

4410.1100 PETITION PROCESS.

Subpart 1. **Petition.** Any person may request the preparation of an EAW on a project by filing a petition that contains the signatures and mailing addresses of at least 100 individuals who reside or own property in the state.

Subp. 2. **Content.** The petition shall also include:

- A. a description of the proposed project;
- B. the proposer of the project;
- C. the name, address, and telephone number of the representative of the petitioners;
- D. a brief description of the potential environmental effects which may result from the project; and
- E. material evidence indicating that, because of the nature or location of the proposed project, there may be potential for significant environmental effects. The material evidence must physically accompany the petition. It is not sufficient to merely provide a reference or citation to where the evidence may be found.

Subp. 3. **Filing petition.** The petition shall be filed with the EQB for a determination of the RGU.

Subp. 4. **Notice to proposer.** The petitioners shall notify the proposer in writing at the time they file a petition with the EQB.

Subp. 5. **Determining RGU.** The EQB's chair or designee shall determine whether the petition complies with the requirements of subparts 1 and 2. If the petition complies, the chair or designee shall designate an RGU pursuant to part 4410.0500 and forward the petition to the RGU within five days of receipt of the petition. If the petition fails to comply, the chair or designee shall return the petition to the petitioner's representative within five days of receipt of the petition with a written explanation of why it fails to comply.

Subp. 6. **EAW decision.** The RGU shall order the preparation of an EAW if the evidence presented by the petitioners, proposers, and other persons or otherwise known to the RGU demonstrates that, because of the nature or location of the proposed project, the project may have the potential for significant environmental effects. The RGU shall deny the petition if the evidence presented fails to demonstrate the project may have the potential for significant environmental effects. In considering the evidence, the RGU must take into account the factors listed in part 4410.1700, subpart 7. The RGU shall maintain, either as a separate document or contained within the records of the RGU, a record, including specific findings of fact, of its decision on the need for an EAW.

Subp. 7. **Time limits.**

- A. The RGU has 15 days from the date of the receipt of the petition to decide on the need for an EAW.

B. If the decision must be made by a board, council, or other body which meets only on a periodic basis, the time period may be extended by the RGU for an additional 15 days.

C. For all other RGUs, the EQB's chair shall extend the 15-day period by not more than 15 additional days upon request of the RGU.

Subp. 8. **Notice of decision.** Within five days of its decision the RGU shall notify, in writing, the proposer, the EQB staff, and the petitioner's representative of its decision. The EQB staff shall publish notice of the RGU's decision concerning the petition in the EQB Monitor.

Subp. 9. **Duration of effect of petition.** If an RGU cannot act on a petition because no permit application has been filed, the application has been withdrawn, or the application has been denied, the petition remains in effect for no more than one year from the date on which it was filed with the EQB. While the petition remains in effect, part 4410.3100, subparts 1 and 2, apply to any proposed project for which the nature and location is substantially similar to the project identified in the petition.

Statutory Authority: *MS s 14.388; 116D.04; 116D.045*

History: *13 SR 1437; 31 SR 539; 34 SR 721; 37 SR 820*

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