

1 Environmental Quality Board

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3 Adopted Permanent Rules Relating to Environmental Review of
4 Certain Large Energy Facilities

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6 Rules as Adopted

7 4410.7000 SPECIAL RULES FOR LEPPG.

8 Environmental review for LEPPG as defined in Minnesota
9 Statutes, section 116C.52, subdivision 4, shall be conducted
10 according to the procedures in parts 4410.7000 and 4410.7100,
11 unless a utility has filed an application for emergency
12 certification pursuant to Minnesota Statutes, section 116C.57,
13 subdivision 3, or for an exemption pursuant to Minnesota
14 Statutes, section 116C.57, subdivision 5a. Environmental review
15 shall consist of:

16 A. at the certificate of need stage, an environmental
17 report prepared pursuant to part 4410.7100; and

18 B. at the site certificate stage, an environmental
19 impact assessment prepared pursuant to part 4400.3210, which
20 shall, in conjunction with parts 4400.2600 to 4400.3500,
21 constitute alternative environmental review.

22 If a utility has filed an application for emergency
23 certification pursuant to Minnesota Statutes, section 116C.57,
24 subdivision 3, or for an exemption pursuant to Minnesota
25 Statutes, section 116C.57, subdivision 5a, the procedures and
26 standards specified in parts 4400.3800 and 4400.3910,
27 respectively, shall constitute alternative environmental review.

28 4410.7100 ENVIRONMENTAL REPORT AT CERTIFICATE OF NEED STAGE.

29 Subpart 1. **Preparer.** The Public Utilities Commission
30 shall be responsible for preparation of an environmental report
31 on a LEPPG at the certificate of need stage.

32 [For text of subps 2 and 3, see M.R.]

33 Subp. 4. **Level of detail.** The environmental report shall
34 not be as exhaustive or detailed as an EIS and shall consider
35 only those site-differentiating factors identifiable pursuant to

1 the information requirements of part ~~4220-2500~~ 7849.0250, item
2 A, subitem (5).

3 [For text of subps 5 to 12, see M.R.]

4 4410.7400 .SPECIAL RULES FOR HVTL.

5 Environmental review for HVTLs as defined in Minnesota
6 Statutes, section 116C.52, subdivision 3, shall be conducted
7 according to the procedures in parts 4410.7400 and 4410.7500,
8 unless a utility has filed an application for emergency
9 certification pursuant to Minnesota Statutes, section 116C.57,
10 subdivision 3, or for an exemption pursuant to Minnesota
11 Statutes, section 116C.57, subdivision 5. Environmental review
12 shall consist of:

13 A. at the certificate of need stage, an environmental
14 report prepared pursuant to part 4410.7500; and

15 B. at the construction permit stage, an environmental
16 impact assessment prepared pursuant to part 4400.1210, which
17 shall, in conjunction with parts 4400.0600 to 4400.1500,
18 constitute alternative environmental review.

19 If a utility has filed an application for emergency
20 certification pursuant to Minnesota Statutes, section 116C.57,
21 subdivision 3, or for an exemption pursuant to Minnesota
22 Statutes, section 116C.57, subdivision 5, the procedures and
23 standards specified in parts 4400.3800 and 4400.3900,
24 respectively, shall constitute alternative environmental review.

25 4410.7500 ENVIRONMENTAL REPORT AT CERTIFICATE OF NEED STAGE.

26 Subpart 1. Preparer. The Public Utilities Commission
27 shall be responsible for preparation of an environmental report
28 on an HVTL at the certificate of need stage.

29 [For text of subp 2, see M.R.]

30 Subp. 3. Contents. The environmental report on the
31 certificate of need application shall include:

32 [For text of items A and B, see M.R.]

33 C. a general evaluation, including the availability,
34 estimated reliability, and economic, employment, and
35 environmental impacts, of the proposal and alternatives; and

1 D. a general analysis of the alternatives of no
2 facility and delayed construction of the facility, which
3 analysis shall include consideration of conservation and load
4 management measures that could be used to reduce the need for
5 the proposed facility.

6 The environmental report shall not be as exhaustive or
7 detailed as an EIS and shall consider only those route
8 differentiating factors identifiable pursuant to the information
9 requirements of part ~~4220-2600~~ 7849.0260; and the report shall
10 be reviewed in the manner provided in part 4410.7100, subparts 5
11 to 12.

12 Subp. 4. Alternative review. The PUC may request EQB
13 approval of an alternative form of environmental review on a
14 HVTL subject to parts 4410.7400 and 4410.7500. The EQB shall
15 approve the governmental process as an alternative form of
16 environmental review if the PUC demonstrates the process meets
17 the following conditions:

18 [For text of items A to C, see M.R.]

19 Subp. 5. Exemption. If the EQB accepts the PUC's process
20 as an adequate alternative environmental review procedure, the
21 PUC is exempt from the requirements under part 4410.7500,
22 subparts 1 to 3, for preparing an environmental report on an
23 HVTL. On approval of the alternative review procedure, the EQB
24 shall provide for periodic review of the procedure to ensure
25 continuing compliance with the requirements and intent of the
26 environmental report requirement. The EQB shall withdraw its
27 approval if review indicates that the procedure no longer
28 fulfills the intent and requirements of the Minnesota
29 Environmental Policy Act and parts 4410.7400 and 4410.7500. A
30 project in the process of undergoing review under an approved
31 alternative review process shall not be affected by the EQB's
32 withdrawal of approval.

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34 REPEALER. Minnesota Rules, parts 4410.7200; 4410.7300;
35 4410.7600; 4410.7700; and 4410.7800 are repealed.

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

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Approved *Frank Anderson*
by Revisor *Shane*
Secretary of State

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