

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 1567**

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DATE	D-PG	OFFICIAL STATUS
01/26/2012	3646	Introduction and first reading Referred to Environment and Natural Resources
02/02/2012	3683a	Comm report: To pass as amended and re-refer to Jobs and Economic Growth
02/15/2012	3809a	Comm report: To pass as amended and re-refer to Finance
03/01/2012		Comm report: To pass as amended Second reading

A bill for an act

1.1 relating to environment; providing for permitting efficiency; modifying
1.2 environmental review requirements; eliminating conservation rate structure
1.3 requirement; modifying terms for certain permits; appropriating money;
1.4 amending Minnesota Statutes 2010, sections 41A.10, subdivision 1; 84.027,
1.5 by adding a subdivision; 103G.291, subdivision 3; 115.03, by adding a
1.6 subdivision; 116.07, subdivision 4a; 116D.04, by adding a subdivision; 116J.03,
1.7 by adding subdivisions; 116J.035, by adding a subdivision; Minnesota Statutes
1.8 2011 Supplement, sections 84.027, subdivision 14a; 116.03, subdivision 2b;
1.9 116D.04, subdivision 2a; repealing Minnesota Statutes 2010, section 103G.291,
1.10 subdivision 4.
1.11

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

ARTICLE 1

PERMITTING

1.15 Section 1. Minnesota Statutes 2011 Supplement, section 84.027, subdivision 14a,
1.16 is amended to read:

1.17 Subd. 14a. **Permitting efficiency.** (a) It is the goal of the state that environmental
1.18 and resource management permits be issued or denied within 150 days of the submission
1.19 of a substantially completed permit application. The commissioner of natural resources
1.20 shall establish management systems designed to achieve the goal.

1.21 (b) The commissioner shall prepare semiannual permitting efficiency reports that
1.22 include statistics on meeting the goal in paragraph (a). The reports are due February 1
1.23 and August 1 each year. For permit applications that have not met the goal, the report
1.24 must state the reasons for not meeting the goal, steps that will be taken to complete action
1.25 on the application, and the expected timeline. In stating the reasons for not meeting the
1.26 goal, the commissioner shall separately identify delays caused by the responsiveness of

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2.1 the proposer, lack of staff, scientific or technical disagreements, or the level of public
2.2 engagement. The report must specify the number of days from initial submission of the
2.3 application to the day of determination that the application is complete. The report for
2.4 August 1 each year must aggregate the data for the year and assess whether program
2.5 or system changes are necessary to achieve the goal. The report must be posted on the
2.6 department's Web site and submitted to the governor and the chairs and ranking minority
2.7 members of the house of representatives and senate committees having jurisdiction over
2.8 natural resources policy and finance.

2.9 (c) The commissioner shall allow electronic submission of environmental review
2.10 and permit documents to the department.

2.11 (d) Beginning July 1, 2011, within 30 business days of application for a permit
2.12 subject to paragraph (a), the commissioner of natural resources shall notify the project
2.13 proposer, in writing, of ~~whether or not the permit application is complete enough for~~
2.14 ~~processing. If the permit is incomplete, the commissioner must identify where any~~
2.15 ~~deficiencies exist and advise the applicant on how they can be remedied. A resubmittal of~~
2.16 ~~the application begins a new 30-day review period. If the commissioner fails to notify the~~
2.17 ~~project proposer of completeness within 30 business days, the application is deemed to be~~
2.18 ~~substantially complete and subject to the 150-day permitting review period in paragraph~~
2.19 ~~(a) from the date it was submitted.~~ This paragraph does not apply to an application for a
2.20 permit that is subject to a grant or loan agreement under chapter 446A.

2.21 Sec. 2. Minnesota Statutes 2010, section 84.027, is amended by adding a subdivision
2.22 to read:

2.23 Subd. 14b. **Irrevocability or suspensions of permits.** If, by July 1 of an
2.24 odd-numbered year, a biennial appropriation law has not been enacted for the department
2.25 to fund programs to protect the air, water, and land resources of the state, until the biennial
2.26 appropriation law is enacted, permits granted may not be terminated or suspended for the
2.27 term of the permits, nor shall they expire or not be renewed without the consent of the
2.28 permittee, except for breach or nonperformance of any condition of the permit by the
2.29 permittee that is an imminent threat to impair or destroy the environment or injure the
2.30 health, safety, or welfare of the citizens of the state.

2.31 Sec. 3. Minnesota Statutes 2010, section 103G.291, subdivision 3, is amended to read:

2.32 Subd. 3. **Water supply plans; demand reduction.** (a) Every public water supplier
2.33 serving more than 1,000 people must submit a water supply plan to the commissioner
2.34 for approval by January 1, 1996. In accordance with guidelines developed by the

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3.1 commissioner, the plan must address projected demands, adequacy of the water supply
3.2 system and planned improvements, existing and future water sources, natural resource
3.3 impacts or limitations, emergency preparedness, water conservation, supply and demand
3.4 reduction measures, and allocation priorities that are consistent with section 103G.261.
3.5 Public water suppliers must update their plan and, upon notification, submit it to the
3.6 commissioner for approval every ten years.

3.7 (b) The water supply plan in paragraph (a) is required for all communities in the
3.8 metropolitan area, as defined in section 473.121, with a municipal water supply system
3.9 and is a required element of the local comprehensive plan required under section 473.859.
3.10 Water supply plans or updates submitted after December 31, 2008, must be consistent
3.11 with the metropolitan area master water supply plan required under section 473.1565,
3.12 subdivision 1, paragraph (a), clause (2).

3.13 (c) Public water suppliers serving more than 1,000 people must employ water
3.14 use demand reduction measures, ~~including a conservation rate structure, as defined in~~
3.15 ~~subdivision 4, paragraph (a), unless exempted under subdivision 4, paragraph (c), before~~
3.16 requesting approval from the commissioner of health under section 144.383, paragraph
3.17 (a), to construct a public water supply well or requesting an increase in the authorized
3.18 volume of appropriation. ~~Demand reduction measures must include evaluation of~~
3.19 ~~conservation rate structures and a public education program that may include a toilet~~
3.20 ~~and showerhead retrofit program.~~

3.21 (d) Public water suppliers serving more than 1,000 people must submit records
3.22 that indicate the number of connections and amount of use by customer category and
3.23 volume of water unaccounted for with the annual report of water use required under
3.24 section 103G.281, subdivision 3.

3.25 (e) For the purposes of this section, "public water supplier" means an entity
3.26 that owns, manages, or operates a public water supply, as defined in section 144.382,
3.27 subdivision 4.

3.28 Sec. 4. Minnesota Statutes 2010, section 115.03, is amended by adding a subdivision to
3.29 read:

3.30 **Subd. 8b. Permit duration; state disposal system permits; animal feeding**
3.31 **operations. State disposal system permits that are issued without a national pollutant**
3.32 **discharge elimination system permit to animal feeding operations shall be issued for a**
3.33 **term of ten years.**

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

4.1 Sec. 5. Minnesota Statutes 2011 Supplement, section 116.03, subdivision 2b, is
4.2 amended to read:

4.3 Subd. 2b. **Permitting efficiency.** (a) It is the goal of the state that environmental and
4.4 resource management permits be issued or denied within 150 days of the submission of a
4.5 substantially completed permit application. The commissioner of the Pollution Control
4.6 Agency shall establish management systems designed to achieve the goal.

4.7 (b) The commissioner shall prepare semiannual permitting efficiency reports that
4.8 include statistics on meeting the goal in paragraph (a). The reports are due February 1
4.9 and August 1 each year. For permit applications that have not met the goal, the report
4.10 must state the reasons for not meeting the goal, steps that will be taken to complete action
4.11 on the application, and the expected timeline. In stating the reasons for not meeting the
4.12 goal, the commissioner shall separately identify delays caused by the responsiveness of
4.13 the proposer, lack of staff, scientific or technical disagreements, or the level of public
4.14 engagement. The report must specify the number of days from initial submission of the
4.15 application to the day of determination that the application is complete. The report for
4.16 August 1 each year must aggregate the data for the year and assess whether program
4.17 or system changes are necessary to achieve the goal. The report must be posted on the
4.18 agency's Web site and submitted to the governor and the chairs and ranking minority
4.19 members of the house of representatives and senate committees having jurisdiction over
4.20 environment policy and finance.

4.21 (c) The commissioner shall allow electronic submission of environmental review
4.22 and permit documents to the agency.

4.23 (d) Beginning July 1, 2011, within 30 business days of application for a permit
4.24 subject to paragraph (a), the commissioner of the Pollution Control Agency shall notify the
4.25 project proposer, in writing, of ~~whether or not the permit application is complete enough~~
4.26 ~~for processing. If the permit is incomplete, the commissioner must identify where any~~
4.27 ~~deficiencies exist and advise the applicant on how they can be remedied. A resubmittal of~~
4.28 ~~the application begins a new 30-day review period. If the commissioner fails to notify the~~
4.29 ~~project proposer of completeness within 30 business days, the application is deemed to be~~
4.30 ~~substantially complete and subject to the 150-day permitting review period in paragraph~~
4.31 ~~(a) from the date it was submitted.~~ This paragraph does not apply to an application for a
4.32 permit that is subject to a grant or loan agreement under chapter 446A.

4.33 (e) For purposes of this subdivision, "permit applicant professional" means an
4.34 individual not employed by the Pollution Control Agency, who:

4.35 (1) has a professional license issued by the state of Minnesota in the subject area
4.36 of the permit; and

5.1 (2) has at least ten years of experience preparing applications for environmental
5.2 permits issued by the agency.

5.3 (f) All applicants relying on a permit applicant professional upon the agency's
5.4 request must participate in a meeting with the agency before submitting an application:

5.5 (1) during the preapplication meeting, the applicant must submit at least the
5.6 following:

5.7 (i) project description, including, but not limited to, scope of work, primary
5.8 emissions points, discharge outfalls, and water intake points;

5.9 (ii) location of the project, including county, municipality, and location on the
5.10 site; and

5.11 (iii) business schedule for project completion; and

5.12 (2) during the preapplication meeting, the agency shall provide for the applicant at
5.13 least the following:

5.14 (i) an overview of the permit review program;

5.15 (ii) a determination of which specific application or applications will be necessary
5.16 to complete the project;

5.17 (iii) a statement notifying the applicant if the specific permit being sought requires a
5.18 mandatory public hearing or comment period;

5.19 (iv) a review of the timetable established in the permit review program for the
5.20 specific permit being sought; and

5.21 (v) a determination of what information must be included in the application,
5.22 including a description of any required modeling or testing.

5.23 (g) The applicant may select a permit applicant professional to undertake the
5.24 preparation and review of the permit application.

5.25 (h) A permit application submitted by a permit applicant professional shall be
5.26 deemed complete and approved unless the terms and conditions in the permit application
5.27 submitted by the permit applicant professional are clearly erroneous under statute or rule.
5.28 The agency shall, within 30 days of receipt of an application, return to the applicant and
5.29 submitting permit applicant professional any application the agency deems contrary to
5.30 statute or rule, specifying the deficiencies of the application.

5.31 (i) A person aggrieved by a final decision of the agency under this section has the
5.32 right within 30 days from notice of the action to appeal the final action to the court
5.33 of appeals.

5.34 (j) Nothing in this section shall be construed to modify:

5.35 (1) any requirement of law that is necessary to retain federal delegation to or
5.36 assumption by the state; or

6.1 (2) the authority to implement a federal law or program.

6.2 (k) If, by July 1 of an odd-numbered year, a biennial appropriation law has not been
6.3 enacted for the agency to fund programs to protect the air, water, and land resources of
6.4 the state, until the biennial appropriation law is enacted, permits granted may not be
6.5 terminated or suspended for the term of the permits, nor shall they expire or not be
6.6 renewed without the consent of the permittee, except for breach or nonperformance of any
6.7 condition of the permit by the permittee that is an imminent threat to impair or destroy the
6.8 environment or injure the health, safety, or welfare of the citizens of the state.

6.9 Sec. 6. Minnesota Statutes 2010, section 116.07, subdivision 4a, is amended to read:

6.10 Subd. 4a. **Permits.** (a) The Pollution Control Agency may issue, continue in
6.11 effect or deny permits, under such conditions as it may prescribe for the prevention of
6.12 pollution, for the emission of air contaminants, or for the installation or operation of
6.13 any emission facility, air contaminant treatment facility, treatment facility, potential air
6.14 contaminant storage facility, or storage facility, or any part thereof, or for the sources
6.15 or emissions of noise pollution.

6.16 The Pollution Control Agency may also issue, continue in effect or deny permits,
6.17 under such conditions as it may prescribe for the prevention of pollution, for the storage,
6.18 collection, transportation, processing, or disposal of waste, or for the installation or
6.19 operation of any system or facility, or any part thereof, related to the storage, collection,
6.20 transportation, processing, or disposal of waste.

6.21 The agency may not issue a permit to a facility without analyzing and considering
6.22 the cumulative levels and effects of past and current environmental pollution from all
6.23 sources on the environment and residents of the geographic area within which the facility's
6.24 emissions are likely to be deposited, provided that the facility is located in a community in
6.25 a city of the first class in Hennepin County that meets all of the following conditions:

6.26 (1) is within a half mile of a site designated by the federal government as an EPA
6.27 superfund site due to residential arsenic contamination;

6.28 (2) a majority of the population are low-income persons of color and American
6.29 Indians;

6.30 (3) a disproportionate percent of the children have childhood lead poisoning, asthma,
6.31 or other environmentally related health problems;

6.32 (4) is located in a city that has experienced numerous air quality alert days of
6.33 dangerous air quality for sensitive populations between February 2007 and February
6.34 2008; and

7.1 (5) is located near the junctions of several heavily trafficked state and county
7.2 highways and two one-way streets which carry both truck and auto traffic.

7.3 The Pollution Control Agency may revoke or modify any permit issued under this
7.4 subdivision and section 116.081 whenever it is necessary, in the opinion of the agency, to
7.5 prevent or abate pollution.

7.6 (b) The Pollution Control Agency has the authority for approval over the siting,
7.7 expansion, or operation of a solid waste facility with regard to environmental issues.
7.8 However, the agency's issuance of a permit does not release the permittee from any
7.9 liability, penalty, or duty imposed by any applicable county ordinances. Nothing in this
7.10 chapter precludes, or shall be construed to preclude, a county from enforcing land use
7.11 controls, regulations, and ordinances existing at the time of the permit application and
7.12 adopted pursuant to sections 366.10 to 366.181, 394.21 to 394.37, or 462.351 to 462.365,
7.13 with regard to the siting, expansion, or operation of a solid waste facility.

7.14 (c) Except as prohibited by federal law, a person may commence construction,
7.15 reconstruction, replacement, or modification of any facility prior to the issuance of a
7.16 construction permit.

7.17 Sec. 7. Minnesota Statutes 2010, section 116J.03, is amended by adding a subdivision
7.18 to read:

7.19 Subd. 1a. **Agency.** "Agency" means:

7.20 (1) a state department, commission, board, or other agency of the state however
7.21 titled; or

7.22 (2) a local governmental unit or instrumentality, only when that unit or
7.23 instrumentality is acting within existing legal authority to grant or deny a permit that
7.24 otherwise would be granted or denied by a state agency.

7.25 Sec. 8. Minnesota Statutes 2010, section 116J.03, is amended by adding a subdivision
7.26 to read:

7.27 Subd. 4. **Local governmental unit.** "Local governmental unit" means a county,
7.28 city, town, or special district with legal authority to issue a permit.

7.29 Sec. 9. Minnesota Statutes 2010, section 116J.03, is amended by adding a subdivision
7.30 to read:

7.31 Subd. 5. **Permit.** "Permit" means a permit, certificate, certification, approval,
7.32 compliance schedule, or other similar document pertaining to a regulatory or management
7.33 program related to the protection, conservation, or use of, or interference with, the

8.1 natural resources of land, air, or water that must be obtained from a state agency before
8.2 constructing or operating a project in the state.

8.3 Sec. 10. Minnesota Statutes 2010, section 116J.03, is amended by adding a subdivision
8.4 to read:

8.5 Subd. 6. **Person.** "Person" means an individual; an association or partnership; or
8.6 a cooperative, municipal, public, or private corporation, including, but not limited to, a
8.7 state agency and a county.

8.8 Sec. 11. Minnesota Statutes 2010, section 116J.03, is amended by adding a subdivision
8.9 to read:

8.10 Subd. 7. **Project.** "Project" means a new activity or an expansion of or addition to
8.11 an existing activity, which is fixed in location and for which permits are required from
8.12 an agency prior to construction or operation, including, but not limited to, industrial and
8.13 commercial operations and developments.

8.14 Sec. 12. Minnesota Statutes 2010, section 116J.035, is amended by adding a
8.15 subdivision to read:

8.16 Subd. 8. **Environmental permits coordinator.** (a) The commissioner is designated
8.17 the environmental permits coordinator and shall coordinate the implementation and
8.18 administration of state permits, including:

8.19 (1) establishing a mechanism in state government that will coordinate administrative
8.20 decision-making procedures and related quasijudicial and judicial review pertaining to
8.21 permits related to the state's air, land, and water resources;

8.22 (2) providing better coordination and understanding between federal, state, and local
8.23 governmental units in the administration of the various programs relating to air, water,
8.24 and land resources;

8.25 (3) identifying all existing federal, state, and local permits and other approvals;
8.26 compliance schedules; or other programs that pertain to the use of natural resources and
8.27 protection of the environment; and

8.28 (4) recommending legislative or administrative modifications to existing permit
8.29 programs to increase their efficiency and utility.

8.30 (b) A person proposing a project may apply to the environmental permits coordinator
8.31 for assistance in obtaining necessary state permits and other approvals. Upon request, the
8.32 environmental permits coordinator shall provide the requesting person:

9.1 (1) a list of all necessary federal, state, and local permits and other approvals for
9.2 the project;

9.3 (2) a plan that will coordinate federal, state, and local administrative decision-making
9.4 practices, including monitoring; analysis and reporting; public comments and hearings;
9.5 and issuances of permits and approvals;

9.6 (3) a timeline for the issuance of all federal, state, and local permits and other
9.7 approvals required for the project to coordinate the execution of any memorandum of
9.8 understanding between the person proposing a project and any federal, state, or local
9.9 agency;

9.10 (4) coordinate all federal, state, or local public comment periods and hearings;

9.11 (5) coordinate the publication and public notice of all draft permits and draft
9.12 environmental assessment worksheet or impact statement; and

9.13 (6) other assistance necessary to obtain final approval and issuance of all federal,
9.14 state, and local permits and other approvals required for the project.

9.15 (c) As necessary, the environmental permits coordinator shall assess the project
9.16 proposer for reasonable costs that a state agency incurs in coordinating the implementation
9.17 and administration of state permits and the proposer shall pay the assessed costs to
9.18 the environmental permits coordinator. Money received by the environmental permits
9.19 coordinator must be credited to an account in the special revenue fund and is appropriated
9.20 to the affected state agency to cover the assessed costs incurred by the state agency under
9.21 this subdivision.

9.22 (d) The coordination of the implementation and administration of state permits is not
9.23 governmental action under section 116D.04.

9.24 Sec. 13. **REPEALER.**

9.25 Minnesota Statutes 2010, section 103G.291, subdivision 4, is repealed.

9.26 **ARTICLE 2**

9.27 **ENVIRONMENTAL REVIEW**

9.28 Section 1. Minnesota Statutes 2010, section 41A.10, subdivision 1, is amended to read:

9.29 Subdivision 1. **Definitions.** For the purposes of this section and section 103F.518,
9.30 the terms defined in this subdivision have the meanings given them.

9.31 (a) "Cellulosic biofuel" means transportation fuel derived from cellulosic materials.

9.32 (b) "Cellulosic material" means an agricultural or wood feedstock primarily
9.33 comprised of cellulose, hemicellulose, or lignin or a combination of those ingredients
9.34 grown on agricultural lands or harvested on timber lands.

10.1 (c) "Agricultural land" means land used for horticultural, row, close grown, pasture,
10.2 and hayland crops; growing nursery stocks; animal feedlots; farm yards; associated
10.3 building sites; and public and private drainage systems and field roads located on any of
10.4 that land.

10.5 (d) "Cellulosic biofuel facility" means a facility at which cellulosic biofuel is
10.6 produced.

10.7 (e) "Perennial crops" means agriculturally produced plants that have a life cycle of at
10.8 least three years at the location where the plants are being cultivated.

10.9 (f) "Perennial cropping system" means an agricultural production system that
10.10 utilizes a perennial crop.

10.11 (g) "Native species" means a plant species which was present in a defined area of
10.12 Minnesota prior to European settlement (circa 1850). A defined area may be an ecological
10.13 classification province. Wild-type varieties therefore are regional or local ecotypes that
10.14 have not undergone a selection process.

10.15 (h) "Diverse native prairie" means a prairie planted from a mix of local Minnesota
10.16 native prairie species. A selection from all available native prairie species may be made so
10.17 as to match species appropriate to local site conditions.

10.18 (i) "Commissioner" means the commissioner of agriculture.

10.19 Sec. 2. Minnesota Statutes 2011 Supplement, section 116D.04, subdivision 2a, is
10.20 amended to read:

10.21 Subd. 2a. **When prepared.** Where there is potential for significant environmental
10.22 effects resulting from any major governmental action, the action shall be preceded by a
10.23 detailed environmental impact statement prepared by the responsible governmental unit.
10.24 The environmental impact statement shall be an analytical rather than an encyclopedic
10.25 document which describes the proposed action in detail, analyzes its significant
10.26 environmental impacts, discusses appropriate alternatives to the proposed action and
10.27 their impacts, and explores methods by which adverse environmental impacts of an
10.28 action could be mitigated. The environmental impact statement shall also analyze those
10.29 economic, employment and sociological effects that cannot be avoided should the action
10.30 be implemented. To ensure its use in the decision-making process, the environmental
10.31 impact statement shall be prepared as early as practical in the formulation of an action.
10.32 No mandatory environmental impact statement may be required for an ethanol plant, as
10.33 defined in section 41A.09, subdivision 2a, paragraph (b), a biobutanol facility, as defined
10.34 in section 41A.105, subdivision 1a, clause (1), or a cellulosic biofuel facility, as defined
10.35 in section 41A.10, subdivision 1, paragraph (d), that produces less than 125,000,000

11.1 gallons of ethanol, biobutanol, or cellulosic biofuel annually and is located outside of the
11.2 seven-county metropolitan area.

11.3 (a) The board shall by rule establish categories of actions for which environmental
11.4 impact statements and for which environmental assessment worksheets shall be prepared
11.5 as well as categories of actions for which no environmental review is required under this
11.6 section. A mandatory environmental assessment worksheet shall not be required for the
11.7 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph
11.8 (b), or the conversion of an ethanol plant to a biobutanol facility or the expansion of a
11.9 biobutanol facility as defined in section 41A.105, subdivision 1a, based on the capacity
11.10 of the expanded or converted facility to produce alcohol fuel, but must be required if
11.11 the ethanol plant or biobutanol facility meets or exceeds thresholds of other categories
11.12 of actions for which environmental assessment worksheets must be prepared. The
11.13 responsible governmental unit for an ethanol plant or biobutanol facility project for which
11.14 an environmental assessment worksheet is prepared shall be the state agency with the
11.15 greatest responsibility for supervising or approving the project as a whole.

11.16 (b) The responsible governmental unit shall promptly publish notice of the
11.17 completion of an environmental assessment worksheet in a manner to be determined by
11.18 the board and shall provide copies of the environmental assessment worksheet to the board
11.19 and its member agencies. Comments on the need for an environmental impact statement
11.20 may be submitted to the responsible governmental unit during a 30-day period following
11.21 publication of the notice that an environmental assessment worksheet has been completed.
11.22 The responsible governmental unit's decision on the need for an environmental impact
11.23 statement shall be based on the environmental assessment worksheet and the comments
11.24 received during the comment period, and shall be made within 15 days after the close of
11.25 the comment period. The board's chair may extend the 15-day period by not more than 15
11.26 additional days upon the request of the responsible governmental unit.

11.27 (c) An environmental assessment worksheet shall also be prepared for a proposed
11.28 action whenever material evidence accompanying a petition by not less than 100
11.29 individuals who reside or own property in the state, submitted before the proposed
11.30 project has received final approval by the appropriate governmental units, demonstrates
11.31 that, because of the nature or location of a proposed action, there may be potential for
11.32 significant environmental effects. Petitions requesting the preparation of an environmental
11.33 assessment worksheet shall be submitted to the board. The chair of the board shall
11.34 determine the appropriate responsible governmental unit and forward the petition to it.
11.35 A decision on the need for an environmental assessment worksheet shall be made by
11.36 the responsible governmental unit within 15 days after the petition is received by the

12.1 responsible governmental unit. The board's chair may extend the 15-day period by not
12.2 more than 15 additional days upon request of the responsible governmental unit.

12.3 (d) Except in an environmentally sensitive location where Minnesota Rules, part
12.4 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental
12.5 review under this chapter and rules of the board, if:

12.6 (1) the proposed action is:

12.7 (i) an animal feedlot facility with a capacity of less than 1,000 animal units; or

12.8 (ii) an expansion of an existing animal feedlot facility with a total cumulative
12.9 capacity of less than 1,000 animal units;

12.10 (2) the application for the animal feedlot facility includes a written commitment by
12.11 the proposer to design, construct, and operate the facility in full compliance with Pollution
12.12 Control Agency feedlot rules; and

12.13 (3) the county board holds a public meeting for citizen input at least ten business
12.14 days prior to the Pollution Control Agency or county issuing a feedlot permit for the
12.15 animal feedlot facility unless another public meeting for citizen input has been held with
12.16 regard to the feedlot facility to be permitted. The exemption in this paragraph is in
12.17 addition to other exemptions provided under other law and rules of the board.

12.18 (e) The board may, prior to final approval of a proposed project, require preparation
12.19 of an environmental assessment worksheet by a responsible governmental unit selected
12.20 by the board for any action where environmental review under this section has not been
12.21 specifically provided for by rule or otherwise initiated.

12.22 (f) An early and open process shall be utilized to limit the scope of the environmental
12.23 impact statement to a discussion of those impacts, which, because of the nature or location
12.24 of the project, have the potential for significant environmental effects. The same process
12.25 shall be utilized to determine the form, content and level of detail of the statement as well
12.26 as the alternatives which are appropriate for consideration in the statement. In addition,
12.27 the permits which will be required for the proposed action shall be identified during the
12.28 scoping process. Further, the process shall identify those permits for which information
12.29 will be developed concurrently with the environmental impact statement. The board
12.30 shall provide in its rules for the expeditious completion of the scoping process. The
12.31 determinations reached in the process shall be incorporated into the order requiring the
12.32 preparation of an environmental impact statement.

12.33 (g) The responsible governmental unit shall, to the extent practicable, avoid
12.34 duplication and ensure coordination between state and federal environmental review
12.35 and between environmental review and environmental permitting. Whenever practical,
12.36 information needed by a governmental unit for making final decisions on permits or

13.1 other actions required for a proposed project shall be developed in conjunction with the
13.2 preparation of an environmental impact statement.

13.3 (h) An environmental impact statement shall be prepared and its adequacy
13.4 determined within 280 days after notice of its preparation unless the time is extended by
13.5 consent of the parties or by the governor for good cause. The responsible governmental
13.6 unit shall determine the adequacy of an environmental impact statement, unless within 60
13.7 days after notice is published that an environmental impact statement will be prepared,
13.8 the board chooses to determine the adequacy of an environmental impact statement. If an
13.9 environmental impact statement is found to be inadequate, the responsible governmental
13.10 unit shall have 60 days to prepare an adequate environmental impact statement.

13.11 (i) The proposer of a specific action may include in the information submitted to the
13.12 responsible governmental unit a preliminary draft environmental impact statement under
13.13 this section on that action for review, modification, and determination of completeness and
13.14 adequacy by the responsible governmental unit. A preliminary draft environmental impact
13.15 statement prepared by the project proposer and submitted to the responsible governmental
13.16 unit shall identify or include as an appendix all studies and other sources of information
13.17 used to substantiate the analysis contained in the preliminary draft environmental impact
13.18 statement. The responsible governmental unit shall require additional studies, if needed,
13.19 and obtain from the project proposer all additional studies and information necessary for
13.20 the responsible governmental unit to perform its responsibility to review, modify, and
13.21 determine the completeness and adequacy of the environmental impact statement.

13.22 Sec. 3. Minnesota Statutes 2010, section 116D.04, is amended by adding a subdivision
13.23 to read:

13.24 **Subd. 5b. Review and repeal of environmental assessment worksheets and**
13.25 **impact statements. By December 1, 2012, and each year thereafter, the Environmental**
13.26 **Quality Board, Pollution Control Agency, Department of Natural Resources, and**
13.27 **Department of Transportation, after consultation with political subdivisions, shall submit**
13.28 **to the governor; the Legislative Coordinating Commission; the chairs of the house of**
13.29 **representatives and senate committees having jurisdiction over environment and natural**
13.30 **resources; and the revisor of statutes a list of categories of mandatory environmental**
13.31 **assessment worksheets or mandatory environmental impact statements for which the**
13.32 **agency or a political subdivision is designated as the responsible government unit, and**
13.33 **for each worksheet or statement, a document including:**

13.34 (1) intended outcomes of the specific worksheet or statement;

13.35 (2) the cost to state and local government and the private sector;

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14.1 (3) the relationship of the worksheet or statement to other local, state, and federal
14.2 permits; and

14.3 (4) a justification for why the mandatory worksheet or statement should not be
14.4 eliminated and its intended outcomes achieved through an existing permit or other federal,
14.5 state, or local law.

APPENDIX
Article locations in S1567-2

ARTICLE 1	PERMITTING	Page.Ln 1.13
ARTICLE 2	ENVIRONMENTAL REVIEW	Page.Ln 9.26