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# Minnesota Pollution Control Agency

*Office of the Commissioner*

November 30, 2001

Governor Jesse Ventura

Representative Steve Sviggum, Chair  
Legislative Coordinating Commission

Michele Timmons  
Revisor of Statutes

Senator Jane Krentz, Chair  
Senator Pat Pariseau, Ranking Minority Member  
Senate Environment and Natural Resources  
Committee

Senator Len Price, Chair  
Senator Charlie Berg, Ranking Minority Member  
Senate Environment and Agriculture  
Budget Division

Representative Dennis Ozment, Chair  
Representative Jean Wagenius, DFL Lead  
House Environment and Natural Resources  
Policy Committee

Representative Mark Holsten, Chair  
Representative Tom Osthoff, DFL Lead  
House Environment and Natural Resources  
Finance Committee

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

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 The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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The Minnesota Pollution Control Agency (MPCA) has reviewed and identified the following rule that is obsolete and should be repealed:

1. Minn. R. 7045.0990, Subp. 4A and D – Requirements for used oil transporters.

In 1993, Minnesota began requiring used oil filter transporters to become licensed and notify the MPCA by March 1 of every year the amounts of used oil filters transported in the previous calendar year. This program was implemented at the same time the MPCA began regulating used oil filters. The state needed to gather data on how many used oil filters were being generated each year. Minn. Laws ch. 231, sec. 201 (1999) required the MPCA to analyze the technical feasibility of alternative methods for disposing of and recycling of used oil motor filters and then report to the legislature by January 15, 2001 on the MPCA's findings and recommendations. The title of this report is "Analysis of Disposal Methods for Do-It-Yourself Used Oil Filters". Once a determination was made as to quantities generated each year, the MPCA quit requiring used oil filter transporters to submit this information. The MPCA would retain part 7045.0990, subpart 4B, C and E to ensure that proper management and recordkeeping be continued.

In last year's report, the MPCA identified several rules as obsolete. Minn. R. 9220.0190 – 9220.0180 governing Waste Tire Abatement is unnecessary because the pre-1985 large tire piles have been cleaned up and the MPCA can use its statutory authority (115A.906) for enforcement and abatement of any new tire piles. The MPCA also identified Minn. R. 9220.0800 – 9220.0935 governing the Waste Tire Processing Grant and Loan Program as obsolete because the MPCA no longer handles waste tire grants and loans; the Office of Environmental Assistance (OEA) has been charged with this responsibility. OEA operates the Environmental Assistance Grant and Loan program under Minn. Stat. § 115A.0716. In addition, Minn. R. ch. 4760 – Lead Abatement in Soil and Minn. R. 7002.0305 – Water Quality Permit Fee Table were listed in our December 1, 2000 Obsolete Rules Report.

During the 2001 Legislative Session, Senator Jane Krentz and Representative Marty Seifert authored legislation (Senate File 615/House File 255) repealing the rules listed above. The MPCA was hopeful that these obsolete rules could be repealed through the legislative process, thus saving the MPCA approximately \$6,400 in rulemaking costs; however, the legislation did not pass.

The MPCA will now proceed to repeal these rules through the newly created expedited process for repealing obsolete rules found in Minn. Stat. § 14.3895. The MPCA can use this new section

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to repeal only rules identified in our annual obsolete rules report. This new section is an abbreviated rulemaking process and will reduce the costs and time for rulemaking. The agency's rulemaking staff is currently engaged in several higher priority rulemaking efforts. However, the MPCA will start a proceeding to repeal these obsolete rules as soon as some of these other efforts are completed, we hope within Fiscal Year 2003.

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

Staff cost: \$260.00

Printing cost in-house: \$67.00

If you have any questions regarding this report, please contact Ann Seha of my staff at (651) 296-7305.

Sincerely,



Karen A. Studders  
Commissioner

KAS:jae

November 19, 2001

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