

Minnesota Environmental Quality Board

REQUEST FOR COMMENTS

Possible Amendments to Rules Governing Environmental Review of Large Electric Power Generating Plants and High Voltage Transmission Lines, *Minnesota Rules*, Part 4410.7000 to 4410.7500 and Parts 4410.4300, subparts 3 and 6 and 4410.4400, subparts 3 and 6.

Subject of Rules. The Minnesota Environmental Quality Board requests comments on its possible amendments to rules governing the environmental review of large electric power generating plants and high voltage transmission lines.

The Board is proposing to amend its rules for environmental review of new proposed power plants and transmission lines that apply when a project proposer has requested the Minnesota Public Utilities Commission to determine that a new facility is needed. The present rules are found in Minnesota Rules part 4410.7000 to 4410.7500. The Board is considering repealing those rules and replacing them with parts 4410.7600 to 4410.7690. The Board is also proposing to amend its rules for mandatory environmental review of power plants and transmission lines in parts 4410.4300 and 4410.4400 to make these rules consistent with the other rule changes and with changes proposed for the EQB Power Plant Siting Rules in Minnesota Rules, chapters 4400.

Under the proposed amendments, the EQB will prepare an environmental assessment on power plants over 50 megawatts in size and on most high voltage transmission lines with a capacity in excess of 100 kilovolts when the project proposer seeks a determination from the Public Utilities Commission that such a project is needed. The environmental assessment will be submitted to the Public Utilities Commission for consideration by the Commission in determining whether the proposed facility is needed. The PUC may not make a decision on the need for a proposed project until the environmental assessment is completed.

The environmental assessment will describe the human and environmental impacts of a proposed large power plant or high voltage transmission line and of various alternatives to the project. The public would have an opportunity to participate in identifying alternatives to analyze as part of the environmental assessment.

Under the proposed amendments to parts 4410.4300 and 4410.4400, the EQB would continue to prepare an environmental assessment worksheet on small projects (25 to 50 megawatts for power plants and 70 to 100 kilovolt transmission lines) and an environmental impact statement on certain large projects described in EQB rules chapter 4400.

Persons Affected. The amendments to the rules would likely affect electric utilities, other electric power producers, local units of government and landowners.

Statutory Authority. *Minnesota Statutes*, section 116D.04, subdivision 5a, authorizes the Board to adopt rules pertaining to alternative forms of environmental review.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on December 6, 2002. The Board does not contemplate appointing an advisory committee to comment on the possible rules.

Rules Drafts. The Board has prepared a draft of the possible rules amendments to *Minnesota Rules*, Chapter 4410. A public review draft of proposed amendments to the Chapter 4410 rules is available on the Minnesota Environmental Quality Board's website, <http://www.mnplan.state.mn.us/eqb/index.html>.

Agency Contact Person. Written comments, questions, requests to receive a draft of the rules, and requests for more information on these possible rule amendments should be directed to:

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TTY users may call the Board at 800-627-3529.

Deadline for comments is 4:30 p.m., December 6, 2002

Alternative Format. Upon request, this Request for Comments 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.

Note: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge 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.

Dated: October 7, 2002

Gene Hugoson, Chair
Minnesota Environmental Quality Board