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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 813

02/12/2015 Authored by Loonan, Mahoney, Garofalo, O'Neill and Metsa
The bill was read for the first time and referred to the Committee on Job Growth and Energy Affordability Policy and Finance
04/14/2016 Adoption of Report: Placed on the General Register as Amended
Read Second Time

1.1 A bill for an act
1.2 relating to energy; modifying environmental review requirements for certain
1.3 cogeneration facilities; clarifying definitions pertaining to energy facilities;
1.4 amending Minnesota Statutes 2014, sections 216E.03, subdivision 5; 216H.01,
1.5 by adding a subdivision; 216H.03, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2014, section 216E.03, subdivision 5, is amended to read:

1.8 Subd. 5. Environmental review. (a) The commissioner of the Department of
1.9 Commerce shall prepare for the commission an environmental impact statement on each
1.10 proposed large electric generating plant or high-voltage transmission line for which a
1.11 complete application has been submitted. The commissioner shall not consider whether
1.12 or not the project is needed. No other state environmental review documents shall be
1.13 required. The commissioner shall study and evaluate any site or route proposed by an
1.14 applicant and any other site or route the commission deems necessary that was proposed in
1.15 a manner consistent with rules concerning the form, content, and timeliness of proposals
1.16 for alternate sites or routes.

1.17 (b) For a cogeneration facility, as defined in section 216H.01, subdivision 1a, that is
1.18 a large electric power generating plant and is not proposed by a utility, the commissioner
1.19 must make a finding in the environmental impact statement whether the project is likely to
1.20 result in a net reduction of carbon dioxide emissions, considering both the utility providing
1.21 electric service to the proposed cogeneration facility and any reduction in carbon dioxide
1.22 emissions as a result of increased efficiency from the production of thermal energy on the
1.23 part of the customer operating or owning the proposed cogeneration facility.

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

2.1 Sec. 2. Minnesota Statutes 2014, section 216H.01, is amended by adding a subdivision
2.2 to read:

2.3 Subd. 1a. **Cogeneration facility or combined heat and power facility.**

2.4 "Cogeneration facility" or "combined heat and power facility" means a facility that:

2.5 (1) has the meaning given in United States Code, title 16, section 796, clause (18),
2.6 paragraph (A); and

2.7 (2) meets the applicable operating and efficiency standards contained in Code of
2.8 Federal Regulations, title 18, part 292.205.

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

2.10 Sec. 3. Minnesota Statutes 2014, section 216H.03, subdivision 1, is amended to read:

2.11 Subdivision 1. **Definition; new large energy facility.** For the purpose of this
2.12 section, "new large energy facility" means a large energy facility, as defined in section
2.13 216B.2421, subdivision 2, clause (1), that is not in operation as of January 1, 2007,
2.14 but does not include a facility that (1) uses natural gas as a primary fuel, (2) is a
2.15 cogeneration facility or combined heat and power facility, or is designed to provide
2.16 peaking, intermediate, emergency backup, or contingency services, (3) uses a simple cycle
2.17 or combined cycle turbine technology, and (4) is capable of achieving full load operations
2.18 within 45 minutes of startup for a simple cycle facility, or is capable of achieving
2.19 minimum load operations within 185 minutes of startup for a combined cycle facility.

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