Overview

This bill includes several provisions that are applicable where the Pollution Control Agency issues a decision that an Environmental Impact Statement is not needed for certain types of metal shredding projects. If such a decision is made, the bill requires state and local government agencies to issue necessary permits, licenses, and variances. It also sets forth requirements for the appeal and stay of such a PCA decision and of the issuance of permits and licenses.

1 Environmental Assessment, Permits, and Appeals. Provides that if the Pollution Control Agency determines after doing an Environmental Assessment Worksheet (EAW) that there is no need for an Environmental Impact Statement (EIS) for a metal shredding project along a certain portion of the Mississippi River, all state and local agencies must issue any necessary permits, licenses or variances within specified time frames. Applies whether the PCA decision is made before or after the effective date of this bill.

Provides the Court of Appeals may issue a stay of such a decision by the PCA and/or a stay of any permits or licenses issued for the project if the Court of Appeals finds that the stay is: (1) necessary to prevent substantial damage to the environment; and (2) if a surety bond in an amount is sufficient to cover lost profits and other damages is posted. Applies to stays in litigation or appeals filed before or after the effective date of the bill.

Requires that all appeals of PCA decisions regarding whether to do an EIS or any permits issued by the PCA must be appealed to the Court of Appeals and are subject to a certain standard of review. Under the general environmental review law, such decisions regarding an EIS are appealed first to the district court.

Provides that a PCA decision not to do an EIS is valid and not "arbitrary or capricious" or without a rational basis if the PCA has considered the environmental factors relating to the project as set forth in section 116G.151, paragraph (d).
Effective Date. Provides that section 1 shall be effective the day following final enactment.