

Subject Environmental Permitting

Authors Heintzeman and Others

Analyst Janelle Taylor

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Overview

This bill makes several changes related to environmental permitting.

Summary

Section	Description
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1	Application; extensions.
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Limits extensions from a 60-day time limit that a local unit of government has to make certain determinations under the Wetland Conservation Act to one extension not to exceed 60 days unless approved by the applicant.

2	Permitting efficiency.
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Modifies the Pollution Control Agency's (PCA) permitting efficiency reporting requirements, including: requiring the report to be semiannual (instead of annual as currently required); requiring the report to be submitted to an ombudsman for business permitting (created in section 7) under certain conditions; and adding information required to be in the report.

Requires the PCA to immediately notify applicants for permits subject to the reporting requirements if their application is missing information and states that submissions of additional information to correct deficiencies do not restart a 30-business-day time limit the PCA has to notify an applicant whether their application is complete or not unless the corrected application is more than 30 percent larger than the deficient application.

States that the failure of the agency to meet the 150-day goal for issuing a tier 2 permit constitutes a final decision of the agency allowing a party aggrieved by the final decision to seek judicial review.

States that if an environmental or resource management permit is not issued or denied within the applicable goal for issuing permits (90 days for tier 1 permits and 150 days for tier 2 permits), the PCA must immediately begin review of the application and take all necessary steps to issue the final permit, deny the permit, or issue notice of the draft permit within 150 days of the date the goal was not met.

Section	Description
	Allows the PCA to extend the period by up to 60 days and also allows it to be extended through written agreement between the agency and the applicant. Allows a person to seek a district court order requiring the PCA to act immediately on a permit if the period expires except as prohibited under federal law.
3	Permits. Requires the PCA to issue separate permits for the construction and for the operation of certain facilities and requires these permits to be issued in a manner that minimizes the time required to construct and begin operation of the facilities.
4	Permit fees. Modifies an expedited permitting process available at the PCA, including requiring an estimated timeline to be provided to the applicant and removing conditions for accepting reimbursement. Allows the PCA to retain excess fees if permitting is completed ahead of schedule and allows those fees to be used for purposes of administering the agency's permitting duties. Statutorily appropriates the fees collected under the expedited permitting process to the PCA for its permitting duties.
5	When prepared. Modifies the signature threshold needed on a petition to require an environmental assessment worksheet (EAW) from 100 individuals who live or own property in the state to 100 individuals who live or own property in the county or one or more adjoining counties.
6	Project prerequisites. States that prohibitions on governments making final decisions on permits and project approvals or starting a project until environmental review is complete do not preclude a local unit of government from beginning to review a feedlot permit application or from issuing a preliminary decision on a feedlot permit application contingent on the completion of the environmental review.
7	Ombudsman for business permitting. Requires the commissioner of employment and economic development to appoint and provide office space and other support to an ombudsman for business permitting to assist businesses with obtaining permits necessary for operating in the state. Specifies the qualifications, authority, and duties of the ombudsman.
8	Scoping environmental assessment worksheet not required for projects that require a mandatory environmental impact statement. Requires the Environmental Quality Board (EQB) to amend certain rules pertaining to environmental review to provide that: (1) an EAW is not required for a project that falls within a mandatory environmental impact statement (EIS) category; and (2) a

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	scoping process undertaken for purposes of EIS preparation must be completed no later than 280 days after the process begins. Allows the EQB to use the good cause exemption from rulemaking to amend the rules.
9	State implementation plan revisions. Requires the PCA to seek approval from the federal Environmental Protection Agency (EPA) for revisions to the state's federal Clean Air Act state implementation plan to reflect the changes made in section 3 of this bill. Requires the PCA to submit a quarterly report to the legislature on the status of implementing these revisions until the revisions have been approved or denied.
10	Intent. States the intent of the legislature in enacting this bill.
11	Appropriation. Appropriates \$325,000 each year from the general fund to the commissioner of employment and economic development for the ombudsman for business permitting established under section 7.



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