assistance is also provided. The waste tire management program provides grants for facilities and encourages market development activities to provide outlets for materials. If there is a market for products, there will not be as much of a need for enforcement activities to regulate this waste material.

This division operates the voluntary cleanup program for contaminated lands. These actions are normally initiated by someone who is selling or purchasing property and clean up is done to expedite the sale. Staff provide technical assistance and project oversight to ensure that cleanup is done appropriately.

Disposal of pollutants from industries and commercial establishments in septic tank systems has recently come under more scrutiny. These past practices are no longer acceptable. The division has initiated an extensive outreach program to make people aware of the problems with this practice. There are no existing enforcement elements to this program.

**New Directions:**

The agency has long realized that we cannot be the cop on the corner. We must alter our approach as we will never have the resources to continue with the command and control aspects of traditional enforcement programs. Each of our divisions have, or are developing, recognition programs for compliance.

We have developed an agreement with the printers of Minnesota that encourages them to do environmental audits. We are working with other sectors of industry, through the Minnesota Chamber, to do the same.

We are engaged in developing and continuing partnerships with permittees in basins to conduct multimedia compliance inspections. Examples include the Lake Superior Partnership and the Minnesota River Project.

We are focusing on pollution prevention activities that will reduce the number of facilities that come under our jurisdiction and are using pollution prevention as a part of our enforcement toolbox so

that business will stay in compliance. A policy on including pollution prevention in all of our permitting and enforcement decisions has been developed and is being implemented.

Another prevention strategy that is being used is the fee structure that encourages pollution prevention. Air quality, hazardous waste and solid waste fees are based on the volume of substance generated. One way to reduce fees paid is to reduce discharges. To avoid all fees, eliminate discharges and the company no longer comes under the regulations of the agency.

I trust that this information will provide you with insight to the way we conduct part of our business at the MPCA. I will be happy to share details of our approaches if you desire additional input to adjust the way you operate.

CWW:cj