

Assessment of EQB Authorities

September 2006

MS Sec.#	Chapter Title	Section Headnote -- <u>Status</u>	Application of Criteria ¹
4A.07	Office Of Strategic and Long-Range Planning	<p>Sustainable development for local government Planning office to use EQB principles of sustainable development in local planning guide.</p> <p>EQB adopted principles of sustainable development in 1996. EQB staff led development of a local planning guide, <i>Under Construction</i>, and model ordinance handbook, <i>From Policy to Reality</i>, based upon these principles.</p>	<p>a. Need – The initial requirements of the law have been met, and while the EQB could consider revisions to the principles it adopted, it need not do so. The law does require that the model ordinance be updated periodically.</p> <p>b. Responsibility – EQB is an appropriate forum for defining principles of sustainable development because it includes most of the interests important to the concept. Updating the model ordinance might best be done by a partnership of a variety of interests.</p> <p>c. Workability – This responsibility concerning principles creates little burden on EQB resources. Updating the model ordinance would be a significant undertaking.</p>
13.7411	Government Data Practices	<p>Pollution control and environmental quality data coded elsewhere. Data derived from testing and studies of the disposal of radioactive waste to be made available to EQB if requested by the chair of the Nuclear Waste Council.</p>	<p>a. Need – The threat of siting a high level nuclear waste disposal facility in Minnesota has become remote, so the data provision is dormant.</p> <p>b. Responsibility – EQB’s data management role derives from its responsibility for public informational meetings on possible sites. The staffing of these activities and the related data management role might logically shift to Commerce, where the energy facilities siting program is now located.</p> <p>c. Workability – These responsibilities, if revived, would impose a significant burden on EQB staff.</p>
17.114	Department of Agriculture	<p>Sustainable agriculture. EQB to review program report each biennium.</p>	<p>a. Need – The purpose of EQB review is to consider the interagency implications of Department of Agriculture</p>

¹Criteria include:

A. Need - Is the authority is important, today or in the foreseeable future, for meeting state environmental quality goals? Can its implementation be postponed safely until funding or other issues are first addressed or is the authority important to exercise now?

B. Responsibility - Is the EQB well-suited to represent the state interest involved? Would another agency or organization be better suited to do so?

C. Workability - Has the EQB exercised the authority with success? Is the ease and efficiency of its use, implementation or enforcement commensurate with the payoff from its use?

		No recent activity.	<p>efforts in sustainable agriculture and integrated pest management. The need still exists.</p> <p>b. Responsibility – EQB is an appropriate forum for hosting interagency discussions.</p> <p>c. Workability – This responsibility would create a small burden on EQB resources.</p>
18B.045	Pesticide Control	<p>Pesticide management control.</p> <p>Agriculture to coordinate and develop pesticide management plan with other state agency plans and with other state agencies through EQB.</p> <p>MDA involves EQB in development of the Pesticide Management Plan, but EQB does not engage agencies in the coordinative role provided for in law.</p>	<p>a. Need – The purpose of EQB review is to consider the interagency implications of Department of Agriculture efforts in pesticide management. The need still exists.</p> <p>b. Responsibility – EQB is an appropriate forum for hosting interagency discussions and integrating this plan with other state plans.</p> <p>c. Workability – This responsibility would create a small burden on EQB resources.</p>
18E.06	Agricultural Chemical Response and Reimbursement Law	<p>Report.</p> <p>Agriculture to submit annual report to EQB.</p> <p>No activity.</p>	<p>a. Need – The purpose of EQB review is to consider the interagency implications of Department of Agriculture and Agricultural Chemical Response Compensation Board efforts. The need still exists.</p> <p>b. Responsibility – EQB is an appropriate forum for hosting interagency discussions and integrating this report with other state efforts.</p> <p>c. Workability – This responsibility would create a small burden on EQB resources.</p>
40A.122	Agricultural Land Preservation Program	<p>Eminent domain actions.</p> <p>EQB to receive Notice(s) of Intent for early termination of status (as in Section 473H.15 below); may suspend action for one year after a hearing and finding that the preserve purpose would be negatively affected.</p> <p>EQB has been involved in a number of actions in recent years; no environmental review has been ordered as a result of this requirement.</p>	<p>a. Need – As long as the Agricultural Land Preservation Program remains vital, the state must have a mechanism to address proposed incursions into preservation zones.</p> <p>b. Responsibility – The EQB appears to be an appropriate authority to conduct these reviews due to its interdepartmental nature.</p> <p>c. Workability – To date this responsibility has created little burden on EQB resources; however, if EQB had to conduct a full-scale review, additional resources would be needed.</p>
83.29	Subdivided Lands	<p>Notice of filing and registration.</p> <p>EQB to establish state environmental quality</p>	<p>a. Need – The continuing need is unclear. On the one hand, EQB has not addressed this responsibility for some 30 years.</p>

	<p>standards for the subdivision and development of land in the state.</p> <p>No EQB activity to date.</p>	<p>In addition, a series of related state and federal requirements have been put in place during this period. Stormwater and source water protection regulations are examples. However, the adoption of state environmental quality standards for subdivision regulation might help internalize important protections within local decision making and ensure comprehensive approaches to preventive action.</p> <p>b. Responsibility – The EQB appears to be an appropriate authority to address this responsibility due to its interdepartmental nature.</p> <p>c. Workability – While the EQB has never sought to implement this authority, doing so would likely be time consuming and require intense communication and coordination with affected local governments.</p>
<p>103A.204</p> <p>Water Policy and Information</p>	<p>Groundwater policy.</p> <p>EQB to create a water resources committee to coordinate state ground water protection programs and a biennial ground water policy report.</p> <p>EQB actively implements its responsibilities with this section of law.</p>	<p>a. Need – This section outlines the roles of EQB and the EQB Water Resources Committee, PCA, Agriculture, BWSR, DNR and Health in ground water protection. The EQB responsibility for coordinating state ground water protection programs and a biennial policy report remains an important task of state government.</p> <p>b. Responsibility – The EQB is the appropriate statutory authority to coordinate ground water policy due to its interdepartmental focus on environment and development. The Clean Water Cabinet currently provides an important working forum for carrying out these duties.</p> <p>c. Workability – Top down support is an essential ingredient to the success of coordination and policy development functions. The EQB has had some significant successes (e.g., establishment of the Comprehensive Local Water Management Act, the Board of Water & Soil Resources, and the Ground Water Protection Act), but at other times has had little effect.</p>
<p>103A.403</p>	<p>Statewide nitrate data.</p> <p>EQB to ensure that data regarding the presence of nitrates in ground water is integrated into a statewide nitrate database according to published data compatibility guidelines.</p>	<p>a. Need – Nitrate data remains an important part of the ground water quality picture, but the referenced Land Management Information Center database does not exist.</p> <p>b. Responsibility – The EQB could be an appropriate forum to ensure that nitrate data is properly managed, although it would need the direct staff involvement of key agencies.</p>

		No activity.		c. Workability – This section requires EQB to “ensure” that nitrate data is integrated into a statewide nitrate database and, in some cases, to pay for that integration. Yet, EQB was given little means to do either, and currently has insufficient staff to address the issue.
103A.43		Water assessments and reports. Each biennium, EQB to: <ul style="list-style-type: none"> • Evaluate water research needs and report on priorities for addressing the needs • With PCA and MDA, coordinate an assessment of water quality, ground water degradation trends and efforts to reduce or prevent degradation of water • With DNR, coordinate an assessment and analysis of the quantity of surface and ground water and the availability of water to meet the state’s needs • Based upon the above, coordinate and submit a report on water policy <p>EQB implements its responsibilities with this section of law, although it and its partners often miss biennial assessments (the first three bullets).</p>		a. Need – Routinely keeping track of -- and reporting to the Legislature on -- trends in the state’s water quality and availability, and efforts to address identified concerns and research needs, should be a continuing priority. While individual agencies prepare programmatic and trend reports, the EQB job is to engage all affected partners and ensure that all perspectives are brought together as the “pulse” is taken and responses formulated. b. Responsibility – The EQB is the appropriate statutory authority to coordinate state assessments and legislative reports of how well we’re doing in water management. The Clean Water Cabinet currently provides an important working forum for carrying out these duties. c. Workability – Top down support is an essential ingredient to the success of these functions.
103B.101	Water Planning and Project Implementation	Board of water and soil resources. BWSR to facilitate communication and coordination among state agencies in cooperation with EQB. EQB cooperates with BWSR in water duties related to local government through its water resources committee.		a. Need – The EQB reference in the BWSR section is appropriate since having the BWSR facilitate its communication and coordination among state agencies in cooperation with the EQB helps EQB with its own overarching coordination & integration duties. b. Responsibility – EQB is the appropriate agency to reference, given its broad statutory mandate to coordinate state water programs and policy. c. Workability – Because this section basically asks the BWSR to keep EQB in the loop, it is workable on both ends.
103B.151		Coordination of water resource planning. EQB to: (1) Coordinate public water resource management and regulation activities		a. Need – The EQB water planning (e.g., the state water plan) and coordination (e.g., the state’s biennial water policy report) duties are important state functions. b. Responsibility – The EQB is the appropriate statutory

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- (2) Initiate, coordinate and continue to develop comprehensive long-range water resources planning by September 15, 2000 and each ten-year interval afterwards**
 - (3) Coordinate water planning activities of local, regional and federal bodies with state water planning and integrate these plans with state strategies**
 - (4) Coordinate development of state water policy recommendations and priorities and a recommended program for funding identified needs, including priorities for implementing the state water resources monitoring plan**
 - (5) Administer federal water resources planning with multi-agency interests**
 - (6) Ensure that groundwater quality monitoring and related data is provided and integrated into the Minnesota land management information system according to published data compatibility guidelines. Costs of integrating the data in accordance with data compatibility standards must be borne by the agency generating the data**
 - (7) Coordinate the development and evaluation of water information and education materials and resources**
 - (8) Coordinate the dissemination of water information and education through existing delivery systems**
 - (9) Represent the governor on interstate water resources organizations (through the EQB chair)**

EQB carries out many of the duties in this section, tending to focus on policy development and integration activities and to downplay the coordination of agency management activities.

The board's major accomplishments here were the enactment of comprehensive local water planning law, the establishment of BWSR, and enactment of the Ground Water Protection Act, all of which it conceived and led. The board has also developed the

authority to oversee the planning and coordination of state water needs and policy given its interdepartmental focus on environment and development. The Clean Water Cabinet currently provides an important working forum for carrying out these duties. The duty to coordinate the development and dissemination of water information and education materials might be better addressed through the Office of Environmental Assistance, which includes environmental education functions.

c. Workability – The water planning and policy development functions are a workable, priority function of the EQB, although top down support is an essential ingredient to its success. The EQB could address the charges to coordinate actual management and regulation activities only in a general manner, or selectively. The duty to ensure integration of ground water monitoring information (see discussion under section 103A.403) would need to become an EQB priority to be properly addressed.

	<p>state water plan, biennial water priorities reports, biennial water resource assessments, and a state water monitoring strategy, each of which has led to adjustments in state water policy and programs.</p>		
103B.315	<p>Comprehensive water plan review and adoption. BWSR to consult with state agencies, including EQB, during review of county comprehensive water plans.</p> <p>EQB staff reviews draft local water plans.</p>	<p>a. Need – Review of local water plans by the agency responsible for the state water plan and for coordinating state water planning activities makes sense as it should enable state efforts to benefit from and influence local efforts.</p> <p>b. Responsibility – The EQB is the authority that oversees the planning and coordination of state water needs, so it makes sense for it to be involved in this review.</p> <p>c. Workability – The function is workable, but not a high priority, given the current levels of EQB staffing.</p>	
103F.614	Protection of Water Resources	<p>Eminent domain actions.</p> <p>EQB to consider whether an eminent domain action would be contrary to the purposes of a wetland preservation area and whether feasible and prudent alternatives exist (provisions similar to the Agricultural Land Preservation Program, Chapter 40A.122). If so, EQB may suspend action for up to one year.</p> <p>No activity.</p>	<p>a. Need – Although few have been established to date, review of actions that would affect a wetland preservation area is integral to the protection of such areas.</p> <p>b. Responsibility – Because EQB includes the broadest representation of state agencies and because it administers a similar law for agricultural preserves, it is an appropriate forum for carrying out this function. However, the BWSR also may be an appropriate choice, given its wetland management oversight responsibilities.</p> <p>c. Workability – To date, this responsibility has created no burden on EQB resources; however, it is difficult to assess whether that trend is likely to continue.</p>
103F.751		<p>Nonpoint source pollution control plan and program evaluation.</p> <p>PCA to work through the EQB to coordinate the activities and programs of federal, state and local agencies involved in nonpoint source pollution control and, as appropriate, develop agreements with federal and state agencies to accomplish the purposes and objectives of the state nonpoint source pollution control plan.</p> <p>PCA has not worked through the EQB to do this, although it has involved EQB in the past.</p>	<p>a. Need – The idea of coordinating nonpoint source pollution control programs – which involve a number of state agencies – through the state’s water coordinating body makes some sense, although this language implies that EQB should do this for PCA, which seems unnecessary.</p> <p>b. Responsibility – PCA has not worked “through” the EQB in this way and it would be difficult to argue that EQB should play such a strong role at this time. It would make more sense for PCA to simply involve EQB staff and keep the board informed about its activities and plans.</p> <p>c. Workability – This responsibility would create a small burden on EQB resources if implemented as suggested.</p>

103G.222	Waters of the State	<p>Replacement of wetlands. Notices of BWSR approval of a change of the wetland classifications of a county or watershed to be published in the EQB Monitor.</p> <p>Notices are published in the EQB Monitor.</p>	<p>a. Need – Publication of wetland classification changes is important, and it is likely that the EQB Monitor audience covers people that BWSR’s notices might otherwise miss. b. Responsibility – It makes sense to publish wetland reclassifications in the EQB Monitor if the Monitor’s function is to continue serving as a comprehensive, interagency forum for environmental notices. c. Workability – This requirement is easily and inexpensively addressed by the board.</p>
103H.151	Groundwater Protection	<p>Best management practices. Commissioners of Agriculture and Pollution Control to submit information to EQB on the use and effectiveness of BMPs. EQB to include the information in its biennial (MS 103A.43) report to the Legislature.</p> <p>PCA and MDA have not completed chemical-specific BMP evaluations to date, although MDA is now in the process of doing so.</p>	<p>a. Need – It makes sense for EQB to include information about the success of BMPs in its biennial report to the Legislature, since so much of the state’s water protection strategy hinges on them. b. Responsibility – EQB is the authority that oversees the planning and coordination of state water needs, so it makes sense for it to put the evaluation of BMPs in the broader context of its report on state water assessments and policy. c. Workability – This requirement should be easily addressed by the board.</p>
103H.175		<p>Groundwater quality monitoring. PCA, in cooperation with other agencies, to provide a draft report on the status of ground water monitoring to the Environmental Quality Board for review each even-numbered year.</p> <p>PCA engaged EQB in review of its draft reports in 2002, 2004 and 2006 and EQB included PCA findings in its corresponding water priorities reports.</p>	<p>a. Need – EQB review of draft reports by PCA in cooperation with other agencies is intended to ensure two things: first, that a high level, comprehensive review of the implications is made before submission to the Legislature, and second, that the EQB is positioned to digest the information for incorporation into its biennial water assessment and policy report. These roles remain relevant. b. Responsibility – The EQB is the appropriate statutory authority to coordinate ground water policy due to its interdepartmental focus on environment and development. The Clean Water Cabinet currently provides an important working forum for carrying out these duties. c. Workability – This requirement can be routinely addressed by the board.</p>
115A.072	Waste Management	<p>Public education. EQB to sit on the Environmental Education Advisory Board reauthorized by the Legislature in 2005.</p>	<p>a. Need – While the advisory board has not met for some time, it makes sense to include EQB representation on it. b. Responsibility – The interdepartmental focus of EQB on</p>

		The EQB director sat on the EEAB until its sunset in 2003, and now sits on the new EEAB.	environment and development issues makes it a useful addition to the EEAB. c. Workability – This requirement can be routinely addressed by the board.
115A.32-39		Rules. The Legislature assigned EQB the authorities in sections 115A.32-.39 when it abolished the Waste Management Board. No EQB activity.	a. Need – The need for state reconsideration of locally rejected solid and hazardous waste management projects is uncertain. One possible case in recent years over a dispute regarding sludge never came to the EQB for final action. b. Responsibility – This responsibility was given to EQB following the elimination of the Waste Management Board, although a board like the PCA board may be better suited to address the function. c. Workability – This could become a significant burden on EQB resources if cases started coming to the board.
115B.20	Environmental Response and Liability	PCA and MDA to report annually to Legislature and EQB on money spent on remediation. No activity.	a. Need – EQB is copied on the report to the Legislature to keep it informed about this aspect of water management. The law does not ask for prior EQB review of a draft report. The need continues to the extent EQB serves as the state’s water coordinating body. b. Responsibility – EQB is an appropriate forum for hosting interagency discussions and integrating state efforts. c. Workability – This responsibility would create little added burden on EQB resources.
116.0711	Pollution Control Agency	Feedlot permit conditions. EQB to review and recommend changes to environmental review rules on phased actions and animal agriculture facilities. EQB sent letters to legislative committee chairs notifying them of its intent to address the issue under its broader study of environmental review rules. Feedlot phased actions has not emerged as a priority issue in that study.	a. Need – This issue may have resolved itself without EQB action. There has been no further inquiry from the Legislature for two years, nor any apparent continuing interest among interest groups. b. Responsibility – Since the EQB oversees the environmental review laws, it is the appropriate authority for carrying out this function. c. Workability – This responsibility is a priority function of the EQB, which involves agency partners to keep any added burden on EQB resources manageable.
116C.01	Environmental Quality Board	Findings.	
116C.02		Definitions.	

116C.03

Creation of the environmental quality board;
membership; chair; staff.

116C.04

Powers and duties.

EQB to:

- **Initiate interdepartmental investigations into those matters that it determines are in need of study.**
- **Review programs of state agencies that significantly affect the environment and coordinate those it determines are interdepartmental in nature.**
- **Insure agency compliance with state environmental policy.**

EQB may:

- **Review environmental rules and criteria for granting and denying permits by state agencies.**
- **Resolve conflicts involving state agencies with regard to programs, rules, permits and procedures significantly affecting the environment, provided that such resolution of conflicts is consistent with state environmental policy.**
- **Convene an annual congress to receive reports and exchange information on progress and activities related to environmental improvement.**

State agencies to submit to the board all proposed legislation of major significance relating to the environment; the board to submit a report to the governor and the legislature with comments.

The board has taken on numerous investigations of interdepartmental issues, including sustainable development, high performance building design, genetically-engineered organisms, barge fleetings, pesticide management, animal agriculture, forestry and urban development (see also GEIS authorities).

The board has held a number of environmental congresses.

a. Need – In its findings establishing the board, the Legislature argued that “problems related to the environment often encompass the responsibilities of several state agencies and that solutions to these problems require the interaction of these agencies.” The need is as great as ever for a state government forum for addressing interdepartmental problems, coordinating state agencies and engaging citizens in order to ensure compliance with state environmental policy.

b. Responsibility – The EQB is an appropriate statutory authority to coordinate interagency environmental policy due to its interdepartmental nature and its representation of the Governor’s Office.

c. Workability – This responsibility is a priority function of the EQB, which involves agency partners to keep any added burden on EQB resources manageable.

		The board, particularly through its water resources committee, has reviewed and made recommendations on agency legislative initiatives.	
116C.06		Hearings. EQB to hold public hearings on matters that it determines to be of major environmental impact and make recommendations to the Governor and Legislature as to administrative and legislative actions to be considered.	See above.
116C.08		Federal funds donations.	
116C.705	Radioactive Waste Management	Findings	
116C.71		Definitions.	
116C.711		Nuclear waste council. The EQB assisted the Council during the time of its active tenure from 1984 to June 1986.	a. Need – The Council has not existed since the mid-1980s and the threat of siting a high level nuclear waste disposal facility in Minnesota has become remote. b. Responsibility – The Council could be reactivated should the possibility of a Minnesota site be raised again. EQB is also responsible for public informational meetings on possible sites. The staffing of Council and Board activities might logically shift to Commerce and the Public Utilities Commission, where energy facilities siting is now addressed. c. Workability – These responsibilities, if revived, would impose a significant burden on EQB staff.
116C.712		Powers and duties. 116C.712, subd. 5 Annual Report Office of Strategic and Long Range Planning to report to the Legislature on activities by the federal government relating to the federal high level radioactive waste disposal program. EQB staff, on behalf of the Office, had since 1991 prepared an Annual Report to the Legislature on activities by the federal government relating to the federal high level radioactive waste disposal program. With transfer of its energy facilities siting staff, EQB no longer carries out this task.	a. Need – The need to keep the Legislature current on high level nuclear waste siting developments, while diminished, arguably will exist until a federal facility is officially constructed. b. Responsibility – The law assigns the Office of Strategic and Long Range Planning the duty of preparation of the annual report. This responsibility could continue to be supported in Administration by EQB staff or transferred to Commerce, where the Energy Facilities Siting program is now located. c. Workability – This responsibility would require a small, but significant commitment of EQB staff time, if left in Administration.

116C.72 116C.721	Radioactive waste management facility. Public participation. EQB to conduct public informational meetings on possible radioactive waste disposal sites and transmit public concerns to U.S. Department of Energy.	<p>a. Need – The threat of siting a high level nuclear waste disposal facility in Minnesota has become remote.</p> <p>b. Responsibility – EQB is responsible for public informational meetings on possible sites. The staffing of these activities might logically shift to Commerce and the Public Utilities Commission, where energy facilities siting is now addressed.</p> <p>c. Workability – These responsibilities, if revived, would impose a significant burden on EQB staff.</p>
116C.722	Legal and technical assistance to Indian tribes. EQB to provide legal or technical assistance upon request to Indian tribes with jurisdiction over a potentially impacted area.	See above.
116C.723	Consultation and cooperation agreement.	See above.
116C.724	Field investigations, tests, and studies. EQB to require permit for any geologic or hydrologic drilling. EQB to specify conditions of obtaining and retaining permit by rule. Investigators to respond in writing to EQB about concerns and issues raised at public meetings they must hold.	
116C.74	Penalties.	
116C.75	Definitions.	
116C.76	Nuclear waste depository release into groundwater.	
116C.77	Legislative authorization for independent spent fuel storage installation at Prairie Island.	
116C.771	Additional cask limitations.	
116C.772	Public utility responsibilities.	
116C.773	Contractual agreement	
116C.831	Midwest Interstate Low-Level Radioactive Waste Compact.	

116C.832	Definitions.	
116C.833	Compact commission member.	
116C.834	Assessment of Generators.	
116C.835	Enforcement of compact and laws.	
116C.836	Actions concerning Interstate Commission and party states.	
116C.838	Effect on existing state law.	
116C.840	Duty to provide information.	
116C.842	Contingent provisions. EQB to serve as a non-voting member of a facilities siting policy development committee and to provide information and technical assistance as needed.	<p>a. Need – The siting of an interstate low level radioactive waste disposal facility in Minnesota or the other five compact states was put on hold in 1997 after a facility in South Carolina reopened. In addition, each of the Minnesota generators has their own capacity to store the low level waste they generate for at least three years.</p> <p>b. Responsibility – EQB is identified as a non-voting member of the facilities siting policy development committee to be convened within 60 days after the compact state immediate prior to Minnesota begins operation of its interstate facility. EQB is also required to provide administrative assistance to the facility siting policy committee. The staffing of these activities might logically shift to Commerce, where the energy facilities siting program is now located, to PCA, which represents the Governor on the Midwest Interstate Low-Level Radioactive Waste Commission, or to Health, which now regulates the users of radioactive materials in Minnesota.</p> <p>c. Workability – These responsibilities, if revived, would impose a significant burden on EQB staff.</p>
	No activity.	
116C.91	Definitions.	
116C.92	Coordination of activities. EQB to coordinate overall state duties relating to genetically engineered organisms.	<p>a. Need – EQB as a coordinating body is well positioned to coordinate, recommend and adopt any additional rules needed to cover emerging issues relative to GEOs.</p> <p>b. Responsibility – The law and EQB rule currently allow MDA rules to prevail where applicable, grants exemption under qualified federal oversight and allows commercialization in appropriate categories. There is no current standing Advisory Committee.</p> <p>c. Workability – If the status quo is maintained, no significant activity is demanded and no additional resources</p>
	EQB does this by rule.	

116C.93		Advisory Committee.	are needed. However, if there should be any significant new innovations in the use of genetically engineered organisms that would constitute a non-agricultural use, such as exotic materials or pharmaceuticals, then that might change. The EQB might be obliged to address the issue with a new Advisory Committee and new rules or programs that would require a significant new staff commitment. See above.
116C.94		<p data-bbox="688 472 1289 711">In 1989, an EQB Task Force made recommendations on rules for release of GEOs and established an advisory committee. Successive committees met through 1995. The culmination of their efforts was the 1994 amendments allowing commercialization, the MDA rule and the exemption for federal oversight. There is no advisory committee at this time.</p> <p data-bbox="688 743 1289 834">Rules. EQB to adopt rules governing the release of genetically engineered organisms.</p> <p data-bbox="688 867 911 894">EQB adopted rules.</p>	See above.
116C.95 116C.96 116C.97		Liability. Cost reimbursement. Exemptions.	
116D.01 116D.02 116D.03 116D.04	Environmental Policy	<p data-bbox="688 1052 1289 1170">Purpose. Declaration of state environmental policy. Action by state agencies. Environmental impact statements.</p> <p data-bbox="688 1170 1289 1321">EQB to establish categories for required EAWs, EISs and exemptions; adopt rules for implementation; establish the petition process; order an EAW; extend certain deadlines through action of the chair; grant variances; and establish alternative forms of review.</p> <p data-bbox="688 1354 1016 1382">EQB carries out these duties.</p>	<p data-bbox="1325 1143 1961 1198">a. Need – Environmental review is one of the state’s fundamental environmental protection programs.</p> <p data-bbox="1325 1203 1961 1321">b. Responsibility – Because environmental review affects a wide number of state as well as local agencies, it continues to make sense for the EQB to be responsible for general oversight of this program.</p> <p data-bbox="1325 1326 1961 1412">c. Workability – The EQB currently devotes about 2 FTE to the administration of this program, primarily for technical assistance to RGUs and others, staff support for rule revision</p>

116D.045	Environmental impact statements; costs. EQB has resolved cost disputes under this authority.	activities, and support for Board decisions needed in the operation of the program. See above.
116D.10-.11	Report preparation. EQB (as lead agency) and other energy and environmental agencies to issue biennial report evaluating and documenting the state's energy and environmental strategy to and on behalf of the Governor. EQB and sister agencies have not addressed this section of law.	a. Need – The report could be approached either as an important opportunity to systematically integrate energy and environmental policy and program needs, or it could be approached as meaningless paperwork. The next report is due January 2006. b. Responsibility – Because state energy and environmental duties involve a wide number of agencies, it makes sense for the EQB to be responsible for oversight of strategy development and reporting. c. Workability – This responsibility would require a relatively significant commitment of EQB staff time, although it fits within the Board's core mission.
116F.06	Recycling of Solid Waste Packages and containers; assistance; orders; reports. EQB may review proposed actions of PCA to ban sale of containers or packaging in order to verify that they are consistent with state environmental policies. No activity.	a. Need – EQB has not been in a position to carry out this function, and the need for EQB intervention is unclear. b. Responsibility – The Board staff does not have independent expertise to conduct this review, although it could hold hearings and assess testimony. If such an appeals forum is judged to be of continuing importance, the Office of Administrative Hearings also might be an appropriate choice to administer the responsibility. c. Workability – EQB is given 30 days at its discretion to review PCA actions. This responsibility would likely only infrequently require Board and staff time, although the lack of expertise could be an issue.
116G.01 116G.02	Critical Areas Citation. Policy. EQB addressed its Critical Areas Act authority for two decades following adoption of the law in 1973. It inventoried potential designations and secured the establishment of the Mississippi and St. Croix critical areas. The St. Croix designation was allowed to lapse after three years, owing to the river's inclusion into	a. Need – The Critical Areas Act provides a framework for local-state partnerships in protecting historic, cultural, aesthetic and natural resources of regional or state significance. The act is potentially a powerful tool for addressing regional and state issues expected in the future. b. Responsibility – Because the management of critical areas affects a wide number of state as well as local agencies, it continues to make sense for the EQB to be

	<p>the federal Wild & Scenic Rivers program. Implementation of the Mississippi River Critical Area was transferred to DNR, considered better able to monitor local activities, in 1995. EQB has not addressed the authority since, except indirectly through the report, <i>Connecting with Minnesota's Urban Rivers</i>, published in 2002.</p>	<p>responsible for its oversight. c. Workability – This responsibility would require a relatively significant commitment of EQB staff time, although it fits within the Board’s core mission. Concern with the Board authority to impose standards for protecting a critical area must be overcome in any effort to encourage local interest in the program.</p>
<p>116G.03 116G.04</p>	<p>Definitions. Rules. EQB to adopt rules for administration of the Critical Areas Act.</p>	
	<p>EQB adopted rules.</p> <p>Criteria for the selection of areas of critical concern. EQB to adopt criteria for the selection of critical areas that include: a) areas significantly affected by or affecting a major government development that generates substantial development or urbanization, or b) areas containing or having a significant impact upon historical, natural, scientific or cultural resources of regional or statewide importance.</p>	
<p>116G.05</p>	<p>EQB adopted criteria in its rules.</p>	
<p>116G.06</p>	<p>Designation. EQB to periodically study and assess the resources and development of the state and after public hearing recommend to the Governor those areas that should be designated as critical areas. EQB to recommend specific principles for guiding the development of each proposed area. EQB to consider critical area recommendations of regional development commissions or, in their absence, local units of government.</p> <p>EQB last assessed state critical area needs in the early 1980s.</p>	

116G.07	<p>Preparation, review and approval of plans and regulations. EQB to review and consider approval of plans and regulations submitted by regional development commissions and local governments.</p> <p>EQB did this for the two designated areas.</p>	
<p>116G.08 116G.09 116G.10 116G.11 116G.12 116G.13 116G.14</p>	<p>Exceptions. Failure to prepare and submit plans and regulations. Updating and reevaluation of plans and regulations. Suspension of development. Development permits. Protection of landowners' rights. Planning grants. EQB to prepare guidelines for grants to local governments or RDCs for up to 100 percent of the nonfederal cost of preparing and adopting plans and rules.</p> <p>EQB adopted guidelines in its rule and administered grants for the Mississippi River Critical Area.</p>	
116G.15	Mississippi river critical area.	<p>a. Need – This section of law establishes directives and deadlines that are no longer in effect. b. Responsibility – EQB was the appropriate forum for addressing these tasks. c. Workability – The law is no longer relevant.</p>
116G.151	Required environmental assessment worksheet; facilities in Mississippi river area.	See above.
216C.18	<p>State energy policy and conservation report. EQB to review.</p> <p>EQB reviews draft report as required.</p>	<p>a. Need – Interagency review of draft state energy policy reports continues to make sense, since energy policy affects other state goals. b. Responsibility – EQB is an appropriate forum for reviewing these reports because of its interdepartmental nature, Governor's Office leadership, and responsibility for integrating state energy and environmental efforts. c. Workability – This responsibility creates little added</p>

299J.061	Pipeline Safety	<p>Pipeline advisory committee authorized. Public Safety Commissioner may appoint a pipeline advisory committee to advise DPS, EQB and others on matters relating to pipeline safety, routing, construction and operation.</p> <p>No current activity.</p>	<p>burden on EQB resources.</p> <p>a. Need – A number of state programs might continue to benefit from the advice of a Public Safety Commissioner’s pipeline advisory committee. b. Responsibility – The reference to EQB in this section should shift to Commerce, where the energy facilities siting program is now located. c. Workability – Not applicable.</p>
473.581		<p>Debt obligations. Required acceptance by EQB of an EIS on the Metrodome before bonds could be issued.</p>	<p>a. Need – This section of law is no longer in effect. b. Responsibility – EQB was the appropriate forum for addressing this task. c. Workability – The law is no longer relevant.</p>
473H.15	Metropolitan Agricultural Preserves	<p>Eminent domain actions. EQB to receive Notice(s) of Intent for early termination of status (as in Section 40A.122 above); may suspend action for one year after a hearing and finding that the preserve purpose would be negatively affected.</p> <p>EQB receives notices; no environmental reviews have been ordered under this provision.</p>	<p>a. Need – As long as the Metropolitan Agricultural Land Preservation Program remains vital, the state must have a mechanism to address proposed incursions into preservation zones. b. Responsibility – The EQB appears to be an appropriate authority to conduct these reviews due to its interdepartmental nature. c. Workability – To date this responsibility has created no burden on EQB resources; however, if EQB had to routinely conduct hearings and full-scale reviews, considerable resources would be needed.</p>
Laws of Minnesota 1999, Chapter 250, Section 108	Urban development generic environmental impact statement	<p>Urban development environmental steering committee. EQB to develop an urban development generic environmental impact statement.</p> <p>EQB established a steering committee and developed a scope for conducting the Urban Development GEIS.</p>	<p>a. Need – Understanding and addressing urban development issues continues to be a strong state need. b. Responsibility – The EQB is an appropriate authority to conduct this GEIS, given its environmental review and policy authorities and its interdepartmental nature. c. Workability – The EQB developed a well regarded scope for this GEIS, but failed to secure sufficient interest and funding for its implementation, which may indicate a general perception at the time of the utility of addressing urban development issues through this vehicle.</p>
