

Subject MPCA Citizens Board

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Overview

This bill would reinstate the Minnesota Pollution Control Agency (MPCA) Citizens Board which was eliminated in 2015. The MPCA Citizens Board was originally established in 1967 and was made up of nine members consisting of the commissioner of the MPCA, who served as the chair, and eight citizens appointed by the Governor and confirmed by the Senate. The MPCA Citizens Board had a number of duties and authorities, including final decision making authority on the need for an environmental impact statement (EIS) under certain conditions and the issuance of certain permits.

Summary

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1	Purpose.
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States that the MPCA was created in 1967 and the citizens board served as a check on the actions of the agency staff and commissioner, that the board listened to concerns of Minnesotans regarding agency decisions, and occasionally overturned those decisions. States that this is a valuable service eliminated in 2015, but it is in the public interest to reinstitute it now.

2	Pollution Control Agency; creation of powers.
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Subd. 1. Creation. Recreates the MPCA Citizens Board with its original structure.

Subd. 2a. Terms, compensation, removal, vacancies. Provides for the terms, compensation, removal of members and filing of vacancies as originally provided.

Subd. 3a. Membership. Establishes membership requirements for the board including some original requirements, such as requiring one member to be a representative of organized labor, and some new requirements, such as: requiring membership to reflect the diversity of the state in terms of race, gender, and geography; and requiring one member to be an enrolled member of a Tribal Nation, three members to live in an environmental justice community,

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and one member to be a livestock or crop farmer with certain restrictions on the number of animals or acres owned/farmed (the original board required a person knowledgeable in the field of agriculture).

Subd. 4a. Chair. Requires the commissioner to serve as chair as originally required.

Subd. 5. Agency successor to commission. Vests authorities in the MPCA rather than the commissioner as originally provided.

Subd. 6a. Required decisions. Requires the board to make final decisions on certain matters similar to what was originally required, including the petition for preparing an environmental assessment worksheet (EAW) if requested, the need for an EIS under certain circumstances, and issuance/modification/revocation of certain permits. Certain limits on the types of permit and variance decisions required to be made that applied originally would no longer apply.

Subd. 7a. Additional decisions. Allows the commissioner to request the board to make additional decisions or provide advice as originally allowed.

Subd. 8a. Other actions. Provides that other actions not specifically within the authority of the commissioner be made by the board under certain conditions as originally provided.

Subd. 9a. Providing information. Requires the commissioner to inform the public about their rights to request the board to make decisions and other information as originally required.

Subd. 11. Changing decisions. Prohibits the board from reopening, rescinding, or reversing its decision except under certain conditions as originally provided.

3 **Office.**

Conforming change.

4 **Mission; efficiency.**

Conforming change.



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