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# Mandatory Environmental Review Categories

Legislative Assessment Report

12/01/2021

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This is a report prepared by the Environmental Quality Board, Pollution Control Agency, Department of Natural Resources, and Department of Transportation.

Environmental Quality Board  
520 Lafayette Road,  
St. Paul, MN 55155  
(651)-757-2364  
[erik.dahl@state.mn.us](mailto:erik.dahl@state.mn.us)  
<https://www.eqb.state.mn.us/>

**Author:**

Erik Cedarleaf Dahl – Environmental Quality Board

**Contributors:**

Annie Felix-Gerth – Board of Water and Soil Resources  
David Bell – Department of Health  
Denise Wilson – Environmental Quality Board  
Eric Wojchik – Metropolitan Council  
Kate Fairman – Department of Natural Resources  
Katrina Hapka – Environmental Quality Board  
Katherine Lind – Department of Transportation  
Karen Kromar – Pollution Control Agency  
Raymond Kirsch – Department of Commerce  
Stephen Roos – Department of Agriculture  
Natalie Siderius – Department of Employment and Economic Development

*Upon request, this material will be made available in an alternative format such as large print, Braille or audio recording.*

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# Legislative Charge

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This report fulfills the directive of the Minnesota Legislature's 2017 amendment of Minnesota Statutes Chapter 116D.04 Subd. 5b:

*By December 1, 2018, and every three years thereafter, the Environmental Quality Board, Pollution Control Agency, Department of Natural Resources, and Department of Transportation, after consultation with political subdivisions, shall submit to the governor and the chairs of the house of representatives and senate committees having jurisdiction over environment and natural resources a list of mandatory environmental assessment worksheet and mandatory environmental impact statement categories for which the agency or a political subdivision is designated as the responsible government unit, and for each worksheet or statement category, a document including:*

- (1) intended historical purposes of the category;*
- (2) whether projects that fall within the category are also subject to local, state, or federal permits; and*
- (3) an analysis of and recommendations for whether the mandatory category should be modified, eliminated, or unchanged based on its intended outcomes and relationship to existing permits or other federal, state, or local laws or ordinances.*

# Abbreviations

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AERA	Air Emission Risk Analysis
AUAR	Alternative Urban Areawide Review
BWSR	Board of Water and Soil Resources
COMM	Minnesota Department of Commerce
CWA	Clean Water Act
DEED	Department of Employment and Economic Development
DOT	Minnesota Department of Transportation
DNR	Minnesota Department of Natural Resources
DPS	Minnesota Department of Public Safety
EAW	Environmental Assessment Worksheet
EIS	Environmental Impact Statement
EJ	Environmental Justice
ER	Environmental Review
EQB	Environmental Quality Board
FAA	Federal Aviation Administration
GEO	Genetically Engineered Organism
HAP	Hazardous Air Pollutants
LGU	Local Government Unit
MAC	Metropolitan Airport Commission
MDA	Minnesota Department of Agriculture
METC	Metropolitan Council
MDH	Minnesota Department of Health
MR	Minnesota Rules
MS	Minnesota Statute
MEPA	Minnesota Environmental Protection Act
MPCA	Minnesota Pollution Control Agency
NAAQS	National Ambient Air Quality Standards
NEPA	National Environmental Protection Act
NPDES	National Pollutant Discharge Elimination System
PM	Particulate Matter

PUC Public Utilities Commission  
RGU Responsible Government Unit  
SDS Safety Data Sheet  
SHPO State Historic Preservation Office  
SONAR Statement of Need and Reasonableness  
TPY Tons per Year  
USACE US Army Corps of Engineers  
USDA US Department of Agriculture  
WECS Wind Energy Conversion System

# Executive Summary

The Environmental Quality Board (EQB) is responsible for monitoring the effectiveness of the state Environmental Review Program, taking measures to improve its effectiveness, and providing assistance to all parties involved. Over the last 10 years, EQB staff have been consistently collecting data to better understand trends and identify areas for program improvement. From 2018 to 2020, the EQB used the *EQB Monitor* submission form to collect program data from Responsible Governmental Units (RGUs).

This report was prepared in compliance with requirements in [Minnesota Statute Chapter 116D.04 Subd. 5b](#), and contains analyses for each of the mandatory Environmental Assessment Worksheet (EAW) categories ([Minnesota Rules \(MR\) 4410.4300](#)) and the mandatory Environmental Impact Statement (EIS) categories ([MR 4410.4400](#)).

## Summary of Mandatory Category EAW and EIS Issues Identified

**Table 1: Summary of Mandatory Category EAW and EIS Issues Identified**

EAW Mandatory Categories (MR 4410.4300)	EIS Mandatory Categories (MR 4410.4400)	Issues Identified
Nuclear fuels and nuclear waste (Subp. 2)	Nuclear fuels and nuclear waste (Subp. 2)	No
Electric generating facilities (Subp. 3)	Electric generating facilities (Subp. 3)	<a href="#">Yes</a>
Petroleum refineries (Subp. 4)	Petroleum refineries (Subp. 4)	No
Fuel conversion facilities (Subp. 5)	Fuel conversion facilities (Subp. 5)	No
Transmission lines (Subp. 6)	Transmission lines (Subp. 6.)	<a href="#">Yes</a>
Pipelines (Subp. 7)	Pipelines (Subp. 24)	<a href="#">Yes</a>
Transfer facilities (Subp. 8)	—	No
Underground storage (Subp. 9)	Underground storage (Subp. 7)	No
Storage facilities (Subp. 10)	—	No
Metallic mineral mining and processing (Subp. 11)	Metallic mineral mining and processing (Subp. 8)	No
Nonmetallic mineral mining (Subp. 12)	Nonmetallic mineral mining (Subp. 9)	No
Paper and pulp processing mills (Subp. 13)	Paper and pulp processing mills (Subp. 10)	No
Industrial, commercial and institutional facilities (Subp. 14)	Industrial, commercial and institutional facilities (Subp. 11)	<a href="#">Yes</a>
Air Pollution (Subp. 15)	—	<a href="#">Yes</a>
Hazardous waste (Subp. 16)	Hazardous waste (Subp. 12)	No
Solid waste (Subp. 17)	Solid waste (Subp. 13)	No
Wastewater (Subp. 18)	—	<a href="#">Yes</a>
Residential development (Subp. 19)	Residential development (Subp. 14)	<a href="#">Yes</a>
Residential development in shoreland outside of the seven-county Twin Cities metropolitan area (Subp. 19a)	Residential development in shoreland outside of the seven-county Twin Cities metropolitan area (Subp. 14a)	<a href="#">Yes</a>



<b>EAW Mandatory Categories (MR 4410.4300)</b>	<b>EIS Mandatory Categories (MR 4410.4400)</b>	<b>Issues Identified</b>
Campgrounds and RV parks (Subp. 20)	—	No
Resorts, campgrounds, and RV parks in shorelands (Subp. 20a)	Resorts, campgrounds, and RV parks in shorelands (Subp. 26)	<a href="#">Yes</a>
Airport projects (Subp. 21)	—	No
—	Airport runway projects (Subp. 15)	No
Highway projects (Subp. 22)	Highway projects (Subp. 16)	No
Barge fleetings (Subp. 23)	Barge fleetings (Subp. 17)	No
Water appropriation and impoundments (Subp. 24)	Water appropriation and impoundments (Subp.18)	<a href="#">Yes</a>
Marinas (Subp. 25)	Marinas (Subp. 19)	No
Stream diversion (Subp. 26)	—	<a href="#">Yes</a>
Public waters, public waters wetlands, and wetlands (Subp. 27.)	Public waters, public waters wetlands, and wetlands (Subp. 20)	<a href="#">Yes</a>
Forestry (Subp. 28)	—	<a href="#">Yes</a>
—	Genetically engineered wild rice (Subp. 28)	No
Animal feedlots (Subp. 29)	—	<a href="#">Yes</a>
Natural areas (Subp. 30.)	—	No
Historical places (Subp. 31)	—	<a href="#">Yes</a>
Mixed residential and industrial-commercial projects (Subp. 32)	Mixed residential and industrial-commercial projects (Subp. 21)	<a href="#">Yes</a>
Communications towners (Subp. 33)	—	No
Sports or entertainment facilities (Subp. 34)	Sports or entertainment facilities (Subp. 22)	No
Release of genetically engineered organisms (Subp. 35)	—	<a href="#">Yes</a>
Land use conversion, including golf courses (Subp. 36)	—	No
Land conversions in shoreland (Subp. 36a)	Land conversions in shoreland (Subp. 27)	No
Recreational trails (Subp. 37)	—	<a href="#">Yes</a>
—	Water diversions (Subp. 23)	No
—	Incinerating wastes containing PCBs (Subp. 25)	No

# Background

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The Minnesota Environmental Policy Act (MEPA), [Minnesota Statute 116D](#), created a formal process for investigating public or private projects that have the potential to significantly impact the environment. [Minnesota Statute 116C.03](#) created the Environmental Quality Board (EQB) and §116D gave the EQB the authority to implement the requirements of MEPA.

To fulfill their duties, the EQB issues rules that implement the state Environmental Review Program. [MR 4410.0300](#) describes the authority, scope, purpose and objectives of these environmental review (ER) rules:

## **4410.0300 AUTHORITY, SCOPE, PURPOSE, AND OBJECTIVES.**

*Subpart 1. **Authority.** Parts 4410.0200 to 4410.6500 are issued under authority granted in Minnesota Statutes, chapter 116D, to implement the environmental review procedures established by the Minnesota Environmental Policy Act.*

*Subp. 2. **Scope.** Parts 4410.0200 to 4410.6500 apply to all governmental actions. They shall apply to projects for which environmental review has not been initiated prior to September 28, 1982. For any project for which environmental review has been initiated by submission of a citizens petition, environmental assessment worksheet, environmental impact statement preparation notice, or environmental impact statement to the EQB prior to September 28, 1982, all governmental decisions that may be required for that project shall be acted upon in accord with prior rules.*

*Subp. 3. **Purpose.** The Minnesota Environmental Policy Act recognizes that the restoration and maintenance of environmental quality is critically important to our welfare. The act also recognizes that human activity has a profound and often adverse impact on the environment.*

*A first step in achieving a more harmonious relationship between human activity and the environment is understanding the impact which a proposed project will have on the environment. The purpose of parts 4410.0200 to 4410.6500 is to aid in providing that understanding through the preparation and public review of environmental documents.*

*Environmental documents shall contain information that addresses the significant environmental issues of a proposed action. This information shall be available to governmental units and citizens early in the decision making process.*

*Environmental documents shall not be used to justify a decision, nor shall indications of adverse environmental effects necessarily require that a project be disapproved. Environmental documents shall be used as guides in issuing, amending, and denying permits and carrying out other responsibilities of governmental units to avoid or minimize adverse environmental effects and to restore and enhance environmental quality.*

*Subp. 4. **Objectives.** The process created by parts 4410.0200 to 4410.6500 is designed to:*

- A. provide usable information to the project proposer, governmental decision makers and the public concerning the primary environmental effects of a proposed project;*

- B. provide the public with systematic access to decision makers, which will help to maintain public awareness of environmental concerns and encourage accountability in public and private decision making;*
- C. delegate authority and responsibility for environmental review to the governmental unit most closely involved in the project;*
- D. reduce delay and uncertainty in the environmental review process; and*
- E. eliminate duplication.*

Minnesota Rules chapter 4410 ([MR 4410](#)) implements the objectives of MEPA by requiring categories of project types to undergo a systematic process that works in conjunction with permits and other approvals. These categories are referred to as mandatory Environmental Assessment Worksheet (EAW) categories ([MR 4410.4300](#)) and mandatory Environmental Impact Statement (EIS) categories ([MR 4410.4400](#)). Each mandatory EAW and EIS category has an applicable threshold for determining when review is required and assigns a responsible governmental unit (RGU) to prepare and approve the review documents. Information provided through the Minnesota environmental review process is intended to ensure that the potential environmental effects of a proposed project will be assessed and disclosed, prior to the approval of any Minnesota governmental action.

Minnesota's environmental review processes (in MR 4410) include Citizen Petition, EAW, EIS, and Alternative Urban Areawide Review (AUAR).

- The Citizen Petition process provides the opportunity for a community to request the preparation of an EAW for a project by filing a petition that contains the signatures and mailing addresses of at least 100 individuals who reside or own property in the state.
- An EAW provides a brief analysis and overview of the potential environmental impacts of a specific project, and to help the RGU determine if an EIS is necessary.
- An EIS is a more detailed analysis of the key environmental, social, and economic issues that are likely to result from the project. The first step in the EIS process is to identify only those potentially significant issues relevant to the proposed project in order to reduce the bulk and time table for preparation of an EIS.
- An AUAR is a planning tool that local governments can use to understand how different development scenarios will affect the environment of their community. It is a way of performing an environmental analysis in advance, before major development occurs in an area. It also is a way to use the information from the analysis to guide local planning and zoning decisions.

The ER process does not approve or deny approval of a project. ER provides a basis of information for preparing permits and other decisions. Permits and ER processes are different tools and serve different functions. An important distinction between ER (not an approval) and permits or other types of approvals, is that ER provides a holistic, ecological view of potential environmental effects in a single document for consideration by the public and decision-makers. A proposed project may have multiple permits and approvals, and an individual permit focuses on regulatory compliance with one type of impact such as air emissions, or water.

Other permits, approvals or ordinances do not typically capture the same information or broad range of possible environmental impacts as the ER process in one consolidated public document. Some other benefits of ER include:

- Considers cumulative environmental impacts
- Considers phased and connected actions

- Public-oriented by providing the public with relevant technical environmental information, to help them more fully participate in local decisions before projects can be approved.
- Helps project proposers gather information, consider opportunities to improve projects, connect with stakeholders and other project and process benefits early in their design process
- Identifies regulatory and community concerns, before project designs are final

## Mandatory Categories

Mandatory categories are categories of project types for which ER is mandatory. These categories are referred to as mandatory Environmental Assessment Worksheet (EAW) categories and mandatory Environmental Impact Statement (EIS) categories. Each mandatory EAW and EIS category has an applicable threshold for determining when ER is required and assigns a responsible governmental unit (RGU) to prepare and approve the review documents. Information provided through the Minnesota ER process is intended to ensure that the potential environmental effects of a proposed project will be assessed and disclosed, prior to the approval of any Minnesota governmental action.

## Environmental Review Roles

The Environmental Review Program involves the Environmental Quality Board, local/state/tribal governments, the project proposer, and Minnesota residents. Each play a unique role in throughout the process.

**Table 1: Environmental Review roles**

Role	Activities
Environmental Quality Board	<ul style="list-style-type: none"> <li>• Oversight of the rules</li> <li>• Technical assistance</li> <li>• Creates guidance</li> <li>• Data &amp; continuous improvement</li> </ul>
Responsible Governmental Unit (RGU)	<ul style="list-style-type: none"> <li>• Implements rules</li> <li>• Prepares environmental documents</li> <li>• Decision maker</li> </ul>
Project proposer	<ul style="list-style-type: none"> <li>• Provides project details</li> </ul>
Public	<ul style="list-style-type: none"> <li>• Provides local knowledge &amp; participates in decision-making</li> <li>• Citizen Petitions</li> </ul>

**Environmental Quality Board (EQB)** - EQB’s role in environmental review is focused on program consistency and assisting governmental units and interested persons with understanding and implementing environmental review rules, as well as program continuous improvement. EQB staff also publish environmental review-related notices in the *EQB Monitor* weekly publication. The EQB delegates the authority to other state and local governments (Responsible Governmental Unit or RGU) to apply the rules to individual projects. RGUs are assigned responsibility for verifying the accuracy of environmental documents and complying with environmental review processes.

**Responsible Government Unit (RGU)** - In the environmental review process, an RGU is the governmental organization that must oversee the preparation and analysis of environmental review documents. The RGU can be any state agency or any local (county, city, township) or special purpose unit (watershed district, SWCD, etc.)

of government in the state. The RGU is the governmental unit determined to have the greatest authority to approve or disapprove a project.

## History of the Mandatory Category Report

The first Mandatory Categories Legislative Assessment Report (2013 MC Report) was required by a 2012 legislative directive (Laws of Minnesota for 2012, Chapter 150, Article 2, Section 3). The 2013 and 2018 MC Report evaluated each of the mandatory EAW and EIS categories and developed recommendations for whether the mandatory category should be modified, eliminated, or unchanged based on its intended outcomes and relationship to existing permits or other federal, state, or local laws or ordinances. The Mandatory Categories Legislative Assessment Report was completed in 2013, 2018, and now in 2021.

## 2021 Mandatory Category Report Engagement Process

Environmental Quality Board staff developed an outreach and engagement process to consult with Pollution Control Agency (MPCA), Department of Natural Resources (DNR), Department of Transportation (DOT), Department of Health (MDH), Department of Agriculture (MDA), Department of Commerce (COMM), Department of Employment and Economic Development (DEED), Board of Water and Soil Resources (BWSR) and Metropolitan Council (METC).

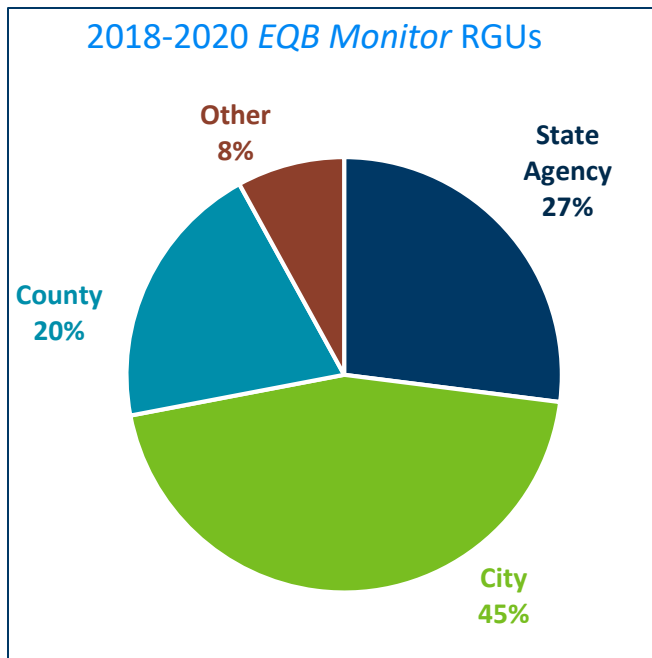
To comply with the legislative directive to “consult with political subdivisions,” on the mandatory ER categories, EQB staff consulted with Local Government Units (LGUs), project proposers, and consultants that provided email contact information in the *EQB Monitor* submission forms from 2016 to 2019 through an online survey, direct emails, and phone interviews. Additional governmental organizations contacted included the League of Minnesota Cities, the Association of Minnesota Counties, the Minnesota Association of Townships, the Minnesota Inter-County Association, the Minnesota Association of Small Cities, the Minnesota Association of Soil and Water Conservation Districts, and the Minnesota Association of Watershed Districts. To assess local governments’ perspectives, EQB staff considered survey responses in their analyses of the mandatory EAW and EIS categories for which local governmental units are designated as the RGU. EQB staff also conducted outreach to a list of businesses and business organizations provided by DEED.

EQB staff reached out directly to members of the public who provided an email address on signed petition forms from January 2016 to May 2021 via email, and other interested members of the public via the *EQB Monitor* and a survey on the [EQB’s 2021 Mandatory Category Report webpage](#). All public comments were reviewed by the Interagency Team and incorporated into issues identified within the report where appropriate.

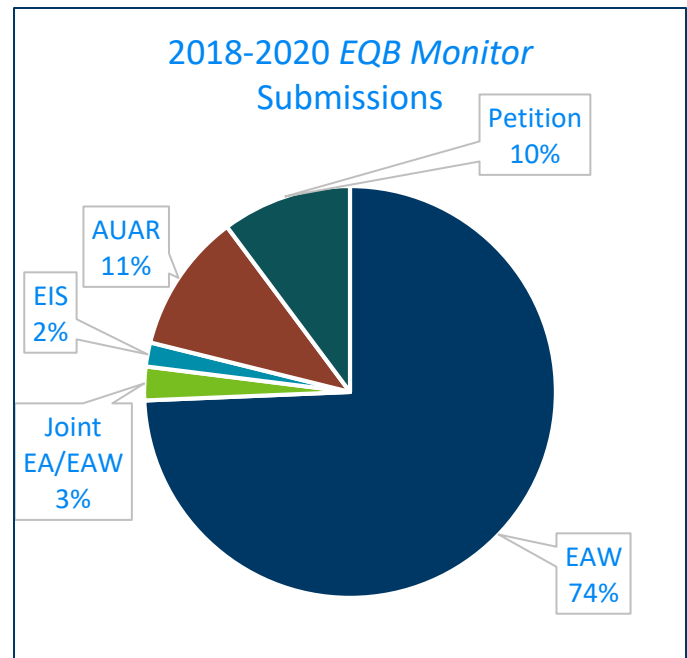
Issues identified reflect a cross-section of perspectives and experiences from RGUs and do not necessarily indicate consensus among RGUs, or that all RGUs feel the topic is appropriate to pursue.

## 2021 Analysis of the Mandatory EAW and EIS Categories

The EQB is responsible for monitoring the effectiveness of the state Environmental Review Program, taking measures to improve its effectiveness, and providing assistance to all parties involved. Over the last 10 years, EQB staff have been consistently collecting data to better understand trends and identify areas for program improvement. From 2018 to 2020, the EQB used the *EQB Monitor* submission form to collect program data from RGUs. The *EQB Monitor* is a weekly publication for notices required by MR 4410. The submission form is available on the EQB website and is used by RGUs, consultants, and governmental staff to provide content for the *EQB Monitor*. These submissions account for most project specific data. The results of the data collection are an important first step in understanding environmental review processes being completed around the state.



**Figure 1.** On average, local government units conducted 73% of all mandatory environmental review completed from 2018-2020.



**Figure 2.** Approximately 76% of environmental review completed in 2018-2020 was for EAWs and EISs.

An interagency team of EQB member agency Responsible Government Units (RGU) and EQB staff conducted an assessment of each mandatory category (see Table 1 and Mandatory Category Analysis and Issues Identified section). The assessment include a review of the intended historical purpose for every mandatory category using the team’s best professional judgement and professional experience to determine if the category was still meeting the intended purpose. The team utilized best professional judgement to sort through draft suggestions and ideas provided by members of the public and local government units to construct the issues identified.

For the Mandatory Category Report, the Department of Transportation, Department of Natural Resources, Department of Agriculture, Department of Commerce, Department of Health, and the Pollution Control Agency performed analyses for the categories for which they are the designated RGU.

The EQB conducted the analyses for mandatory EAW and EIS categories where it is the designated RGU and the mandatory EAW and EIS categories when a local unit of government is the designated RGU.

Minnesota Rules Chapter 4410 designates the EQB as the RGU for the categories for nuclear waste facilities, power generating facilities, small electrical transmission lines, and certain sizes of pipelines. However, the implementation of these categories was altered significantly in 2005 by the statutory transfer of siting and routing authority to the Public Utilities Commission (Commission). In 1989, the EQB approved the pipeline routing rules process as an alternative environmental review process, per [MR 4410.3600](#). The Department of Commerce (Commerce) conducts ER on behalf of the Commission for these energy projects. Accordingly, Commerce staff reviewed and analyzed these categories. Similarly, thus far, all releases of genetically engineered organisms have been agriculturally related, the Department of Agriculture provided the analyses for those categories.

To examine a mandatory category's intended historical purpose, these analyses reviewed rule amendment Statement of Need and Reasonableness (SONAR)s prepared in [1982, 1986, 1988, 1997, 2003, 2004, 2005, 2006, 2007 and 2019 \(link to SONARs\)](#). Links to each of these SONARs are included in the Category by Category Analysis section below.

[Minnesota Statute Chapter 116D.04 Subd. 5b.](#) requires this report include information on “whether projects that fall within the category are also subject to local, state, or federal permits” and to make “recommendations for whether the mandatory category should be modified, eliminated, or unchanged based on its intended outcomes and relationship to existing permits or other federal, state, or local laws or ordinances.” State and local units of government have different permit and approval processes, and the permits and approvals required will vary based on the details of an individual project. Local, state and federal permits are detailed for each mandatory category in the Mandatory Category Analysis and Issues Identified section below.

The mandatory categories below provide detailed issues identified, where applicable, that comply with the legislative directive. However, it is not possible to create a definitive list of all applicable permits, approvals, ordinances, and/or laws that could potentially apply to a project subject to a mandatory category. Relevant examples of these approval processes are listed below, with the caveat that it will depend on the specific project and location for that project type. The information provided includes examples of the types of permits and reviews that might be applicable to a given category of projects. In practice, the permits and approvals required will vary based on the details of a project and where it is located in the state.

# Mandatory Category Analysis and Issues Identified

## Nuclear fuels and Nuclear waste.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 2</a>	<a href="#">4410.4400. Subp. 2</a>
<b>Responsible Government Unit</b>	EQB, MDH	EQB, MDH
<b>Intended historical purpose</b>	<a href="#">1982 Statement of Need and Reasonableness (SONAR) page 112</a> and <a href="#">2019 SONAR page 23</a> .	<a href="#">1982 Statement of Need and Reasonableness (SONAR) page 112</a>
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>Fissionable materials: Minnesota Department of Health pursuant to Minn. Stat. § 144.12. Minn. Stat. § 116C.72 requires legislative authorization of any radioactive waste management facility.</li> <li>Processing facilities: Pollution Control Agency pursuant to Minn. Stat. § 115.03 and Minn. Stat. § 116.07. Environmental review documents prepared pursuant to these proposed rules would be subject to cooperative state/federal procedures. The U.S. Nuclear Regulatory Commission has jurisdiction over nuclear materials.</li> </ul>	<ul style="list-style-type: none"> <li>Fissionable materials: Minnesota Department of Health pursuant to Minn. Stat. § 144.12. Minn. Stat. § 116C.72 requires legislative authorization of any radioactive waste management facility.</li> <li>Processing facilities: Pollution Control Agency pursuant to Minn. Stat. § 115.03 and Minn. Stat. § 116.07. Environmental review documents prepared pursuant to these proposed rules would be subject to cooperative state/federal procedures. The U.S. Nuclear Regulatory Commission has jurisdiction over nuclear materials.</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	0/0/0	0/0/0
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	The project type, criteria, and threshold still relevant. No changes are recommended.



## Electric generating facilities.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 3</a>	<a href="#">4410.4400. Subp. 3</a>
<b>Responsible Government Unit</b>	PCA, PUC, LGU	PUC
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 115</a> and <a href="#">2003 SONAR</a> and <a href="#">2019 SONAR page 24</a>	<a href="#">1982 SONAR page 115</a> and <a href="#">2003 SONAR</a> and <a href="#">2019 SONAR page 24</a>
<b>Potential local, state, or federal permits</b>	Permitting is addressed through Minn. Statute 216E and Minn. Rules 7849, 7850 for projects of 50 MW and larger.	Permitting is addressed through Minn. Statute 216E and Minn. Rules 7849, 7850 for projects of 50 MW and larger.
<b>Number of projects – 2018/2019/2020</b>	0/1/0	0/0/0
<b>Issues Identified</b>	<p>For certain energy facilities, the Legislature has prescribed how environmental review must be conducted. The 4410 rules currently assist users looking for information regarding these facilities by redirecting them to the appropriate statutes and rules. However this redirection occurs within 4410.4300 and 4410.4400. Thus, a user is redirected to the appropriate statutes and rules, <i>and</i> this redirection occurs within a listing of projects that require an EAW or EIS. This can, and has, caused confusion for project developers and citizens.</p> <p>Move to a proposed new 4410 section. A new 4410 section for legislatively-mandated ER would keep 4410 as a touchstone for ER without causing the confusion raised by the current informational approach, which redirects users to the applicable rules while, at the same time, indicating that an EAW is required. Also, PUC is RGU for Wind Energy Conversion System (WECS) operation at 5 MW or more (not 25). A clarity/grammar change, but also a change that makes the rule consistent with statute (<a href="#">216F</a>).</p>	<p>For certain energy facilities, the Legislature has prescribed how environmental review must be conducted. The 4410 rules currently assist users looking for information regarding these facilities by redirecting them to the appropriate statutes and rules. However this redirection occurs within 4410.4300 and 4410.4400. Thus, a user is redirected to the appropriate statutes and rules, <i>and</i> this redirection occurs within a listing of projects that require an EAW or EIS. This can, and has, caused confusion for project developers and citizens.</p> <p>Move to a proposed new 4410 section. A new 4410 section for legislatively-mandated ER would keep 4410 as a touchstone for ER without causing the confusion raised by the current informational approach, which redirects users to the applicable rules while, at the same time, indicating that an EAW is required. Also, PUC is RGU for Wind Energy Conversion System (WECS) operation at 5 MW or more (not 25). A clarity/grammar change, but also a change that makes the rule consistent with statute (<a href="#">216F</a>).</p>

## Petroleum refineries.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 4</a>	<a href="#">4410.4400. Subp. 4</a>
<b>Responsible Government Unit</b>	PCA	PCA
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 116</a>	<a href="#">1982 SONAR page 116</a>
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>• City: Conditional Use Permit; Permit for Discharge of Industrial Wastewater; Plan Review and Approval; Building Permit.</li> <li>• County: Conditional Use Permit, Building Permit;</li> <li>• State: Air Emissions Permit (MPCA); NPDES Wastewater Discharge (MPCA); NPDES General Construction Stormwater Permit (MPCA); NPDES Industrial Stormwater Permit (MPCA); Above Ground Storage Tank (MPCA); Highway Crossing Permit (MnDOT); Utility Permit to work in the State Right-of-way (MnDOT); Fire Marshall (MnDOT); Plan Review for Above Ground Storage Tanks (MnDOT).</li> </ul>	<ul style="list-style-type: none"> <li>• City: Conditional Use Permit; Permit for Discharge of Industrial Wastewater; Plan Review and Approval; Building Permit.</li> <li>• County: Conditional Use Permit, Building Permit;</li> <li>• State: Air Emissions Permit (MPCA); NPDES Wastewater Discharge (MPCA); NPDES General Construction Stormwater Permit (MPCA); NPDES Industrial Stormwater Permit (MPCA); Above Ground Storage Tank (MPCA); Highway Crossing Permit (MnDOT); Utility Permit to work in the State Right-of-way (MnDOT); Fire Marshall (MnDOT); Plan Review for Above Ground Storage Tanks (MnDOT).</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	0/0/0	0/0/0
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	The project type, criteria, and threshold still relevant. No changes are recommended.

## Fuel conversion facilities.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 5</a>	<a href="#">4410.4400. Subp. 5</a>
<b>Responsible Government Unit</b>	PCA	PCA
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 117</a> and <a href="#">2019 SONAR page 50</a>	<a href="#">1982 SONAR page 117</a> and <a href="#">2019 SONAR page 50</a>
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>City: Building Permit; Utilities Permit; Industrial Stormwater Agreement; Conditional Use Permit.</li> <li>County: Conditional Use Permit; Utilities Permit; On-site Septic Permit; Building Permit; Driveway Permit; Incinerator Permit; Permit to dispose at the County Landfill; Ditch Use Authorization; Watershed Districts; Watershed District Permit.</li> <li>State: NPDES General Construction Stormwater Permit (MPCA); NPDES Industrial Stormwater Permit (MPCA); Air Emissions Permit (MPCA); Section 401 Water Quality Certificate (MPCA); Water Appropriation Permit (DNR); Work in Public Waters Permit (DNR); Work in Public Lands Permit (DNR); Natural Heritage and Nongame Database Review (DNR); Agricultural Liming License (MDA); Construction Easements (MN Historical Society); Minnesota State Historical Concurrences on Findings of Cultural Preservation Office Resource Impacts; Mississippi National River and Recreation Area Critical Area Site Plan Approval; Highway Crossing Permit (MnDOT); Utility Permit to work in the State Right-of-way (MnDOT); Dewatering Well Construction Permit (MDH); Monitoring Well Construction Permit (MDH); Plumbing and Engineering Plumbing Plan Review (MDH); Special Well Construction Area Approval (MDH); Fire Marshal Plan Approval; Above Ground Flammable and Combustible Liquids Review (MN DPS).</li> </ul>	<ul style="list-style-type: none"> <li>City: Building Permit; Utilities Permit; Industrial Stormwater Agreement; Conditional Use Permit.</li> <li>County: Conditional Use Permit; Utilities Permit; On-site Septic Permit; Building Permit; Driveway Permit; Incinerator Permit; Permit to dispose at the County Landfill; Ditch Use Authorization; Watershed Districts; Watershed District Permit.</li> <li>State: NPDES General Construction Stormwater Permit (MPCA); NPDES Industrial Stormwater Permit (MPCA); Air Emissions Permit (MPCA); Section 401 Water Quality Certificate (MPCA); Water Appropriation Permit (DNR); Work in Public Waters Permit (DNR); Work in Public Lands Permit (DNR); Natural Heritage and Nongame Database Review (DNR); Agricultural Liming License (MDA); Construction Easements (MN Historical Society); Minnesota State Historical Concurrences on Findings of Cultural Preservation Office Resource Impacts; Mississippi National River and Recreation Area Critical Area Site Plan Approval; Highway Crossing Permit (MnDOT); Utility Permit to work in the State Right-of-way (MnDOT); Dewatering Well Construction Permit (MDH); Monitoring Well Construction Permit (MDH); Plumbing and Engineering Plumbing Plan Review (MDH); Special Well Construction Area Approval (MDH); Fire Marshal Plan Approval; Above Ground Flammable and Combustible Liquids Review (MN DPS).</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	0/0/0	0/0/0
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	The project type, criteria, and threshold still relevant. No changes are recommended.

## Transmission lines.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 6</a>	<a href="#">4410.4400. Subp. 6</a>
<b>Responsible Government Unit</b>	PUC	PUC
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 122</a> and <a href="#">2019 SONAR page 26</a>	<a href="#">1982 SONAR page 122</a> and <a href="#">2019 SONAR page 26</a>
<b>Potential local, state, or federal permits</b>	Permitting is addressed through Minn. Statute 216E and Minn. Rules 7849, 7850 for projects of 50 MW and larger.	Permitting is addressed through Minn. Statute 216E and Minn. Rules 7849, 7850 for projects of 50 MW and larger.
<b>Number of projects – 2018/2019/2020</b>	0/1/0	0/1/0
<b>Issues Identified</b>	<p>For certain energy facilities, the Legislature has prescribed how environmental review must be conducted. The 4410 rules currently assist users looking for information regarding these facilities by redirecting them to the appropriate statutes and rules. However this redirection occurs within 4410.4300 and 4410.4400. Thus, a user is redirected to the appropriate statutes and rules, <i>and</i> this redirection occurs within a listing of projects that require an EAW or EIS. This can, and has, caused confusion for project developers and citizens.</p> <p>Move to a proposed new 4410 section. A new 4410 section for legislatively-mandated ER would keep 4410 as a touchstone for ER without causing the confusion raised by the current informational approach, which redirects users to the applicable rules while, at the same time, indicating that an EAW is required.</p>	<p>For certain energy facilities, the Legislature has prescribed how environmental review must be conducted. The 4410 rules currently assist users looking for information regarding these facilities by redirecting them to the appropriate statutes and rules. However this redirection occurs within 4410.4300 and 4410.4400. Thus, a user is redirected to the appropriate statutes and rules, <i>and</i> this redirection occurs within a listing of projects that require an EAW or EIS. This can, and has, caused confusion for project developers and citizens.</p> <p>Move to a proposed new 4410 section. A new 4410 section for legislatively-mandated ER would keep 4410 as a touchstone for ER without causing the confusion raised by the current informational approach, which redirects users to the applicable rules while, at the same time, indicating that an EAW is required.</p>

## Pipelines.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 7</a>	<a href="#">4410.4400. Subp. 24</a>
<b>Responsible Government Unit</b>	EQB, LGU	EQB, LGU
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 119</a> and <a href="#">1988 SONAR page 37</a>	<a href="#">1982 SONAR page 119</a> and <a href="#">1988 SONAR page 37</a>
<b>Potential local, state, or federal permits</b>	Permitting is addressed through <a href="#">Minnesota Statute 216G</a> passed by legislature and <a href="#">Minnesota Rules 7852</a> adopted by EQB since EAW category created.	Permitting is addressed through <a href="#">Minnesota Statute 216G</a> passed by legislature and <a href="#">Minnesota Rules 7852</a> adopted by EQB since EAW category created.
<b>Number of projects – 2018/2019/2020</b>	0/0/0	0/1/1
<b>Issues Identified</b>	<p>For certain energy facilities, the Legislature has prescribed how environmental review must be conducted. The 4410 rules currently assist users looking for information regarding these facilities by redirecting them to the appropriate statutes and rules. However this redirection occurs within 4410.4300 and 4410.4400. Thus, a user is redirected to the appropriate statutes and rules, <i>and</i> this redirection occurs within a listing of projects that require an EAW or EIS. This can, and has, caused confusion for project developers and citizens.</p> <p>Move to a proposed new 4410 section. A new 4410 section for legislatively-mandated ER would keep 4410 as a touchstone for ER without causing the confusion raised by the current informational approach, which redirects users to the applicable rules while, at the same time, indicating that an EAW is required.</p>	<p>For certain energy facilities, the Legislature has prescribed how environmental review must be conducted. The 4410 rules currently assist users looking for information regarding these facilities by redirecting them to the appropriate statutes and rules. However this redirection occurs within 4410.4300 and 4410.4400. Thus, a user is redirected to the appropriate statutes and rules, <i>and</i> this redirection occurs within a listing of projects that require an EAW or EIS. This can, and has, caused confusion for project developers and citizens.</p> <p>Move to a proposed new 4410 section. A new 4410 section for legislatively-mandated ER would keep 4410 as a touchstone for ER without causing the confusion raised by the current informational approach, which redirects users to the applicable rules while, at the same time, indicating that an EAW is required.</p>

## Transfer facilities.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 8</a>	N/A
<b>Responsible Government Unit</b>	PCA	N/A
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 121</a> and <a href="#">2019 SONAR page 28</a>	N/A
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>• City: Building Permit; Conditional Use Permit;</li> <li>• County: Conditional Use Permits; Septic System Permit; Watershed Districts; Watershed Permits;</li> <li>• State: NPDES General Construction Stormwater Permit (MPCA); NPDES Industrial Stormwater Permit (MPCA); Above Ground Storage Tank Permit (MPCA); Section 401 Water Quality Certificate (MPCA); Access Permit (MnDOT); Minnesota Natural Heritage Database Search (DNR); Cultural Resources Review (MN SHPO);</li> <li>• Federal: Army Corps of Engineers Section 404 Wetland Permit.</li> </ul>	N/A
<b>Number of projects – 2018/2019/2020</b>	0/0/0	N/A
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	N/A

## Underground storage.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 9</a>	<a href="#">4410.4400. Subp. 7</a>
<b>Responsible Government Unit</b>	DNR	DNR
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 122</a>	<a href="#">1982 SONAR page 122</a>
<b>Potential local, state, or federal permits</b>	State: Minn. Statutes, section 103I.681; Minn. Rules, part 6115.0130; Minn. Statutes, chapter 216B; Minn. Rules, Chapter 7851.	State: Minn. Statutes, section 103I.681; Minn. Rules, part 6115.0130; Minn. Statutes, chapter 216B; Minn. Rules, Chapter 7851.
<b>Number of projects – 2018/2019/2020</b>	0/0/0	0/0/0
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	The project type, criteria, and threshold still relevant. No changes are recommended.

## Storage facilities.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 10</a>	N/A
<b>Responsible Government Unit</b>	PCA, PUC, MDA	N/A
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 123</a> , <a href="#">1988 SONAR page 38</a> and <a href="#">2019 SONAR page 32</a>	N/A
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>• City: Building Permit; Conditional Use Permit.</li> <li>• County: Conditional Use Permits; Septic System Permit; Watershed Districts; Watershed Permits.</li> <li>• State: NPDES General Construction Stormwater permit (MPCA); NPDES Industrial Stormwater Permit (MPCA); Above Ground Storage Tank Permit (MPCA); Section 401 Water Quality Certificate (MPCA); Access Permit (MnDOT); Minnesota Natural Heritage Database Search (DNR); Cultural Resources Review (MN SHPO).</li> <li>• Federal: Army Corps of Engineers Section 404 Wetland Permit.</li> </ul>	N/A
<b>Number of projects – 2018/2019/2020</b>	0/1/1	N/A
<b>Issues Identified</b>	<p>The project type, criteria, and threshold still relevant. No changes are recommended.</p> <p>No projects in this category subpart have been proposed since MDA was designated as RGU; no basis for proposing changes. At this point there are no new projects of this scale in the works that we are aware of.</p>	N/A



## Metallic mineral mining and processing.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 11</a>	<a href="#">4410.4400. Subp. 8</a>
<b>Responsible Government Unit</b>	DNR	DNR
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 125</a>	<a href="#">1982 SONAR page 125</a>
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>Local: Commercial septic tank permit; Building permit; Permit for construction in shoreland area; Zoning variances.</li> <li>State: Permit to mine; Water appropriation permit; Public water work permit; Dam safety permit Burning permit; Listed species takings permit; Part 70 operating permit; Title V air permit modification; NPDES General Construction Stormwater general permit; NPDES Industrial Stormwater permit; Section 401 Water Quality Certification; Waste tire storage permit; Storage tank permit; Solid waste permit; Hazardous waste generator and storage; Demolition debris disposal facility permit; Radioactive material registration; Noncommunity nontransient public water system; Government loan/grant; High Voltage Transmission Line routing permit.</li> <li>Federal: 404 permit; Permit for tower construction next to existing radar.</li> </ul>	<ul style="list-style-type: none"> <li>Local: Commercial septic tank permit; Building permit; Permit for construction in shoreland area; Zoning variances.</li> <li>State: Permit to mine; Water appropriation permit; Public water work permit; Dam safety permit Burning permit; Listed species takings permit; Part 70 operating permit; Title V air permit modification; NPDES General Construction Stormwater permit; NPDES Industrial Stormwater permit; Section 401 Water Quality Certificate; Waste tire storage permit; Storage tank permit; Solid waste permit; Hazardous waste generator and storage; Demolition debris disposal facility permit; Radioactive material registration; Noncommunity nontransient public water system; Government loan/grant; High Voltage Transmission Line routing permit.</li> <li>Federal: 404 permit; Permit for tower construction next to existing radar.</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	0/0/0	0/0/0
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	The project type, criteria, and threshold still relevant. No changes are recommended.

## Nonmetallic mineral mining.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 12</a>	<a href="#">4410.4400. Subp. 9</a>
<b>Responsible Government Unit</b>	DNR	DNR
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 126</a> and <a href="#">2007 SONAR pages 42 and 52</a>	<a href="#">1982 SONAR page 126</a> and <a href="#">2007 SONAR pages 42 and 52</a>
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>Local: Comprehensive plan amend if the community has a plan; Rezoning if the community has zoning; Subdivision/platting approval; Conditional Use Permit; Interim Use Permit; Local mining permit; Site plan approval; Grading/drainage/erosion control plan; Wetland Conservation Act approval and/or mitigation plan; Road access permit on local road; Building permits for structures.</li> <li>State: Water appropriation permit; Permit to mine (Reclamation permit); Land lease; NPDES/SDS permit; Clean Water Act 401 certification; Driveway permit (DOT) if state highway.</li> <li>Federal: Clean Water Act 404 permit (wetlands).</li> </ul>	<ul style="list-style-type: none"> <li>Local: Comprehensive plan amend if the community has a plan; Rezoning if the community has zoning; Subdivision/platting approval; Conditional Use Permit; Interim Use Permit; Local mining permit; Site plan approval; Grading/drainage/erosion control plan; Wetland Conservation Act approval and/or mitigation plan; Road access permit on local road; Building permits for structures.</li> <li>State: Water appropriation permit; Permit to mine (Reclamation permit); Land lease; NPDES/SDS permit; Clean Water Act 401 certification; Driveway permit (DOT) if state highway.</li> <li>Federal: Clean Water Act 404 permit (wetlands).</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	8/3/3	0/0/1
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	The project type, criteria, and threshold still relevant. No changes are recommended.

## Paper and pulp processing mills.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 13</a>	<a href="#">4410.4400. Subp. 10</a>
<b>Responsible Government Unit</b>	PCA	PCA
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 129</a>	<a href="#">1982 SONAR page 129</a>
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>• City: Building Permit; Utility Permit; Capacity Allocation Agreement Wastewater Treatment Plant</li> <li>• County: Conditional Use Permit; Building Permit</li> <li>• State: Air Emissions Permit; NPDES Discharge Permit; NPDES General Construction Stormwater Permit; NPDES Industrial Stormwater Permit; Above Ground Tank Permit; Water Appropriation Permit; Highway Crossing Permit; Utility Permit</li> </ul>	<ul style="list-style-type: none"> <li>• City: Building Permit; Utility Permit; Capacity Allocation Agreement Wastewater Treatment Plant</li> <li>• County: Conditional Use Permit; Building Permit</li> <li>• State: Air Emissions Permit; NPDES Discharge Permit; NPDES General Construction Stormwater Permit; NPDES Industrial Stormwater Permit; Above Ground Tank Permit; Water Appropriation Permit; Highway Crossing Permit; Utility Permit</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	0/0/0	0/0/0
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	The project type, criteria, and threshold still relevant. No changes are recommended.

## Industrial, commercial, and institutional facilities.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 14</a>	<a href="#">4410.4400. Subp. 11</a>
<b>Responsible Government Unit</b>	LGU	LGU
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 130</a> , <a href="#">1986 SONAR pages 9 and 14</a> , and <a href="#">1988 SONAR page 39</a>	<a href="#">1982 SONAR page 130</a> , <a href="#">1986 SONAR pages 9 and 14</a> , and <a href="#">1988 SONAR page 39</a>
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>Local: Comprehensive plan amend if the community has a plan; Zoning permits; Subdivision/platting approval; Conditional Use Permit; Site plan approval; Wetland Conservation Act approval and/or wetlands mitigation plan; Building permits for structures.</li> <li>State: Driveway permit (MnDOT) if state highway.</li> <li>Federal: Clean Water Act 404 permit (wetlands).</li> </ul>	<ul style="list-style-type: none"> <li>Local: Comprehensive plan amend if the community has a plan; Zoning permits; Subdivision/platting approval; Conditional Use Permit; Site plan approval; Wetland Conservation Act approval and/or wetlands mitigation plan; Building permits for structures.</li> <li>State: Driveway permit (MnDOT) if state highway.</li> <li>Federal: Clean Water Act 404 permit (wetlands).</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	6/0/3	0/0/0
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	The project type, criteria, and threshold still relevant. No changes are recommended.

## Air pollution.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 15</a>	N/A
<b>Responsible Government Unit</b>	PCA	N/A
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 134</a> , <a href="#">1988 SONAR page 41</a> , <a href="#">2005 SONAR page 34</a> , <a href="#">2006 SONAR page 33</a> and <a href="#">2019 SONAR page 34</a>	N/A
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>• City: Building Permit; Conditional Use Permit; Sanitary Sewer Hook-up; Wastewater Discharge Permit; Zoning Certificate; Utility Permit.</li> <li>• County: Watershed District Permit; Conditional Use Permit.</li> <li>• State: Air Emissions Permit (MPCA); NPDES General Construction Stormwater Permit (MPCA); NPDES Industrial Stormwater Permit (MPCA); NPDES Wastewater Discharge Permit (MPCA); Above Ground Tanks Permit (MPCA); Very Small Quantity Hazardous Generator License (MPCA); Beneficial Use Approval for ash land application (MPCA); Concurrence on Findings of Cultural Resources Impacts (MN SHPO); Water Appropriation Permit (DNR); Minnesota Natural Heritage Database Search (DNR); Fire Marshall Plan Review; Highway Crossing Permit (MnDOT).</li> <li>• Federal: Threatened and Endangered Species Review (US FWS); Hazardous Waste Generators Identification Number (EPA).</li> </ul>	N/A
<b>Number of projects – 2018/2019/2020</b>	0/0/0	N/A
<b>Issues Identified</b>	<p>The threshold should be lowered to 100 TPY in order to meaningfully capture facilities that emit air pollution. A 100 TPY threshold would be consistent with the major source threshold. In addition it is recommend adding a category for Hazardous Air Pollutants (HAPs) with a threshold of 10 TPY per single HAP, and 25 TPY for a combination of HAPs.</p> <p>In addition to consistency with air permitting rules, additional rationale for modifying the threshold that have developed since the 250 TPY threshold was finalized in 2006:</p> <ul style="list-style-type: none"> <li>• The U.S. Environmental Protection Agency has revised/made more stringent multiple National Ambient Air Quality Standards (NAAQS) (lead, Particulate Matter (PM)<sub>2.5</sub>, NO<sub>2</sub>, SO<sub>2</sub>, and ozone).</li> <li>• When acting as RGU, the MPCA now considers air assessments, which include modeling and Air Emission Risk Analysis (AERAs), for projects identifying associated air emissions. Although some air permitting projects would go through modeling independently for permitting reviews, they do not typically undergo an AERA, which captures information about air toxics and health risks. This extra information helps inform the potential for significant environmental effects.</li> </ul> <p>More is known about Environmental Justice (EJ) areas and increased likelihood for some communities to see increased exposure to multiple pollutants/facilities and additional vulnerability to the effects of pollution.</p>	N/A

## Hazardous waste.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 16</a>	<a href="#">4410.4400. Subp. 12</a>
<b>Responsible Government Unit</b>	PCA	PCA
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 135</a> and <a href="#">2019 SONAR page 36</a>	<a href="#">1982 SONAR page 136</a> , <a href="#">1988 SONAR page 59</a> , and <a href="#">2019 SONAR page 53</a>
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>• City: Building Permit; Conditional Use Permit; Zoning; Fire Department Review.</li> <li>• County: Conditional Use Permit; Septic System Permit; Watershed Districts; Watershed Permits.</li> <li>• State: NPDES General Construction Stormwater permit (MPCA); NPDES Industrial Stormwater Permit (MPCA); Above Ground Storage Tank Permit (MPCA); Section 401 Water Quality Certificate (MPCA); Air Emissions Permit (MPCA); Access Permit (MnDOT); Minnesota Natural Heritage Database Search (DNR); Work with in Waters of the State Permit (DNR); Cultural Resources Review (MN SHPO).</li> <li>• Federal: Army Corps of Engineers Section 404 Wetland Permit.</li> </ul>	<ul style="list-style-type: none"> <li>• City: Building Permit; Conditional Use Permit; Zoning; Fire Department Review.</li> <li>• County: Conditional Use Permit; Septic System Permit; Watershed Districts; Watershed Permits.</li> <li>• State: NPDES General Construction Stormwater permit (MPCA); NPDES Industrial Stormwater Permit (MPCA); Above Ground Storage Tank Permit (MPCA); Section 401 Water Quality Certificate (MPCA); Air Emissions Permit (MPCA); Access Permit (MnDOT); Minnesota Natural Heritage Database Search (DNR); Work with in Waters of the State Permit (DNR); Cultural Resources Review (MN SHPO).</li> <li>• Federal: Army Corps of Engineers Section 404 Wetland Permit.</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	0/0/0	0/0/0
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	The project type, criteria, and threshold still relevant. No changes are recommended.

## Solid waste.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 17</a>	<a href="#">4410.4400. Subp. 13</a>
<b>Responsible Government Unit</b>	PCA	PCA
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 139</a> , and <a href="#">2019 SONAR page 37</a>	<a href="#">1982 SONAR page 135</a> , and <a href="#">2019 SONAR page 36</a>
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>• City: License to Operate Waste Transfer Facility; Building Permit; Utility Permit; Conditional Use Permit; Zoning Amendment; Watershed Districts; Watershed Permit; Compost Facilities.</li> <li>• County: Conditional Use Permit; Operating License; Septic Permit; Very Small Quantity Generator Hazardous Waste License.</li> <li>• State: Solid Waste Management Facility Permit (MPCA); NPDES Industrial Stormwater Permit (MPCA); NPDES General Construction Stormwater Permit (MPCA); Metropolitan Area Policy Plan Review (MPCA); Solid Waste Permit (MPCA); Very small Quantity Generators Hazardous Waste License (MPCA).</li> </ul>	<ul style="list-style-type: none"> <li>• City: Building Permit; Conditional Use Permit; Zoning; Fire Department Review.</li> <li>• County: Conditional Use Permit; Septic System Permit; Watershed Districts; Watershed Permits.</li> <li>• State: NPDES General Construction Stormwater permit (MPCA); NPDES Industrial Stormwater Permit (MPCA); Above Ground Storage Tank Permit (MPCA); Section 401 Water Quality Certificate (MPCA); Air Emissions Permit (MPCA); Access Permit (MnDOT); Minnesota Natural Heritage Database Search (DNR); Work with in Waters of the State Permit (DNR); Cultural Resources Review (MN SHPO).</li> <li>• Federal: Army Corps of Engineers Section 404 Wetland Permit.</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	2/2/1	0/0/0
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	The project type, criteria, and threshold still relevant. No changes are recommended.

## Wastewater systems.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 18</a>	N/A.
<b>Responsible Government Unit</b>	PCA	N/A
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 140</a> , <a href="#">1988 SONAR page 46</a> , and <a href="#">2019 SONAR page 38</a>	N/A
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>• City: Conditional Use Permit; Street and Utility Plan Approval; Wastewater Treatment Facility Permits; Building Permit.</li> <li>• County: Highway Access/Entrance Permit; Watershed District Project Approval; Watershed Permit; Application for Minnesota Wetland conservation Act Exemption; Building Permit; Certificate of Wetland Conservation Act Exemption; Utility Permit; Right-Of-Way Permit.</li> <li>• State: Sewer Extension Permit (MPCA); NPDES General Construction Stormwater Permit (MPCA); Section 401 Water Quality Certificate (MPCA); Water Appropriation Permit (DNR); Minnesota Natural Heritage Database Review (DNR); Utility Crossing License (DNR); Work Within Public Waters Permit (DNR); Utility Permit on Trunk Highway Right-Of-Way (MnDOT); Watermain Plan Approval (MDH); Water Extension Permit (MDH); Metropolitan Council Connection Permit; Concurrence on Findings of Cultural Resources Impacts (MN SHPO); WWTF Plans and Specifications Approval (MPCA); SDS Permit for land application of treated Wastewater (MPCA); Sanitary Sewer Extension Permit (MPCA); NPDES/SDS Surface Water Discharge Permit (MPCA); NPDES Industrial Stormwater discharge Permit (MPCA); Air Quality Permit for backup generators (MPCA); Non-degradation to All Waters Review (MPCA); Water Appropriation Permit (DNR); License to Cross Public Lands and Waters (DNR); Natural Heritage and Nongame Database Review (DNR); Outfall Permits (DNR); Well Abandonment Permit (MDH); Public Facilities Authority Funding Application; Board of Water and Soil Resources Wetland Conservation Act Permits.</li> <li>• Federal: Section 10 Permit for activities affecting navigable waters in the U.S (USACE); Section 404 Permit (USACE); Wastewater Infrastructure Funding Program (USACE); Outfall Permits (USACE).</li> </ul>	N/A
<b>Number of projects – 2018/2019/2020</b>	0/1/2	N/A
<b>Issues Identified</b>	During previous rulemaking, the words “per day” were inadvertently left out in the adopted rule language for Item B (though the correct language was described in the SONAR). The category should read, "...with the capacity of 20,000,000 gallons <u>per day</u> or greater, the PCA is the RGU." Therefore, Item B should be corrected.	N/A



## Residential development.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 19</a>	<a href="#">4410.4400. Subp. 14</a>
<b>Responsible Government Unit</b>	LGU	LGU
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 141</a> and <a href="#">1988 SONAR pages 47 and 63</a>	<a href="#">1982 SONAR page 141</a> and <a href="#">1988 SONAR pages 47 and 63</a>
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>Local: Comprehensive plan amend if the community has a plan; Rezoning if the community has zoning; Subdivision/platting approval; Conditional Use Permit or Planned Unit Development Permit; Site plan approval; Grading/drainage/erosion control plan; Shoreland permit; Floodplain permit/approval; Wetland Conservation Act approval and/or wetlands mitigation plan; Road access permit on local road; Building permits for structures.</li> <li>State: Driveway permit (MnDOT) if state highway; Public Waters Permit (DNR).</li> <li>Federal: Clean Water Act 404 permit (wetlands).</li> </ul>	<ul style="list-style-type: none"> <li>Local: Comprehensive plan amend if the community has a plan; Rezoning if the community has zoning; Subdivision/platting approval; Conditional Use Permit or Planned Unit Development Permit; Site plan approval; Grading/drainage/erosion control plan; Shoreland permit; Floodplain permit/approval; Wetland Conservation Act approval and/or wetlands mitigation plan; Road access permit on local road; Building permits for structures.</li> <li>State: Driveway permit (MnDOT) if state highway; Public Waters Permit (DNR).</li> <li>Federal: Clean Water Act 404 permit (wetlands).</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	12/4/11	0/0/0
<b>Issues Identified</b>	<p>For item C, maybe there should be unit threshold for land use change that requires the EAW in medium to high density.</p> <p>Consider adding a definition for “private septic systems.”</p> <p>Consider defining incorporated v. unincorporated, consider simplifying formula.</p>	Consider change in thresholds.

## Residential development in shoreland outside of the seven county Twin Cities metropolitan area.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 19a</a>	<a href="#">4410.4400. Subp. 14a</a>
<b>Responsible Government Unit</b>	LGU	LGU
<b>Intended historical purpose</b>	<a href="#">2007 SONAR pages 39, 43, and 52</a>	<a href="#">2007 SONAR pages 39, 43, and 52</a>
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>Local: Comprehensive plan amend if the community has a plan; Rezoning if the community has zoning; Subdivision/platting approval; Conditional Use Permit or Planned Unit Development Permit; Site plan approval; Grading/drainage/erosion control plan; Shoreland permit; Floodplain permit/approval; Wetland Conservation Act approval and/or wetlands mitigation plan; Road access permit on local road; Building permits for structures.</li> <li>State: Driveway permit (MnDOT) if state highway; Public Waters Permit (DNR).</li> <li>Federal: Clean Water Act 404 permit (wetlands).</li> </ul>	<ul style="list-style-type: none"> <li>Local: Comprehensive plan amend if the community has a plan; Rezoning if the community has zoning; Subdivision/platting approval; Conditional Use Permit or Planned Unit Development Permit; Site plan approval; Grading/drainage/erosion control plan; Shoreland permit; Floodplain permit/approval; Wetland Conservation Act approval and/or wetlands mitigation plan; Road access permit on local road; Building permits for structures.</li> <li>State: Driveway permit (MnDOT) if state highway; Public Waters Permit (DNR).</li> <li>Federal: Clean Water Act 404 permit (wetlands).</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	3/0/1	0/0/0
<b>Issues Identified</b>	Clarification in the shoreline development section could help determine when or if a subdivision might require an EAW. Clarify the difference between "permanent" and "potentially permanent" Update clarity "quotient."	Clarification in the shoreline development section could help determine when or if a subdivision might require an EAW. Clarify the difference between "permanent" and "potentially permanent" Update clarity "quotient."

## Campgrounds and RV parks.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 20</a>	N/A
<b>Responsible Government Unit</b>	LGU	N/A
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 144</a> and <a href="#">1997 SONAR page 19</a>	N/A
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>• Local: Comprehensive plan amend if the community has a plan; Rezoning if the community has zoning; Subdivision/platting approval; Conditional Use Permit or Planned Unit Development Permit; Site plan approval; Grading/drainage/erosion control plan; Shoreland permit; Floodplain permit/approval; Wetland Conservation Act approval and/or wetlands mitigation plan; Road access permit on local road; Building permits for structures.</li> <li>• State: Driveway permit (MnDOT) if state highway; Water appropriation permit.</li> <li>• Federal: Clean Water Act 404 permit (wetlands).</li> </ul>	N/A
<b>Number of projects – 2018/2019/2020</b>	1/3/1	N/A
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	N/A

## Campgrounds and RV parks in shorelands.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 20a</a>	N/A
<b>Responsible Government Unit</b>	LGU	N/A
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 144</a> and <a href="#">2007 SONAR pages 49 and 55</a>	N/A
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>Local: Comprehensive plan amend if the community has a plan; Rezoning if the community has zoning; Subdivision/platting approval; Conditional Use Permit or Planned Unit Development Permit; Site plan approval; Grading/drainage/erosion control plan; Shoreland permit; Floodplain permit/approval; Wetland Conservation Act approval and/or wetlands mitigation plan; Road access permit on local road; Building permits for structures.</li> <li>State: Driveway permit (MnDOT) if state highway; Water appropriation permit.</li> <li>Federal: Clean Water Act 404 permit (wetlands).</li> </ul>	N/A
<b>Number of projects – 2018/2019/2020</b>	0/0/0	N/A
<b>Issues Identified</b>	Resorts, campgrounds, and RV parks in shorelands –it is unclear what counts as a “unit.” Is it a single rentable space like a lodge room or cabin? Consider revising "common open space" definition for clarity in relation to parking lots, dog park areas, etc.	N/A

## Resorts, campgrounds, and RV parks in shorelands.

	EAW	EIS
<b>Rule Language</b>	N/A	<a href="#">4410.4400. Subp. 26</a>
<b>Responsible Government Unit</b>	N/A	DOT, LGU
<b>Intended historical purpose</b>	N/A	<a href="#">1982 SONAR page 144</a> and <a href="#">2007 SONAR pages 49 and 55</a>
<b>Potential local, state, or federal permits</b>	N/A	<ul style="list-style-type: none"> <li>• Local: Comprehensive plan amend if the community has a plan; Rezoning if the community has zoning; Subdivision/platting approval; Conditional Use Permit or Planned Unit Development Permit; Site plan approval; Grading/drainage/erosion control plan; Shoreland permit; Floodplain permit/approval; Wetland Conservation Act approval and/or wetlands mitigation plan; Road access permit on local road; Building permits for structures.</li> <li>• State: Driveway permit (MnDOT) if state highway; Water appropriation permit.</li> <li>• Federal: Clean Water Act 404 permit (wetlands).</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	N/A	0/0/0
<b>Issues Identified</b>	N/A	The project type, criteria, and threshold still relevant. No changes are recommended.

## Airport projects.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 21</a>	N/A
<b>Responsible Government Unit</b>	DOT, LGU, MAC	N/A
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 145</a>	N/A
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>• Local: Site plan approval; Grading/drainage/erosion control plan; Wetlands mitigation plan; Conditional use permits; Zoning permit; Possible subdivision/platting review; Building permit for structures.</li> <li>• State: NPDES Construction Stormwater General Permit (stormwater pollution prevention during construction).</li> <li>• Federal: FAA 7460 Notification (height, safety and operational hazards related to airspace).</li> </ul>	N/A
<b>Number of projects – 2018/2019/2020</b>	1/1/0	N/A
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	N/A

## Airport runway projects.

	EAW	EIS
<b>Rule Language</b>	N/A	<a href="#">4410.4400. Subp. 15</a>
<b>Responsible Government Unit</b>	N/A	DOT, LGU
<b>Intended historical purpose</b>	N/A	<a href="#">1997 SONAR page 19</a>
<b>Potential local, state, or federal permits</b>	N/A	<ul style="list-style-type: none"> <li>• Local: Site plan approval; Grading/drainage/erosion control plan; Wetlands mitigation plan; Conditional use permits; Zoning permit; Possible subdivision/platting review; Building permit for structures.</li> <li>• State: NPDES Construction Stormwater General Permit (stormwater pollution prevention during construction).</li> <li>• Federal: FAA 7460 Notification (height, safety and operational hazards related to airspace).</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	N/A	0/0/0
<b>Issues Identified</b>	N/A	The project type, criteria, and threshold still relevant. No changes are recommended.

## Highway projects.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 22</a>	<a href="#">4410.4400. Subp. 16</a>
<b>Responsible Government Unit</b>	DOT, LGU	DOT, LGU
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 146</a> and <a href="#">2019 SONAR page 40</a>	<a href="#">1982 SONAR page 146</a>
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>Local: Grading/drainage/erosion control plan; Wetland Conservation Act approval and/or wetlands mitigation plan; Shoreland permit; Floodplain permit/approval; Subdivision/platting approval; Conditional use permits; Building permit for structures; Easement Vacation; Watershed District permit (wetland mitigation, stormwater pollutant restrictions, infiltration requirements, or volume control reductions).</li> <li>State: NPDES Construction (stormwater pollution prevention during construction); 401 Certification (MPCA authority to review 404 permit applications (per CWA)).</li> <li>Federal: USACE Section 10 (work on structures other than bridges or causeways that affect the course, condition, or capacity of navigable waters of the United States); USACE 404 (regulates the discharge of dredged and fill material into waters of the United States, including wetlands).</li> </ul>	<ul style="list-style-type: none"> <li>Local: Grading/drainage/erosion control plan; Wetland Conservation Act approval and/or wetlands mitigation plan; Shoreland permit; Floodplain permit/approval; Subdivision/platting approval; Conditional use permits; Building permit for structures; Easement Vacation; Watershed District permit (wetland mitigation, stormwater pollutant restrictions, infiltration requirements, or volume control reductions).</li> <li>State: NPDES Construction (stormwater pollution prevention during construction); 401 Certification (MPCA authority to review 404 permit applications (per CWA)).</li> <li>Federal: USACE Section 10 (work on structures other than bridges or causeways that affect the course, condition, or capacity of navigable waters of the United States); USACE 404 (regulates the discharge of dredged and fill material into waters of the United States, including wetlands).</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	10/8/3	0/0/0
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	The project type, criteria, and threshold still relevant. No changes are recommended.



## Barge fleeting.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 23</a>	<a href="#">4410.4400. Subp. 17</a>
<b>Responsible Government Unit</b>	DOT, Port Authority	DOT, Port Authority
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 151</a>	<a href="#">1982 SONAR page 151</a>
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>Local: Site Plan Approval; Possible subdivision/platting review; Grading permit; Building permit for structures; Conditional use permits (operator facilities).</li> <li>State: DNR, MPCA and MnDOT (review or permitting of sheet pile at edge of slip).</li> <li>Federal: USACE Section 404 permit, FAA Temporary Airspace Permit (for construction cranes); FAA Permanent Airspace Permit (with mapping revisions for cranes and building locations in area).</li> <li>International: Boundary Waters Treaty of 1909 (guarantees international navigable waters be free and open).</li> </ul>	<ul style="list-style-type: none"> <li>Local: Site Plan Approval; Possible subdivision/platting review; Grading permit; Building permit for structures; Conditional use permits (operator facilities).</li> <li>State: DNR, MPCA and MnDOT (review or permitting of sheet pile at edge of slip).</li> <li>Federal: USACE Section 404 permit, FAA Temporary Airspace Permit (for construction cranes); FAA Permanent Airspace Permit (with mapping revisions for cranes and building locations in area).</li> <li>International: Boundary Waters Treaty of 1909 (guarantees international navigable waters be free and open).</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	0/0/0	0/0/0
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	The project type, criteria, and threshold still relevant. No changes are recommended.

## Water appropriation and impoundments.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 24</a>	<a href="#">4410.4400. Subp. 18</a>
<b>Responsible Government Unit</b>	DNR	DNR
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 150</a> and <a href="#">1988 SONAR page 53</a>	<a href="#">1982 SONAR page 151</a>
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>Local: Grade and fill permit; Building permit; Conditional use permit; Land use permit.</li> <li>State: Water appropriation permit; Public water work permit; Utility crossing license; Permit to appropriate from infested waters; Listed species takings permit; Construction stormwater general permit; Tank registration; Air emissions permit.</li> <li>Federal: 404 permit.</li> </ul>	<ul style="list-style-type: none"> <li>State: Dam safety permit; Public water work permit.</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	0/0/0	1/0/0
<b>Issues Identified</b>	Large water users that modify existing permits or use multiple wells might not surpass the threshold. Cumulative totals of water usage by a single entity/owner/user are not considered in the threshold since the category is limited to "new appropriations." "Continuous parcel" warrants definition since it has been interpreted historically to indicate a parcel that contains no breaks/subdivisions (such as multiple parcels divided by a road). Considering parcels are routinely smaller than 540 acres, this threshold is rarely surpassed though there are many large irrigation facilities.	The project type, criteria, and threshold still relevant. No changes are recommended.

## Marinas.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 25</a>	<a href="#">4410.4400. Subp. 19</a>
<b>Responsible Government Unit</b>	LGU	LGU
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 151</a>	<a href="#">1982 SONAR page 151</a>
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>Local: Comprehensive plan amend if community has a plan; Rezoning if the community has zoning; Subdivision/platting approval; Conditional Use Permit; Site plan approval; Grading/drainage/erosion control plan; Shoreland permit; Floodplain permit/approval; Wetland Conservation Act approval and/or wetlands mitigation plan; Road access permit on local road; Building permits for structures.</li> <li>State: Work in public waters (DNR).</li> </ul>	<ul style="list-style-type: none"> <li>Local: Grading Comprehensive plan amend if community has a plan; Rezoning if the community has zoning; Subdivision/platting approval; Conditional Use Permit; Site plan approval; Grading/drainage/erosion control plan; Shoreland permit; Floodplain permit/approval; Wetland Conservation Act approval and/or wetlands mitigation plan; Road access permit on local road; Building permits for structures.</li> <li>State: Work in public waters (DNR).</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	0/0/0	0/0/0
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	The project type, criteria, and threshold still relevant. No changes are recommended.

## Stream diversion.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 26</a>	N/A
<b>Responsible Government Unit</b>	DNR, LGU	N/A
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 152</a> , <a href="#">1997 SONAR page 20</a> , and <a href="#">2019 SONAR page 41</a>	N/A
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>• Local: Grading/drainage/erosion control plan; Shoreland permit; Floodplain permit/approval; Wetland Conservation Act approval and/or wetlands mitigation plan; Land alteration permit; Conditional use permit.</li> <li>• State: Work in public waters (DNR).</li> <li>• Federal: Section 404 Clean Water Act.</li> </ul>	N/A
<b>Number of projects – 2018/2019/2020</b>	5/3/1	N/A
<b>Issues Identified</b>	Definitions needed for diversion, realignment, or channelization.	N/A

## Public waters, public waters wetlands, and wetlands.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 27</a>	<a href="#">4410.4400. Subp. 20</a>
<b>Responsible Government Unit</b>	DNR, LGU	DNR, LGU
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 153</a> , <a href="#">2005 SONAR page 39</a> , and <a href="#">2019 SONAR page 42</a>	<a href="#">1982 SONAR page 153</a> , <a href="#">2005 SONAR page 39</a> , and <a href="#">2019 SONAR page 55</a>
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>Local: Grading/drainage/erosion control plan; Shoreland permit; Floodplain permit/approval; Wetland Conservation Act approval and/or wetlands mitigation plan; Conditional use permit.</li> <li>State: Work in public waters (DNR).</li> <li>Federal: Section 404 Clean Water Act.</li> </ul>	<ul style="list-style-type: none"> <li>Local: Grading/drainage/erosion control plan; Shoreland permit; Floodplain permit/approval; Wetland Conservation Act approval and/or wetlands mitigation plan; Conditional use permit.</li> <li>State: Work in public waters (DNR).</li> <li>Federal: Section 404 Clean Water Act.</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	11/5/11	0/0/0
<b>Issues Identified</b>	27b: Overlay districts should be examined and investigated for historical purpose and effectiveness in current context.	The project type, criteria, and threshold still relevant. No changes are recommended.

## Forestry.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 28</a>	N/A
<b>Responsible Government Unit</b>	DNR	N/A
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 154</a> and <a href="#">1997 SONAR page 21</a>	N/A
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"><li>• Local: Timber sale.</li><li>• State: Timber sale.</li><li>• Federal: Timber sale.</li></ul>	N/A
<b>Number of projects – 2018/2019/2020</b>	0/0/0	N/A
<b>Issues Identified</b>	Consider modifying language to be more consistent with industry by referencing site level guidelines.	N/A

## Genetically engineered wild rice.

	EAW	EIS
<b>Rule Language</b>	N/A	<a href="#">4410.4400. Subp. 28</a>
<b>Responsible Government Unit</b>	N/A	EQB
<b>Intended historical purpose</b>	N/A	<a href="#">2007 SONAR page 56</a>
<b>Potential local, state, or federal permits</b>	N/A	<ul style="list-style-type: none"> <li>• State: The EQB issues a release permit unless the Board has authorized an agency with a significant environmental permit. The EQB determined that the MDA had a significant environmental permit for agriculturally-related GEOs, and the MDA adopted rules in 1994 (Minn. Rules Ch. 1558). To date, all releases of GEOs have been agriculturally-related. The potential exists, however, for non-agriculturally-related GEOs (e.g., genetically-engineered fish).</li> <li>• Federal: The USDA has jurisdiction over agriculturally-related GEOs. The MDA cooperated with the USDA in regulation of agriculturally-related GEOs.</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	N/A	0/0/0
<b>Issues Identified</b>	N/A	The project type, criteria, and threshold still relevant. No changes are recommended.

## Animal feedlots.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 29</a>	N/A
<b>Responsible Government Unit</b>	PCA, LGU	N/A
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 156</a>	N/A
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>• Local: Conditional Use Permit; Grading/drainage/erosion control plan; Wetland Conservation Act approval and/or wetlands mitigation plan; Zoning; Building permits for structures; Discharge to Surface Waters.</li> <li>• State: NPDES/SDS Feedlot Permit (MPCA); NPDES Construction Stormwater Permit (MPCA); Water Appropriations Permit (DNR); Board of Animal Health (DNR); Notification to Compost Dairy Cattle (DNR); Fire Marshall (DNR); Plan Review (DNR).</li> <li>• Federal: NPDES administered by State.</li> </ul>	N/A
<b>Number of projects – 2018/2019/2020</b>	12/6/6	N/A
<b>Issues Identified</b>	For Part B, consider adding the following language to the list of sensitive locations in order to capture projects impacting Tribal Nations: “...delineated under chapter 4720, <u>or federally delineated under similar criteria</u> , where the aquifer...”	N/A



## Natural areas.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 30</a>	N/A
<b>Responsible Government Unit</b>	DNR, LGU	N/A
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 157</a> and <a href="#">2019 SONAR page 44</a>	N/A
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>• Local: Comprehensive plan amend if community has a plan; Zoning; Subdivision/platting approval; Conditional Use Permit; Site plan approval; Grading/drainage/erosion control plan; Wetland Conservation Act approval and/or wetlands mitigation plan; Road access permit on local road; Building permits for structures.</li> <li>• State: Master plan per M.S. 86A.09.</li> <li>• Federal: National park or forest management plans.</li> </ul>	N/A
<b>Number of projects – 2018/2019/2020</b>	0/0/1	N/A
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	N/A

## Historical places.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 31</a>	N/A
<b>Responsible Government Unit</b>	LGU, State RGU	N/A
<b>Intended historical purpose</b>	<a href="#">1982 SONAR page 157</a> , <a href="#">1997 SONAR page 21</a> , and <a href="#">2005 SONAR page 39</a>	N/A
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>• Local: Demolition permit (building permit); Zoning.</li> <li>• State: Environmental Site Assessments (if state funding is provided).</li> </ul>	N/A
<b>Number of projects – 2018/2019/2020</b>	2/2/0	N/A
<b>Issues Identified</b>	Recommend modifying this category to exclude EAW requirements for projects that are subject to consultation between state agencies and the State Historic Preservation Office (SHPO) under <a href="#">Minnesota Statutes Chapter 138</a> , where no other governmental actions are identified.	N/A

## Mixed residential and industrial-commercial projects.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 32</a>	<a href="#">4410.4400. Subp. 21</a>
<b>Responsible Government Unit</b>	LGU	None specified
<b>Intended historical purpose</b>	<a href="#">1988 SONAR pages 55 and 66</a>	<a href="#">1988 SONAR pages 55 and 66</a>
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>Local: Comprehensive plan amend if the community has a plan; Zoning; Subdivision/platting approval; Conditional Use Permit or Planned Unit Development Permit; Site plan approval; Wetland Conservation Act approval and/or wetlands mitigation plan; Building permits for structures.</li> <li>State: Driveway permit (MnDOT) if state highway.</li> <li>Federal: Clean Water Act 404 permit (wetlands).</li> </ul>	<ul style="list-style-type: none"> <li>Local: Comprehensive plan amend if the community has a plan; Zoning; Subdivision/platting approval; Conditional Use Permit or Planned Unit Development Permit; Site plan approval; Wetland Conservation Act approval and/or wetlands mitigation plan; Building permits for structures.</li> <li>State: Driveway permit (MnDOT) if state highway.</li> <li>Federal: Clean Water Act 404 permit (wetlands).</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	5/4/7	0/0/0
<b>Issues Identified</b>	EQB staff support issues identified from LGUs that the criteria and threshold for these categories be modified, to provide greater clarity in determining if ER is required for a proposed project. Consider possible change in thresholds.	EQB staff support issues identified from LGUs that the criteria and threshold for these categories be modified, to provide greater clarity in determining if ER is required for a proposed project. Consider possible change in thresholds.

## Communications towers.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 33</a>	N/A
<b>Responsible Government Unit</b>	LGU	N/A
<b>Intended historical purpose</b>	<a href="#">1988 SONAR page 56</a> and <a href="#">1997 SONAR page 22</a>	N/A
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>Local: Conditional Use Permit; Zoning permit; Grading/drainage/erosion control plan; Wetland Conservation Act approval and/or wetlands mitigation plan; Site plan approval; Building permits for structures; Road access permit local road.</li> <li>State: Driveway permit (MnDOT) if state highway.</li> </ul>	N/A
<b>Number of projects – 2018/2019/2020</b>	0/0/0	N/A
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	N/A

## Sports or entertainment facilities.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 34</a>	<a href="#">4410.4400. Subp. 22</a>
<b>Responsible Government Unit</b>	LGU	LGU
<b>Intended historical purpose</b>	<a href="#">1988 SONAR page 57</a>	<a href="#">1988 SONAR page 66</a>
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>Local: Comprehensive plan amend if community has a plan; Rezoning if the community has zoning; Subdivision/platting approval; Conditional Use Permit; Site plan approval; Building permits for structures.</li> <li>State: NPDES; Highway improvements.</li> <li>Federal: Highway improvements.</li> </ul>	<ul style="list-style-type: none"> <li>Local: Comprehensive plan amend if community has a plan; Rezoning if the community has zoning; Subdivision/platting approval; Conditional Use Permit; Site plan approval; Building permits for structures.</li> <li>State: NPDES, highway improvements.</li> <li>Federal: Highway improvements.</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	0/0/0	0/0/0
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	The project type, criteria, and threshold still relevant. No changes are recommended.

## Release of genetically engineered organisms.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 35</a>	N/A
<b>Responsible Government Unit</b>	EQB, State RGU	N/A
<b>Intended historical purpose</b>	<a href="#">1991 SONAR page 23</a>	N/A
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>State: The EQB issues a release permit unless the Board has authorized an agency with a significant environmental permit. The EQB determined that the MDA had a significant environmental permit for agriculturally-related GEOs, and the MDA adopted rules in 1994 (Minn. Rules Ch. 1558). To date, all releases of GEOs have been agriculturally-related. The potential exists, however, for non-agriculturally-related GEOs (e.g., genetically-engineered fish).</li> <li>Federal: The USDA has jurisdiction over agriculturally-related GEOs. The MDA cooperated with the USDA in regulation of agriculturally-related GEOs.</li> </ul>	N/A
<b>Number of projects – 2018/2019/2020</b>	0/1/0	N/A
<b>Issues Identified</b>	Consider adding “genetically modified organisms” to category.	N/A

## Land use conversion, including golf-courses.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 36</a>	N/A
<b>Responsible Government Unit</b>	LGU	N/A
<b>Intended historical purpose</b>	<a href="#">1988 SONAR page 54</a> and <a href="#">1997 SONAR page 22</a>	N/A
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>• Local: Comprehensive plan amend if community has a plan; Rezoning if the community has zoning; Subdivision/platting approval; Conditional Use Permit; Land use amendment; Site plan approval; Wetland Conservation Act approval and/or wetlands mitigation plan; Road access permit on local road; Building permits for structures; Grading/drainage/erosion control plan.</li> <li>• State: Water appropriation permit; Driveway permit if state hwy.</li> <li>• Federal: CWA 404 permit.</li> </ul>	N/A
<b>Number of projects – 2018/2019/2020</b>	1/1/0	N/A
<b>Issues Identified</b>	The project type, criteria, and threshold still relevant. No changes are recommended.	N/A

## Land use conversion in shoreland.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 36a</a>	<a href="#">4410.4400. Subp. 27</a>
<b>Responsible Government Unit</b>	LGU	LGU
<b>Intended historical purpose</b>	<a href="#">2007 SONAR pages 55 and 55</a> and <a href="#">2019 SONAR page 46</a>	<a href="#">2007 SONAR page 50</a>
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>Local: Comprehensive plan amend if community has a plan; Rezoning if the community has zoning; Subdivision/platting approval; Conditional Use Permit; Site plan approval; Grading/drainage/erosion control plan; Shoreland permit; Floodplain permit/approval; Wetland Conservation Act approval and/or wetlands mitigation plan; Road access permit on local road; Building permits for structures.</li> <li>State: Water appropriation permit; Driveway permit (MnDOT) if state highway; Permit to mine (Reclamation permit); Clean Water Act 401 certification.</li> <li>Federal: Clean Water Act 404 permit (wetlands).</li> </ul>	<ul style="list-style-type: none"> <li>Local: Comprehensive plan amend if community has a plan; Rezoning if the community has zoning; Subdivision/platting approval; Conditional Use Permit; Site plan approval; Grading/drainage/erosion control plan; Shoreland permit; Floodplain permit/approval; Wetland Conservation Act approval and/or wetlands mitigation plan; Road access permit on local road; Building permits for structures.</li> <li>State: Water appropriation permit; Driveway permit (MnDOT) if state highway; Permit to mine (Reclamation permit); Clean Water Act 401 certification.</li> <li>Federal: Clean Water Act 404 permit (wetlands).</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	0/1/3	0/0/0
<b>Issues Identified</b>	Clarification in the shoreline development section could help determine when or if a subdivision might require an EAW.	The project type, criteria and threshold still relevant. No changes are recommended.



## Recreational trails.

	EAW	EIS
<b>Rule Language</b>	<a href="#">4410.4300. Subp. 37</a>	N/A
<b>Responsible Government Unit</b>	DNR, LGU	N/A
<b>Intended historical purpose</b>	<a href="#">2004 SONAR page 4</a> and <a href="#">2019 SONAR page 47</a>	N/A
<b>Potential local, state, or federal permits</b>	<ul style="list-style-type: none"> <li>Local: Permission to cross land; Land alteration permit; Site permit application; Roadway utility permit; Wetland Conservation Act approval and/or wetlands mitigation plan; Approval for bridges lease amendment; Land use zoning approval; Subdivision/platting approval; Conditional Use Permit; Grading/drainage/erosion control plan; Road access permit on local road.</li> <li>State: Construction stormwater general permit; 401 certification Section 4(f) evaluation; 401 certification; State trail plan amendment; State funding; Special use permit for highway crossings; Lease agreement State grant; Public water work permit; WCA mitigation plan; SNA permit to cross &amp; trail maintenance agreement; Driveway permit (MnDOT) if state highway.</li> <li>Federal: Federal grant; Clean Water Act 404 permit; Clean Water Act 401 certification.</li> </ul>	N/A
<b>Number of projects – 2018/2019/2020</b>	4/4/1	N/A
<b>Issues Identified</b>	Warrants further examination and investigation of discrepancy between paved and unpaved trails threshold, as well as how category applies to trails in Twin Cities Metropolitan Area.	N/A

## Water diversions.

	EAW	EIS
<b>Rule Language</b>	N/A	<a href="#">4410.4400. Subp. 23</a>
<b>Responsible Government Unit</b>	N/A	DNR
<b>Intended historical purpose</b>	N/A	<a href="#">1988 SONAR page 67</a> and <a href="#">1995 SONAR page 14</a>
<b>Potential local, state, or federal permits</b>	N/A	<ul style="list-style-type: none"> <li>State: Water appropriation permit; M.S. 103G.265; M.S. 103G.801</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	N/A	0/0/0
<b>Issues Identified</b>	N/A	The project type, criteria and threshold still relevant. No changes are recommended.

## Incinerating wastes containing PCBs.

	EAW	EIS
<b>Rule Language</b>	N/A	<a href="#">4410.4400. Subp. 25</a>
<b>Responsible Government Unit</b>	N/A	PCA
<b>Intended historical purpose</b>	N/A	<a href="#">1995 SONAR page 17</a>
<b>Potential local, state, or federal permits</b>	N/A	<ul style="list-style-type: none"> <li>• Local: Comprehensive plan amend if the community has a plan; Rezoning if the community has zoning; Land Use plan; Conditional Use Permit; Site plan approval; Grading/drainage/erosion control plan; Wetland Conservation Act approval and/or wetlands mitigation plan; Building permits for structures.</li> <li>• State: Air permit; Hazardous Waste (RCRA) treatment or storage permit, NPDES General Construction Stormwater Permit; NPDES Industrial Stormwater Permit, Wastewater permit</li> <li>• Federal: Title V Air permit</li> </ul>
<b>Number of projects – 2018/2019/2020</b>	N/A	0/0/0
<b>Issues Identified</b>	N/A	The project type, criteria and threshold still relevant. No changes are recommended.