

**SENATE
STATE OF MINNESOTA
NINETY-SECOND SESSION**

S.F. No. 4062

(SENATE AUTHORS: INGEBRIGTSEN)

DATE
03/16/2022

D-PG

OFFICIAL STATUS
Introduction and first reading
Referred to Environment and Natural Resources Finance

1.1 A bill for an act
1.2 relating to state government; appropriating money for environment and natural
1.3 resources; modifying prior appropriations; modifying commissioner's duties;
1.4 modifying provisions for easement stewardship accounts; modifying submission
1.5 date and frequency on certain reports; modifying requirements to notify of water
1.6 pollution; modifying permitting efficiency provisions; modifying eligibility for
1.7 small business pollution prevention assistance; providing for grants for stormwater
1.8 infrastructure; providing for sale and issuance of state bonds; modifying disposition
1.9 of certain payments for assistance; modifying provisions for waste management
1.10 assistance; providing for product stewardship for solar photovoltaic modules;
1.11 prohibiting lead and cadmium in certain consumer products; requiring reports;
1.12 requiring rulemaking; amending Minnesota Statutes 2020, sections 13.7411,
1.13 subdivision 4; 103B.103; 115.03, subdivision 1; 115.061; 115.542, subdivisions
1.14 3, 4, by adding a subdivision; 115A.03, by adding a subdivision; 115A.49; 115A.51;
1.15 115A.54, subdivisions 1, 2, 2a; 115A.565, subdivision 3; 115B.17, subdivision
1.16 14; 115B.52, subdivision 4; 116.993, subdivision 2; Minnesota Statutes 2021
1.17 Supplement, section 115A.565, subdivision 1; Laws 2021, First Special Session
1.18 chapter 6, article 1, section 2; proposing coding for new law in Minnesota Statutes,
1.19 chapters 115; 115A; 325E; repealing Minnesota Statutes 2020, sections 325E.389;
1.20 325E.3891.

1.21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.22 **ARTICLE 1**
1.23 **APPROPRIATIONS**

1.24 Section 1. **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

1.25 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
1.26 and for the purposes specified in this article. The appropriations are from the general fund,
1.27 or another named fund, and are available for the fiscal years indicated for each purpose.
1.28 The figures "2022" and "2023" used in this article mean that the appropriations listed under
1.29 them are available for the fiscal year ending June 30, 2022, or June 30, 2023, respectively.
1.30 "The first year" is fiscal year 2022. "The second year" is fiscal year 2023. "The biennium"

2.1 is fiscal years 2022 and 2023. Appropriations for the fiscal year ending June 30, 2022, are
 2.2 effective the day following final enactment.

	<u>APPROPRIATIONS</u>	
	<u>Available for the Year</u>	
	<u>Ending June 30</u>	
	<u>2022</u>	<u>2023</u>

2.7 Sec. 2. **NATURAL RESOURCES**

2.8 <u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>3,300,000</u>	<u>\$</u>	<u>81,746,000</u>
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2.9 The amounts that may be spent for each
 2.10 purpose are specified in the following
 2.11 subdivisions.

2.12 Subd. 2. **Land and Mineral Resources**
 2.13 **Management**

-	<u>0-</u>	<u>246,000</u>
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2.14 \$246,000 the second year is for utility
 2.15 licensing. This appropriation is added to the
 2.16 base and is available through fiscal year 2026.

2.17 <u>Subd. 3. Ecological and Water Resources</u>	<u>3,300,000</u>	<u>-0-</u>
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2.18 (a) \$300,000 the first year is for costs
 2.19 associated with resolving DNR-confirmed
 2.20 well interferences that occurred from May 1
 2.21 to December 30, 2021. This is a onetime
 2.22 appropriation and is available until June 30,
 2.23 2024.

2.24 (b) \$3,000,000 the first year is for grants to
 2.25 municipal, township, and Tribal governments
 2.26 that operate public water supplies to increase
 2.27 water efficiency. Sub-awards to residents are
 2.28 an allowable use of this appropriation. This is
 2.29 a onetime appropriation and is available until
 2.30 June 30, 2026.

2.31 <u>Subd. 4. Forest Management</u>	<u>-0-</u>	<u>5,500,000</u>
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2.32 \$5,500,000 the second year is for technical
 2.33 assistance and cost-share funding to assist

3.1 private woodland owners in managing their
 3.2 lands for climate mitigation and adaptation.
 3.3 This is a onetime appropriation and is
 3.4 available until June 30, 2027.

3.5 **Subd. 5. Fish and Wildlife** -0- 10,000,000

3.6 \$10,000,000 the second year is to enhance
 3.7 grasslands and restore wetlands on
 3.8 state-owned wildlife management areas to
 3.9 increase carbon sequestration and enhance
 3.10 climate resiliency. This is a onetime
 3.11 appropriation and is available until June 30,
 3.12 2026.

3.13 **Subd. 6. Climate Change Mitigation and**
 3.14 **Adaptation** -0- \$66,000,000

3.15 (a) \$24,000,000 the second year is for
 3.16 acquiring new lands under Minnesota Statutes,
 3.17 chapter 86A, to support recreation and
 3.18 conservation and climate change mitigation
 3.19 and adaptation. This is a onetime appropriation
 3.20 and is available until June 30, 2026.

3.21 (b) \$42,000,000 the second year is for
 3.22 modernizing and enhancing
 3.23 department-managed infrastructure, lands, and
 3.24 waters to mitigate and adapt to climate change.
 3.25 Of this amount, \$10,000,000 is for public
 3.26 water access sites; \$8,000,000 is for state trails
 3.27 and park roads; \$10,000,000 is for hatcheries;
 3.28 \$1,000,000 is for native plant restoration in
 3.29 state parks; and \$13,000,000 is for restoring
 3.30 streams and replacing culverts and water
 3.31 control structures. The commissioner may
 3.32 reallocate across these purposes based on
 3.33 project readiness and priority. This is a
 3.34 onetime appropriation and is available until
 3.35 June 30, 2026.

4.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.

4.2 **Sec. 3. BOARD OF WATER AND SOIL**
4.3 **RESOURCES.**

\$ -0- \$ 15,720,000

4.4 (a) \$15,000,000 the second year is for water
4.5 storage and management projects and practices
4.6 to control water volume and rates to protect
4.7 infrastructure, improve water quality, and
4.8 provide other related public benefits consistent
4.9 with Minnesota Statutes, section 103F.05. This
4.10 appropriation is available until June 30, 2026.
4.11 The base is \$167,000 in fiscal year 2024 and
4.12 each year thereafter.

4.13 (b) \$125,000 the second year is to accomplish
4.14 the objectives of Minnesota Statutes, section
4.15 10.65, and related Tribal government
4.16 coordination. The base for fiscal year 2024 is
4.17 \$129,000 and for fiscal year 2025 and each
4.18 year thereafter is \$133,000.

4.19 (c) \$595,000 the second year is to offset
4.20 unreimbursed costs caused by the COVID-19
4.21 pandemic. This is a onetime appropriation.

4.22 **Sec. 4. METROPOLITAN COUNCIL.**

\$ -0- \$ 5,000,000

4.23 \$5,000,000 the second year is to develop a
4.24 decision-making support toolset to help local
4.25 partners quantify the risks of a changing
4.26 climate and prioritize strategies that mitigate
4.27 those risks. This is a onetime appropriation
4.28 and is available until June 30, 2026.

4.29 Sec. 5. Laws 2021, First Special Session chapter 6, article 1, section 2, is amended to read:

4.30 **Sec. 2. POLLUTION CONTROL AGENCY**

4.31 111,818,000
4.32 **Subdivision 1. Total Appropriation** \$ 112,420,000 \$ 198,842,000

5.1	Appropriations by Fund		
5.2		2022	2023
5.3			7,285,000
5.4	General	8,339,000	<u>88,521,000</u>
5.5	State Government		
5.6	Special Revenue	75,000	75,000
5.7			89,912,000
5.8	Environmental	89,460,000	<u>94,170,000</u>
5.9			14,546,000
5.10	Remediation	14,546,000	<u>16,076,000</u>

5.11 The amounts that may be spent for each
 5.12 purpose are specified in the following
 5.13 subdivisions.

5.14 The commissioner must present the agency's
 5.15 biennial budget for fiscal years 2024 and 2025
 5.16 to the legislature in a transparent way by
 5.17 agency division, including the proposed
 5.18 budget bill and presentations of the budget to
 5.19 committees and divisions with jurisdiction
 5.20 over the agency's budget.

5.21			<u>14,140,000</u>
5.22	Subd. 2. Environmental Analysis and Outcomes	14,962,000	<u>69,119,000</u>

5.23	Appropriations by Fund		
5.24		2022	2023
5.25			224,000
5.26	General	1,292,000	<u>54,731,000</u>
5.27			13,715,000
5.28	Environmental	13,469,000	<u>14,181,000</u>
5.29			201,000
5.30	Remediation	201,000	<u>207,000</u>

5.31 (a) ~~\$99,000~~ the first year and ~~\$109,000~~
 5.32 \$112,000 the second year are from the general
 5.33 fund for:

5.34 (1) a municipal liaison to assist municipalities
 5.35 in implementing and participating in the
 5.36 rulemaking process for water quality standards
 6.1 and navigating the NPDES/SDS permitting
 6.2 process;

6.3 (2) enhanced economic analysis in the
6.4 rulemaking process for water quality
6.5 standards, including more-specific analysis
6.6 and identification of cost-effective permitting;

6.7 (3) developing statewide economic analyses
6.8 and templates to reduce the amount of
6.9 information and time required for
6.10 municipalities to apply for variances from
6.11 water quality standards; and

6.12 (4) coordinating with the Public Facilities
6.13 Authority to identify and advocate for the
6.14 resources needed for municipalities to achieve
6.15 permit requirements.

6.16 (b) ~~\$205,000~~ the first year and ~~\$205,000~~
6.17 \$208,000 the second year are from the
6.18 environmental fund for a monitoring program
6.19 under Minnesota Statutes, section 116.454.

6.20 (c) ~~\$115,000~~ the first year and ~~\$115,000~~
6.21 \$119,000 the second year are for monitoring
6.22 water quality and operating assistance
6.23 programs.

6.24 (d) ~~\$347,000~~ the first year and ~~\$347,000~~
6.25 \$353,000 the second year are from the
6.26 environmental fund for monitoring ambient
6.27 air for hazardous pollutants.

6.28 (e) ~~\$90,000~~ the first year and ~~\$90,000~~ \$91,000
6.29 the second year are from the environmental
6.30 fund for duties related to harmful chemicals
6.31 in children's products under Minnesota
6.32 Statutes, sections 116.9401 to 116.9407. Of
6.33 this amount, \$57,000 each year is transferred
6.34 to the commissioner of health.

7.1 (f) ~~\$109,000~~ the first year and ~~\$109,000~~
7.2 \$112,000 the second year are from the

7.3 environmental fund for registering wastewater
7.4 laboratories.

7.5 (g) \$926,000 the first year and ~~\$926,000~~
7.6 \$927,000 the second year are from the
7.7 environmental fund to continue
7.8 perfluorochemical biomonitoring in eastern
7.9 metropolitan communities, as recommended
7.10 by the Environmental Health Tracking and
7.11 Biomonitoring Advisory Panel, and to address
7.12 other environmental health risks, including air
7.13 quality. The communities must include Hmong
7.14 and other immigrant farming communities.
7.15 Of this amount, up to \$689,000 the first year
7.16 and \$689,000 the second year are for transfer
7.17 to the Department of Health.

7.18 (h) \$51,000 the first year and ~~\$51,000~~ \$53,000
7.19 the second year are from the environmental
7.20 fund for the listing procedures for impaired
7.21 waters required under this act.

7.22 (i) \$350,000 the first year is for completing
7.23 the St. Louis River mercury total maximum
7.24 daily load study. This is a onetime
7.25 appropriation and is available until June 30,
7.26 2025.

7.27 (j) \$141,000 the first year and \$141,000 the
7.28 second year are from the environmental fund
7.29 to implement and enforce Minnesota Statutes,
7.30 section 325F.071. Of this amount, up to
7.31 \$65,000 each year may be transferred to the
7.32 commissioner of health.

7.33 (k) \$600,000 the first year is to develop and
7.34 implement an initiative to reduce sources of
8.1 perfluoroalkyl and polyfluoroalkyl substances
8.2 (PFAS) in the environment that are eventually

8.3 conveyed to municipal wastewater treatment
8.4 facilities. In developing and implementing the
8.5 initiative, the commissioner must work in
8.6 cooperation with the Department of Health
8.7 and with an advisory group consisting of one
8.8 representative designated by each of the
8.9 following: the League of Minnesota Cities;
8.10 the Coalition of Greater Minnesota Cities; the
8.11 Minnesota Environmental Science and
8.12 Economic Review Board; the Minnesota
8.13 Municipal Utilities Association; Metropolitan
8.14 Council Environmental Services; Minnesota
8.15 Association of Small Cities; National Waste
8.16 and Recycling Association; Minnesota Rural
8.17 Water Association; Association of Minnesota
8.18 Counties; Solid Waste Administrators
8.19 Association; Partnership on Waste and Energy;
8.20 Minnesota Resource Recovery Association;
8.21 Minnesota InterCounty Association;
8.22 Minnesota Manufacturer's Coalition; and the
8.23 Association of Metropolitan Municipalities.
8.24 In developing and implementing the municipal
8.25 initiative, the commissioner must:

8.26 (1) identify sources of PFAS introduced into
8.27 the environment that are eventually conveyed
8.28 to municipal wastewater treatment facilities
8.29 and contained in solid waste that are disposed
8.30 at solid waste facilities;

8.31 (2) identify source reduction strategies that
8.32 can effectively reduce the amount of PFAS
8.33 entering the environment that are eventually
8.34 conveyed to municipal wastewater treatment
9.1 facilities or are disposed at solid waste
9.2 facilities;

9.3 (3) publish and distribute throughout the state
9.4 guidance documents for local governments
9.5 that include education materials about
9.6 effective strategies to reduce PFAS sources;

9.7 (4) identify issues for future study; and

9.8 (5) by January 31, 2023, report to the chairs
9.9 and ranking minority members of the house
9.10 of representatives and senate committees and
9.11 divisions with jurisdiction over the
9.12 environment and natural resources on the
9.13 development and implementation of the
9.14 initiative. This is a onetime appropriation.

9.15 (l) \$104,000 the second year is from the
9.16 environmental fund for the purposes of the
9.17 perfluoroalkyl and polyfluoroalkyl substances
9.18 food packaging provisions under Minnesota
9.19 Statutes, section 325F.075. The base for this
9.20 appropriation in fiscal year 2024 and later is
9.21 \$144,000.

9.22 (m) \$128,000 the first year is for an analysis
9.23 of the Green Tier program. This is a onetime
9.24 appropriation.

9.25 (n) \$250,000 the first year and \$250,000 the
9.26 second year are from the environmental fund
9.27 for identifying potential sources of per- and
9.28 poly-fluoroalkyl substances contamination.
9.29 This is a onetime appropriation.

9.30 (o) \$500,000 the second year is to sample and
9.31 analyze soil and surface waters across the state
9.32 of Minnesota to develop a baseline
9.33 understanding of conditions of per- and
9.34 poly-fluoroalkyl substances. This is a onetime
10.1 appropriation and is available until June 30,
10.2 2024.

10.3 (p) \$54,000,000 the second year is to support
 10.4 local government units and Tribal
 10.5 governments in planning, designing, and
 10.6 implementing resiliency projects to withstand
 10.7 local flooding. Of this amount, \$51,600,000
 10.8 is for grants to local government units and
 10.9 Tribal governments to upgrade local
 10.10 infrastructure, critical facilities, and other
 10.11 assets for protection against localized flooding
 10.12 and urban heat impacts; and \$2,000,000 is for
 10.13 technical assistance. The commissioner may
 10.14 contract with an independent third party to
 10.15 provide the technical assistance. This
 10.16 appropriation is available until June 30, 2026.
 10.17 The base for this appropriation in fiscal year
 10.18 2024 and later is \$333,000.

10.19
 10.20 Subd. 3. **Industrial** 16,049,000 16,077,000
17,341,000

10.21 Appropriations by Fund

	2022	2023
10.23		15,076,000
10.24 Environmental	15,048,000	<u>15,898,000</u>
10.25		1,001,000
10.26 Remediation	1,001,000	<u>1,443,000</u>

10.27 (a) ~~\$1,001,000~~ the first year and ~~\$1,001,000~~
 10.28 \$1,443,000 the second year are from the
 10.29 remediation fund for the leaking underground
 10.30 storage tank program to investigate, clean up,
 10.31 and prevent future releases from underground
 10.32 petroleum storage tanks and for the petroleum
 10.33 remediation program for vapor assessment
 10.34 and remediation. These same annual amounts
 10.35 are transferred from the petroleum tank fund
 10.36 to the remediation fund.

11.1 (b) ~~\$393,000~~ the first year and ~~\$393,000~~
 11.2 \$398,000 the second year are from the

11.3 environmental fund to further evaluate the use
 11.4 and reduction of trichloroethylene around
 11.5 Minnesota and identify its potential health
 11.6 effects on communities. Of this amount, up to
 11.7 \$121,000 each year may be transferred to the
 11.8 commissioner of health.

11.9 (c) \$180,000 the first year and \$4,000 the
 11.10 second year are from the environmental fund
 11.11 to purchase air emissions monitoring
 11.12 equipment to support compliance and
 11.13 enforcement activities.

11.14			<u>9,182,000</u>
11.15	Subd. 4. Municipal	9,089,000	<u>11,661,000</u>

11.16 Appropriations by Fund

11.17		2022	2023
11.18			190,000
11.19	General	177,000	<u>2,370,000</u>
11.20	State Government		
11.21	Special Revenue	75,000	75,000
11.22			8,917,000
11.23	Environmental	8,837,000	<u>9,216,000</u>

11.24 (a) \$177,000 the first year and ~~\$190,000~~
 11.25 \$195,000 the second year are for:

11.26 (1) a municipal liaison to assist municipalities
 11.27 in implementing and participating in the
 11.28 rulemaking process for water quality standards
 11.29 and navigating the NPDES/SDS permitting
 11.30 process;

11.31 (2) enhanced economic analysis in the
 11.32 rulemaking process for water quality
 11.33 standards, including more-specific analysis
 11.34 and identification of cost-effective permitting;

12.1 (3) developing statewide economic analyses
 12.2 and templates to reduce the amount of
 12.3 information and time required for

12.4 municipalities to apply for variances from
12.5 water quality standards; and

12.6 (4) coordinating with the Public Facilities
12.7 Authority to identify and advocate for the
12.8 resources needed for municipalities to achieve
12.9 permit requirements.

12.10 (b) \$50,000 the first year and \$50,000 the
12.11 second year are from the environmental fund
12.12 for transfer to the Office of Administrative
12.13 Hearings to establish sanitary districts.

12.14 (c) \$952,000 the first year and ~~\$952,000~~
12.15 \$977,000 the second year are from the
12.16 environmental fund for subsurface sewage
12.17 treatment system (SSTS) program
12.18 administration and community technical
12.19 assistance and education, including grants and
12.20 technical assistance to communities for
12.21 water-quality protection. Of this amount,
12.22 \$129,000 each year is for assistance to
12.23 counties through grants for SSTS program
12.24 administration. A county receiving a grant
12.25 from this appropriation must submit the results
12.26 achieved with the grant to the commissioner
12.27 as part of its annual SSTS report. Any
12.28 unexpended balance in the first year does not
12.29 cancel but is available in the second year.

12.30 (d) \$784,000 the first year and ~~\$784,000~~
12.31 \$800,000 the second year are from the
12.32 environmental fund to address the need for
12.33 continued increased activity in new technology
12.34 review, technical assistance for local
12.35 governments, and enforcement under
13.1 Minnesota Statutes, sections 115.55 to 115.58,
13.2 and to complete the requirements of Laws
13.3 2003, chapter 128, article 1, section 165.

13.4 (e) \$2,175,000 the second year is to support
 13.5 greater Minnesota communities in meeting
 13.6 new wastewater treatment pollutant limits and
 13.7 community needs. Of this amount, \$1,000,000
 13.8 is for grants to evaluate options, determine
 13.9 cost effective solutions, and develop
 13.10 engineering plans as needed. This is a onetime
 13.11 appropriation and is available until June 30,
 13.12 2025.

13.13 ~~(e)~~ (f) Notwithstanding Minnesota Statutes,
 13.14 section 16A.28, the appropriations
 13.15 encumbered on or before June 30, 2023, as
 13.16 grants or contracts for subsurface sewage
 13.17 treatment systems, surface water and
 13.18 groundwater assessments, storm water, and
 13.19 water-quality protection in this subdivision
 13.20 are available until June 30, 2026.

13.21			<u>10,404,000</u>
13.22	Subd. 5. Operations	10,390,000	<u>11,801,000</u>

13.23	Appropriations by Fund		
13.24		2022	2023
13.25	General	2,531,000	2,532,000
13.26			5,791,000
13.27	Environmental	5,778,000	<u>6,848,000</u>
13.28			2,081,000
13.29	Remediation	2,081,000	<u>2,421,000</u>

13.30 (a) \$1,003,000 the first year and ~~\$1,003,000~~
 13.31 \$1,109,000 the second year are from the
 13.32 remediation fund for the leaking underground
 13.33 storage tank program to investigate, clean up,
 13.34 and prevent future releases from underground
 13.35 petroleum storage tanks and for the petroleum
 13.36 remediation program for vapor assessment
 14.1 and remediation. These same annual amounts
 14.2 are transferred from the petroleum tank fund
 14.3 to the remediation fund.

14.4 (b) \$2,531,000 the first year and \$2,532,000
 14.5 the second year are to support agency
 14.6 information technology services provided at
 14.7 the enterprise and agency level.

14.8 (c) \$800,000 the first year and ~~\$800,000~~
 14.9 \$819,000 the second year are from the
 14.10 environmental fund to develop and maintain
 14.11 systems to support permitting and regulatory
 14.12 business processes and agency data.

14.13 (d) \$133,000 the second year is from the
 14.14 remediation fund for staffing to fulfill the
 14.15 statutory obligations under Minnesota Statutes,
 14.16 chapter 115E, regarding railroad safety. The
 14.17 base for this appropriation in fiscal year 2024
 14.18 and later is \$133,000.

14.19 ~~(d)~~ (e) The base for the remediation fund in
 14.20 fiscal year 2025 is ~~\$1,901,000~~ \$2,241,000.

14.21			<u>11,537,000</u>
14.22	Subd. 6. Remediation	11,537,000	<u>13,290,000</u>

14.23	Appropriations by Fund		
14.24		2022	2023
14.25	<u>General</u>	<u>-0-</u>	<u>1,000,000</u>
14.26			<u>508,000</u>
14.27	Environmental	508,000	<u>526,000</u>
14.28			<u>11,029,000</u>
14.29	Remediation	11,029,000	<u>11,764,000</u>

14.30 (a) All money for environmental response,
 14.31 compensation, and compliance in the
 14.32 remediation fund not otherwise appropriated
 14.33 is appropriated to the commissioners of the
 14.34 Pollution Control Agency and agriculture for
 14.35 purposes of Minnesota Statutes, section
 15.1 115B.20, subdivision 2, clauses (1), (2), (3),
 15.2 (6), and (7). At the beginning of each fiscal
 15.3 year, the two commissioners must jointly

15.4 submit to the commissioner of management
15.5 and budget an annual spending plan that
15.6 maximizes resource use and appropriately
15.7 allocates the money between the two
15.8 departments. This appropriation is available
15.9 until June 30, 2023.

15.10 (b) \$363,000 the first year and ~~\$363,000~~
15.11 \$372,000 the second year are from the
15.12 environmental fund to manage contaminated
15.13 sediment projects at multiple sites identified
15.14 in the St. Louis River remedial action plan to
15.15 restore water quality in the St. Louis River
15.16 Area of Concern.

15.17 (c) \$3,198,000 the first year and ~~\$3,198,000~~
15.18 \$3,500,000 the second year are from the
15.19 remediation fund for the leaking underground
15.20 storage tank program to investigate, clean up,
15.21 and prevent future releases from underground
15.22 petroleum storage tanks and for the petroleum
15.23 remediation program for vapor assessment
15.24 and remediation. These same annual amounts
15.25 are transferred from the petroleum tank fund
15.26 to the remediation fund.

15.27 (d) \$257,000 the first year and \$257,000 the
15.28 second year are from the remediation fund for
15.29 transfer to the commissioner of health for
15.30 private water-supply monitoring and health
15.31 assessment costs in areas contaminated by
15.32 unpermitted mixed municipal solid waste
15.33 disposal facilities and drinking water
15.34 advisories and public information activities
15.35 for areas contaminated by hazardous releases.

16.1 (e) \$1,000,000 the second year is to create a
16.2 community-based brownfield grant program.
16.3 Of this amount, \$1,000,000 is for grants to

16.4 complete contamination site investigations
 16.5 and cleanup planning at brownfield sites in
 16.6 underserved areas. This is a onetime
 16.7 appropriation and is available until June 30,
 16.8 2025.

16.9			<u>39,586,000</u>
16.10	Subd. 7. Resource Management and Assistance	39,551,000	<u>63,819,000</u>

16.11	Appropriations by Fund		
16.12		2022	2023
16.13			<u>1,299,000</u>
16.14	General	1,299,000	<u>24,222,000</u>
16.15			<u>38,287,000</u>
16.16	Environmental	38,252,000	<u>39,597,000</u>

16.17 (a) Up to \$150,000 the first year and \$150,000
 16.18 the second year may be transferred from the
 16.19 environmental fund to the small business
 16.20 environmental improvement loan account
 16.21 under Minnesota Statutes, section 116.993.
 16.22 \$2,000,000 the second year must be
 16.23 transferred from the general fund to the small
 16.24 business environmental improvement loan
 16.25 account in the environmental fund. All loan
 16.26 proceeds must be deposited in the
 16.27 environmental fund according to Minnesota
 16.28 Statutes, section 116.994. The general fund
 16.29 transfer is onetime.

16.30 (b) \$1,000,000 the first year and \$1,000,000
 16.31 the second year are for competitive recycling
 16.32 grants under Minnesota Statutes, section
 16.33 115A.565. Of this amount, \$300,000 the first
 16.34 year and \$300,000 the second year are from
 16.35 the general fund, and \$700,000 the first year
 16.36 and \$700,000 the second year are from the
 17.1 environmental fund. This appropriation is
 17.2 available until June 30, 2025.

- 17.3 (c) \$694,000 the first year and \$694,000 the
17.4 second year are from the environmental fund
17.5 for emission-reduction activities and grants to
17.6 small businesses and other
17.7 nonpoint-emission-reduction efforts. Of this
17.8 amount, \$100,000 the first year and \$100,000
17.9 the second year are to continue work with
17.10 Clean Air Minnesota, and the commissioner
17.11 may enter into an agreement with
17.12 Environmental Initiative to support this effort.
- 17.13 (d) \$18,450,000 the first year and \$18,450,000
17.14 the second year are from the environmental
17.15 fund for SCORE block grants to counties.
- 17.16 (e) \$119,000 the first year and \$119,000 the
17.17 second year are from the environmental fund
17.18 for environmental assistance grants or loans
17.19 under Minnesota Statutes, section 115A.0716.
- 17.20 (f) \$400,000 the first year and \$400,000 the
17.21 second year are from the environmental fund
17.22 for grants to develop and expand recycling
17.23 markets for Minnesota businesses.
- 17.24 (g) \$750,000 the first year and ~~\$750,000~~
17.25 \$753,000 the second year are from the
17.26 environmental fund for reducing and diverting
17.27 food waste, redirecting edible food for
17.28 consumption, and removing barriers to
17.29 collecting and recovering organic waste. Of
17.30 this amount, \$500,000 each year is for grants
17.31 to increase food rescue and waste prevention.
17.32 This appropriation is available until June 30,
17.33 2025.
- 18.1 (h) \$999,000 the first year and \$999,000 the
18.2 second year are for the establishment and
18.3 implementation of a local government water

- 18.4 infrastructure grant program for local
18.5 governmental units and Tribal governments.
18.6 The base for this appropriation is \$250,000 in
18.7 fiscal year 2024 and beyond.
- 18.8 (i) ~~\$2,719,000~~ the first year and ~~\$2,719,000~~
18.9 \$2,732,000 the second year are from the
18.10 environmental fund for the purposes of
18.11 Minnesota Statutes, section 473.844.
- 18.12 (j) \$2,000,000 the second year is to support
18.13 efforts to prevent per- and poly-fluoroalkyl
18.14 substances (PFAS) contamination. Of this
18.15 amount, \$1,400,000 is for grants to support
18.16 projects designed to prevent PFAS releases to
18.17 the environment, identify sources of PFAS,
18.18 and implement reduction strategies. This is a
18.19 onetime appropriation and is available until
18.20 June 30, 2025.
- 18.21 (k) \$18,923,000 the second year is to establish
18.22 a waste prevention and recycling grant and
18.23 loan program. Of this amount, \$17,725,000 is
18.24 for grants and loans for infrastructure
18.25 improvement projects related to waste
18.26 prevention, recycling, and composting. This
18.27 is a onetime appropriation and is available
18.28 until June 30, 2025. All loan proceeds must
18.29 be deposited in the environmental fund.
- 18.30 (l) \$74,000 the second year is from the
18.31 environmental fund to complete compliance
18.32 monitoring and testing for cadmium and lead
18.33 in consumer products. The base for this
18.34 appropriation in fiscal year 2024 and later is
18.35 \$74,000.
- 19.1 (m) \$17,000 the second year is from the
19.2 environmental fund to support the expedited

19.3 rule process to update the capital assistance
 19.4 program grant limits and eligibility. This is a
 19.5 onetime appropriation and is available until
 19.6 June 30, 2024.

19.7 ~~(j)~~ (n) Any unencumbered grant and loan
 19.8 balances in the first year do not cancel but are
 19.9 available for grants and loans in the second
 19.10 year. Notwithstanding Minnesota Statutes,
 19.11 section 16A.28, the appropriations
 19.12 encumbered on or before June 30, 2023, as
 19.13 contracts or grants for environmental
 19.14 assistance awarded under Minnesota Statutes,
 19.15 section 115A.0716; technical and research
 19.16 assistance under Minnesota Statutes, section
 19.17 115A.152; technical assistance under
 19.18 Minnesota Statutes, section 115A.52; and
 19.19 pollution prevention assistance under
 19.20 Minnesota Statutes, section 115D.04, are
 19.21 available until June 30, 2025.

19.22			<u>9,618,000</u>
19.23	Subd. 8. Watershed	9,568,000	<u>9,906,000</u>

19.24	Appropriations by Fund		
19.25		2022	2023
19.26	General	1,959,000	1,959,000
19.27			<u>7,425,000</u>
19.28	Environmental	7,375,000	<u>7,706,000</u>
19.29			<u>234,000</u>
19.30	Remediation	234,000	<u>241,000</u>

19.31 (a) \$1,959,000 the first year and \$1,959,000
 19.32 the second year are for grants to delegated
 19.33 counties to administer the county feedlot
 19.34 program under Minnesota Statutes, section
 19.35 116.0711, subdivisions 2 and 3. Money
 20.1 remaining after the first year is available for
 20.2 the second year.

20.3 (b) \$208,000 the first year and ~~\$208,000~~
 20.4 \$213,000 the second year are from the
 20.5 environmental fund for the costs of
 20.6 implementing general operating permits for
 20.7 feedlots over 1,000 animal units.

20.8 (c) \$122,000 the first year and ~~\$122,000~~
 20.9 \$126,000 the second year are from the
 20.10 remediation fund for the leaking underground
 20.11 storage tank program to investigate, clean up,
 20.12 and prevent future releases from underground
 20.13 petroleum storage tanks and for the petroleum
 20.14 remediation program for vapor assessment
 20.15 and remediation. These same annual amounts
 20.16 are transferred from the petroleum tank fund
 20.17 to the remediation fund.

20.18			<u>1,274,000</u>
20.19	Subd. 9. Environmental Quality Board	1,274,000	<u>1,905,000</u>

20.20	Appropriations by Fund		
20.21		2022	2023
20.22			1,081,000
20.23	General	1,081,000	<u>1,707,000</u>
20.24			193,000
20.25	Environmental	193,000	<u>198,000</u>

20.26 \$600,000 the second year is to develop tools
 20.27 and guidance for local governments for
 20.28 incorporating greenhouse gas emission
 20.29 assessments for projects undergoing
 20.30 environmental review. This is a onetime
 20.31 appropriation and is available until June 30,
 20.32 2024.

20.33 **Subd. 10. Transfers**

20.34 (a) The commissioner must transfer up to
 20.35 \$25,000,000 the first year and \$22,000,000
 21.1 the second year from the environmental fund
 21.2 to the remediation fund for purposes of the

21.3 remediation fund under Minnesota Statutes,
 21.4 section 116.155, subdivision 2. The base for
 21.5 the transfer in fiscal year 2024 is \$19,000,000
 21.6 and in fiscal year 2025 is \$22,000,000.

21.7 (b) Beginning in fiscal year 2022, the
 21.8 commissioner of management and budget must
 21.9 transfer \$100,000 each year from the general
 21.10 fund to the metropolitan landfill contingency
 21.11 action trust account in the remediation fund
 21.12 to restore the money transferred from the
 21.13 account as intended under Laws 2003, chapter
 21.14 128, article 1, section 10, paragraph (e), and
 21.15 Laws 2005, First Special Session chapter 1,
 21.16 article 3, section 17.

21.17 ARTICLE 2

21.18 STATUTORY CHANGES

21.19 Section 1. Minnesota Statutes 2020, section 13.7411, subdivision 4, is amended to read:

21.20 Subd. 4. **Waste management.** (a) **Product stewardship program.** Trade secret and
 21.21 sales data information submitted to the Pollution Control Agency under the product
 21.22 stewardship ~~program programs~~ is classified under ~~section~~ sections 115A.1415 and
 21.23 115A.1416.

21.24 (b) **Transfer station data.** Data received by a county or district from a transfer station
 21.25 under section 115A.84, subdivision 5, are classified under that section.

21.26 (c) **Solid waste records.** Records of solid waste facilities received, inspected, or copied
 21.27 by a county pursuant to section 115A.882 are classified pursuant to section 115A.882,
 21.28 subdivision 3.

21.29 (d) **Customer lists.** Customer lists provided to counties or cities by solid waste collectors
 21.30 are classified under section 115A.93, subdivision 5.

21.31 **EFFECTIVE DATE.** This section is effective the day following final enactment.

22.1 Sec. 2. Minnesota Statutes 2020, section 103B.103, is amended to read:

22.2 **103B.103 EASEMENT STEWARDSHIP ACCOUNTS.**

22.3 Subdivision 1. **Accounts established; sources.** (a) The water and soil conservation
22.4 easement stewardship account and the mitigation easement stewardship account are created
22.5 in the special revenue fund. The accounts consist of money credited to the accounts and
22.6 interest and other earnings on money in the accounts. The State Board of Investment must
22.7 manage the accounts to maximize long-term gain.

22.8 (b) Revenue from contributions and money appropriated for any purposes of the account
22.9 as described in subdivision 2 must be deposited in the water and soil conservation easement
22.10 stewardship account. Revenue from contributions, ~~wetland banking~~ wetland banking mitigation fees designated
22.11 for stewardship purposes by the board, easement stewardship payments authorized under
22.12 subdivision 3, and money appropriated for any purposes of the account as described in
22.13 subdivision 2 must be deposited in the mitigation easement stewardship account.

22.14 Subd. 2. **Appropriation; purposes of accounts.** (a) Five percent of the balance on July
22.15 1 each year in the water and soil conservation easement stewardship account and five percent
22.16 of the balance on July 1 each year in the mitigation easement stewardship account are
22.17 annually appropriated to the board and may be spent ~~only~~ to cover the costs of managing
22.18 easements held by the board, including costs associated with:

22.19 (1) repairing or replacing structures;

22.20 (2) monitoring;

22.21 (3) landowner contacts;

22.22 (4) records storage and management;

22.23 (5) processing landowner notices;

22.24 (6) requests for approval or amendments;

22.25 (7) enforcement; and

22.26 (8) legal services associated with easement management activities.

22.27 (b) In addition to the amounts appropriated under paragraph (a), up to ten percent of the
22.28 balance on July 1 each year in the water and soil conservation easement stewardship account
22.29 and up to ten percent of the balance on July 1 each year in the mitigation easement
22.30 stewardship account are annually appropriated to the board for emergency repair and
22.31 replacement of water control structures when the amount appropriated in paragraph (a) is
22.32 insufficient to cover the costs. The board must include a summary of how money appropriated

23.1 under this paragraph in the prior two fiscal years was used in the report required under
 23.2 section 103B.101, subdivision 9, paragraph (a), clause (7).

23.3 Subd. 3. **Financial contributions.** The board shall seek a financial contribution to the
 23.4 water and soil conservation easement stewardship account for each conservation easement
 23.5 acquired by the board. The board shall seek a financial contribution or assess an easement
 23.6 stewardship payment to the mitigation easement stewardship account for each wetland
 23.7 ~~banking~~ mitigation easement acquired by the board. Unless otherwise provided by law, the
 23.8 board shall determine the amount of the contribution or payment, which must be an amount
 23.9 calculated to earn sufficient money to meet the costs of managing the easement at a level
 23.10 that neither significantly overrecovers nor underrecovers the costs. In determining the
 23.11 amount of the financial contribution, the board shall consider:

23.12 (1) the estimated annual staff hours needed to manage the conservation easement, taking
 23.13 into consideration factors such as easement type, size, location, and complexity;

23.14 (2) the average hourly wages for the class or classes of state and local employees expected
 23.15 to manage the easement;

23.16 (3) the estimated annual travel expenses to manage the easement;

23.17 (4) the estimated annual miscellaneous costs to manage the easement, including supplies
 23.18 and equipment, information technology support, and aerial flyovers;

23.19 (5) the estimated annualized costs of legal services, including the cost to enforce the
 23.20 easement in the event of a violation; ~~and~~

23.21 (6) the estimated annualized costs for repairing or replacing water control structures;
 23.22 and

23.23 ~~(6)~~ (7) the expected rate of return on investments in the account.

23.24 **EFFECTIVE DATE.** This section is effective the day following final enactment.

23.25 Sec. 3. Minnesota Statutes 2020, section 115.03, subdivision 1, is amended to read:

23.26 Subdivision 1. **Generally.** (a) The agency commissioner is ~~hereby~~ given and charged
 23.27 with the following powers and duties:

23.28 ~~(a)~~ (1) to administer and enforce all laws relating to the pollution of any of the waters
 23.29 of the state;

23.30 ~~(b)~~ (2) to investigate the extent, character, and effect of the pollution of the waters of
 23.31 this state and to gather data and information necessary or desirable in the administration or

24.1 enforcement of pollution laws, and to make such classification of the waters of the state as
24.2 it may deem advisable;

24.3 ~~(e)~~ (3) to establish and alter such reasonable pollution standards for any waters of the
24.4 state in relation to the public use to which they are or may be put as it shall deem necessary
24.5 for the purposes of this chapter and, with respect to the pollution of waters of the state,
24.6 chapter 116;

24.7 ~~(d)~~ (4) to encourage waste treatment, including advanced waste treatment, instead of
24.8 stream low-flow augmentation for dilution purposes to control and prevent pollution;

24.9 ~~(e)~~ (5) to adopt, issue, reissue, modify, deny, or revoke, enter into or enforce reasonable
24.10 orders, permits, variances, standards, rules, schedules of compliance, and stipulation
24.11 agreements, under such conditions as it may prescribe, in order to prevent, control or abate
24.12 water pollution, or for the installation or operation of disposal systems or parts thereof, or
24.13 for other equipment and facilities:

24.14 ~~(1)~~ (i) requiring the discontinuance of the discharge of sewage, industrial waste or other
24.15 wastes into any waters of the state resulting in pollution in excess of the applicable pollution
24.16 standard established under this chapter;

24.17 ~~(2)~~ (ii) prohibiting or directing the abatement of any discharge of sewage, industrial
24.18 waste, or other wastes, into any waters of the state or the deposit thereof or the discharge
24.19 into any municipal disposal system where the same is likely to get into any waters of the
24.20 state in violation of this chapter and, with respect to the pollution of waters of the state,
24.21 chapter 116, or standards or rules promulgated or permits issued pursuant thereto, and
24.22 specifying the schedule of compliance within which such prohibition or abatement must be
24.23 accomplished;

24.24 ~~(3)~~ (iii) prohibiting the storage of any liquid or solid substance or other pollutant in a
24.25 manner which does not reasonably assure proper retention against entry into any waters of
24.26 the state that would be likely to pollute any waters of the state;

24.27 ~~(4)~~ (iv) requiring the construction, installation, maintenance, and operation by any person
24.28 of any disposal system or any part thereof, or other equipment and facilities, or the
24.29 reconstruction, alteration, or enlargement of its existing disposal system or any part thereof,
24.30 or the adoption of other remedial measures to prevent, control or abate any discharge or
24.31 deposit of sewage, industrial waste or other wastes by any person;

24.32 ~~(5)~~ (v) establishing, and from time to time revising, standards of performance for new
24.33 sources taking into consideration, among other things, classes, types, sizes, and categories

25.1 of sources, processes, pollution control technology, cost of achieving such effluent reduction,
25.2 and any nonwater quality environmental impact and energy requirements. Said standards
25.3 of performance for new sources shall encompass those standards for the control of the
25.4 discharge of pollutants which reflect the greatest degree of effluent reduction which the
25.5 agency determines to be achievable through application of the best available demonstrated
25.6 control technology, processes, operating methods, or other alternatives, including, where
25.7 practicable, a standard permitting no discharge of pollutants. New sources shall encompass
25.8 buildings, structures, facilities, or installations from which there is or may be the discharge
25.9 of pollutants, the construction of which is commenced after the publication by the agency
25.10 of proposed rules prescribing a standard of performance which will be applicable to such
25.11 source. Notwithstanding any other provision of the law of this state, any point source the
25.12 construction of which is commenced after May 20, 1973, and which is so constructed as to
25.13 meet all applicable standards of performance for new sources shall, consistent with and
25.14 subject to the provisions of section 306(d) of the Amendments of 1972 to the Federal Water
25.15 Pollution Control Act, not be subject to any more stringent standard of performance for new
25.16 sources during a ten-year period beginning on the date of completion of such construction
25.17 or during the period of depreciation or amortization of such facility for the purposes of
25.18 section 167 or 169, or both, of the Federal Internal Revenue Code of 1954, whichever period
25.19 ends first. Construction shall encompass any placement, assembly, or installation of facilities
25.20 or equipment, including contractual obligations to purchase such facilities or equipment, at
25.21 the premises where such equipment will be used, including preparation work at such
25.22 premises;

25.23 ~~(6)~~ (vi) establishing and revising pretreatment standards to prevent or abate the discharge
25.24 of any pollutant into any publicly owned disposal system, which pollutant interferes with,
25.25 passes through, or otherwise is incompatible with such disposal system;

25.26 ~~(7)~~ (vii) requiring the owner or operator of any disposal system or any point source to
25.27 establish and maintain such records, make such reports, install, use, and maintain such
25.28 monitoring equipment or methods, including where appropriate biological monitoring
25.29 methods, sample such effluents in accordance with such methods, at such locations, at such
25.30 intervals, and in such a manner as the agency shall prescribe, and providing such other
25.31 information as the agency may reasonably require;

25.32 ~~(8)~~ (viii) notwithstanding any other provision of this chapter, and with respect to the
25.33 pollution of waters of the state, chapter 116, requiring the achievement of more stringent
25.34 limitations than otherwise imposed by effluent limitations in order to meet any applicable
25.35 water quality standard by establishing new effluent limitations, based upon section 115.01,

26.1 subdivision 13, clause (b), including alternative effluent control strategies for any point
26.2 source or group of point sources to insure the integrity of water quality classifications,
26.3 whenever the agency determines that discharges of pollutants from such point source or
26.4 sources, with the application of effluent limitations required to comply with any standard
26.5 of best available technology, would interfere with the attainment or maintenance of the
26.6 water quality classification in a specific portion of the waters of the state. Prior to
26.7 establishment of any such effluent limitation, the agency shall hold a public hearing to
26.8 determine the relationship of the economic and social costs of achieving such limitation or
26.9 limitations, including any economic or social dislocation in the affected community or
26.10 communities, to the social and economic benefits to be obtained and to determine whether
26.11 or not such effluent limitation can be implemented with available technology or other
26.12 alternative control strategies. If a person affected by such limitation demonstrates at such
26.13 hearing that, whether or not such technology or other alternative control strategies are
26.14 available, there is no reasonable relationship between the economic and social costs and
26.15 the benefits to be obtained, such limitation shall not become effective and shall be adjusted
26.16 as it applies to such person;

26.17 ~~(9)~~ (ix) modifying, in its discretion, any requirement or limitation based upon best
26.18 available technology with respect to any point source for which a permit application is filed
26.19 after July 1, 1977, upon a showing by the owner or operator of such point source satisfactory
26.20 to the agency that such modified requirements will represent the maximum use of technology
26.21 within the economic capability of the owner or operator and will result in reasonable further
26.22 progress toward the elimination of the discharge of pollutants; and

26.23 ~~(10)~~ (x) requiring that applicants for wastewater discharge permits evaluate in their
26.24 applications the potential reuses of the discharged wastewater;

26.25 ~~(f)~~ (6) to require to be submitted and to approve plans and specifications for disposal
26.26 systems or point sources, or any part thereof and to inspect the construction thereof for
26.27 compliance with the approved plans and specifications thereof;

26.28 ~~(g)~~ (7) to prescribe and alter rules, not inconsistent with law, for the conduct of the
26.29 agency and other matters within the scope of the powers granted to and imposed upon it by
26.30 this chapter and, with respect to pollution of waters of the state, in chapter 116, provided
26.31 that every rule affecting any other department or agency of the state or any person other
26.32 than a member or employee of the agency shall be filed with the secretary of state;

26.33 ~~(h)~~ (8) to conduct such investigations, issue such notices, public and otherwise, and hold
26.34 such hearings as are necessary or which it may deem advisable for the discharge of its duties

27.1 under this chapter and, with respect to the pollution of waters of the state, under chapter
27.2 116, including, but not limited to, the issuance of permits, and to authorize any member,
27.3 employee, or agent appointed by it to conduct such investigations or, issue such notices and
27.4 hold such hearings;

27.5 ~~(9)~~ (9) for the purpose of water pollution control planning by the state and pursuant to
27.6 the Federal Water Pollution Control Act, as amended, to establish and revise planning areas,
27.7 adopt plans and programs and continuing planning processes, including, but not limited to,
27.8 basin plans and areawide waste treatment management plans, and to provide for the
27.9 implementation of any such plans by means of, including, but not limited to, standards, plan
27.10 elements, procedures for revision, intergovernmental cooperation, residual treatment process
27.11 waste controls, and needs inventory and ranking for construction of disposal systems;

27.12 ~~(10)~~ (10) to train water pollution control personnel, and charge ~~such~~ training fees ~~therefor~~
27.13 as are necessary to cover the agency's costs. All such fees received ~~shall~~ must be paid into
27.14 the state treasury and credited to the Pollution Control Agency training account;

27.15 (11) to provide chloride reduction training and charge training fees as necessary to cover
27.16 the agency's costs. All training fees received must be paid into the state treasury and credited
27.17 to the Pollution Control Agency training account;

27.18 ~~(12)~~ (12) to impose as additional conditions in permits to publicly owned disposal systems
27.19 appropriate measures to insure compliance by industrial and other users with any pretreatment
27.20 standard, including, but not limited to, those related to toxic pollutants, and any system of
27.21 user charges ratably as is hereby required under state law or said Federal Water Pollution
27.22 Control Act, as amended, or any regulations or guidelines promulgated thereunder;

27.23 ~~(13)~~ (13) to set a period not to exceed five years for the duration of any national pollutant
27.24 discharge elimination system permit or not to exceed ten years for any permit issued as a
27.25 state disposal system permit only;

27.26 ~~(14)~~ (14) to require each governmental subdivision identified as a permittee for a
27.27 wastewater treatment works to evaluate in every odd-numbered year the condition of its
27.28 existing system and identify future capital improvements that will be needed to attain or
27.29 maintain compliance with a national pollutant discharge elimination system or state disposal
27.30 system permit; and

27.31 ~~(15)~~ (15) to train subsurface sewage treatment system personnel, including persons who
27.32 design, construct, install, inspect, service, and operate subsurface sewage treatment systems,
27.33 and charge fees as necessary to pay the agency's costs. All fees received must be paid into

28.1 the state treasury and credited to the agency's training account. Money in the account is
28.2 appropriated to the agency to pay expenses related to training.

28.3 (b) The information required in paragraph (a), clause ~~(m)~~ (14), must be submitted in
28.4 every odd-numbered year to the commissioner on a form provided by the commissioner.
28.5 The commissioner shall provide technical assistance if requested by the governmental
28.6 subdivision.

28.7 (c) The powers and duties given the agency in this subdivision also apply to permits
28.8 issued under chapter 114C.

28.9 Sec. 4. Minnesota Statutes 2020, section 115.061, is amended to read:

28.10 **115.061 DUTY TO NOTIFY; AVOIDING WATER POLLUTION.**

28.11 (a) Except as provided in paragraph (b), it is the duty of every person to notify the agency
28.12 immediately of the discharge, accidental or otherwise, of any substance or material under
28.13 its control which, if not recovered, may cause pollution of waters of the state, and the
28.14 responsible person shall recover as rapidly and as thoroughly as possible such substance or
28.15 material and take immediately such other action as may be reasonably possible to minimize
28.16 or abate pollution of waters of the state caused thereby.

28.17 (b) Notification is not required under paragraph (a) for a discharge of five gallons or
28.18 less of petroleum, as defined in section 115C.02, subdivision 10. This paragraph does not
28.19 affect the other requirements of paragraph (a).

28.20 (c) Promptly after notifying the agency of a discharge under paragraph (a), a publicly
28.21 owned treatment works or a publicly or privately owned domestic sewer system owner must
28.22 provide notice to the potentially impacted public and to any downstream drinking water
28.23 facility that may be impacted by the discharge. Notice to the public and to any drinking
28.24 water facility must be made using the most efficient communications system available to
28.25 the facility owner such as in person, phone call, radio, social media, web page, or another
28.26 expedited form. In addition, signs in sufficient number to alert the public must be posted at
28.27 all impacted public use areas within the same jurisdiction or notice must be provided to the
28.28 entity that has jurisdiction over any impacted public use areas. A notice under this paragraph
28.29 must include the date and time of the discharge, a description of the material released, a
28.30 warning of the potential public health risk, and the permittee's contact information. The
28.31 agency must provide guidance that includes but is not limited to methods and protocols for
28.32 providing timely notice under this section.

29.1 Sec. 5. Minnesota Statutes 2020, section 115.542, subdivision 3, is amended to read:

29.2 Subd. 3. **Prepublic review notice requirements.** Unless waived by the permit applicant
 29.3 in writing to the commissioner of the Pollution Control Agency, the commissioner must
 29.4 provide a permit applicant with a copy of the draft permit and any fact sheets required by
 29.5 agency rules at least 30 days before the distribution and public notice of the permit application
 29.6 and preliminary determination.

29.7 Sec. 6. Minnesota Statutes 2020, section 115.542, subdivision 4, is amended to read:

29.8 Subd. 4. **Permitting efficiency Public notice requirements.** The commissioner must
 29.9 prepare and issue a public notice of a completed application and the commissioner's
 29.10 preliminary determination as to whether the permit should be issued or denied. The public
 29.11 comment period must be at least 60 days for permit applications under this section:
 29.12 ~~Notwithstanding section 116.03, it is the goal of the state that tier 2 permits for publicly~~
 29.13 ~~owned wastewater treatment facilities be issued or denied within 210 days following~~
 29.14 ~~submission of a permit application.~~ but may be reduced to 30 days if:

29.15 (1) the permit application includes proposed construction;

29.16 (2) the permit applicant makes a request for the reduction in writing to the commissioner;
 29.17 and

29.18 (3) the commissioner approves the request after considering the level of public interest
 29.19 in the permit action.

29.20 Sec. 7. Minnesota Statutes 2020, section 115.542, is amended by adding a subdivision to
 29.21 read:

29.22 Subd. 5. **Permitting efficiency.** Notwithstanding section 116.03, it is the goal of the
 29.23 state that tier 2 permits for publicly owned wastewater treatment facilities be issued or
 29.24 denied within 210 days after a permit application is submitted.

29.25 Sec. 8. **[115.85] STORMWATER INFRASTRUCTURE GRANT.**

29.26 Subdivision 1. **Legislative findings.** The legislature finds that:

29.27 (1) enhanced stormwater infrastructure is needed to properly manage stormwater from
 29.28 frequent, heavy rain and other weather events that have increased community flooding due
 29.29 to aging and undersized stormwater systems;

29.30 (2) managing stormwater also protects state natural resources and the health, safety, and
 29.31 welfare of its citizens;

30.1 (3) opportunities to upgrade stormwater infrastructure are not being fully realized by
30.2 individual political subdivisions or by agreements among subdivisions; and

30.3 (4) it is therefore necessary to provide capital assistance to allow for planning and
30.4 installing stormwater infrastructure that can manage increases in precipitation and other
30.5 causes of runoff.

30.6 Subd. 2. **Stormwater infrastructure grant program.** (a) The commissioner of the
30.7 Pollution Control Agency must provide financial assistance to local governmental units for
30.8 developing and improving stormwater infrastructure from revenues derived from the issuance
30.9 of bonds authorized under section 115.851. The commissioner may provide financial
30.10 assistance to Tribal governments for developing and improving stormwater infrastructure
30.11 from nonbonding funding sources as those sources are available.

30.12 (b) To be eligible for financial assistance under this section, a stormwater infrastructure
30.13 project must:

30.14 (1) increase system capacity or stormwater storage;

30.15 (2) address environmental damage caused by weather extremes;

30.16 (3) prevent localized flooding;

30.17 (4) create stormwater systems that can manage flows from heavy rains;

30.18 (5) address public safety concerns caused by undersized stormwater systems; or

30.19 (6) ensure continuation of critical services during severe weather.

30.20 (c) Money appropriated for the purposes of this section must be distributed as grants. A
30.21 Tribal or local governmental unit may receive grants for no more than 80 percent of the
30.22 capital cost of a project. The maximum grant award must not exceed \$5,000,000 per project.

30.23 Subd. 3. **Grant application.** Application for a grant under this section must be made in
30.24 a form prescribed by the commissioner of the Pollution Control Agency and must include
30.25 a project schedule, a cost estimate for the project, and any other information determined by
30.26 the commissioner to be necessary to review the project according to subdivision 4.

30.27 Subd. 4. **Review requirements.** (a) The commissioner of the Pollution Control Agency
30.28 must review applications and may make a grant for a project only after:

30.29 (1) the commissioner reviews the plans and specifications;

30.30 (2) the applicant submits the as-bid cost for the stormwater infrastructure project;

30.31 (3) the commissioner determines that the project is grant eligible;

31.1 (4) the commissioner determines that any additional financing necessary to complete
31.2 the project has been committed from other sources; and

31.3 (5) other relevant criteria or prioritization as determined by the commissioner has been
31.4 met.

31.5 (b) The commissioner must not disburse a grant to a recipient until the commissioner
31.6 determines the total estimated capital cost of the project and ascertains that financing the
31.7 cost is assured by a combination of funds provided by the state, by an agency of the federal
31.8 government within the amount of funds then appropriated to that agency and allocated by
31.9 it to projects within the state, by any person, or by the appropriation of proceeds of bonds
31.10 or other funds of the recipient to a fund for constructing the project.

31.11 Subd. 5. **Recipient obligations.** (a) The commissioner of the Pollution Control Agency
31.12 must not disburse a project grant until the recipient makes an irrevocable undertaking, by
31.13 resolution, to use all funds made available exclusively for the capital cost of the stormwater
31.14 infrastructure project.

31.15 (b) A resolution under paragraph (a) must also indicate that any subsequent withdrawal
31.16 of allocated or additional funds of the recipient will impair the obligation of contract between
31.17 the state of Minnesota, the recipient, and the bondholders.

31.18 Subd. 6. **Disbursement.** Disbursement of a grant must be made for eligible project costs
31.19 as incurred by the governmental unit and in accordance with applicable state and federal
31.20 laws and rules governing the payments.

31.21 Subd. 7. **Terminating obligations; good faith effort.** Notwithstanding section 16A.695,
31.22 the commissioner of the Pollution Control Agency may terminate the obligations of a grant
31.23 recipient under this section if the commissioner finds that the recipient has made a good
31.24 faith effort to exhaust all options in trying to comply with the terms and conditions of the
31.25 grant. In lieu of declaring a default on a grant under this section, the commissioner may
31.26 identify additional measures a recipient should take to meet the good faith test required for
31.27 terminating the recipient's obligations under this section.

31.28 Sec. 9. **[115.851] STATE STORMWATER INFRASTRUCTURE BONDS.**

31.29 Subdivision 1. **Authority to issue bonds.** The commissioner of management and budget
31.30 must sell bonds of the state of Minnesota for the prompt and full payment of which, together
31.31 with interest, the full faith, credit, and taxing powers of the state are irrevocably pledged.
31.32 Bonds must be sold only upon request of the commissioner of the Pollution Control Agency
31.33 and in the amount as may otherwise be authorized by this section or subsequently enacted

32.1 law that authorizes the sale of additional bonds and the deposit of the proceeds in a
32.2 stormwater infrastructure account in the bond proceeds fund. Any authorized amount of
32.3 bonds in this section or subsequently enacted law authorizing the issuance of bonds for the
32.4 purposes of the stormwater infrastructure account, together with this section, constitute
32.5 complete authority for the issue. The bonds are not subject to restrictions or limitations
32.6 contained in any other law.

32.7 Subd. 2. **Issuing bonds.** Upon request by the commissioner of the Pollution Control
32.8 Agency and upon authorization as provided in subdivision 1, the commissioner of
32.9 management and budget must sell Minnesota state stormwater infrastructure bonds. The
32.10 bonds must be in the aggregate amount requested and sold upon sealed bids and upon such
32.11 notice, at such price, in the form and denominations, bearing interest at the rate or rates,
32.12 maturing in the amounts and on the dates (with or without option of prepayment upon notice
32.13 and at specified times and prices), payable at a bank or banks within or outside the state
32.14 (with provisions, if any, for registration, conversion, and exchange and for the issuance of
32.15 temporary bonds or notes in anticipation of the sale or delivery of definitive bonds), and in
32.16 accordance with further provisions as the commissioner of management and budget
32.17 determines, subject to the approval of the attorney general, but not subject to chapter 14,
32.18 including section 14.386. The bonds must be executed by the commissioner of management
32.19 and budget under official seal. The signature on the bonds and any interest coupons and the
32.20 seal may be printed, lithographed, engraved, stamped, or otherwise reproduced thereon,
32.21 except that each bond must be authenticated by the manual signature on its face of the
32.22 commissioner of management and budget or of an authorized representative of a bank
32.23 designated by the commissioner of management and budget as registrar or other
32.24 authenticating agent. The commissioner of management and budget must ascertain and
32.25 certify to the purchasers of the bonds the performance and existence of all acts, conditions,
32.26 and things necessary to make the bonds valid and binding general obligations of the state
32.27 of Minnesota, subject to the approval of the attorney general.

32.28 Subd. 3. **Expenses.** All expenses incidental to the sale, printing, execution, and delivery
32.29 of bonds pursuant to this section, including but not limited to actual and necessary travel
32.30 and subsistence expenses of state officers and employees for these purposes, and any expenses
32.31 of litigation relating to the validity of the bonds must be paid from the stormwater
32.32 infrastructure account, and the amounts necessary are appropriated from that account.

32.33 Subd. 4. **Debt service account.** The commissioner of management and budget must
32.34 maintain in the state bond fund a separate account to be called the state stormwater
32.35 infrastructure debt service account. The commissioner must record receipts of premium and

33.1 accrued interest project revenue or other money transferred to the fund and income from
 33.2 the investment of the money and record any disbursements to pay the principal and interest
 33.3 on stormwater infrastructure bonds. Income from investment must be credited to the account
 33.4 each fiscal year. The amount credited must be equal to the average return that year on all
 33.5 funds invested by the commissioner of management and budget, as determined by the
 33.6 commissioner of management and budget, times the average balance in the account that
 33.7 year.

33.8 Subd. 5. **Debt service account; paying debt service.** The premium and accrued interest
 33.9 received on each issue of stormwater infrastructure bonds, and all payments received in
 33.10 repayment of loans and other revenues received, are appropriated to the state stormwater
 33.11 infrastructure debt service account. All income from the investment of the stormwater
 33.12 infrastructure account in the bond proceeds fund is appropriated to the debt service account.
 33.13 To reduce the amount of taxes otherwise required to be levied, there is also appropriated to
 33.14 the debt service account from any funds available in the general fund on November 1 in
 33.15 each year, a sum of money sufficient in amount, when added to the balance then on hand,
 33.16 to pay all principal and interest on stormwater infrastructure bonds due and to become due
 33.17 before July 1 in the second ensuing year. So much of the debt service account as is necessary
 33.18 to pay principal and interest on stormwater infrastructure bonds is annually appropriated
 33.19 from the debt service account for the payment of principal and interest of the stormwater
 33.20 infrastructure bonds. All funds appropriated under this subdivision must be available in the
 33.21 debt service account prior to any levy of the tax in any year required by the Minnesota
 33.22 Constitution, article XI, section 7.

33.23 Subd. 6. **Security.** On or before December 1 in each year, the state auditor must levy
 33.24 on all taxable property within the state whatever tax may be necessary to produce an amount
 33.25 sufficient, with all money currently credited to the debt service account, to pay the entire
 33.26 amount of principal and interest currently due and the principal and interest to become due
 33.27 before July 1 in the second year thereafter on stormwater infrastructure bonds. This tax is
 33.28 subject to no limitation of rate or amount until all the bonds and interest thereon are fully
 33.29 paid. The proceeds of this tax are appropriated to the debt service account. The principal
 33.30 of and interest on the bonds are payable from the proceeds of this tax.

33.31 Sec. 10. Minnesota Statutes 2020, section 115A.03, is amended by adding a subdivision
 33.32 to read:

33.33 Subd. 22c. **Overburdened area.** "Overburdened area" means one or more census tracts
 33.34 in the state:

- 34.1 (1) in which, based on the most recent data published by the United States Census Bureau:
- 34.2 (i) 40 percent or more of the population is nonwhite;
- 34.3 (ii) 35 percent or more of the households have an income at or below 200 percent of the
- 34.4 federal poverty level; or
- 34.5 (iii) 40 percent or more of the population over the age of five have limited English
- 34.6 proficiency; or
- 34.7 (2) that is in Indian Country, as defined in United States Code, title 18, section 1151.

34.8 **Sec. 11. [115A.1416] SOLAR PHOTOVOLTAIC MODULES; PRODUCT**

34.9 **STEWARDSHIP.**

34.10 Subdivision 1. Definitions. For purposes of this section, the following terms have the

34.11 meanings given:

- 34.12 (1) "brand" means a name, symbol, word, or mark that:
- 34.13 (i) identifies a solar photovoltaic module, rather than the solar photovoltaic module's
- 34.14 components; and
- 34.15 (ii) attributes the solar photovoltaic module to the owner or licensee of the name, symbol,
- 34.16 word, or mark as the manufacturer;
- 34.17 (2) "consumer electronic device" means a device that contains an electronic circuit board
- 34.18 and is intended for everyday use by individuals, such as a watch or calculator;
- 34.19 (3) "discarded solar photovoltaic module" means a solar photovoltaic module that was
- 34.20 used and removed from service in the state and is no longer used for its manufactured
- 34.21 purpose;
- 34.22 (4) "distributor" means a person that markets and sells solar photovoltaic modules to
- 34.23 retailers or consumers in the state;
- 34.24 (5) "independent auditor" means a professional accounting firm qualified to conduct the
- 34.25 audit under subdivision 4, paragraph (e);
- 34.26 (6) "installation component" means material used to install and hold solar photovoltaic
- 34.27 modules in place or collect energy from the modules, such as bracketing, wiring, inverters,
- 34.28 or batteries;
- 34.29 (7) "installer" means a person that assembles, installs, or maintains solar photovoltaic
- 34.30 modules as part of a solar energy system;

35.1 (8) "manufacturer" means a person and the person's successor in interest that, irrespective
35.2 of the selling technique used:

35.3 (i) manufactures or has manufactured a solar photovoltaic module under its own brand
35.4 for use or sale in the state;

35.5 (ii) assembles or has assembled a solar photovoltaic module that uses parts manufactured
35.6 by others for use or sale in the state under the assembler's brand;

35.7 (iii) resells or has resold in the state under its own brand a solar photovoltaic module
35.8 produced by other suppliers, including a person that sells solar photovoltaic modules under
35.9 the person's own brand;

35.10 (iv) manufactures or has manufactured a cobranded solar photovoltaic module for use
35.11 or sale in the state that carries the name of both the manufacturer and the brand owner;

35.12 (v) imports or has imported a solar photovoltaic module into the United States that is
35.13 used or sold in the state, except that if the imported solar photovoltaic module is manufactured
35.14 by a person that has a presence in the United States and meets the definition of a manufacturer
35.15 under this clause, then that person is the manufacturer of the solar photovoltaic module;

35.16 (vi) sells a solar photovoltaic module acquired from an importer that is the manufacturer
35.17 and elects to register as the manufacturer for that product; or

35.18 (vii) elects to assume the responsibility and register in lieu of a manufacturer of a solar
35.19 photovoltaic module;

35.20 (9) "retailer" means a person that offers a solar photovoltaic module for sale at retail in
35.21 the state;

35.22 (10) "reuse" means using a discarded solar photovoltaic module or an installation
35.23 component again for its manufactured purpose;

35.24 (11) "sale" or "sell" means a transfer of title to a solar photovoltaic module for
35.25 consideration, including:

35.26 (i) a transfer conducted remotely or in person;

35.27 (ii) a transfer conducted electronically;

35.28 (iii) a transfer conducted through a sales outlet, catalog, or website or by using any other
35.29 selling technique; and

35.30 (iv) a lease through which a solar photovoltaic module is provided to a consumer by a
35.31 manufacturer, distributor, retailer, or other seller;

36.1 (12) "solar photovoltaic module" means the smallest nondivisible, environmentally
36.2 protected assembly of photovoltaic cells or other photovoltaic collector technology and
36.3 ancillary parts intended to generate electrical power under sunlight, except that solar
36.4 photovoltaic module does not include a photovoltaic cell that is part of a consumer electronic
36.5 device for which it provides electricity needed to make the consumer electronic device
36.6 function. Solar photovoltaic module includes but is not limited to interconnections, terminals,
36.7 and protective devices such as diodes that:

36.8 (i) are installed on, connected to, or integral with buildings;

36.9 (ii) are used as components of freestanding, off-grid power generation systems, such as
36.10 for powering water pumping stations, electric-vehicle charging stations, fencing, street and
36.11 sign lights, and other commercial or agricultural purposes; or

36.12 (iii) are part of a system connected to the electrical grid or utility service;

36.13 (13) "stewardship assessment" means the amount added by the manufacturer to the
36.14 purchase price of each solar photovoltaic module sold in the state that is established according
36.15 to subdivision 4;

36.16 (14) "stewardship assessment account" means an account established for purposes of
36.17 this section in a bank chartered in the state;

36.18 (15) "stewardship organization" means an organization that is:

36.19 (i) appointed by manufacturers to act as an agent on behalf of the manufacturers to
36.20 design, submit, and administer a product stewardship program according to an approved
36.21 plan under this section; and

36.22 (ii) organized as a nonprofit organization exempt from taxation under section 501(c)(3)
36.23 of the Internal Revenue Code of 1986; and

36.24 (16) "stewardship plan" or "plan" means a detailed plan describing the manner in which
36.25 a product stewardship program under subdivision 2 is implemented.

36.26 Subd. 2. **Product stewardship organization.** Manufacturers must establish a stewardship
36.27 organization to implement and finance a statewide product stewardship program that:

36.28 (1) manages discarded solar photovoltaic modules and installation components by:

36.29 (i) reducing waste generation;

36.30 (ii) promoting reuse and recycling;

36.31 (iii) providing consumer education; and

37.1 (iv) negotiating and executing agreements to collect, store, transport, reuse, and recycle
37.2 the discarded solar photovoltaic modules and installation components; and

37.3 (2) otherwise fulfills the requirements of this section.

37.4 Subd. 3. **Requirement for sale.** Effective on the implementation date established by
37.5 the commissioner according to subdivision 5, no manufacturer or other person may sell or
37.6 offer for sale in the state a solar photovoltaic module, unless:

37.7 (1) the manufacturer of the solar photovoltaic module has entered into an agreement
37.8 with the stewardship organization;

37.9 (2) the stewardship organization operates a product stewardship program according to
37.10 a stewardship plan that has been approved by the commissioner; and

37.11 (3) the full amount of the stewardship assessment is included in the purchase price of
37.12 each solar photovoltaic module according to subdivision 4.

37.13 Subd. 4. **Stewardship assessment.** (a) By, the stewardship organization must establish
37.14 and impose an initial stewardship assessment that is projected to meet the requirements of
37.15 paragraph (c) and is approved according to paragraph (e).

37.16 (b) After the initial stewardship assessment is established, the stewardship organization
37.17 must propose an updated stewardship assessment concurrent with each plan update and at
37.18 any other time if necessary to meet the requirements of paragraph (c).

37.19 (c) The stewardship organization must not set the stewardship assessment as a percentage
37.20 of the purchase price. The stewardship assessment must be reasonable to achieve the
37.21 requirements of this section and cover but not exceed the costs of:

37.22 (1) developing the stewardship plan according to subdivisions 5 and 6;

37.23 (2) operating and administering the product stewardship program according to an
37.24 approved stewardship plan and the requirements of this section; and

37.25 (3) maintaining a financial reserve sufficient to operate the program over the five-year
37.26 plan cycle in a fiscally prudent and responsible manner, but not to exceed 75 percent of the
37.27 annual average expenses budgeted for the five-year plan cycle.

37.28 (d) The stewardship organization may set different stewardship assessment levels to
37.29 accommodate rated power output, physical dimensions, operating type of the solar
37.30 photovoltaic module, or other categories relevant to the program.

37.31 (e) A proposed stewardship assessment must be established according to the following
37.32 procedure:

38.1 (1) The stewardship organization must select an independent auditor to review the
38.2 proposed stewardship assessment. The commissioner must approve or reject the selected
38.3 independent auditor. If the commissioner rejects the selected independent auditor, the
38.4 stewardship organization must select a different independent auditor for approval or rejection
38.5 by the commissioner.

38.6 (2) Within 60 days after the stewardship organization proposes a stewardship assessment,
38.7 the approved auditor must provide the stewardship organization and the commissioner with
38.8 a written auditor's report describing whether the proposed stewardship assessment does or
38.9 does not meet the requirements of paragraph (c).

38.10 (3) If the auditor concludes that the proposed stewardship assessment does not meet the
38.11 requirements of paragraph (c), the stewardship organization must submit a revised
38.12 stewardship assessment according to the procedure in this paragraph within 60 days after
38.13 receiving the auditor's report.

38.14 (4) If the auditor concludes that the proposed stewardship assessment meets the
38.15 requirements of paragraph (c), the commissioner must solicit public comments on the
38.16 proposed stewardship assessment and auditor's report in a manner determined by the
38.17 commissioner.

38.18 (5) The commissioner must, after reviewing the auditor's report and any public comments,
38.19 approve or reject the proposed stewardship assessment.

38.20 (6) If the commissioner rejects a proposed stewardship assessment, the stewardship
38.21 organization must submit a revised stewardship assessment according to the procedure in
38.22 this paragraph within 60 days after receiving notice of the rejection. If the commissioner
38.23 rejects a stewardship assessment that was revised according to this clause, the commissioner
38.24 must modify the stewardship assessment to comply with paragraph (c) and then approve
38.25 the assessment.

38.26 (7) A proposed stewardship assessment goes into effect when it is approved by the
38.27 commissioner.

38.28 (8) The cost of any work performed by the auditor under this paragraph must be covered
38.29 by the stewardship assessment.

38.30 (f) On and after the implementation date of a product stewardship program under this
38.31 section, a manufacturer of solar photovoltaic modules must add the stewardship assessment,
38.32 as approved by the commissioner, to the cost of each solar photovoltaic module sold in the
38.33 state and must remit stewardship assessments to the stewardship organization. The

39.1 stewardship organization must determine the procedures necessary to collect the stewardship
39.2 assessment in a fair, efficient, and lawful manner.

39.3 Subd. 5. **Stewardship plan procedure.** (a) By, and every five years thereafter, the
39.4 stewardship organization must submit to the commissioner a proposed stewardship plan for
39.5 review and approval according to this subdivision.

39.6 (b) When developing a stewardship plan, the stewardship organization must consult
39.7 with stakeholders, including distributors, retailers, installers, owners, collectors, persons
39.8 engaged in reuse activities, recyclers, and local government.

39.9 (c) Within 120 days after receiving a proposed stewardship plan or five-year update to
39.10 a stewardship plan, the commissioner must determine whether the plan complies with this
39.11 section. Before approving or rejecting the plan or a proposed change to an approved plan,
39.12 the commissioner must solicit public comments on the plan in a manner determined by the
39.13 commissioner. If the commissioner approves a plan or a proposed change to an approved
39.14 plan, the commissioner must notify the stewardship organization in writing of the approval
39.15 and the date on which the stewardship organization must implement the plan, which must
39.16 be no later than 90 days after written notice of the approval. If the commissioner rejects a
39.17 stewardship plan or a proposed change to an approved plan, the commissioner must notify
39.18 the stewardship organization in writing of the reasons for the rejection.

39.19 (d) If the commissioner rejects a proposed stewardship plan, the stewardship organization
39.20 must submit a revised plan to the commissioner within 60 days after receiving notice of
39.21 rejection. If the commissioner rejects a stewardship plan that was revised according to this
39.22 paragraph, the commissioner must modify the plan to make it comply with this section and
39.23 then approve the plan.

39.24 (e) The stewardship organization must submit any proposed change to an approved plan
39.25 to the commissioner for review and approval according to this subdivision.

39.26 (f) An approved plan remains in effect until a new plan is approved.

39.27 Subd. 6. **Stewardship plan content.** A stewardship plan must contain:

39.28 (1) certification that the product stewardship program will accept and properly manage
39.29 all discarded solar photovoltaic modules and installation components, regardless of type,
39.30 manufacturer, or constituent components;

39.31 (2) contact information for the individual and the entity submitting the plan, a list of all
39.32 member manufacturers, a contact individual for each member manufacturer participating

40.1 in the product stewardship program, and the brands covered by the product stewardship
40.2 program;

40.3 (3) a description of the methods proposed to collect and transport discarded solar
40.4 photovoltaic modules and installation components in all areas in the state;

40.5 (4) an explanation of how the collection system is designed to be convenient and adequate
40.6 to serve the needs of the solar industry, installers, owners of solar photovoltaic module
40.7 installations, and other persons removing solar photovoltaic modules from service in both
40.8 urban and rural areas;

40.9 (5) a description of the techniques to be used to monitor and maintain the convenience
40.10 and adequacy of the collection system in all areas of the state where the solar photovoltaic
40.11 modules are used;

40.12 (6) the names and locations of collectors, transporters, and recyclers that will manage
40.13 discarded solar photovoltaic modules and installation components and a description of how
40.14 the stewardship organization will work with existing collectors, transporters, and recyclers
40.15 involved in managing discarded solar photovoltaic modules generated in the state;

40.16 (7) a description of how discarded solar photovoltaic modules, components of solar
40.17 photovoltaic modules, and installation components will be safely and securely transported;

40.18 (8) a description of how the program will track solar photovoltaic modules and installation
40.19 components sold in and used in the state and ensure they are properly managed and handled
40.20 from collection through reuse or recycling;

40.21 (9) a description of how solar photovoltaic modules and installation components will
40.22 be labeled to identify manufacturer, design, and materials information relevant to reuse and
40.23 recycling of discarded solar photovoltaic modules and installation components, such as
40.24 identifying the potential presence of perfluoroalkyl and polyfluoroalkyl substances or lead;

40.25 (10) a description of the methods to be used to dismantle and manage discarded solar
40.26 photovoltaic modules and installation components to ensure that, to the extent feasible, the
40.27 solar photovoltaic modules and installation components are reused or recycled;

40.28 (11) a description of the method to be used to evaluate discarded solar photovoltaic
40.29 modules and market them for reuse and the names and locations of persons that will carry
40.30 out these activities for the product stewardship program;

40.31 (12) a description of the promotion and outreach activities to be used to encourage
40.32 participation in the collection, reuse, and recycling program, including measures to evaluate
40.33 the activities' effectiveness and whether the program requires modification;

41.1 (13) a description of incentives or differential assessments and how they can be
41.2 implemented for solar photovoltaic modules and installation components that are recyclable
41.3 or less toxic, that are sold for reuse in the state, or that have manufacturer-based take-back
41.4 options;

41.5 (14) an explanation of how the stewardship organization will manage a reserve of the
41.6 stewardship assessment account according to subdivisions 4 and 7;

41.7 (15) evidence of adequate insurance and financial assurance that are required for
41.8 collection, storage, transportation, reuse, recycling, and disposal operations;

41.9 (16) five-year performance goals for reuse and recycling, averaging not less than 85
41.10 percent, based on estimates of both the percentage and amount of discarded solar photovoltaic
41.11 modules to be collected and reused or recycled during each of the first five years of the
41.12 stewardship plan. The performance goals must state the methodology used to determine the
41.13 goals and must be based on:

41.14 (i) the most recent collection data available for the state;

41.15 (ii) the estimated number and weight of discarded solar photovoltaic modules annually
41.16 removed from service; and

41.17 (iii) actual collection data from other existing stewardship programs;

41.18 (17) five-year performance goals, averaging not less than 85 percent, for the collection
41.19 and reuse or recycling of installation components; and

41.20 (18) a discussion regarding the status of end markets for discarded solar photovoltaic
41.21 modules collected and what, if any, additional end markets are needed to improve the
41.22 program's function.

41.23 Subd. 7. **Stewardship assessment account.** (a) With respect to the stewardship
41.24 assessment account, the stewardship organization must:

41.25 (1) hire an independent auditor to annually review and verify the accuracy of the amount
41.26 of stewardship assessments remitted to the stewardship organization by manufacturers
41.27 according to subdivision 4. The accounting firm must prepare and submit to the commissioner
41.28 a report detailing its findings;

41.29 (2) deposit all stewardship assessment revenue received according to subdivision 4 in
41.30 the stewardship assessment account;

41.31 (3) pay an annual administrative fee according to subdivision 15 from the stewardship
41.32 assessment account;

42.1 (4) upon repeal of this section, remit the balance of the stewardship assessment account
42.2 to the commissioner for deposit in the environmental fund established under section 16A.531;
42.3 and

42.4 (5) authorize other expenditures from the stewardship assessment account to carry out
42.5 the stewardship plan and fulfill the program requirements of this section.

42.6 (b) Stewardship assessment funds must not be used to pay for lobbying or for any
42.7 litigation arising from or penalties assessed under this section.

42.8 Subd. 8. Stewardship organization responsibilities. (a) The stewardship organization
42.9 must provide consumers with educational materials regarding the stewardship assessment
42.10 and product stewardship program in cooperation with the member manufacturers. The
42.11 materials must include but are not limited to information:

42.12 (1) regarding available end-of-life management options offered through the product
42.13 stewardship program for discarded solar photovoltaic modules and installation components;
42.14 and

42.15 (2) notifying consumers that a stewardship assessment for operating the product
42.16 stewardship program is included in the purchase price of each solar photovoltaic module
42.17 sold in the state.

42.18 (b) The stewardship organization must conduct and document due diligence assessments
42.19 of persons contracted for collection, storage, transportation, reuse, and recycling, including
42.20 an assessment of items specified under subdivision 9. The stewardship organization must
42.21 maintain documentation for three years that all discarded solar photovoltaic modules and
42.22 installation components reused, recycled, or sent to downstream recycling operations comply
42.23 with subdivision 9.

42.24 (c) The stewardship organization must provide the commissioner with contact information
42.25 for each member manufacturer and an individual who can be contacted regarding the
42.26 stewardship organization's activities under this section as provided in subdivision 6, clause
42.27 (2).

42.28 (d) The stewardship organization is responsible for all costs of the product stewardship
42.29 program implemented under this section including but not limited to administration; consumer
42.30 education; onetime facility modifications; and collection, storage, transportation, reuse, and
42.31 recycling of discarded solar photovoltaic modules and installation components.

43.1 Subd. 9. **Recycler responsibilities.** Beginning, and each thereafter, a recycler
43.2 must certify to the commissioner that recycling facilities for discarded solar photovoltaic
43.3 modules and installation components, including all downstream recycling operations:

43.4 (1) comply with applicable health, environmental, safety, and financial responsibility
43.5 regulations;

43.6 (2) are licensed by all applicable governmental authorities;

43.7 (3) use no prison labor to recycle discarded solar photovoltaic modules and installation
43.8 components; and

43.9 (4) possess liability insurance of not less than \$1,000,000 for environmental releases,
43.10 accidents, and other emergencies.

43.11 Subd. 10. **Seller responsibilities.** (a) Effective 30 days after the implementation date
43.12 established according to subdivision 5, a person is prohibited from selling a solar photovoltaic
43.13 module in the state unless the solar photovoltaic module's manufacturer is participating in
43.14 an approved stewardship plan according to subdivision 3.

43.15 (b) Any person selling a solar photovoltaic module may choose to participate as a
43.16 designated collection site according to a product stewardship program under this section,
43.17 subject to applicable law.

43.18 (c) A person selling a solar photovoltaic module does not violate this subdivision if, on
43.19 the date a solar photovoltaic module sold by that person was ordered from the manufacturer
43.20 or its agent, the manufacturer was listed as compliant on the agency website under subdivision
43.21 13.

43.22 Subd. 11. **Stewardship reports.** Beginning, and each thereafter, the stewardship
43.23 organization must submit a report to the commissioner describing the product stewardship
43.24 program. At a minimum, the report must contain:

43.25 (1) a description of the methods used to collect, store, transport, reuse, and recycle
43.26 discarded solar photovoltaic modules and installation components in all regions of the state;

43.27 (2) the number and weight of all discarded solar photovoltaic modules collected and the
43.28 number and weight of all discarded solar photovoltaic modules reused and recycled during
43.29 the previous calendar year in all regions of the state and a comparison to the performance
43.30 goals and reuse and recycling rates contained in the stewardship plan;

43.31 (3) the number and weight of all discarded installation components collected and the
43.32 number and weight of all discarded installation components reused and recycled during the

44.1 previous calendar year in all regions of the state and a comparison to the performance goals
44.2 and reuse and recycling rates contained in the stewardship plan;

44.3 (4) samples of educational materials provided to consumers, an evaluation of the
44.4 effectiveness of the materials, and an evaluation of the methods used to disseminate the
44.5 materials; and

44.6 (5) an independent financial audit of the product stewardship program.

44.7 Subd. 12. **Conduct authorized.** The stewardship organization and its member
44.8 manufacturers are immune from liability for conduct under state laws relating to antitrust,
44.9 restraint of trade, unfair trade practices, and other regulation of trade or commerce. Liability
44.10 immunity under this subdivision is limited to conduct necessary to plan and implement the
44.11 stewardship organization's chosen organized collection system, reuse system, or recycling
44.12 system.

44.13 Subd. 13. **Agency responsibilities.** The commissioner must provide on the agency
44.14 website:

44.15 (1) a list of all compliant manufacturers and brands participating in the approved
44.16 stewardship plan; and

44.17 (2) a copy of the approved stewardship plan.

44.18 Subd. 14. **Local government responsibilities.** (a) A city, county, or other public entity
44.19 may choose to participate in a product stewardship program.

44.20 (b) Cities, counties, and other public entities are encouraged to work with manufacturers
44.21 and the stewardship organization to assist in meeting product stewardship program recycling
44.22 and reuse obligations by providing education and outreach or using other strategies.

44.23 Subd. 15. **Administrative fee.** (a) The stewardship organization submitting a stewardship
44.24 plan under this section must pay an annual administrative fee to the commissioner on or
44.25 before, and annually thereafter.

44.26 (b) By, and by annually thereafter, the commissioner must identify the costs that
44.27 the agency incurs under this section. The commissioner must set the administrative fee at
44.28 an amount that is adequate to reimburse the agency's full costs of administering this section.
44.29 The total annual fees collected under this subdivision must not exceed the amount necessary
44.30 to reimburse costs incurred by the agency to administer this section.

44.31 (c) All fees received under this subdivision must be deposited to the state treasury and
44.32 credited to a product stewardship account in the environmental fund. For fiscal years

45.1 and....., the amount collected under this subdivision is annually appropriated to the
45.2 commissioner to implement and enforce this section.

45.3 Subd. 16. **Prohibition.** The stewardship organization is responsible for covering all
45.4 program costs through the stewardship assessment and must not charge any fees to implement
45.5 the program according to the stewardship plan. No person participating in the program may
45.6 charge an end-of-life fee to the last person owning or holding the solar photovoltaic modules
45.7 or installation components for services provided.

45.8 Subd. 17. **Duty to provide information.** Upon request of the commissioner for purposes
45.9 of determining compliance with this section, a manufacturer, distributor, retailer, stewardship
45.10 organization, or other person must furnish to the commissioner any information that the
45.11 person has or may reasonably obtain.

45.12 Subd. 18. **Data classification.** Trade secret and sales information, as defined under
45.13 section 13.37, submitted to the commissioner under this section are nonpublic or private
45.14 data under section 13.37.

45.15 Subd. 19. **Report to legislature and governor.** As part of the report required under
45.16 section 115A.121, the commissioner must provide a report to the governor and the legislature
45.17 on the implementation of this section.

45.18 Subd. 20. **Disposal prohibition.** A person must not:

45.19 (1) place a solar photovoltaic module or installation components in mixed municipal
45.20 solid waste; or

45.21 (2) dispose of a solar photovoltaic module or installation components in or on the land
45.22 or in a solid waste processing or disposal facility.

45.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

45.24 Sec. 12. Minnesota Statutes 2020, section 115A.49, is amended to read:

45.25 **115A.49 SOLID WASTE MANAGEMENT PROJECTS CAPITAL ASSISTANCE**
45.26 **PROGRAM.**

45.27 (a) There is established a program to encourage and assist cities, counties, solid waste
45.28 management districts, and sanitary districts in the development and implementation of solid
45.29 waste management projects and to transfer the knowledge and experience gained from such
45.30 projects to other communities in the state.

45.31 (b) The program must be administered to encourage local communities to develop
45.32 feasible and prudent alternatives to disposal, including:

46.1 (1) waste reduction;

46.2 (2) reuse;

46.3 (3) recycling;

46.4 (4) composting source-separated compostable materials or yard waste;

46.5 (5) resource recovery;

46.6 (6) waste separation by generators, collectors, and other persons; and

46.7 (7) waste processing.

46.8 (c) The commissioner shall administer the program in accordance with the requirements
 46.9 of according to sections 115A.49 to 115A.54 and rules promulgated adopted under chapter
 46.10 14. In administering the program, the commissioner shall give priority to projects in the
 46.11 order of preference of the waste management practices listed in section 115A.02. The
 46.12 commissioner shall give special consideration to areas where natural geologic and soil
 46.13 conditions are especially unsuitable for land disposal of solid waste; areas where the capacity
 46.14 of existing solid waste disposal facilities is determined by the commissioner to be less than
 46.15 five years; and projects serving more than one local government unit.

46.16 Sec. 13. Minnesota Statutes 2020, section 115A.51, is amended to read:

46.17 **115A.51 APPLICATION REQUIREMENTS.**

46.18 (a) Applications for assistance under the program must demonstrate:

46.19 (1) that the project is conceptually and technically feasible;

46.20 (2) that affected political subdivisions are committed to implement the project, to provide
 46.21 necessary local financing, and to accept and exercise the government powers necessary to
 46.22 the project;

46.23 (3) that operating revenues from the project, considering the availability and security of
 46.24 sources of solid waste and of markets for recovered resources or the availability of materials
 46.25 for waste reduction or reuse, together with any proposed federal, state, or local financial
 46.26 assistance, will be sufficient to pay all costs over the projected life of the project;

46.27 (4) that the applicant has evaluated the feasible and prudent alternatives to disposal,
 46.28 including using existing solid waste management facilities and facilities conducting waste
 46.29 reduction or reuse with reasonably available capacity sufficient to accomplish the goals of
 46.30 the proposed project, and has compared and evaluated the costs of the alternatives, including
 46.31 capital and operating costs, and the effects of the alternatives on the cost to generators;

47.1 (5) that the applicant has identified:

47.2 (i) waste management objectives in applicable county and regional solid waste
47.3 management plans consistent with section 115A.46, subdivision 2, paragraphs (e) and (f),
47.4 or 473.149, subdivision 1; and

47.5 (ii) other solid waste management facilities and facilities conducting waste reduction or
47.6 reuse identified in the county and regional plans; ~~and~~

47.7 (6) that the applicant has conducted a comparative analysis of the project against existing
47.8 public and private solid waste management facilities and facilities conducting waste reduction
47.9 or reuse, including an analysis of potential displacement of those facilities, to determine
47.10 whether the project is the most appropriate alternative to achieve the identified waste
47.11 management objectives that considers:

47.12 (i) conformity with approved county or regional solid waste management plans;

47.13 (ii) consistency with the state's solid waste hierarchy and section 115A.46, subdivision
47.14 2, paragraphs (e) and (f), or 473.149, subdivision 1; and

47.15 (iii) environmental standards related to public health, air, surface water, and groundwater;

47.16 (7) that the applicant has evaluated the project's environmental impact on climate change,
47.17 such as greenhouse gas emissions; and

47.18 (8) that the applicant has reviewed the project's impact on overburdened areas, conducted
47.19 stakeholder engagement, and assessed community input.

47.20 (b) The commissioner ~~may~~ must require completion of a comprehensive solid waste
47.21 management plan conforming to the requirements of section 115A.46, before accepting an
47.22 application. Within five days of filing an application with the agency, the applicant must
47.23 submit a copy of the application to each solid waste management facility, including each
47.24 facility used for waste reduction or reuse, mentioned in the portion of the application
47.25 addressing the requirements of paragraph (a), clauses (5) and (6).

47.26 Sec. 14. Minnesota Statutes 2020, section 115A.54, subdivision 1, is amended to read:

47.27 Subdivision 1. **Purposes; public interest; declaration of policy.** The legislature finds
47.28 ~~that the establishment of waste processing~~ acquiring, establishing, and improving facilities
47.29 that conduct waste reduction, reuse, recycling, composting source-separated compostable
47.30 materials or yard waste, resource recovery, and waste processing and transfer stations serving
47.31 such facilities is needed to reduce and manage properly the solid waste generated in the
47.32 state and to conserve and protect the natural resources in the state and the health, safety,

48.1 and welfare of its citizens; that opportunities to acquire, establish, and improve the facilities
 48.2 and transfer stations are not being fully realized by individual political subdivisions or by
 48.3 agreements among subdivisions; and that therefore it is necessary to provide capital assistance
 48.4 to stimulate and encourage the acquisition, establishment, and betterment improvement of
 48.5 the facilities and transfer stations.

48.6 Sec. 15. Minnesota Statutes 2020, section 115A.54, subdivision 2, is amended to read:

48.7 Subd. 2. **Administration; assurance of funds.** The commissioner shall provide technical
 48.8 and financial assistance ~~for the acquisition and betterment of~~ to acquire, establish, and
 48.9 improve the facilities and transfer stations from revenues derived from ~~the issuance of~~
 48.10 issuing bonds authorized by section 115A.58. Facilities for ~~the incineration of~~ incinerating
 48.11 solid waste without resource recovery are not eligible for assistance. Money appropriated
 48.12 for the purposes of the ~~demonstration~~ program may be distributed as grants or loans. An
 48.13 individual project may receive assistance totaling up to 100 percent of the capital cost of
 48.14 the project and grants up to ~~50~~ 75 percent of the capital cost of the project. No grant or loan
 48.15 shall be disbursed to any recipient until the commissioner has determined the total estimated
 48.16 capital cost of the project and ascertained that financing of the cost is assured by funds
 48.17 provided by the state, by an agency of the federal government within the amount of funds
 48.18 then appropriated to that agency and allocated by it to projects within the state, by any
 48.19 person, or by the appropriation of proceeds of bonds or other funds of the recipient to a fund
 48.20 for ~~the construction of~~ constructing the project.

48.21 Sec. 16. Minnesota Statutes 2020, section 115A.54, subdivision 2a, is amended to read:

48.22 Subd. 2a. **Solid waste management projects.** (a) The commissioner shall provide
 48.23 technical and financial assistance ~~for the acquisition and betterment of~~ to acquire, establish,
 48.24 and improve solid waste management projects as provided in this subdivision and section
 48.25 115A.52. Money appropriated for the purposes of this subdivision must be distributed as
 48.26 grants.

48.27 (b) Except as provided in paragraph (c), a project may receive grant assistance up to 25
 48.28 percent of the capital cost of the project or ~~\$2,000,000~~ \$5,000,000, whichever is less, except
 48.29 that projects constructed as a result of intercounty cooperative agreements may receive the
 48.30 lesser of:

48.31 (1) grant assistance up to 25 percent of the capital cost of the project; or

48.32 (2) ~~\$2,000,000~~ \$5,000,000 times the number of participating counties, ~~whichever is less.~~

49.1 (c) A recycling project ~~or~~, a project to compost ~~or eecompost~~ source-separated
 49.2 compostable material or yard waste, or a project to manage household hazardous waste may
 49.3 receive grant assistance up to 50 percent of the capital cost of the project or ~~\$2,000,000~~
 49.4 \$5,000,000, whichever is less, except that projects completed as a result of intercounty
 49.5 cooperative agreements may receive the lesser of:

49.6 (1) grant assistance up to 50 percent of the capital cost of the project; or

49.7 (2) ~~\$2,000,000~~ \$5,000,000 times the number of participating counties, ~~whichever is less.~~

49.8 (d) The following projects may also receive grant assistance in the amounts specified
 49.9 in ~~this~~ paragraph (c):

49.10 (1) a project to improve control of or reduce air emissions at an existing resource recovery
 49.11 facility; and

49.12 (2) a project to substantially increase the recovery of materials or energy, substantially
 49.13 reduce the amount or toxicity of waste processing residuals, or expand the capacity of an
 49.14 existing resource recovery facility to meet the resource recovery needs of an expanded
 49.15 region if each county from which waste is or would be received has achieved a recycling
 49.16 rate in excess of the goals in section 115A.551, and is implementing aggressive waste
 49.17 reduction and household hazardous waste management programs.

49.18 (e) A waste reduction project or reuse project may receive grant assistance up to 75
 49.19 percent of the capital cost of the project or \$5,000,000, whichever is less, except that projects
 49.20 completed as a result of intercounty cooperative agreements may receive the lesser of:

49.21 (1) grant assistance up to 75 percent of the capital cost of the project; or

49.22 (2) \$5,000,000 times the number of participating counties.

49.23 ~~(d)~~ (f) Notwithstanding paragraph ~~(e)~~ (g), the commissioner may award grants for transfer
 49.24 stations that will initially transfer waste to landfills if the transfer stations are part of a
 49.25 planned resource recovery project, the county where the planned resource recovery facility
 49.26 will be located has a comprehensive solid waste management plan approved by the
 49.27 commissioner, and the solid waste management plan proposes the development of the
 49.28 resource recovery facility. If the proposed resource recovery facility is not in place and
 49.29 operating within 16 years of the date of the grant award, the recipient shall repay the grant
 49.30 amount to the state.

49.31 ~~(e)~~ (g) Projects without waste reduction, reuse, recycling, composting source-separated
 49.32 compostable material or yard waste, or resource recovery are not eligible for assistance.
 49.33 Solid waste disposal facilities and associated equipment are not eligible for assistance.

50.1 ~~(f)~~ (h) In addition to any assistance received under paragraph (b) ~~or~~, (c), (d), or (e), a
 50.2 project may receive grant assistance for the cost of tests necessary to determine the
 50.3 appropriate pollution control equipment for the project or the environmental effects of the
 50.4 use of any product or material produced by the project.

50.5 ~~(g)~~ (i) In addition to the application requirements of section 115A.51, an application for
 50.6 a project serving eligible jurisdictions in only a single county must demonstrate that
 50.7 cooperation with jurisdictions in other counties to develop the project is not needed or not
 50.8 feasible. Each application must also demonstrate that the project is not financially prudent
 50.9 without the state assistance, because of the applicant's financial capacity and the problems
 50.10 inherent in the waste management situation in the area, particularly transportation distances
 50.11 and limited waste supply and markets for resources recovered.

50.12 ~~(h)~~ (j) For the purposes of this subdivision, a "project" means acquisition, establishment,
 50.13 or improvement of a processing facility, that conducts waste reduction, reuse, recycling,
 50.14 composting source-separated compostable materials or yard waste, resource recovery, or
 50.15 waste processing, together with any transfer stations, transmission facilities, and other related
 50.16 and appurtenant facilities primarily serving the ~~processing~~ facility.

50.17 (k) The commissioner shall adopt rules for the program ~~by July 1, 1985~~ under this
 50.18 subdivision.

50.19 ~~(i)~~ (l) Notwithstanding anything in this subdivision to the contrary, a project to construct
 50.20 a new ~~mixed municipal~~ solid waste transfer station that has an enforceable commitment of
 50.21 at least ten years, or of sufficient length to retire bonds sold for the facility, to serve an
 50.22 existing resource recovery facility may receive grant assistance up to 75 percent of the
 50.23 capital cost of the project if addition of the transfer station will increase substantially the
 50.24 geographical area served by the resource recovery facility and the ability of the resource
 50.25 recovery facility to operate more efficiently on a regional basis and the facility meets the
 50.26 criteria in paragraph ~~(e)~~ (d), ~~the second~~ clause (2). A transfer station eligible for assistance
 50.27 under this paragraph is not eligible for assistance under any other paragraph of this
 50.28 subdivision.

50.29 Sec. 17. Minnesota Statutes 2021 Supplement, section 115A.565, subdivision 1, is amended
 50.30 to read:

50.31 Subdivision 1. **Grant program established.** The commissioner must make competitive
 50.32 grants to political subdivisions or federally recognized Tribes ~~to establish curbside recycling~~
 50.33 ~~or composting, increase~~ for waste reduction, reuse, recycling or, and composting, ~~reduce~~
 50.34 ~~the amount of recyclable materials entering disposal facilities, or reduce the costs associated~~

51.1 ~~with hauling waste by locating collection sites as close as possible to the site where the~~
 51.2 ~~waste is generated~~ source-separated compostable materials or yard waste. To be eligible
 51.3 for grants under this section, a political subdivision or federally recognized tribe must be
 51.4 located outside the seven-county metropolitan area and a city must have a population of
 51.5 less than 45,000.

51.6 Sec. 18. Minnesota Statutes 2020, section 115A.565, subdivision 3, is amended to read:

51.7 Subd. 3. **Priorities; eligible projects.** (a) If applications for grants exceed the available
 51.8 appropriations, grants must be made for projects that, in the commissioner's judgment,
 51.9 provide the highest return in public benefits.

51.10 (b) To be eligible to receive a grant, a project must:

51.11 (1) be locally administered;

51.12 (2) have an educational component and measurable outcomes;

51.13 (3) request \$250,000 or less;

51.14 (4) demonstrate local direct and indirect matching support of at least a quarter amount
 51.15 of the grant request; ~~and~~

51.16 (5) include at least one of the following elements:

51.17 ~~(i) transition to residential recycling through curbside or centrally located collection~~
 51.18 ~~sites;~~

51.19 ~~(ii) development of local recycling systems to support curbside recycling; or~~

51.20 ~~(iii) development or expansion of local recycling systems to support recycling bulk~~
 51.21 ~~materials, including, but not limited to, electronic waste.~~

51.22 (i) waste reduction;

51.23 (ii) reuse;

51.24 (iii) recycling; or

51.25 (iv) composting source-separated compostable materials or yard waste; and

51.26 (6) demonstrate that the project will reduce waste generation through waste reduction
 51.27 or reuse or that the project will reduce the amount of recyclable materials or source-separated
 51.28 compostable materials entering a disposal facility.

52.1 Sec. 19. Minnesota Statutes 2020, section 115B.17, subdivision 14, is amended to read:

52.2 Subd. 14. **Requests for review, investigation, and oversight.** (a) The commissioner
52.3 may, upon request, assist a person in determining whether real property has been the site
52.4 of a release or threatened release of a hazardous substance, pollutant, or contaminant. The
52.5 commissioner may also assist in, or supervise, the development and implementation of
52.6 reasonable and necessary response actions. Assistance may include review of agency records
52.7 and files, and review and approval of a requester's investigation plans and reports and
52.8 response action plans and implementation.

52.9 (b) Except as otherwise provided in this paragraph, the person requesting assistance
52.10 under this subdivision shall pay the agency for the agency's cost, as determined by the
52.11 commissioner, of providing assistance. A state agency, political subdivision, or other public
52.12 entity is not required to pay for the agency's cost to review agency records and files. ~~Money~~
52.13 ~~received by the agency for assistance under this section~~ The first \$350,000 received annually
52.14 by the agency for assistance under this subdivision from persons who are not otherwise
52.15 responsible under sections 115B.01 to 115B.18 must be deposited in the remediation fund
52.16 and is exempt from section 16A.1285. Money received after the first \$350,000 must be
52.17 deposited in the state treasury and credited to an account in the special revenue fund. Money
52.18 in the account is annually appropriated to the commissioner for the purposes of administering
52.19 this subdivision.

52.20 (c) When a person investigates a release or threatened release in accordance with an
52.21 investigation plan approved by the commissioner under this subdivision, the investigation
52.22 does not associate that person with the release or threatened release for the purpose of section
52.23 115B.03, subdivision 3, paragraph (a), clause (4).

52.24 Sec. 20. Minnesota Statutes 2020, section 115B.52, subdivision 4, is amended to read:

52.25 Subd. 4. **Reporting.** The commissioner of the Pollution Control Agency and the
52.26 commissioner of natural resources must jointly submit:

52.27 (1) by April 1, 2019, an implementation plan detailing how the commissioners will:

52.28 (i) determine how the priorities in the settlement will be met and how the spending will
52.29 move from the first priority to the second priority and the second priority to the third priority
52.30 outlined in the settlement; and

52.31 (ii) evaluate and determine what projects receive funding;

52.32 (2) by ~~February 1 and August~~ October 1 each year, a ~~biannual~~ report to the chairs and
52.33 ranking minority members of the legislative policy and finance committees with jurisdiction

53.1 over environment and natural resources on expenditures from the water quality and
 53.2 sustainability account during the previous ~~six months~~ fiscal year; and

53.3 (3) by ~~August 1, 2019, and October 1~~ each year thereafter, a report to the legislature on
 53.4 expenditures from the water quality and sustainability account during the previous fiscal
 53.5 year and a spending plan for anticipated expenditures from the account during the current
 53.6 fiscal year.

53.7 Sec. 21. Minnesota Statutes 2020, section 116.993, subdivision 2, is amended to read:

53.8 Subd. 2. **Eligible borrower.** To be eligible for a loan under this section, a borrower
 53.9 must:

53.10 (1) be a small business corporation, sole proprietorship, partnership, or association;

53.11 (2) be a potential emitter of pollutants to the air, ground, or water;

53.12 (3) need capital for equipment purchases that will meet or exceed environmental
 53.13 regulations or need capital for site investigation and cleanup;

53.14 (4) have ~~less~~ fewer than ~~100~~ 250 full-time equivalent employees; and

53.15 (5) have an ~~after-tax~~ after-tax profit of less than ~~\$500,000~~ \$1,000,000.

53.16 Sec. 22. **[325E.3892] LEAD AND CADMIUM IN CONSUMER PRODUCTS;**
 53.17 **PROHIBITION.**

53.18 Subdivision 1. Definitions. For purposes of this section, "covered product" means any
 53.19 of the following products or product components:

53.20 (1) jewelry;

53.21 (2) toys;

53.22 (3) cosmetics and personal care products;

53.23 (4) puzzles, board games, card games, and similar games;

53.24 (5) play sets and play structures;

53.25 (6) outdoor games;

53.26 (7) school supplies;

53.27 (8) pots and pans;

53.28 (9) cups, bowls, and other food containers;

54.1 (10) craft supplies and jewelry-making supplies;

54.2 (11) chalk, crayons, paints, and other art supplies;

54.3 (12) fidget spinners;

54.4 (13) costumes, costume accessories, and children's and seasonal party supplies;

54.5 (14) keys, key chains, and key rings; and

54.6 (15) clothing, footwear, headwear, and accessories.

54.7 Subd. 2. **Prohibition.** (a) A person must not import, manufacture, sell, hold for sale, or
54.8 distribute or offer for use in this state any covered product containing:

54.9 (1) lead at more than 0.009 percent by total weight (90 parts per million); or

54.10 (2) cadmium at more than 0.0075 percent by total weight (75 parts per million).

54.11 (b) This section does not apply to covered products containing lead or cadmium, or both,
54.12 when regulation is preempted by federal law.

54.13 Subd. 3. **Enforcement.** The commissioners of the Pollution Control Agency, commerce,
54.14 and health may coordinate in enforcing this section. The commissioner of the Pollution
54.15 Control Agency or commerce may, with the attorney general, enforce any federal restrictions
54.16 on the sale of products containing lead or cadmium, or both, as allowed under federal law.
54.17 The commissioner of the Pollution Control Agency may enforce this section under sections
54.18 115.071 and 116.072. The commissioner of commerce may enforce this section under
54.19 section 45.027, subdivisions 1 to 6, 325F.10 to 325F.12, and 325F.14 to 325F.16. The
54.20 attorney general may enforce this section under section 8.31.

54.21 **EFFECTIVE DATE.** This section is effective July 1, 2023.

54.22 Sec. 23. **RULEMAKING; CAPITAL ASSISTANCE PROGRAM.**

54.23 Using the expedited rulemaking process under Minnesota Statutes, section 14.389, the
54.24 commissioner of the Pollution Control Agency must amend Minnesota Rules, parts 9210.0100
54.25 to 9210.0180, related to the capital assistance program, to conform with and implement the
54.26 changes made in Minnesota Statutes, sections 115A.03 and 115A.49 to 115A.54.

54.27 Sec. 24. **REPEALER.**

54.28 Minnesota Statutes 2020, sections 325E.389; and 325E.3891, are repealed.

54.29 **EFFECTIVE DATE.** This section is effective July 1, 2023.

325E.389 ITEMS CONTAINING LEAD PROHIBITED.

Subdivision 1. **Definitions.** For purposes of this section, the following definitions apply.

(a) "Body piercing jewelry" means any part of jewelry that is manufactured or sold for placement in a new piercing or a mucous membrane, but does not include any part of that jewelry that is not placed within a new piercing or a mucous membrane.

(b) "Children" means children age six and younger.

(c) "Children's jewelry" means jewelry that is made for, marketed for use by, or marketed to children. For purposes of this section, children's jewelry includes, but is not limited to, jewelry that meets any of the following conditions:

(1) is represented in its packaging, display, or advertising as appropriate for use by children;

(2) is sold in conjunction with, attached to, or packaged together with other products that are packaged, displayed, or advertised as appropriate for use by children;

(3) is sized for children and not intended for use by adults; or

(4) is sold in any of the following:

(i) a vending machine;

(ii) retail store, catalog, or website in which a person exclusively offers for sale products that are packaged, displayed, or advertised as appropriate for use by children; or

(iii) a discrete portion of a retail store, catalog, or website in which a person offers for sale products that are packaged, displayed, or advertised as appropriate for use by children.

(d) "Class 1 material" means any of the following materials:

(1) stainless or surgical steel;

(2) karat gold;

(3) sterling silver;

(4) platinum, palladium, iridium, ruthenium, rhodium, or osmium;

(5) natural or cultured pearls;

(6) glass, ceramic, or crystal decorative components including cat's eye; cubic zirconia, including cubic zirconium or CZ; rhinestones; and cloisonne;

(7) a gemstone that is cut and polished for ornamental purposes, except that the following gemstones are not Class 1 materials: aragonite, bayldonite, boleite, cerussite, crocoite, ekanite, linarite, mimetite, phosgenite, samarskite, vanadinite, and wulfenite;

(8) elastic, fabric, ribbon, rope, or string, unless it contains intentionally added lead and is listed as a Class 2 material;

(9) all natural decorative material including amber, bone, coral, feathers, fur, horn, leather, shell, and wood that is in its natural state and is not treated in a way that adds lead; or

(10) adhesive.

(e) "Class 2 material" means any of the following materials:

(1) electroplated metal that meets the following standards:

(i) on and before August 30, 2009, a metal alloy with less than ten percent lead by weight that is electroplated with suitable under and finish coats; or

(ii) on and after August 31, 2009, a metal alloy with less than six percent lead by weight that is electroplated with suitable under and finish coats;

(2) unplated metal with less than 1.5 percent lead that is not otherwise listed as a Class 1 material;

(3) plastic or rubber including acrylic, polystyrene, plastic beads and stones, and polyvinyl chloride (PVC) that meets the following standards:

(i) on and before August 30, 2009, less than 0.06 percent (600 parts per million) lead by weight; and

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(ii) on and after August 31, 2009, less than 0.02 percent (200 parts per million) lead by weight; and

(4) a dye or surface coating containing less than 0.06 percent (600 parts per million) lead by weight.

(f) "Class 3 material" means any portion of jewelry that meets both of the following criteria:

(1) is not a Class 1 or Class 2 material; and

(2) contains less than 0.06 percent (600 parts per million) lead by weight.

(g) "Component" means any part of jewelry.

(h) "EPA reference methods 3050B (Acid Digestion of Sediments, Sludges, and Soils) or 3051 (Microwave Assisted Digestion/Sludge, Soils)" means those test methods incorporated by reference in Code of Federal Regulations, title 40, section 260.11, paragraph (11), subdivision (a).

(i) "Jewelry" means:

(1) any of the following ornaments worn by a person: anklet, arm cuff, bracelet, brooch, chain, crown, cuff link, decorated hair accessories, earring, necklace, pin, ring, or body piercing jewelry; or

(2) any bead, chain, link, pendant, or other component of such an ornament.

(j) "Surface coating" means a fluid, semifluid, or other material, with or without a suspension of finely divided coloring matter, that changes to a solid film when a thin layer is applied to a metal, wood, stone, paper, leather, cloth, plastic, or other surface. Surface coating does not include a printing ink or a material that actually becomes a part of the substrate including, but not limited to, pigment in a plastic article or a material that is actually bonded to the substrate, such as by electroplating or ceramic glazing.

Subd. 2. **Sale prohibited.** (a) No person shall manufacture any jewelry that is offered for sale in Minnesota unless the jewelry is made entirely from a Class 1, Class 2, or Class 3 material, or any combination thereof.

(b) No person shall offer for sale, sell, label, or distribute for free any jewelry represented to contain safe levels of lead, unless the jewelry is made entirely from a Class 1, Class 2, or Class 3 material, or any combination thereof.

(c) Notwithstanding paragraph (a), no person shall manufacture any children's jewelry that is offered for sale in Minnesota unless the children's jewelry is made entirely from one or more of the following materials:

(1) a nonmetallic material that is a Class 1 material;

(2) a nonmetallic material that is a Class 2 material;

(3) a metallic material that is either a Class 1 material or contains less than 0.06 percent (600 parts per million) lead by weight;

(4) glass or crystal decorative components that weigh in total no more than one gram, excluding any glass or crystal decorative component that contains less than 0.02 percent (200 parts per million) lead by weight and has no intentionally added lead;

(5) printing ink or ceramic glaze that contains less than 0.06 percent (600 parts per million) lead by weight; or

(6) Class 3 material that contains less than 0.02 percent (200 parts per million) lead by weight.

(d) Notwithstanding paragraph (b), no person shall offer for sale, sell, distribute for free, or label any jewelry as children's jewelry represented to contain safe levels of lead, unless the jewelry is made entirely from one or more of the following materials:

(1) a nonmetallic material that is a Class 1 material;

(2) a nonmetallic material that is a Class 2 material;

(3) a metallic material that is either a Class 1 material or contains less than 0.06 percent (600 parts per million) lead by weight;

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(4) glass or crystal decorative components that weigh in total no more than one gram, excluding any glass or crystal decorative component that contains less than 0.02 percent (200 parts per million) lead by weight and has no intentionally added lead;

(5) printing ink or ceramic glaze that contains less than 0.06 percent (600 parts per million) lead by weight; or

(6) Class 3 material that contains less than 0.02 percent (200 parts per million) lead by weight.

(e) Notwithstanding paragraph (a), no person shall manufacture any body piercing jewelry that is offered for sale in Minnesota unless the body piercing jewelry is made of one or more of the following materials:

(1) surgical implant stainless steel; or

(2) surgical implant grade of titanium, niobium (Nb), solid 14-karat or higher white or yellow nickel-free gold, solid platinum, or a dense low-porosity plastic including, but not limited to, Tygon or polytetrafluoroethylene (PTFE), if the plastic contains no intentionally added lead.

(f) No person shall offer for sale, sell, label, or distribute for free any body piercing jewelry represented to contain safe levels of lead unless the body piercing jewelry is made of one or more of the following materials:

(1) surgical implant stainless steel; or

(2) surgical implant grade of titanium, niobium (Nb), solid 14-karat or higher white or yellow nickel-free gold, solid platinum, or a dense low-porosity plastic including, but not limited to, Tygon or polytetrafluoroethylene (PTFE), if the plastic contains no intentionally added lead.

(g) The prohibitions under this section do not apply to sales or free distribution of jewelry by a nonprofit organization described in section 501(c)(3) of the Internal Revenue Code or to isolated and occasional sales of jewelry not made in the normal course of business.

Subd. 3. **Testing methods.** (a) The testing methods for determining compliance with this section must be conducted using EPA reference method 3050B or 3051 for the material being tested, except as otherwise provided in subdivision 4 and in accordance with all of the following procedures:

(1) when preparing a sample, the laboratory shall make every effort to ensure that the sample removed from a jewelry piece is representative of the component to be tested, and is free of contamination from extraneous dirt and material not related to the component to be tested;

(2) all component samples must be washed before testing using standard laboratory detergent, rinsed with laboratory reagent-grade deionized water, and dried in a clean ambient environment;

(3) if a component is required to be cut or scraped to obtain a sample, the metal snips, scissors, or other cutting tools used for the cutting or scraping must be made of stainless steel and washed and rinsed before each use and between samples;

(4) a sample must be digested in a container that is known to be free of lead and with the use of an acid that is not contaminated by lead, including analytical reagent-grade digestion acids and reagent-grade deionized water;

(5) method blanks, consisting of all reagents used in sample preparation handled, digested, and made to volume in the same exact manner and in the same container type as samples, must be tested with each group of 20 or fewer samples tested; and

(6) the results for the method blanks must be reported with each group of sample results and must be below the stated reporting limit for sample results to be considered valid.

(b) A material does not meet an applicable lead standard set forth in this section if any of the following occurs:

(1) the mean lead level of one or two samples of the material exceeds 300 percent of the applicable limit for a component;

(2) the mean lead level of three samples of the material exceeds 200 percent of the applicable limit for a component; or

(3) the mean lead level of four or more samples of the material exceeds the applicable limit for a component.

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Subd. 4. **Additional testing procedures.** In addition to the requirements of subdivision 3, the following procedures must be used for testing the following materials:

(1) for testing a metal plated with suitable undercoats and finish coats, the following protocols must be observed:

(i) digestion must be conducted using hot concentrated nitric acid with the option of using hydrochloric acid or hydrogen peroxide;

(ii) the sample size must be 0.050 gram to one gram;

(iii) the digested sample may require dilution prior to analysis;

(iv) the digestion and analysis must achieve a reported detection limit no greater than 0.1 percent for samples; and

(v) all necessary dilutions must be made to ensure that measurements are made within the calibrated range of the analytical instrument;

(2) for testing unplated metal and metal substrates that are not a Class 1 material, the following protocols must be observed:

(i) digestion must be conducted using hot concentrated nitric acid with the option of using hydrochloric acid and hydrogen peroxide;

(ii) the sample size must be 0.050 gram to one gram;

(iii) the digested sample may require dilution prior to analysis;

(iv) the digestion and analysis must achieve a reported detection limit no greater than 0.01 percent for samples; and

(v) all necessary dilutions must be made to ensure that measurements are made within the calibrated range of the analytical instrument;

(3) for testing polyvinyl chloride (PVC), the following protocols must be observed:

(i) the digestion must be conducted using hot concentrated nitric acid with the option of using hydrochloric acid and hydrogen peroxide;

(ii) the sample size must be a minimum of 0.05 gram if using microwave digestion or 0.5 gram if using hotplate digestion, and must be chopped or comminuted prior to digestion;

(iii) digested samples may require dilution prior to analysis;

(iv) digestion and analysis must achieve a reported detection limit no greater than 0.001 percent (10 parts per million) for samples; and

(v) all necessary dilutions must be made to ensure that measurements are made within the calibrated range of the analytical instrument;

(4) for testing plastic or rubber that is not polyvinyl chloride (PVC), including acrylic, polystyrene, plastic beads, or plastic stones, the following protocols must be observed:

(i) the digestion must be conducted using hot concentrated nitric acid with the option of using hydrochloric acid or hydrogen peroxide;

(ii) the sample size must be a minimum of 0.05 gram if using microwave digestion or 0.5 gram if using hotplate digestion, and must be chopped or comminuted prior to digestion;

(iii) plastic beads or stones must be crushed prior to digestion;

(iv) digested samples may require dilution prior to analysis;

(v) digestion and analysis must achieve a reported detection limit no greater than 0.001 percent (10 parts per million) for samples; and

(vi) all necessary dilutions must be made to ensure that measurements are made within the calibrated range of the analytical instrument;

(5) for testing coatings on glass and plastic pearls, the following protocols must be observed:

(i) the coating of glass or plastic beads must be scraped onto a surface free of dust, including a clean weighing paper or pan, using a clean stainless steel razor blade or other clean sharp instrument

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that will not contaminate the sample with lead. The substrate pearl material must not be included in the scrapings;

(ii) the razor blade or sharp instrument must be rinsed with deionized water, wiped to remove particulate matter, rinsed again, and dried between samples;

(iii) the scrapings must be weighed and not less than 50 micrograms of scraped coating must be used for analysis. If less than 50 micrograms of scraped coating is obtained from an individual pearl, multiple pearls from that sample must be scraped and composited to obtain a sufficient sample amount;

(iv) the number of pearls used to make the composite must be noted;

(v) the scrapings must be digested according to EPA reference method 3050B or 3051 or an equivalent procedure for hot acid digestion in preparation for trace lead analysis;

(vi) the digestate must be diluted in the minimum volume practical for analysis;

(vii) the digested sample must be analyzed according to specification of an approved and validated methodology for inductively coupled plasma mass spectrometry;

(viii) a reporting limit of 0.001 percent (10 parts per million) in the coating must be obtained for the analysis; and

(ix) the sample result must be reported within the calibrated range of the instrument. If the initial test of the sample is above the highest calibration standard, the sample must be diluted and reanalyzed within the calibrated range of the instrument;

(6) for testing dyes, paints, coatings, varnish, printing inks, ceramic glazes, glass, or crystal, the following testing protocols must be observed:

(i) the digestion must use hot concentrated nitric acid with the option of using hydrochloric acid or hydrogen peroxide;

(ii) the sample size must be not less than 0.050 gram, and must be chopped or comminuted prior to digestion;

(iii) the digested sample may require dilution prior to analysis;

(iv) the digestion and analysis must achieve a reported detection limit no greater than 0.001 percent (10 parts per million) for samples; and

(v) all necessary dilutions must be made to ensure that measurements are made within the calibrated range of the analytical instrument; and

(7) for testing glass and crystal used in children's jewelry, the following testing protocols for determining weight must be used:

(i) a component must be free of any extraneous material, including adhesive, before it is weighed;

(ii) the scale used to weigh a component must be calibrated immediately before the components are weighed using S-class weights of one and two grams, as certified by the National Institute of Standards and Technology (NIST) of the United States Department of Commerce; and

(iii) the calibration of the scale must be accurate to within 0.01 gram.

325E.3891 CADMIUM IN CHILDREN'S JEWELRY.

Subdivision 1. **Definitions.** (a) As used in this section, the term:

(1) "accessible" has the meaning given in section 3.1.2 of the ASTM International Safety Specification on Toy Safety, F-963;

(2) "child" means an individual who is six years of age or younger; and

(3) "children's jewelry" shall have the meaning set forth in section 325E.389, subdivision 1, paragraph (c).

Subd. 2. **Prohibitions.** Cadmium in any surface coating or accessible substrate material of metal or plastic components of children's jewelry shall not exceed 75 parts per million, as determined through solubility testing for heavy metals defined in the ASTM International Safety Specification on Toy Safety, ASTM standard F-963 and subsequent versions of this standard, if the product is sold in this state unless this requirement is superseded by a federal standard regulating cadmium

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in children's jewelry. This section shall not regulate any product category for which an existing federal standard regulates cadmium exposure in surface coatings and accessible substrate materials as required under ASTM F-963.

Subd. 3. **Manufacturer or wholesaler.** No manufacturer or wholesaler may sell or offer for sale in this state children's jewelry that fails to meet the requirements of subdivision 2.

Subd. 4. **Retailer.** No retailer may sell or offer for sale in this state children's jewelry that fails to meet the requirements of subdivision 2. This subdivision does not apply to sales or free distribution of jewelry by a nonprofit organization described in section 501(c)(3) of the Internal Revenue Code or to isolated and occasional sales of jewelry not made in the normal course of business.

Subd. 5. **Enforcement.** The attorney general shall enforce this section under section 8.31.