

 **MINNESOTA**
ENVIRONMENTAL QUALITY BOARD

Minnesota Environmental Quality Board | 520 Lafayette Road North | Saint Paul, MN 55155

November 19, 2024

The Honorable Tim Walz
Governor, State of Minnesota
Room 130, State Capitol
75 Rev. Dr. Martin Luther King Jr. Blvd
St. Paul, MN 55155

The Honorable Nick A. Frentz, Chair
Energy, Utilities, Environment, and Climate Cmte.
3109 Minnesota Senate Bldg.
St. Paul, MN 55155

The Honorable Andrew Mathews
Energy, Utilities, Environment, and Climate Cmte.
2233 Minnesota Senate Bldg.
St. Paul, MN 55155

The Honorable Larry Kraft, Vice Chair
Climate and Energy Finance and Policy Cmte.
515 State Office Building
St. Paul, MN 55155

The Honorable Fong Hawj, Chair
Environment, Climate, and Legacy Cmte.
3231 Minnesota Senate Bldg.
St. Paul, MN 55155

The Honorable Justin D. Eichorn
Environment, Climate, and Legacy Cmte.
2235 Minnesota Senate Bldg.
St. Paul, MN 55155

The Honorable Sydney Jordan, Vice Chair
Environment & Natural Resources Finance and Policy Cmte.
553 State Office Building
St. Paul, MN 55155

Mr. Ryan Inman, Revisor
Office of the Revisor of Statutes
700 State Office Building, 100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155-1206

Ms. Michelle Yurich, Executive Director
Legislative Coordinating Commission
100 Rev. Dr. Martin Luther King Jr. Blvd.
State Office Building, Suite 600
St. Paul, MN 55155-1206

The Honorable Tou Xiong, Vice Chair
Energy, Utilities, Environment, and Climate Cmte.
3203 Minnesota Senate Bldg.
St. Paul, MN 55155

The Honorable Patty Acomb, Chair
Climate and Energy Finance and Policy Cmte.
593 State Office Building
St. Paul, MN 55155

The Honorable Chris Swedzinski
Climate and Energy Finance and Policy Cmte.
245 State Office Building
St. Paul, MN 55155

The Honorable Jennifer A. McEwen, Vice Chair
Environment, Climate, and Legacy Cmte.
3231 Minnesota Senate Bldg.
St. Paul, MN 55155

The Honorable Rick Hansen, Chair
Environment & Natural Resources Finance and Policy Cmte.
407 State Office Building
St. Paul, MN 55155

The Honorable Josh Heintzeman
Environment & Natural Resources Finance and Policy Cmte.
375 State Office Building
St. Paul, MN 55155

Subject: Annual report on obsolete, unnecessary, or duplicative rules as required by Minnesota Statutes, section 14.05, subdivision 5

Dear Governor Walz, Senators, Representatives, Director Yurich and Revisor Inman:

The Environmental Quality Board (EQB) respectfully submits its annual report on obsolete, unnecessary, or duplicative rules as required by [Minn. Stat. § 14.05, subd. 5](#):

“By December 1 of each year, an agency must submit...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 Cmte. 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.”

In accordance with Minnesota Statute, the EQB has conducted a review of its rules. EQB held voluntary public comment periods the fall of 2022 and 2023 for members of the public to review and identify obsolete, unnecessary, or duplicative rules. EQB collected comments via email, as advertised in the *EQB Monitor* newsletter. Several rules identified in 2022 have been re-reviewed and considered to not meet the standards for obsolete, unnecessary, or duplicative. No rules identified as obsolete in the 2023 report have yet been changed.

In 2024, EQB reviewed all environmental review mandatory categories while completing the required Mandatory Category Report and identified additional obsolete rules through that process. Attachment 1 lists all the rules EQB has currently identified as obsolete, including the year when they were first so identified.

The EQB will consider these obsolete rules in future rulemaking efforts, which are under active discussion. If you have any questions, please contact me via email or phone.

Sincerely,



Catherine Neuschler
Executive Director, Environmental Quality Board
651-757-2607 (office) | 651-470-4941 (cell)
catherine.neuschler@state.mn.us

Attachment 1: Obsolete Rules Summary 2024

CC: Legislative Reference Library
Attn: Chris Steller

Attachment 1: EQB Obsolete Rules Summary 2024

Minnesota rules chapter reference	Obsolete, unnecessary, or duplicative	Explanation	Year first identified	Timetable for repeal
4405.0700	Obsolete	This rule refers to the Southern Minnesota Rivers Basin Council which ended in 1987, making this reference obsolete.	2024	Next scheduled rulemaking
4410.0200, Subp. 48, 67, 92a, 92b	Obsolete	“Project Riverbend” references a program that has been repealed in 2014 from Minn. Statute 103F. There are currently no readily available data, maps, or resources indicating the location of the Minnesota River Project Riverbend area.	2022	Next scheduled rulemaking
4410.1500, item A. (9)	Obsolete	The Environmental Conservation Library no longer exists.	2023	Next scheduled rulemaking
4410.2100, Subp. 10	Unnecessary	It does not need to be specified here that the RGU must be responsible for expediting the selection of consultants for the preparation of the EIS. Timelines dictate this already.	2023	Next scheduled rulemaking
4410.4300, Subp. 8B, 27B, 28A, 29B	Obsolete	“Project Riverbend” references a program that has been repealed in 2014 from Minn. Statute 103F. There are currently no readily available data, maps, or resources indicating the location of the Minnesota River Project Riverbend area.	2022	Next scheduled rulemaking
4410.4300, Subp. 10	Unnecessary	Subpart E says, “the PUC is the RGU, except as provided in item G”; however, the PUC is also the RGU for item G, making this reference unnecessary.	2024	Next scheduled rulemaking
4410.4600, Subp. 10A, 10C, 12A, 19B	Obsolete	“Project Riverbend” references a program that has been repealed in 2014 from Minn. Statute 103F. There are currently no readily available data, maps, or resources indicating the location of the Minnesota River Project Riverbend area.	2022	Next scheduled rulemaking
9205.0500 - 9205.0560	Obsolete	This references “an area in the board’s inventory of preferred areas for hazardous waste processing facilities.” This rule is no longer relevant and references a statute that has been repealed.	2023	Next scheduled rulemaking