

Subject Cleanup of contaminated land

Authors Persell

Analyst Bob Eleff  
Mary Mullen

Date April 15, 2020

## Overview

H.F. 4058 amends statutes governing the state's participation in the cleanup of unpermitted legacy mixed municipal solid waste facilities now on the federal and state Superfund lists that have released contaminants to the land.

## Summary

Section	Description
---------	-------------

- |   |  |
|---|--|
| 1 | <p><b>[115B.17] State response to releases.</b></p> <p><b>Subd. 13. Priorities; rules.</b> Requires the Pollution Control Agency (PCA) to use a federal Environmental Protection Agency Hazard Ranking System to establish a priority list of releases of hazardous substance to lands for the purpose of state cleanups.</p>  |
| 2 | <p><b>[115B.406] Priority qualified facilities.</b></p> <p><b>Subd. 1. Legislative findings.</b> Adds to legislative findings language specifying that the PCA, in cleaning up former mixed municipal solid waste facilities that are now on the federal Superfund list and the state's Permanent List of Priorities under the Minnesota Environmental Response and Liability Act, seek to prevent unjust windfalls to and double liability of the facility's owners and operators.</p>  |
| 3 | <p><b>[115B.406] Priority qualified facilities.</b></p> <p><b>Subd. 9. Environmental liens.</b> Provides that the liens on former mixed municipal solid waste facilities can include reasonable costs and expenses and that the 30-year limit on the lien under section 500.20 does not apply, nor does the 40-year limitation provided in section 541.023 to various types of real estate liens. This section provides that the lien can include the increase in property value attributed to the cleanup, and provides a process for satisfaction of these types of liens that is different than the satisfaction of other environmental lines in law. This section would allow the liens to be satisfied if maintaining it is not in the public interest, and prevents the state from foreclosing on the land because of an</p> |

**Section** **Description**

---

unpaid lien. This section is retroactive and applies to cases related to liens under this section of law that were commenced on or after January 1, 2020.

**4** **[115B.407] Acquiring and disposing of real property at priority qualified facilities.**

**Subd. 1. Acquiring and disposing of real property.** This section creates an exemption from the normal eminent domain procedure for priority qualified facilities and develops a specific eminent domain procedure for these properties. This section is retroactive and applies to actions commenced on or after January 1, 2020.

**5** **Power and duties.**

**Subd. 4I. Real property interests.** Adds a new section providing that the commissioner can acquire real property interests in a solid waste facility to manage the closure and care required after the closure.

Repeals a rule that provides a ranking system used by the PCA and the commissioner of agriculture for environmental priority assessment.



*Minnesota House Research Department provides nonpartisan legislative, legal, and information services to the Minnesota House of Representatives. This document can be made available in alternative formats.*

[www.house.mn/hrd](http://www.house.mn/hrd) | 651-296-6753 | 600 State Office Building | St. Paul, MN 55155