

HOUSE RESEARCH

Bill Summary

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Overview

This bill would establish permitting efficiency goals for the Department of Natural Resources and the Pollution Control Agency and modify environmental review and permitting provisions.

- 1** **Permitting efficiency.** Adds § 84.027, subdivision 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. 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.

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

- 2** **Violations and prohibitions.** Amends § 115.07. Permits a person requiring a national pollutant discharge elimination system permit (NPDES) or a state disposal system (SDS) permit to construct, install, or operate a new disposal system, or change, add to, or extend an existing disposal system to do so prior to the issuance of the permit, at the person's own risk, unless the action is:

- prohibited by federal law or regulation;
- taken by a municipality constructing a wastewater system with a capacity of 200,000 gallons per day or less;
- subject to environmental review and construction is prohibited until that process is complete;
- receiving funding from the wastewater infrastructure fund, the state revolving fund, or the state independent grants program;
- required to obtain a construction storm water permit under Minnesota Rules, part 7090.2010; or
- required to be permitted as a subsurface sewage treatment system under Minnesota Rules, part 7081.0040, subpart 1, item (B) or (C).

Prohibits operation or 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, subdivision 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. 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.

(b) Requires the commissioner of the Pollution Control Agency to allow electronic submission of environmental review and permit documents.
- 4 **Adoption of standards.** Amends § 116.07, subdivision 2. Requires any rulemaking that adopts standards for air quality, solid waste, hazardous waste, or water quality that are more stringent than federal standards adopted under the Clean Air Act, Clean Water Act, or Resource Conservation and Recovery Act to include in the statement of need and reasonableness documentation that the federal standards do not adequately provide protection for public health and the environment, and a comparison of the proposed standards to border states and states within the Environmental Protection Agency's Region 5 (which includes Minnesota, Illinois, Indiana, Michigan, Ohio, and Wisconsin).
- 5 **Final decisions.** Amends § 116D.04, subdivision 3a. Reduces the amount of time a responsible government unit has after the final approval of an environmental impact statement (EIS) to make final decisions on permits addressed in the EIS from 90 days to 30 days.
- 6 **Review.** Amends § 116D.04, subdivision 10. States that decisions on the need for an environmental assessment worksheet (EAW), the need for an EIS, and the adequacy of an EIS may be reviewed by the Court of Appeals (currently they may be reviewed by a district court in the county where the proposed action would take place).
- 7 **Assessment.** Amends § 116D.045, subdivision 1. Permits a project proposer to prepare a draft EIS for review by the responsible government unit for completeness and adequacy. Allows for the assessments of costs of the responsible government unit for the costs of reviewing a submitted draft EIS.
- 8 **Use of assessment.** Amends § 116D.045, subdivision 3. Makes technical changes to accommodate the draft EIS review process allowed under section 7 by clarifying that the responsible government unit may assess the project proposers for reasonable costs "as necessary" and that the responsible government unit may assess for the costs incurred by the responsible government unit.
- 9 **Rule amendment.** Requires the commissioner of the Pollution Control Agency to amend Minnesota Rules, part 7001.0030 (prohibiting construction, modification, or operation of certain facilities prior to permits being granted), to comply with the changes made in section 2 of the bill. Allows the commissioner to use the expedited rulemaking procedures provided under the good cause exemption.