

STATE OF MINNESOTA  
DEPARTMENT OF COMMERCE

In the Matter of the Proposed  
Adoption of Rules Relating to  
Petroleum Tank Release  
Compensation Board

STATEMENT OF NEED  
AND REASONABLENESS

Background

Chapter 389, Laws of Minnesota 1987 created Chapter 115C of Minnesota Statutes, commonly known as the Petroleum Tank Release Clean-up Act. The purpose of the act was to create a mechanism to take corrective action in regard to petroleum tank releases and to provide for a means of compensation for a portion of the cost of the corrective action. Chapter 389 created the Petroleum Tank Release Compensation Board to administer the Clean-up Fund. The 1988 Minnesota State Legislature amended Chapter 115C thus making it necessary that the Petroleum Tank Release Compensation Board amend its rules in order to conform to statute.

Rules

2890.0010 Definitions

Subp. 6. Responsible Person

The definition of "responsible person" has been changed to conform to the statutory definition.

2890.0060 Reimbursement of Cost

Subp. 1. Generally

The date of eligibility for releases has been amended to reflect the statutory change.

Subp. 4. Eligibility of Other Persons

This subpart repeats the new statutory language regarding full reimbursement for innocent landowners who have incurred corrective action costs.

2890.0130 Action on Notice of Lien Filing

Minnesota Statutes 514.673 requires the Petroleum Tank Release Compensation Board approve lien filings to be made by the commissioner of the pollution control agency. This section establishes a process by which lien filings may be considered.

The process requires automatic consideration of a lien notice filing at the next regular meeting if the next regular meeting falls within the statutory time frame of 30 days. If not, a special meeting to consider the lien notice may be called by any one board member rather than the otherwise required three board members.

#### Small Business Consideration

Minnesota Statutes 14.115 requires that the impact of the rules upon small businesses be considered in regard to any rulemaking procedure. The effect of the first three amendments given above is to expand the pool of eligible persons. Therefore those amendments in fact have a positive impact on businesses, large and small.

In regard to the fourth amendment concerning board review of lien filing, the process established is designed to ensure every land/business owner have a fair hearing before a lien may be filed against his or her property. The rule provides for a special meeting to consider a lien filing notice to be held at the request of any one board member rather than the customary three. Therefore, the process gives due consideration to small and large businesses alike.