

October 2024 Environmental Quality Board meeting

Wednesday, October 16 from 1 – 4:00 p.m.

Join in person or online

- In person: [520 Lafayette Road, St. Paul, MN 55155](#), lower level conference rooms
 - Online: For the meeting link and more information, visit the [board meeting webpage](#)
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Participating in board meetings

Attending in person

The Environmental Quality Board (EQB) will convene its meeting in person at the Minnesota Pollution Control Agency St. Paul office building. All visitors must sign in at the front desk.

Transportation options:

- Bicycle: Visit the [Saint Paul Bike Map](#) webpage for route information. Outdoor bicycle parking is available to the left of the front doors near the loading dock.
- Transit: Use [Metro Transit's Trip Planner](#) to determine the best routes and times.
- Car: You may park in a Visitor Parking space in the parking lot just outside the front door, or park in one of the visitor lots. The visitor lots are the Blue Lot (Olive St. and University Ave.) and the Jupiter Lot (on Grove St. across from the Ramsey County Law Enforcement Center); please see the [parking map](#). Parking in these lots is free of charge. You must register your vehicle at the front desk upon arrival.

Attending virtually

Members of the public may join the meeting virtually using the Teams link at the board meeting webpage link above. Please review the [Guide to Teams Participation](#) for additional information.

Accessibility

Please contact Environmental Quality Board (EQB) staff at least one week prior to the event at info.EQB@state.mn.us to arrange an accommodation. Meeting materials can be provided in different forms, such as large print, braille, or on a recording.

Public engagement opportunities at EQB meetings

EQB encourages public input and appreciates the opportunity to build shared understanding with members of the public. The opportunities for public engagement for this meeting are below.

Oral public comment

In this meeting, the board will accept oral public comment at multiple points in the agenda.

Procedure and guidelines for giving oral public comment:

- If you wish to speak:
 - Virtual: when prompted, use the “raise hand” feature in Teams, located at the top of your screen.
 - In person: sign up at the welcome table before the meeting starts.
- Your remarks will be limited to two (2) minutes. When necessary, the chairperson may limit commenters’ time for remarks to ensure there is equal opportunity for the public to comment.
- When the chairperson calls on you to speak:
 - Introduce yourself before beginning your comment.
 - Please keep your remarks to those facts which are relevant and specific, as determined by the chairperson, to the agenda item at hand.
 - Please be respectful of board members, staff, and other meeting participants. Avoid questioning motives. The chair, vice-chair, or other presiding officer will not tolerate personal attacks.
 - Please note that the chair will use their discretion for directing public comment to ensure the board’s ability to effectively conduct business.

Written public comment

You may submit written comment to EQB by emailing your letter to info.EQB@state.mn.us or mailing to: Environmental Quality Board, 520 Lafayette Road, Saint Paul, MN 55155. Comments must be received by EQB staff **by noon the day before the meeting**.

Staff will compile letters, make them available to members and the public online, and attach them to the public record. Any written comments received after this deadline will be included in the next meeting packet.

All comments will be made available to the public. Please only submit information that you wish to make available publicly. EQB does not edit or delete submissions that include personal information. We reserve the right to not publish any comments we deem offensive, intimidating, belligerent, harassing, bullying, or that contain any other inappropriate or aggressive behavior.

Agenda

Note that all listed times are estimates and are advisory only.

1. Welcome and roll call (1:00 pm)

Nancy Daubenberger – Chair, EQB; Commissioner, Department of Transportation

2. Approval of consent agenda (1:10 pm)

- Meeting minutes from the August 21, 2024, Environmental Quality Board meeting on packet page 5
- Preliminary agenda for the October 16, 2024, Environmental Quality Board meeting

3. Executive Director's report (1:15 pm)

Catherine Neuschler – Executive Director, EQB

4. Update on the regulatory framework for agriculturally-related genetically engineered organisms in Minnesota (1:20 pm)

Type of item: Decision

Summary: Minnesota has laws and regulations applicable to the release of certain genetically engineered organisms (GEOs) within the state. Minn. Stat. 116C.91 through 116C.97 give EQB regulatory authority over such releases, and EQB has related rules (Minn. R., chapter 4420, and Minn. R. 4410.8000) to implement these authorities.

The statutes and rules direct EQB to work cooperatively to reduce duplication amongst the various state and federal regulatory and review programs regarding GEOs, as long as public health and the environment are protected. They allow EQB to provide for alternative oversight; to authorize other state agencies with permit programs to oversee regulation of GEOs; or to defer to existing federal programs.

Most GEOs that are developed and released are agriculturally-related organisms. In 1991, the Minnesota Legislature gave the Minnesota Department of Agriculture (MDA) the authority to permit ag-related GEOs; MDA's authorities are listed in Minn. Stat., chapter 18F. Subsequently, MDA promulgated related rules (Minn. R., chapter 1558). Once the rules were promulgated, MDA requested that the Board determine that MDA's process represented a "significant environmental permit" and authorize MDA to administer the regulatory program for the release of ag-related GEOs. On October 31, 1995, the Board approved that finding and its approval was published in the EQB Monitor. MDA has continued to oversee ag-related GEOs.

Over the years, MDA has worked with the federal Coordinated Framework for the Regulation of Biotechnology (Coordinated Framework), which includes the United States Department of Agriculture (USDA), the Environmental Protection Agency (EPA), and the United States Food and Drug Administration (FDA).

In 2023, the Minnesota Legislature updated Minn. Stat. 18F to remove redundancies and allow MDA to rely on the federal Coordinated Framework for permitting and exempting ag-related GEOs. MDA is therefore requesting that the Board approve the federal program as adequate to protect human health and the environment from ag-related GEOs, allowing for an exemption from EQB's authorities as specified in Minn. Stat. 116C.97. A memo is on page 10 of the packet.

Public comment: The board welcomes oral public comment on the ag-related GEO decision. Please see guidance and procedures on packet page 2.

Outcome: The board determines that the federal oversight, provided by the Coordinated Framework for the Regulation of Biotechnology, is adequately protective and therefore, for ag-related GEOs that have a federal permit, there is no need for state permit. The board approves this by adopting the resolution (packet page 16).

Presenters: Rebeca Gutierrez-Moreno – State Pollinator Coordinator, EQB; Michael Merriman – Seed and Biotechnology Unit Supervisor, MDA; Mark Abrahamson – Division Director and State Plant Regulatory Official, Plant Protection Division, MDA; Janice Strachan – Branch Chief of the Plant Evaluation Branch, USDA-APHIS

5. Gas and oil production recommendations (2:00 pm)

Type of item: Informational

Summary: In 2024, the Minnesota Legislature directed the state agencies to develop a regulatory framework for the exploration and production of nonpetroleum gas and to make rules, as needed. DNR will provide information on the legislation that created the Gas and Oil Resources Technical Advisory Committee (GTAC) and tasked the group with writing recommendations to allow for temporary permitting of oil and gas projects in Minnesota, prior to the completion of any rulemaking to establish a permanent regulatory framework.

The presentation will provide an overview of the group's work to date and next steps, which are anticipated to include a release of draft recommendations with an opportunity for public input. EQB staff will provide information on their preliminary recommendations for environmental review of oil and gas projects as part of the temporary regulatory framework. The Board will have an opportunity to ask questions and make suggestions about those environmental review recommendations.

Outcome: Board members will be informed of the progress of the GTAC and EQB specific recommendations regarding oil and gas projects.

Presenters: Jesse Krzenski – Environmental Review Program Administrator, EQB; Mike Liljegren – Assistant Director Mine Permitting and Coordination, DNR

Break (2:20 pm / 5 minutes)

6. Draft Mandatory Category Report discussion (2:25 pm)

Type of item: Informational

Summary: EQB staff will walk through the draft 2024 Mandatory Category Report. Staff will share the report goals, writing process, and next steps. Mandatory categories are categories of project types that require environmental review. The purpose of the Mandatory Category Report is to conduct a review of all mandatory categories and discuss any recommended changes.

The Environmental Review Implementation Subcommittee (ERIS) discussed the report at their September meeting. Based on that discussion, EQB has updated the executive summary of the report and provided an additional memo (in this board packet only) with all public comments listed for board members to view. There were also slight phrasing changes made to the draft report in the solid waste and air pollution categories. These changes do not substantially impact the recommendations.

The report is due to the Legislature December 1, 2024. The Board will have an opportunity to discuss the draft, ask questions, and provide insights. The draft report is on page 107 of the packet.

Public comment: The board welcomes oral public comment on the draft Mandatory Category Report. Please see guidance and procedures on packet page 2.

Outcome: The board discusses the first draft; hears public comment; and provides direction to staff for any recommended changes prior to board vote on this item in November.

Presenter: Kayla Walsh – Environmental Review Program Administrator, EQB

7. Public comment (3:50 pm)

The board welcomes any additional oral public comment. Please see guidance and procedures on packet page 2.

8. Closing and adjournment (4:00 pm)