



Publication Date: July 22, 2013
Vol. 37, No. 15

Next Publication: August 5, 2013
Submittal Deadline: July 29, 2013
Submit to EQB.Monitor@state.mn.us

Subscribe to receive the EQB Monitor! The EQB is initiating an effort to transition to a new system of electronic notices. Beginning in August, the EQB will be delivering the EQB Monitor through an e-mail delivery system called GovDelivery. Please add MNEQB@public.govdelivery.com to your address book or safe sender list to ensure delivery of messages to your inbox. You can manage your subscription preferences at <https://public.govdelivery.com/accounts/MNEQB/subscriber/new>.

EQB Meetings are regularly scheduled for the third Wednesday of the month. There may be additional special meetings as well. The calendar with scheduled meetings is located at http://server.admin.state.mn.us/WebCalendar/month.php?cat_id=3&date=20120801. All meeting packets and agendas can be viewed at <http://www.eqb.state.mn.us/agendas.html>.

EQB MONITOR

Request for Comments on Possible Amendments to Rules Governing the Environmental Review Program, Minnesota Rules Chapter, 4410; Revisor's 10 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;

The *EQB Monitor* is a biweekly publication of the Environmental Quality Board that lists descriptions and deadlines for Environmental Assessment Worksheets, Environmental Impact Statements, and other notices. The *EQB Monitor* is posted on the Environmental Quality board home page at <http://www.eqb.state.mn.us/>.

Upon request, the *EQB Monitor* will be made available in an alternative format, such as Braille, large print, or audio tape. For TTY, contact Minnesota Relay Service at 800-627-3529 and ask for the Pollution Control Agency. For information on the *EQB Monitor*, contact:

Minnesota Environmental Quality Board
520 Lafayette Road – 4th Floor
St. Paul, MN 55155-4194
Phone: 651-757-2873
Fax: 651-297-2343
<http://www.eqb.state.mn.us>

- 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 Band 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 *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:

Kate Frantz
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.

Request for Comments on Possible Amendments to Rules Governing the Environmental Review Program,

Minnesota Rules Chapter, 4410; Revisor's ID Number R-04196

Subject of Rule. 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 shall amend "*rules for environmental review, adopted under Minnesota Statutes, chapter 1160, for silica sand mining and processing to take into account the increased activity in the state and concerns over the size of specific operations. The EQB shall consider whether the requirements of Minnesota Statutes, section 116C.991, should remain part of the environmental review requirements for silica sand and whether the requirements should be different/or different geographic areas of the state.*" Laws 2013, chapter 114, article 4, section 105

This rulemaking may also include revisions that may come up as a result of public comments. This rulemaking can be referred to as the "Silica Sand 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 761-757-2100.

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 *Minnesota Statutes*, section 116D.045, establish the Environmental Review Program and authorize the EQB to adopt rules governing its operation. *Laws 2013, chapter 114, article 4, section 105* provide that EQB amend its rules for environmental review with respect to silica sand mining and processing.

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:

Jeff Smyser
Environmental Quality Board
520 Lafayette Road North
St. Paut MN 55155
Phone: 651-757-2279
Fax: 651-297-2343
Jeff.Smyser@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.

EIS NEED DECISION

The noted responsible governmental unit has determined the following project does not require preparation of an EIS. The dates given are, respectively, the date of the determination and the date the EAW notice was published in the *EQB Monitor*.

- City of Minneapolis, Currie Park Lofts Development, (Hennepin County), June 28, 2013 (May 13, 2013).

NOTICE OF SUPPLEMENTAL DEIS PREPARATION

Project Title: Supplemental Draft Environmental Impact Statement for the Southwest Light Rail Transit Project (formerly referred to as the Southwest Transitway)

RGU: Metropolitan Council

Description: The Federal Transit Administration (FTA), the Federal lead agency, and the Metropolitan Council (Council), the local lead agency, intend to publish a Supplemental Draft Environmental Impact Statement (SDEIS) for the Southwest Light Rail Transit (SWLRT) Project (formerly referred to as the Southwest Transitway), in accordance with the National Environmental Policy Act (NEPA), its implementing regulations, provisions of the Moving Ahead for Progress in the 21st Century (MAP-21), and Minnesota Administrative Rules Chapter 4410, Environmental Review.

On September 8, 2008, the notice to prepare a Draft Environmental Impact Statement (DEIS) for the Southwest Transitway project was published in the *EQB Monitor*. Availability of the DEIS was published in the *EQB Monitor* and the document was distributed on October 15, 2012. Public Hearings were held in November, 2012 and the public comment period concluded on December 31, 2012.

The Project is a new 15.8-mile light rail alignment with 17 new light rail stations, several new park-and-ride lots, and one new light rail operations and maintenance facility (OMF). The project requires modification to existing freight rail alignments within the project vicinity. The SDEIS will evaluate environmental impacts associated with proposed adjustments to the Locally Preferred Alternative, freight rail alignments, and location of the OMF. The SDEIS will also incorporate pertinent issues raised during the DEIS comment period. FTA and the Council anticipate that the SDEIS scope will include, but not be limited to, the following areas: Eden Prairie LRT alignment and stations; LRT OMF site; freight rail alignments (i.e., Relocation and Co-location); and other areas where FTA and the Council determine that there is a need to be supplemented with additional information which was not included in the Project's October 2012 DEIS.

Written comments on the scope of the SDEIS as outlined above may be submitted to Ms. Nani Jacobson (see contact information below) by August 12, 2013, which is within 20 days of publication this notice. Comments received within this period, and responses to the comments, will be included in the SDEIS.

Contact Person:

Ms. Nani Jacobson, Project Manager
Southwest Light Rail Transit Project Office
6465 Wayzata Boulevard, Suite 500, St. Louis Park, MN 55426
Telephone: 612-373-3808
E-mail: nani.jacobson@metrotransit.org.

Notice regarding the intent to prepare the SDEIS will be sent to the appropriate federal, state, and local agencies that have expressed or are known to have an interest or legal role in this proposed action. Following publication and review of the SDEIS, a FEIS will be prepared and circulated.

Additional Information: The SWLRT Project (Green Line Extension) will operate from downtown Minneapolis through the southwestern suburban cities of St. Louis Park, Hopkins, Minnetonka, and Eden Prairie, passing in close proximity to the city of Edina. The proposed alignment is primarily at-grade and includes 17 new stations and approximately 15.8-miles of double track. The line will connect major activity centers in the region including downtown Minneapolis, the Opus/Golden Triangle employment area in Minnetonka and Eden Prairie, Methodist Hospital in St. Louis Park, the Eden Prairie Center Mall, and the Minneapolis Chain of Lakes. Ridership in 2030 is projected at 29,660 weekday passengers. The project will interline with Central Corridor LRT (Green Line) which will provide a one-seat ride to destinations such as the University of Minnesota, state Capitol, and downtown St. Paul. It will be part of an integrated system of

transitways, including connections to the METRO Blue Line, the Northstar Commuter Rail line, a variety of major bus routes along the alignment, and proposed future transitway and rail lines. The Metropolitan Council will be the grantee of federal funds. The regional government agency is charged with building the line in partnership with the Minnesota Department of Transportation. The Southwest Corridor Management Committee, which includes commissioners from Hennepin County and the mayors of Minneapolis, St. Louis Park, Edina, Hopkins, Minnetonka, and Eden Prairie, provides advice and oversight. Funding is provided by the FTA, Counties Transit Improvement Board (CTIB), state of Minnesota, and Hennepin County Regional Railroad Authority (HCRRA). Additional information on the SWLRT project can be found at www.swlrt.org.

ALTERNATIVE URBAN AREAWIDE REVIEW ADOPTED

Project Title: FMC Site Development

Project Description: The City Council of the city of Fridley approved Resolution #2013-33 on July 8, 2013, approving and certifying the adequacy of the Alternative Urban Areawide Review (AUAR) document for the FMC Site Redevelopment. Copies of the draft AUAR were available for public and agency review and noticed in the EQB Monitor on April 1, 2013. The Final AUAR with responses to the comments received during the draft AUAR review period was available for public and agency review on June 10, 2013.

Please direct any questions to Scott J. Hickok, AICP, Community Development Director, at 763-572-3590.

RGU: City of Fridley

NOTICES

Notification of Release of Genetically Engineered Organisms

File Number	Company	Crop	Project	County
13-NO-074	M.S. Technologies, LLC	soybean	Herbicide Tolerant	Renville

For more information contact Dr. Steve Malone, Minnesota Department of Agriculture, 625 Robert St N., St. Paul, MN 55155, 651-201-66531, stephen.malone@state.mn.us