

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. At the time it was eliminated, it 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

Section	Description
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1	<b>Pollution Control Agency; creation of powers.</b>
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**Subd. 1. Creation.** Recreates the MPCA Citizens Board with the structure it had in 2015.

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

**Subd. 3a. Membership.** Establishes membership requirements for the board including some requirements in place in 2015, 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 from certain racial and ethnic groups, and one member to be a livestock or crop farmer with certain restrictions on the number of animals or acres owned/farmed (the board previously required a person knowledgeable in the field of agriculture).

Section	Description
	<p><b>Subd. 4a. Chair.</b> Requires the commissioner to serve as chair as previously required.</p> <p><b>Subd. 5. Agency successor to commission.</b> Vests authorities in the MPCA rather than the commissioner as previously provided.</p> <p><b>Subd. 6a. Required decisions.</b> Requires the board to make final decisions on certain matters similar to what was required in 2015, 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 in 2015 would no longer apply.</p> <p><b>Subd. 7a. Additional decisions.</b> Allows the commissioner to request the board to make additional decisions or provide advice as previously allowed.</p> <p><b>Subd. 8a. Other actions.</b> Provides that other actions not specifically within the authority of the commissioner be made by the board under certain conditions as previously provided.</p> <p><b>Subd. 9a. Providing information.</b> Requires the commissioner to inform the public about their rights to request the board to make decisions and other information as previously required.</p> <p><b>Subd. 11. Changing decisions.</b> Prohibits the board from reopening, rescinding, or reversing its decision except under certain conditions as previously provided.</p> <p><b>Subd. 12. Conflict of interest.</b> Prohibits a public member from participating in a discussion or decision on a matter in which the member or their immediate family member has a financial interest.</p>
2	<p><b>Office.</b> Conforming change.</p>
3	<p><b>Mission; efficiency.</b> Conforming change.</p>
4	<p><b>Pollution Control Agency public members; initial appointments and terms.</b> Requires the governor to appoint the public members by August 1, 2023, and specifies their initial terms.</p>



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