

§ Subpart 1. ~~Implementation.~~ *RGU Request for Alternative Review Process for a Category of Projects*

Governmental units may request EQB approval of an alternative form of environmental review for categories of projects which undergo environmental review under other governmental processes. The governmental processes must address substantially the same issues as the EAW and EIS process and use procedures similar in effect to those of the EAW and EIS process. The EQB shall approve the governmental process as an alternative form of environmental review if the governmental unit demonstrates the process meets the following conditions:

- A. the process identifies the potential environmental impacts of each proposed project;
 - B. the aspects of the process that are intended to substitute for an EIS process address substantially the same issues as an EIS and uses procedures similar to those used in preparing an EIS but in a more timely or more efficient manner;
 - C. alternatives to the proposed project are considered in light of their potential environmental impacts in those aspects of the process that are intended to substitute for an EIS process;
 - D. measures to mitigate the potential environmental impacts are identified and discussed;
 - E. a description of the proposed project and analysis of potential impacts, alternatives (in those aspects of the process intended to substitute for an EIS), and mitigating measures are provided to other affected or interested governmental units and the general public;
 - F. the governmental unit shall provide notice of the availability of environmental documents to the general public in at least the area affected by the project (a copy of environmental documents on projects reviewed under an alternative review procedure shall be submitted to the EQB; the EQB shall be responsible for publishing notice of the availability of the documents in the EQB Monitor);
- § G. other governmental units and the public are provided with a reasonable opportunity to request environmental review and to review and comment on the information concerning the project (the process must provide for RGU response to timely substantive comments relating to issues discussed in environmental documents relating to the project); and
- H. the process must routinely develop the information required in items A to E and provide the notification and review opportunities in items F and G for each project that would be subject to environmental review.

Subp. 2 RGU Request for Alternative Review Process for an Individual project

Governmental units may request EQB approval of an alternative form of environmental review for an individual project. The EQB shall approve the governmental process as an alternative form of environmental review if the governmental unit demonstrates the process meets the following conditions:

- A. The RGU can demonstrate that the proposed alternative review process will result in the same environmental outcomes and meet, at a minimum, the same public participation requirements that are included in Minn Rule ch. 4410.***
- B. The RGU can demonstrate that they identified all parties that may be directly impacted by the project about the proposed alternative review process, and no substantive concerns were identified***
- C. The RGU publishes their intent to request an alternative review process in the EQB Monitor and makes it available to affected governmental units and the public for a 30-day comment period.***
- D. The RGU makes their request for approval at the monthly EQB meeting and provides:***
 - I. A project description, including all potential environmental impacts and proposed mitigation measures.***
 - II. A description of the proposed alternatives process and a basis for why the alternative process is warranted***
 - III. A description of their notification process as well as all concerns submitted and responses to those concerns***

Subp. 3 RGU Discretionary Approval of a Net-Zero Environmental Impact Project

Governmental Units may use their discretion to approve an individual project, as an accepted alternative to the requirements of Minn Rule ch. 4410, if the following conditions are met:

- A. All potential environmental impacts that could result from the proposed project have been identified and assessed***

B. It can be demonstrated that:

- I. all potential environmental impacts that were identified can be offset through the installation of pollution control technology**
 - i. the technology will be required by a permit condition**
 - 1. the permit includes an operation and maintenance schedule**
 - 2. the permit requires a plan for effectiveness monitoring**
 - 3. the permit includes a lifecycle replacement plan**
- II. all potential environmental impacts that were identified can be offset through the implementation of compensating and/or mitigation activities**

Subp. 2. Exemption. If the EQB accepts a governmental unit's process as an adequate alternative review procedure, projects reviewed under that alternative review procedure shall be exempt from environmental review under parts 4410.1100 to 4410.1700, and 4410.2100 to 4410.3000 but the EQB retains its authority under part 4410.2800 to determine the adequacy of the environmental documents that substitute for the EIS in the approved process. On approval of the alternative review process, the EQB shall provide for periodic review of the alternative procedure to ensure continuing compliance with the requirements and intent of these environmental review procedures. The EQB shall withdraw its approval of an alternative review procedure if review of the procedure indicates that the procedure no longer fulfills the intent and requirements of the Minnesota Environmental Policy Act and parts 4410.0200 to 4410.6500. A project in the process of undergoing review under an approved alternative process shall not be affected by the EQB's withdrawal of approval.