

**MINNESOTA ENVIRONMENTAL QUALITY BOARD
MEETING MINUTES**

**Thursday, November 18, 2010
MPCA Room Board Room, 520 Lafayette Road, St. Paul**

EQB Members Present: Jonathon Bloomberg, Kristin Weeks Duncanson, Paul Eger, Julie Goehring, Mark Holsten, Gene Hugoson, Sanne Magnan, Brian Napstad, Sheila Reger, and Erik Tomlinson.

EQB Members Absent:

Dan McElroy, Susan McCarville, Tom Sorel, and Glenn Wilson.

Staff Present: EQB Staff: Gregg Downing, Princessa VanBuren Hansen, Jon Larsen, Bob Patton, and Augusta Paye. EQB Counsel: Robert Roche.

The meeting was called to order at 9:04 a.m. by Chair Hugoson.

I. Adoption of Consent Agenda and Minutes

The motion to approve the consent agenda and minutes of the September 16, 2010 EQB meeting was moved, seconded, and passed.

II. Chair's Report

Mr. Hugoson acknowledged that this was the last Board meeting of the Pawlenty Administration, and thanked Board members, with special acknowledgement of the contributions of the citizen members, EQB staff, Technical Representatives, and EQB legal counsel Bob Roche. The Chair introduced Brian Napstad new Board of Water and Soil Resources Chair and new EQB member, and Mr. Napstad provided further introduced himself.

III. Executive Director's Report

Mr. Patton provided an overview of EQB staff activities: the project to revise the EAW form and guidance in response to the charge to customize the EAW form, including an analysis of the EAW form being conducted by the MDH on the EAW's ability to assess environmental health impacts; participation of EQB staff, at the invitation of Mn/DOT, in planning of Corridor Coalition meetings scheduled for December 2, 2010 and February 11, 2011 that will examine sustainability issues in transportation; success of the Sustainable Water Resources Roundtable meeting, hosted by the Freshwater Society on October 22, and co-chaired by EQB staff member John Wells; and a visit to the EQB of an international delegation through the U of M International Center and the U.S. State Department. He thanked present Board member for their service, and Chair Hugoson for his leadership.

IV. Legal Counsel Report

Mr. Roche provided an overview of two lawsuits against the EQB: one in Crookston the regarding a variance from environmental review that was dismissed, and another in Jordan regarding a petition for an EAW that is pending.

V. EQB Subcommittee Chair Report

Mr. Bloomberg also thanked Mr. Hugoson for his service as EQB Chair. He said that the task of the subcommittee was to revision and re-imagine the EQB and establish recommendations to reinvigorate the Board. Three meetings were held over the summer, currently a draft report is being circulated, and the report will be provided to the new administration in the next couple weeks. Two key recommendations are to: have a more prominent strategic planning role, one that already exists in statute; and to be more assertive in communication, to aid Administration and Legislature in complicated, multi-disciplinary issues. The Chair thanked Mr. Bloomberg for his effort and faithfulness.

VI. Authorization to Initiate the Formal Rulemaking Process to Amend the Environmental Review Program Rules to add a Mandatory EAW Category Applicable to Greenhouse Gas Emissions

Mr. Downing stated that this was the third environmental review rulemaking under the Pawlenty Administration. This issue arose over the summer as a result of changes to federal policy that requires permits under the Clean Air Act under certain circumstances for greenhouse gas emissions. The rulemaking is to address questions due to the fact that “air pollutant” is undefined in the environmental review rules, and the mandatory EAW threshold for air pollution for a stationary source facility is 250 tons per year. If the 250 tons per year threshold were applied to greenhouse gas emissions, EAWs could be mandatory for relatively small projects because of greenhouse gases generated by furnaces. A request for comments was issued. After analysis of the comments and consultation with the MPCA and the Office of the Attorney General, staff determined the best option would be to create a new threshold applicable to greenhouse gases only matching the federal standard of 100,000 tons per year.

Mr. Larsen overviewed comments received in response to the rulemaking notice. Fifteen comments were received, which were varied in positions but most of which supported the 100,000 tons per year. Mr. Larsen emphasized that rulemaking authorization does not commit the EQB to adopt the rule. One comment, from the MCEA, recommended a lower threshold of 10,000 tons per year. There was discussion over setting a fixed threshold as is proposed versus a threshold that would match whatever standard is adopted at the federal level. The sample resolution was adopted by roll call vote.

VII. 2010 Draft Minnesota Water Plan

Ms. VanBuren Hansen presented highlights of the draft *2010 Minnesota Water Plan*, summarized public comments received, described presentations given on the Plan, and then overviewed the sample resolution.

Mr. Bloomberg complimented the effort, highlighted the importance of item number 2 of the draft resolution, that being to develop milestones and measurable outcomes in a plan that drives action rather than “sits on the shelf,” and what the process would be like. Ms. VanBuren Hansen stated that the team that developed the plan would be reconvened. Commissioner Eger stated he agreed with Mr. Bloomberg, that he felt the resolution was on the right track, and that there was no need to reinvent the wheel. Many of the measures have already been developed to meet expectations of the Legislature and the public regarding the Clean Water Fund, and gaps can also be addressed.

Ms. Goehring asked how closely there had been coordination with North Dakota and Manitoba regarding the Red River Valley. Ms. VanBuren Hansen stated this effort relied in existing stakeholder engagement, but welcomed opportunity to reach out to stakeholders in the Red River Valley in the future. Mr. Hugoson stated Ms. Goehring raised a good point about the importance of Red River Basin flooding issues. Ms. Duncanson also complimented the water plan effort, and made a point about the importance of citizen engagement, using an example of citizen monitoring of water quality. Mr. Eger referred to a graphic in the plan on state agency roles in groundwater and stated that consolidation of roles needs to be examined. In response, Dr. Magnan referred to the need to think broadly, consider diverse perspectives, engage citizens, and leverage resources. Mr. Napstad reflected on parts of the plan that stood out to him. He mentioned that local governments are doing a lot, that proposals for statewide watershed districts faced strong opposition, and he wondered whether there was a plan for developing champions for watershed governance structure. Ms. VanBuren Hansen replied that issue governance structure would be part of the discussion going forward.

Mr. Bloomberg tied the discussion on the Water Plan to the recommendations of the forthcoming Citizens' Subcommittee report; that the report recommended a more assertive EQB on such policy issues. Also, reflecting the exchange between Mr. Eger and Dr. Magnan, that in the absence of significant restructuring, the genius of the EQB is to achieve a level of coordination, dependent on the commitment of the particular administration to make it work. The forum of the EQB is an opportunity to have conversations among different perspectives that do not necessarily occur elsewhere.

Mr. Bloomberg moved, Mr. Eger seconded, and the sample resolution was adopted unanimously by roll call vote.

Mr. Hugoson commented that the level of coordination he has seen in recent years has been the best he has seen during his tenure, and he thanked all involved.

VIII. Final Report of the Ground Water Technical Work Group

Dr. Jeanette Leete, gave an overview of the Ground Water Technical Work Group report, and stated that the report is in concurrence with the concepts of the 2010 Water Plan, while providing more technical detail. The GWTWG report describes the importance of long-term monitoring in understanding the supply and movement of water, and the land-water connection for decision-making.

Mr. Tomlinson stated that he hoped that with adoption of the 2010 Water Plan that agencies would implement the principles outlined in it in future reports.

The Chair thanked Ms. Leete and the agency participants.

The meeting was adjourned by the Chair at 10:45 a.m..