

House Research Act Summary

CHAPTER: 4

SESSION: 2011 Regular Session

TOPIC: Environmental Review and Permitting

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Overview

This act establishes permitting efficiency goals for the Department of Natural Resources and the Pollution Control Agency and modifies environmental review and permitting provisions.

- 1** **Permitting efficiency.** Adds § 84.027, subd. 14a. (a) Establishes a state goal within the Department of Natural Resources that environmental and resource management permits be issued or denied within 150 days of submission of a completed application and requires the commissioner to establish management systems to achieve that goal.

(b) Requires the commissioner to submit semiannual reports (due February 1 and August 1) on the department's ability to achieve the goal, including reasons for not meeting the goal on individual permits, steps that will be taken, and timelines for completing the permits.

(c) Requires the commissioner to allow electronic submission of environmental review and permit documents.

(d) Requires the commissioner to notify, in writing, permit applicants of whether or not their application is complete within 30 business days (beginning July 1, 2011). If the commissioner fails, the application must be deemed complete and 150 day review period begins.
- 2** **Violations and prohibitions.** Amends § 115.07. Allows a person that needs a national pollutant discharge elimination system permit (NPDES) or a state disposal system (SDS) permit to construct or modify the system prior to receiving a permit at the person's own risk, except under certain circumstances, including when prohibited by federal law. Prohibits the discharge of a pollutant into the waters of the state until a written permit is granted and plans and specifications have been submitted, unless the plans and specifications submission requirements have been waived.
- 3** **Permitting efficiency.** Adds § 116.03, subd. 2b. (a) Establishes a state goal within the Pollution Control Agency that environmental and resource management permits be issued or denied within 150 days of submission of a completed application and requires the commissioner to establish

management systems to achieve that goal.

(b) Requires the commissioner to submit semiannual reports (due February 1 and August 1) on the agency's ability to achieve the goal, including reasons for not meeting the goal on individual permits, steps that will be taken, and timelines for completing the permits.

(c) Requires the commissioner to allow electronic submission of environmental review and permit documents.

(d) Requires the commissioner to notify, in writing, permit applicants of whether or not their application is complete within 30 business days (beginning July 1, 2011). If the commissioner fails, the application must be deemed complete and 150 day review period begins.

- 4 Adoption of standards.** Amends § 116.07, subd. 2. Requires any rulemaking that adopts standards for air quality, solid waste, hazardous waste, or water quality to include in the statement of need and reasonableness an assessment of any differences between the proposed rule and federal standards, similar standards in border states and similar standards in states within the Environmental Protection Agency's Region 5 (which includes Minnesota, Illinois, Indiana, Michigan, Ohio, and Wisconsin).
- 5 Definitions.** Amends § 116D.04, subd. 1a. Excludes the Iron Range resources and rehabilitation board from the definition of "government unit" for purposes of environmental review.
- 6 When prepared.** Amends § 116D.04, subd. 2a. Allows a project proposer to submit a preliminary draft environmental impact statement (EIS) to the responsible government unit for review, modification, and determination of completeness.
- 7 Final decisions.** Amends § 116D.04, subd. 3a. Reduces the amount of time a responsible government unit has after the final approval of an EIS to make final decisions on permits addressed in the EIS from 90 days to 30 days.
- 8 Review.** Amends § 116D.04, subd. 10. States that a person aggrieved by a final decision on the need for an environmental assessment worksheet (EAW), the need for an EIS, and the adequacy of an EIS is entitled to judicial review of the decision and requires a petition to be filed with the Court of Appeals and served on the responsible government unit within 30 days and proof of the service to be filed with the Office of the Clerk of the Appellate Courts. States that the matter is then handled according to the Rules of Civil Appellate Procedure (previously the matter was handled by the district court in the county where the proposed action would take place). A copy of the petition must also be provided to the attorney general.
- 9 Assessment.** Amends § 116D.045, subd. 1. Permits a responsible government unit to recover their costs for reviewing a preliminary draft EIS now allowable with the changes under section 6.
- 10 Use of assessment.** Amends § 116D.045, subd. 3. Makes technical changes to accommodate the changes in sections 6 and 9 regarding the new preliminary draft EIS review process and cost assessment.
- 11 Rule amendment.** Requires the commissioner of the Pollution Control Agency, the commissioner of natural resources, and the Environmental Quality Board to amend Minnesota Rules to comply with the changes made in this act. Allows them to use the expedited rulemaking procedures provided under the good cause exemption.
- 12 Effective date.** States that the act is effective the day following final enactment.