

Minnesota Environmental Quality Board

Proposed Expedited Permanent Rules Relating to Energy Infrastructure

4410.0200 DEFINITIONS AND ABBREVIATIONS.

[For text of subparts 1 to 6a, see Minnesota Rules]

Subp. 6b. **Carbon dioxide pipeline.** "Carbon dioxide pipeline" has the meaning given in Minnesota Statutes, section 216G.025, subdivision 1.

[For text of subparts 7 to 20, see Minnesota Rules]

Subp. 20a. **Electric power generating facility.** "Electric power generating facility" means any electric power generating equipment, plant or combination of plants at a single site designed to generate electricity, and any associated transmission lines. Electric power generating facility does not include a large electric power generating plant.

[For text of subparts 21 to 22a, see Minnesota Rules]

Subp. 22b. **Energy storage system.** "Energy storage system" has the meaning given in Minnesota Statutes, section 216I.02, subdivision 6.

[For text of subparts 23 to 37, see Minnesota Rules]

Subp. 38. ~~High-voltage~~ **High-voltage transmission line or HVTL.** "High-voltage High-voltage transmission line" or "HVTL" has the meaning given in part 7849.1100 Minnesota Statutes, section 216I.02, subdivision 8.

[For text of subpart 39, see Minnesota Rules]

Subp. 40. [See repealer.]

[For text of subparts 40a and 40b, see Minnesota Rules]

Subp. 41. **Large electric power generating plant; or LEPGP.** "Large electric power generating plant" or "LEPGP" has the meaning given in ~~part 7849.1100~~ Minnesota Statutes, section 216I.02, subdivision 9.

Subp. 41a. **Large energy infrastructure facility.** "Large energy infrastructure facility" has the meaning given in Minnesota Statutes, section 216I.02, subdivision 10.

Subp. 41b. **Large wind energy conversion system.** "Large wind energy conversion system" has the meaning given in Minnesota Statutes, section 216I.02, subdivision 11.

Subp. 42. [See repealer.]

[For text of subparts 42a to 83, see Minnesota Rules]

Subp. 83a. **Solar energy generating system.** "Solar energy generating system" has the meaning given in Minnesota Statutes, section 216I.02, subdivision 18.

[For text of subparts 84 to 96, see Minnesota Rules]

4410.4100 REVIEW OF ENERGY PROJECTS UNDER MINNESOTA STATUTES, CHAPTER 216I.

Any large energy infrastructure facility project or solar energy generating system project must follow the RGU selection and review requirements in Minnesota Statutes, chapter 216I, and rules adopted thereunder. As described in Minnesota Statutes, chapter 216I, a large energy infrastructure facility project includes a high-voltage transmission line, a large electric power generating plant, an energy storage system, a large wind energy conversion system, and any associated facilities.

4410.4300 MANDATORY EAW CATEGORIES.

Subpart 1. **Threshold test.**

A. Except as otherwise provided in this subpart, an EAW must be prepared for projects that meet or exceed the any threshold of any of subparts 2 to 37 in this part, unless

3.1 the project meets or exceeds any thresholds of part 4410.4400, in which case an EIS must
3.2 be prepared.

3.3 B. If the proposed project is an expansion or additional stage of an existing project,
3.4 the cumulative total of the proposed project and any existing stages or components of the
3.5 existing project must be included when determining if a threshold is met or exceeded if
3.6 construction was begun within three years before the date of application for a permit or
3.7 approval from a governmental unit for the expansion or additional stage but after April 21,
3.8 1997, except that any existing stage or component that was reviewed under a previously
3.9 completed EAW or EIS need not be included.

3.10 C. Multiple projects and multiple stages of a single project that are connected
3.11 actions or phased actions must be considered in total when comparing the project or projects
3.12 to the thresholds of this part and part 4410.4400.

3.13 D. For projects under part 4410.4100, environmental review is governed by
3.14 Minnesota Statutes, chapter 216I.

3.15 *[For text of subpart 2, see Minnesota Rules]*

3.16 Subp. 3. ~~Electric-generating facilities~~ Electric power generating facilities. Items
3.17 A to ~~D~~ D and B designate the RGU for the type of project listed:

3.18 A. For construction of an electric power generating ~~plant~~ facility and associated
3.19 facilities designed for or capable of operating at a capacity of 25 megawatts or more but
3.20 less than 50 megawatts and for which an air permit from the PCA is required, the PCA is
3.21 the RGU.

3.22 B. For construction of an electric power generating ~~plant~~ facility and associated
3.23 facilities designed for and capable of operating at a capacity of 25 megawatts or more but
3.24 less than 50 megawatts and for which an air permit from the PCA is not required, the local
3.25 governmental unit is the RGU.

~~C. For construction of an electric power generating plant and associated facilities designed for and capable of operating at a capacity of 50 megawatts or more, the PUC is the RGU, and environmental review must be conducted according to parts 7849.1000 to 7849.2100 and chapter 7850.~~

~~D. For construction of a wind energy conversion system, as defined in Minnesota Statutes, section 216F.01, designed for and capable of operating at a capacity of 25 megawatts or more, the PUC is the RGU, and environmental review must be conducted according to chapter 7854.~~

[For text of subparts 4 and 5, see Minnesota Rules]

Subp. 6. [See repealer.]

[For text of subparts 7 to 37, see Minnesota Rules]

4410.4400 MANDATORY EIS CATEGORIES.

Subpart 1. Threshold test.

A. Except as provided in item B, an EIS must be prepared for projects that meet or exceed ~~the any~~ threshold ~~of any of subparts 2 to 25~~ in this part. Multiple projects and multiple stages of a single project that are connected actions or phased actions must be considered in total when comparing the project or projects to the thresholds of this part.

B. For projects under part 4410.4100, environmental review is governed by Minnesota Statutes, chapter 216I.

Subp. 2. **Nuclear fuels and nuclear waste.** Items A to E designate the RGU for the type of project listed:

[For text of items A and B, see Minnesota Rules]

C. For construction or expansion of an independent spent-fuel storage installation, ~~the Department of Commerce~~ PUC is the RGU.

5.1 [For text of items D and E, see Minnesota Rules]

5.2 Subp. 3. [See repealer.]

5.3 [For text of subparts 4 and 5, see Minnesota Rules]

5.4 Subp. 6. [See repealer.]

5.5 [For text of subparts 7 to 24, see Minnesota Rules]

5.6 Subp. 24a. **Carbon dioxide pipelines.** For permitting the route of a carbon dioxide
5.7 pipeline, the PUC is the RGU.

5.8 [For text of subparts 25 to 28, see Minnesota Rules]

5.9 **4410.5200 EQB MONITOR; PUBLICATION REQUIREMENTS.**

5.10 [For text of subparts 1 and 2, see Minnesota Rules]

5.11 Subp. 3. **Required EQB notices.** The EQB is required to publish the following in the
5.12 EQB Monitor:

5.13 [For text of items A to E, see Minnesota Rules]

5.14 F. notice of application for a site permit for a large electric power generating plant
5.15 or a route permit for a high voltage transmission line pursuant to Minnesota Statutes, chapter
5.16 ~~216E~~ 216I;

5.17 [For text of items G and H, see Minnesota Rules]

5.18 **REPEALER.** Minnesota Rules, parts 4410.0200, subparts 40 and 42; 4410.4300, subpart
5.19 6; and 4410.4400, subparts 3 and 6, are repealed.