

HOUSE RESEARCH

Bill Summary

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Article 1: Permitting

Overview

This article makes a number of changes regarding environmental permitting, including: modifying provisions from last session that established environmental permitting goals; establishing a ten-year term for certain animal feedlot state disposal system permits; providing a process for the use of "permit professionals;" and designating the commissioner of employment and economic development as the "environmental permits coordinator."

- 1 Permitting efficiency.** Amends § 84.027, subd. 14a. Modifies a law passed last session establishing permitting goals and reporting requirements for the Department of Natural Resources (DNR) by: modifying the goal so that permits are issued or denied within 150 days of submission of an application (rather than submission of a "substantially complete" application); requiring the commissioner to notify an applicant whether a permit application is complete or not; removing provisions establishing a new 30-day review period when an application is resubmitted; and removing a requirement that biannual reports issued by the department include steps that will be taken to meet expected timelines and complete permit reviews.
- 2 Irrevocability or suspensions of permits.** Adds § 84.027 subd. 14b. States that if the biennial budget to fund the DNR is not enacted by July 1, that existing permits shall not be terminated or suspended without the consent of the permit holder provided the terms and conditions of the permit and other requirements are met regardless of the state's ability to receive, review, or process fees, reports or other filings.
- 3 Permit duration.** Adds § 115.03, subd. 8b. States that state disposal system permits issued with national pollutant discharge elimination system permits for feedlots shall have a term of ten years (currently they are issued for five-year terms).
- 4 Permitting efficiency.** Amends § 116.03, subd. 2b. Modifies a law passed last session establishing permitting goals and reporting requirements for the Pollution Control Agency (PCA) by: modifying the goal so that permits are issued or denied within 150 days of submission of an application (rather than submission of a "substantially complete" application); requiring the commissioner to notify an

applicant whether a permit application is complete or not; removing provisions establishing a new 30-day review period when an application is resubmitted; and removing a requirement that biannual reports issued by the agency include steps that will be taken to meet expected timelines and complete permit reviews.

Establishes new provisions allowing permit applicants to hire "permit professionals" to assist with the permitting process. Requires applicants using a permit professional to meet with the PCA upon the agency's request and requires the agency and applicant to provide certain information and materials at the meeting. States that permit applications submitted by permit professionals are deemed complete unless they are completely erroneous under statute or rule and requires the commissioner to notify the applicant and applicant professional that the application is complete or is denied within five business days. Requires the permit professional to submit a timetable for submitting the draft permit after notification that the application is complete and requires the commissioner to notify the applicant 60 days following the close of the public comment and hearing period whether the permit is approved. Requires submittal of all studies and sources of information and allows the commissioner to request additional studies. States that if the biennial budget to fund the PCA is not enacted by July 1, that existing permits shall not be terminated or suspended without the consent of the permit holder provided the terms and conditions of the permit and other requirements are met regardless of the state's ability to receive, review, or process fees, reports or other filings.

- 5** **Permits.** Amends § 116.07, subd. 4a. Allows a person to commence construction, reconstruction, replacement, or modification of any facility prior to the issuance of a construction permit unless prohibited by federal law.
- 6** **Environmental permits coordinator.** Adds § 116J.035, subd. 8. Designates the commissioner of employment and economic development as the environmental permits coordinator and requires the environmental permits coordinator to coordinate the implementation and administration of state permits. Allows a person to apply to the environmental permits coordinator for assistance in obtaining permits. Allows environmental permits coordinator to negotiate a schedule to assess project proposers for the costs incurred by state agencies in coordinating the implementation and administration of state permits, requires funds to be deposited in an account in the special revenue fund and appropriates the funds to the commissioner. Defines "agency," "local government unit," "permit," "person," and "project" for purposes of the subdivision.

Article 2: Environmental Review

Overview

This article would require review of existing mandatory environmental impact statement (EIS) and environmental assessment worksheet (EAW) categories; expand definitions related to cellulosic biofuels to fuel derived from wood; and provide exemptions from mandatory EIS requirements for certain biobutanol and cellulosic biofuel facilities.

- 1** **Review of environmental assessment worksheets and environmental impact statements.** Adds § 14.05, subd. 5a. Requires the Environmental Quality Board (EQB), the Pollution Control Agency, the Department of Natural Resources, and the Department of Transportation to review and submit a list of mandatory EAW or EIS categories that they are responsible for that includes the intended outcomes, costs, and additional information not gathered through permitting for each category. Requires the review and submission to be completed by December 1, 2012, and repeated every five years.
- 2** **Definitions.** Amends § 41A.10, subd. 1. Adds "wood" feedstock to the definition of cellulosic materials.

- 3** **When prepared.** Amends § 116D.04, subd. 2a. Exempts biobutanol and cellulosic facilities producing less than 125,000,000 gallons of fuel located outside the metropolitan area from mandatory EIS requirements (this is currently allowed for ethanol plants meeting the same thresholds).