

**Highlights of “Phase 1”
Environmental Review Program Rule Amendments
(Amendments effective 10-30-06)**

In addition to the amendments highlighted below, minor amendments were made in the following rule provisions: 4410.0200, subps. 1a, 9b, 69, 70 & 92; 4410.1200; 4410.1500; 4410.2100, subp. 8; 4410.3100, subp. 1; 4410.3610, subp 5, items B to F; 4410.4300, subps. 19, 27 & 33; 4410.4400, subps. 5, 14 & 20; 4410.4600, subps. 2 & 19; 4410.5200, subp. 1; 4410.5600, subp. 2; 4410.6200, subp. 1; and 4410.6500, subps. 1 & 6.

Note also that amendments proposed at parts 4410.0200, subp. 81 and 4410.3610, subps. 2 and 5a were withdrawn during the hearing process.

Highlights:

4410.1000, subp. 5. A change in “circumstances” may now trigger need for a new EAW.

4410.1100, subp. 6. RGU must now consider 4 “EIS need factors” (at 4410.1700, subp. 7) when reviewing evidence in a citizens’ petition.

4410.1400. RGU must now review proposer’s EAW data submittal for completeness within 30 days, or longer period if proposer agrees.

4410.1700, subp. 2a. RGU may now postpone EIS need decision to gather additional critical information for longer than 30 days with proposer’s agreement.

4410.1700, subp. 3 & 4410.2100, subps. 4 & 9. Timing of EIS scoping events modified when discretionary EIS is ordered following preparation of an EAW and is now tied to proposer’s payment of EIS assessed costs.

4410.3610, subp. 1. Types of projects eligible and ineligible for coverage by an AUAR clarified (sewers “in;” wastewater treatment facilities “out”).

4410.3610, subp. 5, item A. A draft of the Mitigation Plan must now accompany the draft AUAR analysis document for review.

4410.3800, subp. 5. Three additional criteria for ordering a Generic EIS are added.

4410.3800, subp. 8. EQB no longer needs to review a GEIS to determine if it “remains adequate” before an RGU can use the GEIS information in project-specific review.

4410.4300, subp. 15. EAW threshold for air emission sources raised from 100 to 250 tons per year; parking facility threshold (2,000 spaces) eliminated.

4410.4300, subp. 18. EAW thresholds for wastewater sewers and treatment facilities raised under some circumstances.

4410.4300, subp. 31. EAW requirement eliminated for destruction of historic properties if there is review by a certified Local Heritage Preservation Committee or, if the property is in a designated historic district, the property is “noncontributing.”

4410.6100, subp. 1. The procedures and timing for an EIS cost agreement between the RGU and proposer are modified and better integrated with the EIS scoping procedures.