

**STATE OF MINNESOTA
MINNESOTA ENVIRONMENTAL QUALITY BOARD**

**In the Matter of the Proposed
Adoption of Amendments to
the EQB Power Plant Siting
Rules**

**NOTICE OF
HEARING**

Proposed Amendments to Rules Governing the Siting of Large Electric Power Generating Plants and High Voltage Transmission Lines, Minnesota Rules chapter 4400.

Public Hearing. The Minnesota Environmental Quality Board (EQB) intends to adopt rule amendments after a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, Minnesota Statutes, sections 14.131 to 14.20. The agency will hold a public hearing on the above-entitled rule amendments in Room 302 of the Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota, starting at 10:00 a.m. on September 18, 2002, and in Alexandria, Minnesota, at the Douglas County Library, 720 Fillmore, on September 25, 2002, starting at 10:30 am, and continuing until the hearing is completed. Additional days of hearing will be scheduled if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Written statements may be submitted without appearing at the hearing.

Administrative Law Judge. The hearing will be conducted by Judge Kathleen A. Sheehy, Office of Administrative Hearings, 100 Washington Square Suite 1700, 100 Washington Avenue South, Minneapolis, Minnesota 55401-2138; phone (612) 341-7602, fax (612)349-2665. The rule hearing procedure is governed by Minnesota Statutes, sections 14.131 to 14.20, and by the rules of the Office of Administrative Hearings, Minnesota Rules, parts 1400.2000 to 1400.2240. Questions concerning the rule hearing procedure should be directed to the Administrative Law Judge.

Subject of Rules. Minnesota Rules chapter 4400 relates to the permitting of sites for Large Electric Power Generating Plants and routes for High Voltage Transmission Lines. The rules implement the requirements of the Power Plant Siting Act, Minnesota Statutes sections 116C.51 to 116C.69. In the 2001 legislative session, the Minnesota Legislature significantly changed the Power Plant Siting Act; these changes went into effect on August 1, 2001. The amendments to chapter 4400 that are being proposed are intended to carry out the statutory changes that were made.

Minnesota Rules chapter 4400 applies to all phases of the permitting of Large Electric Power Generating Plants and High Voltage Transmission Lines. A LEPGP is a power plant over 50 megawatts in size. A HVTL is a transmission line with a capacity of greater than 100 kilovolts. The rules establish the requirements for submitting permit applications to the EQB and procedures to apply in reviewing and acting upon the applications. The rules establish

environmental review requirements and opportunities for public participation. Based on the statutory changes, the proposed amendments establish two processes for review of permit applications, depending on the size and type of the facility being proposed. Also, the proposed amendments recognize that project proposers may elect to seek authorization from local units of government for certain smaller projects. The proposed amendments contain a provision creating an exemption for certain existing facilities. The EQB is also proposing to repeal a number of the existing rules that are no longer applicable under the changed statutes.

A free copy of the proposed rule amendments is available upon request from the agency contact person. The proposed rule amendments are also available on the Internet at

<http://www.mnplan.state.mn.us/eqb/index.html> .

Statutory Authority. The proposed rule amendments are authorized by Minnesota Statutes, section 116C.66.

Agency Contact Person . The agency contact person is:

Andrea Dick
Minnesota Environmental Quality Board
300 Centennial Office Building, 658 Cedar Street
St. Paul, Minnesota 55155
Phone 651.297.1257

Statement of Need and Reasonableness. A Statement of Need and Reasonableness is now available for review at the EQB offices in St. Paul and at the Office of Administrative Hearings. This statement contains a summary of the justification for the proposed rule amendments, including a description of who will be affected by the proposed rule and an estimate of the probable cost of the proposed rule amendments. The statement may be reviewed and copies obtained at the cost of reproduction from the agency. It is also available on the Internet at the Web site given above.

Public Comment. All interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time before the close of the hearing record. All evidence presented should relate to the proposed rule amendments. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the Administrative Law Judge at the hearing. Following the comment period, there is a five-working-day rebuttal period during which the agency and any interested person may respond in writing to any new information submitted. No additional evidence may be submitted during the five-day rebuttal period. All comments and responses submitted to the Administrative Law Judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. All comments or responses received will be available for review at the Office of Administrative Hearings.

The EQB requests that any person submitting written views or data to the Administrative Law

Judge prior to the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

Alternative Format/Accommodation. Upon request, this Notice, the proposed rule amendments, and the statement of need and reasonableness can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above. If you need an accommodation to have access to any hearing room facilities, please contact the agency contact person at the address or telephone number listed above in advance of the hearing.

Modifications. The proposed rule amendments may be modified as a result of the rule hearing process. Modifications must be supported by data and views presented during the rule hearing process, and the adopted rule may not be substantially different than this proposed rule unless the procedure under part 1400.2110 has been followed. If the proposed rule amendments affect you in any way, you are encouraged to participate.

Adoption Procedure After Hearing. After the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rule amendments. You may ask to be notified of the date when the judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date on which the agency adopts the rule amendments and the date on which the rules are filed with the Secretary of State, or ask to register with the agency to receive notice of future rule proceedings, and you can make this request at the hearing or in writing to the agency contact person stated above.

Lobbyist Registration. Minnesota Statutes, chapter 10A, requires each lobbyist to register with the Campaign Finance and Public Disclosure Board. Questions regarding this requirement may be directed to the Campaign Finance and Public Disclosure Board at 190 Centennial Office Building, 658 Cedar Street, St. Paul, Minnesota 55155, phone (651) 296-5148, website <http://www.cfboard.state.mn.us/>.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

DATE: July 31, 2002

Gene Hugoson
Chair, EQB