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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1879

03/04/2021 Authored by Lippert
The bill was read for the first time and referred to the Committee on Climate and Energy Finance and Policy

1.1 A bill for an act
1.2 relating to energy; providing for reuse and redevelopment of qualified facilities;
1.3 appropriating money to retire bonds to facilitate solar project at closed landfill;
1.4 requiring reports; amending Minnesota Statutes 2020, sections 115B.40, subdivision
1.5 1; 115B.412, subdivision 9.

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

1.7 Section 1. Minnesota Statutes 2020, section 115B.40, subdivision 1, is amended to read:

1.8 Subdivision 1. Response to releases. The commissioner may take any environmental
1.9 response action, including emergency action, related to a release or threatened release of a
1.10 hazardous substance, pollutant or contaminant, or decomposition gas from a qualified facility
1.11 that the commissioner deems reasonable and necessary to protect the public health or welfare
1.12 or the environment under the standards required in sections 115B.01 to 115B.20. The
1.13 commissioner may undertake studies necessary to determine reasonable and necessary
1.14 environmental response actions at individual facilities. The commissioner may develop
1.15 general work plans for environmental studies, presumptive remedies, and generic remedial
1.16 designs for facilities with similar characteristics, as well as implement reuse and
1.17 redevelopment strategies. Prior to selecting environmental response actions for a facility,
1.18 the commissioner shall hold at least one public informational meeting near the facility and
1.19 provide for receiving and responding to comments related to the selection. The commissioner
1.20 shall design, implement, and provide oversight consistent with the actions selected under
1.21 this subdivision.

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

2.1 Sec. 2. Minnesota Statutes 2020, section 115B.412, subdivision 9, is amended to read:

2.2 Subd. 9. **Land management plans.** (a) The commissioner shall develop a land use plan
 2.3 for each qualified facility. All local land use plans must be consistent with a land use plan
 2.4 developed under this subdivision. Plans developed under this subdivision must include
 2.5 provisions to prevent any use that disturbs the integrity of the final cover, liners, any other
 2.6 components of any containment system, or the function of any monitoring systems unless
 2.7 the commissioner finds that the disturbance:

2.8 (1) is necessary to the proposed use of the property, and will not increase the potential
 2.9 hazard to human health or the environment; or

2.10 (2) is necessary to reduce a threat to human health or the environment.

2.11 (b) Before completing any plan under this subdivision, the commissioner shall consult
 2.12 with the commissioner of management and budget regarding any restrictions that the
 2.13 commissioner of management and budget deems necessary on the disposition of property
 2.14 resulting from the use of bond proceeds to pay for response actions on the property, and
 2.15 shall incorporate the restrictions in the plan.

2.16 (c) A land use plan may include any of the following provisions for potential reuse and
 2.17 redevelopment of the qualified facility:

2.18 (1) solar photovoltaic equipment;

2.19 (2) pollinator habitat; or

2.20 (3) another environmentally beneficial reuse as determined by the commissioner through
 2.21 a notice and comment period process.

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

2.23 Sec. 3. **CLOSED LANDFILL REDEVELOPMENT PILOT PROJECT.**

2.24 (a) Notwithstanding Minnesota Statutes, section 116C.779, subdivision 1, paragraph (j),
 2.25 \$3,000,000 in fiscal year 2022 is appropriated from the renewable development account
 2.26 established under Minnesota Statutes, section 116C.779, subdivision 1, to the commissioner
 2.27 of management and budget to retire general obligation bonds associated with the
 2.28 Anoka-Ramsey closed landfill in order to remove restrictions placed on the closed landfill
 2.29 due to the bond to help facilitate a five megawatts alternating current or greater solar pilot
 2.30 project at the closed landfill site to be owned and operated by an electric cooperative
 2.31 association that has more than 130,000 customers in Minnesota. The appropriation may not
 2.32 be used to finance the project, procure land rights, or manage the solar array.

3.1 (b) The amount available in paragraph (a) is only available when the commissioner of
3.2 management and budget determines that the closed landfill site may be released from the
3.3 state's bonding restrictions. In order to make this determination, the commissioner must
3.4 conduct a feasibility analysis for the proposed retiring of the general obligation bonds
3.5 associated with the closed landfill described in paragraph (a). The analysis must also include
3.6 a discussion of the feasibility of replication for other closed landfills that are encumbered
3.7 by a bond and associated restrictions. The commissioner must submit the determination and
3.8 feasibility analysis to the chairs and ranking minority members of the legislative committees
3.9 with jurisdiction over capital investment, energy, and environment by June 15, 2021.

3.10 **Sec. 4. PILOT PROJECT; REPORTING REQUIREMENTS.**

3.11 Upon completion of the pilot project described in section 3 or by January 15, 2023,
3.12 whichever is earlier, the commissioner of the Pollution Control Agency, in cooperation with
3.13 the electric cooperative association, must report to the chairs and ranking minority members
3.14 of the legislative committees with jurisdiction over capital investment, energy, and
3.15 environment on the following:

3.16 (1) project accomplishments and milestones including any project growth, developments,
3.17 or agreements that resulted from the project;

3.18 (2) challenges or barriers faced during development or after completion of the project;

3.19 (3) project financials, including expenses, utility agreements, and project viability; and

3.20 (4) replicability of the pilot project to other future closed landfill projects.

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