

## Minnesota Environmental Quality Board

### REQUEST FOR COMMENTS on Possible Amendments to Rules Governing the Environmental Review Program, *Minnesota Rules Chapter, 4410*; Revisor's ID Number R-04157

**Subject of Rules.** The Minnesota Environmental Quality Board (EQB or Board) is considering revising the existing rules governing the Environmental Review Program. These are the rules under which Environmental Assessment Worksheets (EAWs), Environmental Impact Statements (EISs), and other environmental review documents are prepared. This possible rulemaking may include the following categories or subparts:

- 1) Mandatory categories for environmental assessment worksheets located under part 4410.4300:
  - a. subp. 2. Nuclear fuels and nuclear waste;
  - b. subp. 3. Electric generating facilities;
  - c. subp. 5. Fuel conversion facilities;
  - d. subp. 7. Pipelines;
  - e. subp. 8. Transfer facilities;
  - f. subp. 14. Industrial, commercial, and institutional facilities;
  - g. subp. 16. Hazardous waste;
  - h. subp. 17. Solid waste;
  - i. subp. 18. Wastewater systems;
  - j. subp. 19. Residential development;
  - k. subp. 22. Highway projects;
  - l. subp. 28, item B. Forestry;
  - m. subp. 30. Natural areas;
  - n. subp. 32. Mixed residential and industrial-commercial projects;
  - o. subp. 36. Land use conversion, including golf courses;
  - p. subp. 36a. Land conversions in shoreland; and
  - q. subp. 37, items B and C. Recreational trails.
- 2) Mandatory categories for environmental impact statements located under part 4410.4400:
  - a. subp. 2. Nuclear fuels and nuclear waste;
  - b. subp. 3. Electric generating facilities;
  - c. subp. 11. Industrial, commercial, and institutional facilities;
  - d. subp. 13. Solid waste;
  - e. subp. 14. Residential development;
  - f. subp. 21. Mixed residential and commercial-industrial projects; and
  - g. subp. 24. Pipelines.

This rulemaking may also include revisions that may come up as a result of public comments and further review of Chapter 4410. This rulemaking can be referred to as the "Mandatory Categories Rulemaking" since the Board is currently pursuing two separate rulemakings for Chapter 4410.

**Plain English Summary.** This Request for Comments is the Board's legal notice of its intent to begin rulemaking. This is the first of several opportunities for public comment and input on this rulemaking. At this stage, we do not have a draft rule; we want your feedback to inform us about the ideas described under the **Subject of Rules** section above. If you have other ideas related to this rulemaking that we need to consider, please submit them in writing. For example, we recognize that costs to regulated parties can be a concern with rulemaking; if you have cost information or data related to this rulemaking that you wish to share with us to inform our decisions, please submit that information. Submitting your ideas and information to us at this early stage in rulemaking allows us more time to address issues that may come up, and helps to ensure informed decision-making on our part.

**Where to Get More Information.** If you are interested in being notified when a draft of the rule revisions is available and of other activities related to this rulemaking, please register for GovDelivery at: <http://www.eqb.state.mn.us/>. If you are unable to receive electronic notices, please contact Beth Tegdesch at 651-757-2100.

**Persons Affected.** The proposed amendments may affect project developers, local units of government and state agencies, private citizens and citizens groups, and environmental groups. However, changes to the rules governing the Environmental Review Program may directly or indirectly affect all citizens of the state.

**Statutory Authority.** *Minnesota Statutes*, section 116D.04, subd. 2a(a) and 5a and *Minnesota Statutes* section 116D.045, establish the Environmental Review Program and authorize the EQB to adopt rules governing its operation.

**Public Comment.** Interested persons or groups may submit comments or information on these possible rules in writing or orally until 4:30 p.m. on August 23, 2013. The EQB will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this request for comments. The Board does not plan to appoint an advisory committee to comment on the possible rules. Interested and affected parties are invited to submit information relative to the cumulative effect of the rule with other federal and state regulations.

**Rules Drafts.** The Board has not yet drafted the possible rules amendments.

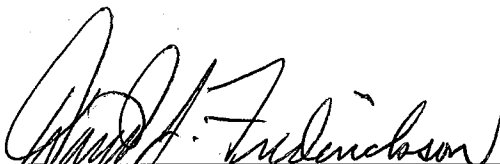
**Agency Contact Person.** Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules, should be directed to:

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Environmental Quality Board  
520 Lafayette Road North  
St. Paul, MN 55155  
Phone: 651-757-2370  
Fax: 651-297-2343  
kate.frantz@state.mn.us  
TTY users may call the EQB at 800-627-3529

**Alternative Format.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

**Note:** Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

7/17/13  
Date

  
David Fredrickson, Chair  
Environmental Quality Board