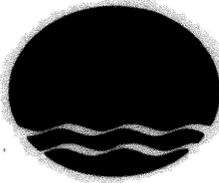


020534



Minnesota Pollution Control Agency

Office of the Commissioner

November 19, 2002

Governor Jesse Ventura

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Legislative Coordinating Commission**

**Michele Timmons
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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 The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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The Minnesota Pollution Control Agency (MPCA) has reviewed and identified the following rule that is obsolete and should be repealed: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. 7002.0055 – Indirect Source Permit Fees.

Minn. R. ch. 7002 establishes fees for permits issued by the MPCA to regulate air quality issues. The rules contain a table for determining fees for indirect source permits, part 7002.0055. This rule part is obsolete. The rules governing indirect source permits were repealed by the Legislature, Special Session, Minn. Laws ch. 2, sec. 162, (2001). This rule part should have been included in the legislative repeal and was inadvertently left out. The MPCA's timetable for repeal of this rule is spring of 2003.

Status of obsolete rules listed in last year's report:

1. Minn. R. 7045.0990, Subp. 4A and D – Requirements for Used Oil Transporters.
2. Minn. R. ch. 4760 – Lead Abatement in Soil.

The MPCA plans to publish in the State Register on December 2, 2002, a Notice of Intent to Repeal Rules. The MPCA will proceed to repeal these rules through the expedited process for repealing obsolete rules found in Minn. Stat. § 14.3895. The MPCA can use this section to repeal only rules identified in its' annual obsolete rules report.

3. Minn. R. 7002.0305 – Water Quality Permit Fee Table.

The MPCA has been mandated by the Legislature to amend existing rules governing water quality permit fees (Minn. R. 7002.0210 to 7002.0310). The Legislature established increases to the existing water quality permit fees under Minn. Laws, ch. 220, article 8, sec. 15 (2002). The MPCA has rolled this rule repeal into this rulemaking effort.

4. Minn. R. 9220.0100 – 9220.0180 governing Waste Tire Abatement and
Minn. R. 9220.0800 – 9220.0935 governing Waste Tire Processing Grant and Loan Program.

Rule parts 9220.0170 – 9220.0180 governing reimbursement of a waste tire abatement project and parts 9220.0800 – 9220.0935 governing the Waste Tire Processing Grant and Loan program were repealed by the Legislature, Minn. Laws, ch. 382, article 1, section 6 (2002). The Legislature wanted the MPCA to retain the Waste Tire Abatement rules (Minn. R. 9220.0100 – 9220.0160) for future abatements. However, state funding for reimbursement of a waste tire abatement project is no longer available from the MPCA, therefore the Legislature repealed parts 9220.0170 and 9220.0180 of the Waste Tire Abatements rules. The Office of Environmental Assistance currently operates the Environmental Assistance Grant and Loan program under Minn. Stat. § 115A.0716. Funds from this program can be used to abate waste tires.

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

Staff cost: \$285.00 (10 hours of staff time).

Printing cost in-house: \$37.50 (50 copies).

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

Sincerely,



Karen A. Studders
Commissioner

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