



S.F. No. 2781 – Environment Policy Omnibus (As Amended by A-1 Delete Everything Amendment)

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Article 1 – Environment and Natural Resources Policy

Section 1 [Repeal of Reporting Requirement] repeals a requirement that the DNR biennially submit an inventory of certain state-owned land to the legislature. The report is currently required to include information on interests, rights, and easements in the land; a list of lands withdrawn from sale; and related recommendations.

Section 2 [Wild Rice Policy] declares that it is state policy to recognize the innate significance of wild rice's ability to exist and thrive in Minnesota.

Section 3 [Off-Road Vehicle State Trail Pass Clarification] clarifies that state trail passes for off-road vehicles must be carried by the operator but do not have to be displayed on the vehicle itself.

Section 4 [Definition of "Eviscerated"] defines "eviscerated" for purposes of the statute enacted by Section 5.

Section 5 [Authority to Possess Eviscerated Carp] authorizes a person to possess, import, purchase, sell, and transport without a permit bighead carp, grass carp, and silver carp if they are dead and eviscerated.

Section 6 [Purple Paint in Lieu of Trespass Signs] authorizes the use of purple paint in lieu of trespass signs.

Section 7 [Extension of Authority to Use Crossbow] extends by one year the authority for hunters who do not possess a disabled hunter permit to hunt and fish with a crossbow during archery seasons.

Section 8 [Shotgun Zone Modifications] authorizes individual counties to determine whether or not they are included in the shotgun zone. Requires counties to submit a copy of a resolution electing to be part of the shotgun zone to the DNR by October 1 of the year before the resolution takes effect.

Section 9 [Bear Preference Points for Youth] authorizes DNR to award bear preference points to a person who is at least 6 years of age.

Section 10 [Consumption of Beaver] repeals a prohibition on the consumption of nuisance beavers.

Section 11 [Opening Hour for Trapping Seasons] provides that a season for taking fur-bearing animals by trapping begins at sunrise on the opening day prescribed by rule adopted by the DNR.

Section 12 [Setting Traps Near Water] authorizes foot-encapsulating traps to be set within 50 feet of water within 30 days before the open season for mink and muskrat. Current law prohibits setting traps within 50 feet of water during this period.

Section 13 [Continuous Bass Fishing Season] makes the open season for bass continuous.

Section 14 [Lake Superior Burbot Commercial Harvest] allows commercial fishing operators to take burbot from Lake Superior.

Section 15 [Public Waters Definition] repeals language that provided that when a conflict arises between the public waters inventory and the legal definition of a “public water” the statutory definition controls.

Section 16 [Technical Correction] makes a correction to the public waters inventory statute to correct a technical error in the previous year’s environment omnibus bill.

Section 17 [Definition of Commissioner] defines “commissioner” as the commissioner of the Pollution Control Agency (PCA) for purposes of Chapter 115 of Minnesota Statutes.

Section 18 [Outdoor Use of Rainwater and Stormwater] authorizes state agencies and local governments to allow using untreated rainwater or stormwater for outdoor purposes when the consumption or immersion by humans or animals is low or nonexistent.

Section 19 [Projects to Address Emerging Contaminants Favored] requires the PCA to award extra points to municipal applications for financial assistance for projects that will address emerging contaminants.

Section 20 [Exemption for Children’s Recreational Vehicles Containing PFAS] exempts children’s recreational vehicles, children’s electric-assisted bicycles, and replacement parts for these items from the prohibition on the sale of items containing intentionally added PFAS.

Section 21 [Exemption for Items Containing PFAS Only in Internal Components] exempts from the prohibition on selling items that contain intentionally added PFAS items containing intentionally added PFAS only in internal components that do not come into contact with mouths or skins during reasonably foreseeable use.

Section 22 [Exemptions to Prohibition on Sale of Items Containing Lead and Cadmium] exempts ink pens, mechanical pencils, children’s paints, and professional artist materials from the prohibition on the sale of items containing lead and cadmium.

Section 23 [Exemption to Prohibition on Sale of Items Containing Lead Only in Solder] exempts from the prohibition on sale of products containing lead items that contain lead only in solder used in internal components, but only if those items are imported, manufactured, sold, held for sale, or offered for use before July 1, 2028, and if the manufacturer submits certain reports to the PCA.

Section 24 [Exemption to Prohibition on Firefighting Foam Containing PFAS] exempts PFAS-containing firefighting foam used in hanger fixed firefighting systems at an airport from the ban on PFAS-containing firefighting foam. This exemption expires on January 1, 2028.

Section 25 [Use of Clean Water Revolving Loan Fund] authorizes the clean water revolving fund to be used to provide principal forgiveness or grants, where permissible under federal law. Authorizes a greater amount of costs to be paid for by the fund for projects that address contaminants of emerging concern.

Section 26 [Tribes Are Eligible for Community Tree Planting Grants] makes Tribal governments eligible for community tree planting grants.

Section 27 [Metropolitan Area Comprehensive Plans Must Protect Aggregate Resources] requires metropolitan area comprehensive plans to include an assessment of the impact of land use designations and easements on access to aggregate resources. This is in addition to the current requirement that those plans include the local government’s “goals, intentions, and priorities” concerning aggregate resources.

Section 28 [Extension of Certain Timber Permits] requires the DNR to extend for two years timber permits set to expire in 2025 if the permit holder has been unable to cut and remove some or all of the timber covered by the permit.

Section 29 [Audit of Aggregate Tax] requires the Office of the Legislative Auditor to conduct a program audit of the Aggregate Production Tax.

Section 30 [Recommendations for Further Statutory Changes] requires the commissioner of natural resources, in consultation with certain stakeholders, to make recommendations to the chairs and ranking members of the appropriate legislative committees for statutory changes that would facilitate local government permitting processes that adequately protect the state’s aggregate sources and foster environmentally sound reclamation at former aggregate mining sites.

Section 31 [Repealer] repeals various obsolete EQB provisions and a drainage authority reporting requirement.

Article 2 – Electronic Waste and Battery Stewardship

Sections 1 & 2 [Conforming Changes] make conforming changes to reflect the repeal of statutory language that is superseded by this article.

Section 3 [Definitions] defines terms used in the e-waste stewardship program statutes, including:

- **Collector** – A person that collects covered products and other electrical products on behalf of the stewardship organization and receives reimbursement from the stewardship organization for the collector’s costs to collect and manage the products.
- **Covered Product** – Includes:
 - **Covered Batteries** – a battery of any type, physical size, or energy capacity except a lead-acid battery, or a battery intended for use in a medical device or solely in a manufacturing, industrial, or other commercial setting;
 - **Covered circuit board** – any circuit board except a circuit board from a major appliance; an appliance or tool powered by electrical power of 240 volts alternating current or greater; or an appliance or tool designed, manufactured, and intended solely for use in manufacturing, industrial, or other commercial settings;
 - **Cathode-Ray Tubes**; and
 - **Products containing covered batteries, covered circuit boards, or cathode ray tubes** subject to certain enumerated exceptions.
- **Covered Services** – collection, sorting, storage, transport, processing, repair, refurbishment, reuse, recycling, reclamation of useful materials from, or disposal of covered products, other electrical products, and residual materials.
- **Other Electrical Product** – an appliance or tool that is powered by electricity provided through a flexible cord with an attached standardized plug intended for temporary, manual connection to the electrical distribution system in a residential or commercial structure. The term does not include a covered product; a major appliance; an appliance or tool powered by electrical power of greater than 240 volts alternating current; or an appliance or tool designed, manufactured, and intended solely for use in manufacturing, industrial, or other commercial settings.
- **Producer** – a person that manufactures or imports into the United States a covered product (including a covered product that is itself incorporated into a covered product) or other electrical product. The term also includes a person

that owns or controls or is licensed to use a brand under which a covered product or other electrical product is sold.

- **Stewardship Organization** – a nonprofit organization that enters into a contract with producers to administer an e-waste stewardship program.

Section 4 [Covered Products Reimbursement Board]

Subd. 1 [Establishment] establishes a Covered Products Reimbursement Board (“Board”) to recommend reimbursement rates for collectors to the commissioner.

Subd. 2. [Membership] provides that the Board consists of 8 members: two representatives of household hazardous waste collection programs appointed by the commissioner, two representatives of collectors appointed by the commissioner, and four other members appointed by the stewardship organization.

Subd. 3. [Terms; Removal] establishes four-year staggered terms for members of the Board. Provides that members may be removed by the appointing authority at any time at the pleasure of the appointing authority.

Subd. 4. [Quorum] provides that a quorum of the Board is 6 (of 8) members, and that recommendations of the board require a majority vote (5 members).

Subd. 5. [Administrative Support; Facilitator] requires the commissioner to provide administrative support to the Board. This subdivision also requires that the commissioner hire a facilitator who must schedule and chair meetings of the Board.

Subd. 6. [Meetings] requires that the Board meet at least biannually and as often as necessary.

Subd. 7. [Recommendations for Reimbursement Rates] requires the Board to submit recommendations for collector reimbursement rates by July 1 each year to be in place for the following calendar year. The rates must cover all costs of collection, labor and overhead, covered services, necessary collection and storage structures and containers, employee training, safety equipment, and other costs determined by the commissioner.

Subd. 8. [Review and Approval of Reimbursement Rates] requires the commissioner to approve or reject recommended reimbursement rates within 90 days, after consultation with interested parties and the solicitation of public review and comment.

Subd. 9. [More Frequent Reimbursement Rate Changes] allows the Board to submit a recommendation for changes to reimbursement rates at less than an annual interval.

Sec. 5 [Stewardship Plan and Budget]

Subd. 1. [Stewardship Organization Contract; Submission of Stewardship Plan] requires all producers to contract with a single stewardship organization to act on the producers' behalf and for that stewardship organization to submit a stewardship plan for commissioner approval by October 1, 2027.

Subd. 2. [Plan Content; Budget] requires a stewardship plan to include contact information for participating entities; information about collection sites and brands covered under the program; a description of how the program will provide convenient, statewide collection; performance standards and compliance measures; an explanation of how the program will ensure that covered materials and other electrical products will be managed through responsible markets; a proposed allocation of program costs among producers; an explanation of how the stewardship organization will meet reporting requirements and comply with various legal requirements; and related matters. This subdivision also requires the stewardship organization to submit an anticipated annual budget twice a year.

Subd. 3. [Convenience Standards] requires a stewardship plan to provide for convenient, statewide collection for all covered products and to meet convenience standards that are based on each county's population.

Subd. 4. [Review of Stewardship Plan; Implementation] requires the commissioner to approve or reject a stewardship plan within 120 days of receipt and to allow public comment on the plan for at least 30 days. Requires the stewardship organization to implement approved plans.

Subd. 5. [Amending or Terminating a Stewardship Plan] allows the stewardship organization to make certain minor amendments to the plan as a matter of course without commissioner approval (e.g., contact information, the list of participating producers, etc.). Requires all other amendments to be approved by the commissioner before they can be implemented. Requires the stewardship organization to submit a new stewardship plan every five years unless amendments have been submitted to the commissioner during that time. Allows a stewardship organization to terminate a stewardship plan with 90 days' notice; allows the commissioner to terminate a stewardship plan for good cause.

Subd. 6. [Compliance] requires the stewardship organization to comply with approved stewardship plans, including with the reimbursement rates approved by the commissioner, and to ensure that all costs of the program are fully paid by producers.

Section 6 [Stewardship Organization Duties]

Subd. 1. [Duties to Collectors] requires the stewardship organization to provide reimbursement to collectors at the approved rate, covered services other than collection, containers for collected materials, signage, training and educational materials, and collection alternatives where a collector cannot safely collect certain materials.

Subd. 2. [Accessibility] requires the stewardship organization to provide convenient, equitable, and accessible service to all Minnesotans.

Subd. 3. [Oversight; Collector Eligibility] requires that collected materials are recycled to the maximum extent practicable and that residual materials are disposed of in compliance with applicable hazardous waste and solid waste requirements. Allows any person who meets eligibility criteria to serve as a collector. Allows a stewardship organization to terminate a collector for good cause.

Subd. 4. [Program Effectiveness] requires the stewardship organization to provide outreach and education to various parties and to take steps to reduce the amount of covered products in solid waste generated in this state.

Subd. 5. [Reporting] requires the stewardship organization to report minor amendments to the stewardship plan and to report annually on the stewardship organization's activities during the preceding calendar year.

Subd. 6 [Organization of the Stewardship Organization] authorizes the stewardship organization to function as a coordinating board and to contract, subcontract, or partner with other persons to administer and implement the stewardship program.

Section 7 [Fees]

Subd. 1. [Administrative Fees] requires the stewardship organization to pay an administrative fee to the agency that is sufficient to cover the agency's cost of administering the stewardship program and the costs of the Board.

Subd. 2. [Recovery of Abandoned Covered Materials] requires the commissioner to assess the stewardship organization for the cost of recovering any abandoned or improperly stored or disposed of covered products.

Subd. 3. [Disposition of Fees] requires fees to be credited to a product stewardship account in the special revenue fund.

Section 8 [Collector Duties]

Subd. 1. [Accepting Covered Products] requires collectors to accept at least ten covered products per person per day and requires collectors to accept covered products regardless of brand and physical size. This subdivision contains additional provisions governing household hazardous waste collection programs that serve as collectors.

Subd. 2. [Accepting Other Electrical Products] authorizes collectors to accept other electrical products from a person but prohibits the charging of a fee for this service.

Subd. 3. [Storing Accepted Products] requires collectors to manage and store all accepted covered products and other electrical products safely and in compliance with applicable law.

Subd. 4. [Training] requires collectors to ensure and document that training is provided for collection site employees.

Subd. 5 [Recordkeeping] requires collectors to maintain certain records for at least three years and to make those records available for inspection by the commissioner upon request.

Section 9 [Covered Products Recovery and Proper Management]

Subd. 1. [Recovery and proper management] authorizes the commissioner to order a person to recover and properly manage abandoned, improperly disposed of, or improperly stored covered products. If the person fails to do so, this subdivision requires the commissioner to give the stewardship organization an opportunity to recover and properly manage the covered products. If the stewardship organization declines or fails to do so, the commissioner may recover and manage the covered products and must assess the stewardship organization for the cost of doing so.

Subd. 2. [Private Right of Action] provides the stewardship organization with the right to file an action against the person who was ordered to recover and properly manage the covered materials who failed to do so. This subdivision entitles the stewardship organization to an award of damages equal to double its actual costs.

Section 10 [Other Authorities and Duties]

Subd. 1. [Private Right of Action] authorizes the stewardship organization to file a civil action to recover a portion of the stewardship organizations costs and provides for a punitive award of up to three times this amount against a producer who did not participate in the stewardship program.

Subd. 2. [Conduct Authorized] exempts producers and stewardship organizations from otherwise applicable antitrust, restraint of trade, unfair trade practices, and related provisions of law.

Subd. 3. [Duty to Provide Information] requires furnishing of information to the commissioner upon request where necessary to implement this act.

Subd. 4. [Contracts] requires voiding of state contracts for the purchase of covered products or other electrical products for noncompliance with this act in certain situations. Makes contractors subject to suspension and disbarment in certain situations.

Subd. 5. [Multistate Implementation] authorizes the commissioner to participate in establishing a regional multistate organization or compact to assist in carrying out the requirements of this act.

Subd. 6. [Rules] Authorizes rulemaking to implement this act and exempts those rules from the otherwise applicable requirement to adopt those rules within 18 months.

Section 11 [Disposal Prohibitions; Battery Labeling; Covered Product Sales Restriction]

Subd. 1. [Disposal Prohibition] prohibits disposing of covered products in solid waste or by placing a covered product into a recycling container that a collector has not clearly marked for use for collecting covered products.

Subd. 2. [Labeling and Sale; Requirements] requires covered batteries or covered products that contain covered batteries to be labeled in a manner that identifies the chemistry employed to store energy in the battery. Prohibits sale of covered products or other electrical products unless the brand is included in a stewardship plan approved by the commissioner. This subdivision also includes limited exemptions.

Section 12 [Conforming Change] makes a conforming change to reflect the repeal of statutory language that is superseded by this act.

Section 13 [Conforming Change] makes a conforming change to reflect the repeal of statutory language that is superseded by this act.

Section 14 [Prohibiting Sale of Batteries Containing Mercury] prohibits the sale, distribution, or offering for sale of alkaline manganese batteries that contain mercury and that are not button cell nonrechargeable batteries; nonrechargeable button cell batteries that contain more than 25 milligrams of mercury; or dry cell batteries containing mercuric oxide electrodes.

Section 15 [Repealer] repeals current statutes governing the collection and recycling of video displays, electronic devices, and batteries, because the provisions of this act supersede those provisions.

Article 3 – Environmental Permitting Reform

Section 1 [Waiver of Prepublic NPDES/SDS Permit Review Period] allows an applicant for an NPDES or SDS permit to waive the 30 day prepublic notice review period.

Section 2 [PCA Permitting Efficiency Modifications] modifies PCA permitting efficiency requirements in various ways, including:

- Requires the PCA's annual permitting efficiency report to focus on the more complicated Tier 2 permits, to include information about consultants who meet certain permitting-related performance standards, and to be modified in various other ways.

- Requires the PCA to give permit applicants five business days to remedy identified deficiencies in permit applications.
- Provides that time during which permit applicants are attempting to supply additional requested information does not count towards the statutory goal of 90 days for completion of Tier 1 permits and 150 days for Tier 2 permits.

Section 3 [Air Permit Modifications] authorizes the PCA to issue separate permits for the construction and operation of certain facilities requiring air permits. Authorizes the PCA to require the owners or operators of a facility with an air permit to conduct air dispersion modeling of air contaminants.

Section 4 [Expedited Permitting] repeals language authorizing the PCA to decline to agree to expedited permitting. Authorizes an expedited permitting agreement to provide that if permitting is completed ahead of schedule, the PCA may retain fees that would have been due and appropriates those proceeds to the PCA to administer its permitting duties.

Section 5 [Tribes May Submit Discretionary EAW Petition] authorizes Tribal governments to submit a petition for a discretionary Environmental Assessment Worksheet.

Section 6 [Timing of Local Government Review of Feedlot Applications] authorizes a local unit of government to begin reviewing a feedlot permit application that is subject to environmental review before environmental review has begun.

Sections 7 and 8 [Conforming Changes] make technical conforming changes in response to changes made elsewhere in the bill.

Section 9 [Elimination of Requirement for Certain Scoping EAWs] An environmental assessment worksheet (EAW) is usually a document that is created in order to determine whether a more extensive environmental impact statement (EIS) needs to be produced. However, current law requires the creation of a scoping environmental assessment worksheet even where an EIS is mandatory. This section would direct the Environmental Quality Board (EQB) to repeal the requirement to produce a scoping EAW where state law requires the mandatory creation of an EIS.

Section 10 [Conforming Change] makes a technical conforming change in response to changes made elsewhere in the bill.

Section 11 [Report on Certain Agency Actions] requires BWSR to report on the number of extensions of the timeline for certain local government wetland-related decisions it receives during a two year period.