



Environmental Quality Board

Will Seuffert | Executive Director



MN Environmental Quality for Current and Future Generations | www.eqb.state.mn.us

116C Environmental Quality Board

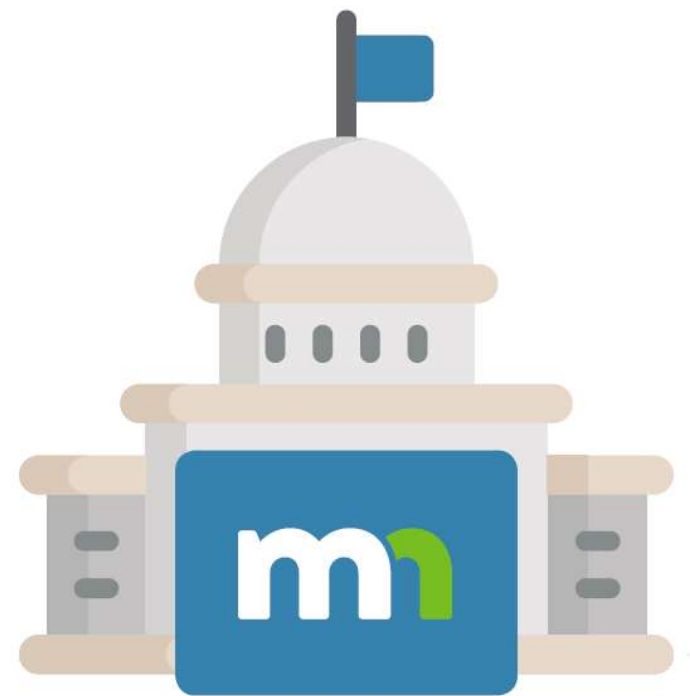
“The legislature of the state of Minnesota finds that

problems related to the environment often encompass the responsibilities of several state agencies and that solutions to these environmental problems require the interaction of these agencies”; and...

“debate concerning population, economic and technological growth should be encouraged so that the consequences and causes of alternative decisions can be better known and understood by the public and its government.”

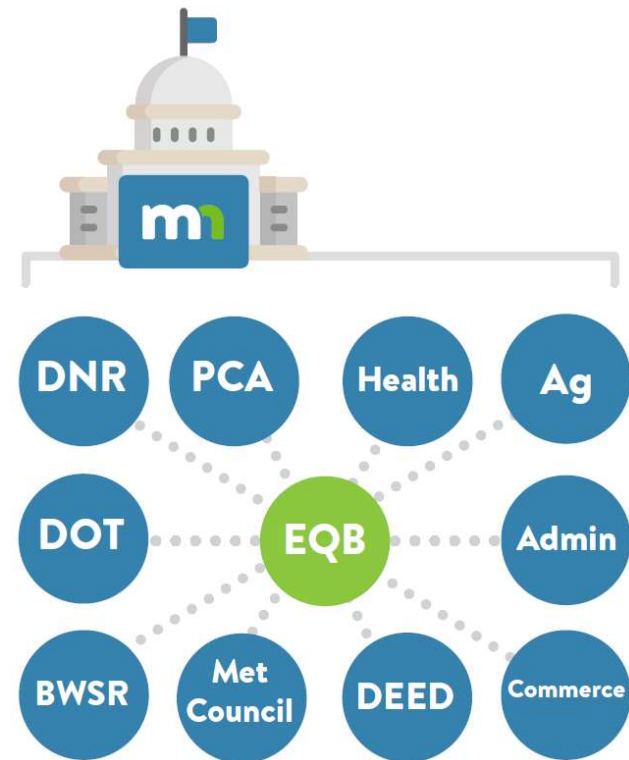


The EQB's mission is to enhance Minnesota's environmental quality for current and future generations by leading interagency work to advance meaningful public engagement and facilitate informed decision-making on critical environmental issues.



Membership

- Citizen Members representing districts throughout Minnesota
- Commissioner Members providing agency perspective and jurisdictional impact
- Board Chair EQB leader and spokesperson
 - Preside over meetings
 - Strategic vision



EQB Support

- **Budget:** Annual \$1.2 million
- **One Executive Director; Seven Staff**
 - Staff specialize in Communication, Rulemaking, Environmental Review and Coordination
- **Technical Representatives from all agencies**
 - Support Environmental Review, planning, public engagement
 - Liaison and ambassador for EQB work; operational link to agency resources
- **Interagency Project Staff**
 - EQB collaborates w/ staff throughout agencies for project related expertise
- **Relationship with MPCA**
 - EQB housed in MPCA building
 - MPCA provides administrative support (accounting, purchasing, human resources, etc.)



General Powers and Duties (M.S. 116C.04)

- **EQB** “... shall determine which environmental problems of interdepartmental concern to the state government shall be considered...”
- “... shall review programs of state agencies that significantly affect the environment and coordinate those it determines are interdepartmental in nature, and ensure agency compliance with state environmental policy.”
- “... shall convene an annual EQB congress including ... representatives of state, federal and regional agencies, citizen organizations, associations, industries, colleges and universities, and private enterprises who are active in or have a major impact on environmental quality.”



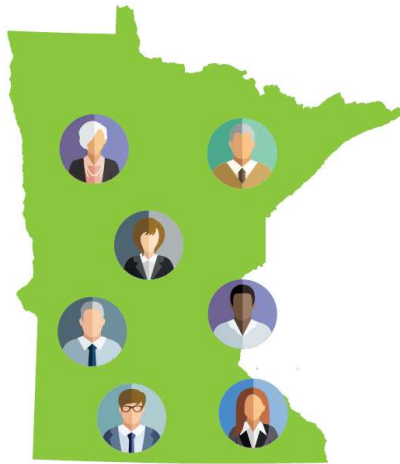
Environmental Review (M.S. 116D.04 – 0.45)

- Oversee the state’s Environmental Review program
- Promulgate rules related to managing the Environmental Review program

Our Role



Strategic Interaction of
Multiple State Agencies



Serves as forum for public
to engage in
environmental decision
making



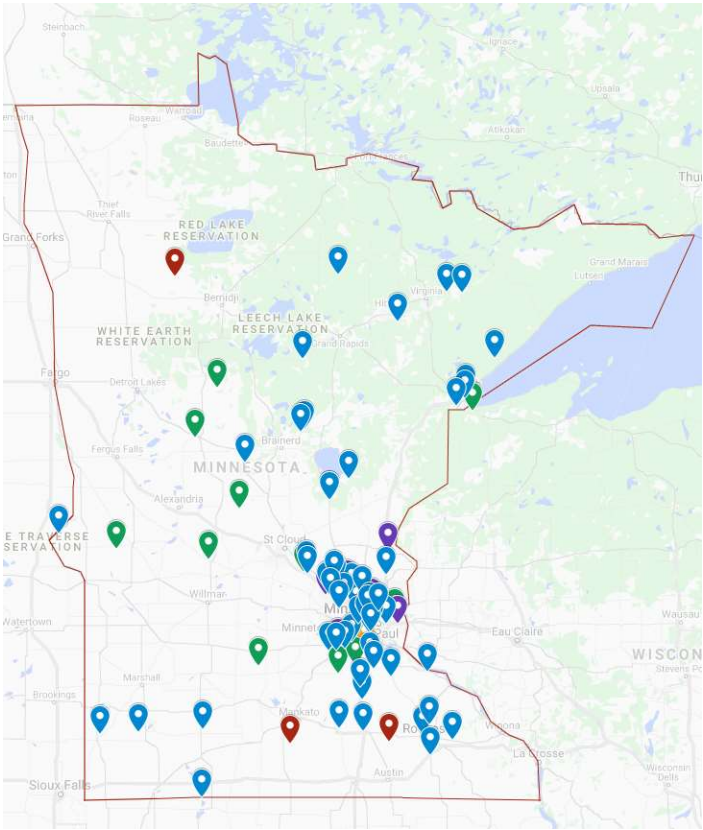
Stewards Minnesota
Environmental Review Process

2020-21 Initiatives


- 2020 State Water Plan
- Pollinators: Executive Order 19-28
- Climate Change Planning and Engagement: Executive Order 19-37
- Emerging Issues: EAB
- Solar on Closed Landfills
- Section 404 Assumption

Environmental Review: 2019 Updates


- ER Overview
- ER by the Numbers
- Rulemaking Update
- Master Contract
- Issues to Follow
- Climate Change and ER




SEIS 2019

 All items


EIS 2019

 All items


Petitions 2019

 All items

AUAR 2019

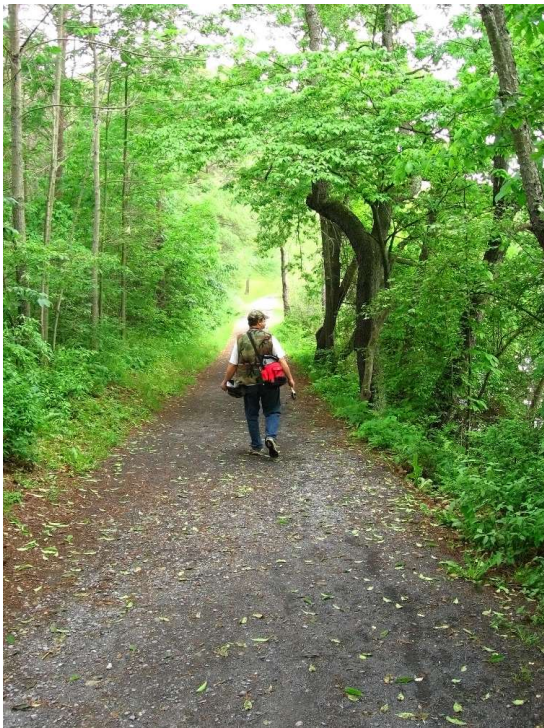
 All items

EAW 2019

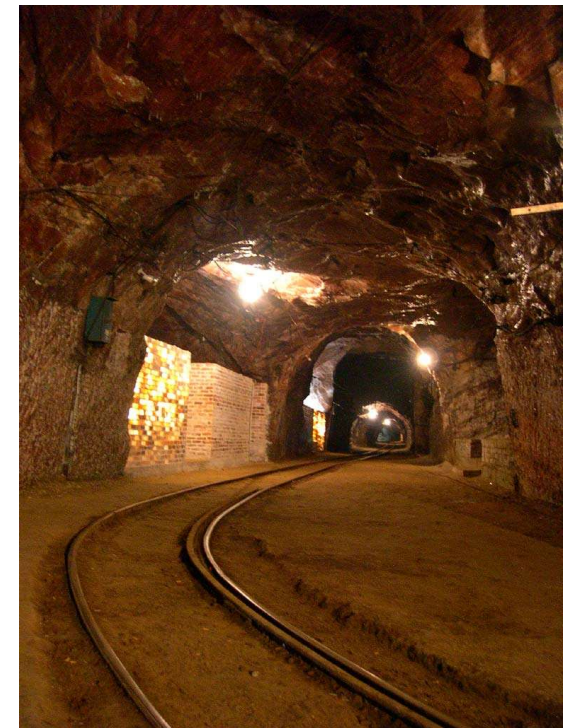
 All items

Environmental Review

“...may have potential for significant environmental effects”



1/21/2020



10

Environmental Review Objectives (4410.0300)

Environmental Effects
of a Project



Public access to
decision makers



Delegate authority to
Responsible
Governmental Unit



Eliminate
duplication



Reduce delay and
uncertainty



Environmental Review and Permitting

Environmental Review

- Environmental review is broad in scope
- The review is not an approval process

Permitting

- Permitting is narrow in scope, focused on a facility
- Mitigation measures can be requirements
- Permit issuance does not always include a public comment period

Role of the EQB: Environmental Review Program

- Oversight of Environmental Review Program rules (Minn. R. 4410 and 4405)
 - Provide assistance to the public, project proposers and governmental units
 - Publish EQB “Monitor”
 - Notice of Alternative Review
 - Receipt of valid petition
 - Public comment periods
 - Public meetings
 - Records of decisions

2019: Projects Completed EAWs (61)/ EISs (1)

Mandatory Category	
Subp. 6 Transmission lines	2
Subp. 10 Storage facilities	1
Subp. 12 Nonmetallic mineral mining	4
Subp. 14 Industrial, commercial, and institutional facilities	2
Subp. 17 Solid waste	2
Subp. 18 Wastewater systems	2
Subp. 19 Residential development	8
Subp. 20 Campgrounds and RV parks	3
Subp. 20a Resorts, campgrounds, and RV parks in shorelands	1
Subp. 21, Airport projects	1
Subp. 22 Highway projects	6
Subp. 26 Stream diversion	2
Subp. 27 Wetlands and public waters	5
Subp. 29 Animal feedlots	3
Subp. 3 Electric generating facilities	1
Subp. 30 Natural areas	1
Subp. 31 Historical places	3
Subp. 32 Mixed residential and industrial-commercial projects	4
Subp. 34 Sports or entertainment facilities	1
Subp. 35 Release of genetically engineered organisms	1
Subp. 36 Land use conversion, including golf courses	1
Subp. 36a Land use conversions in shoreland	1
Subp. 37, Recreational trails	4

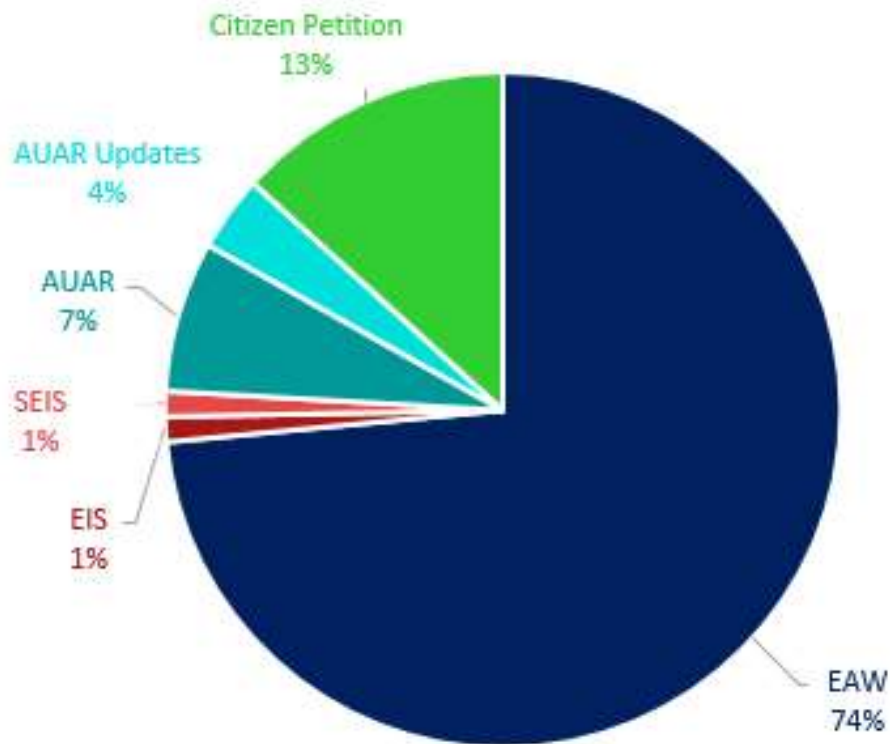
Discretionary EAWs	
Discretionary – RGU discretion	1
Discretionary – Project Proposer initiated	1
Discretionary – Citizen Petition decision	0

Joint EA/EAWs	
Mandatory	4
Discretionary	0

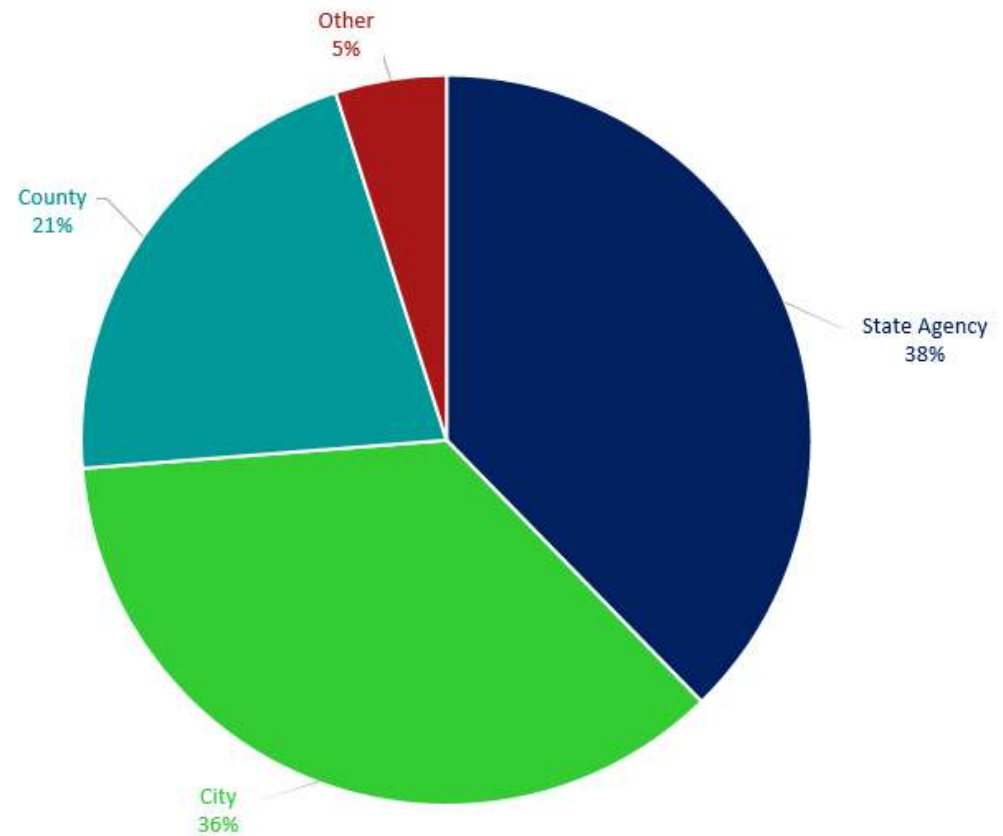
Reason for EIS	
Discretionary	0
Mandatory – Subp. 6 Transmission Lines	1
Supplemental EIS	1

2019 Environmental Review Program Data

2019 ER Processes by Type



Type of RGUs for 2019 EAWs



2019 Rule Updates

- Improve Clarity
- Align with statute and other applicable regulations
- Updated with most recent information

Substantive changes

- Added new definitions for clarity
- RGU re-designation – EQB chair approval
- Mandatory categories
 - Wetlands: align with WCA
 - Highways: increase threshold
 - Silica sand: statutory directive to create rules
 - Recreational trails: align with statute language

Environmental Review and Technical Services Master Contract

- Increase administrative efficiency
 - Ensure qualified expertise is available
 - Provide incentive for producing quality documents
 - Maintain reasonable cost for comparable work
1. Environmental Review Process
 2. Public Engagement
 3. Community Assessment
 4. Technical Assessment

Environmental Review Issues/Projects to Follow

Judicial Review:

- NTEC: MEPA application to projects constructed in other States
- Daley Farms: Consideration of climate effects in EAW's

Project Decisions:

- Nolte Farms: Petition Process
- Shoreham Yards: Preemption (Railroad)

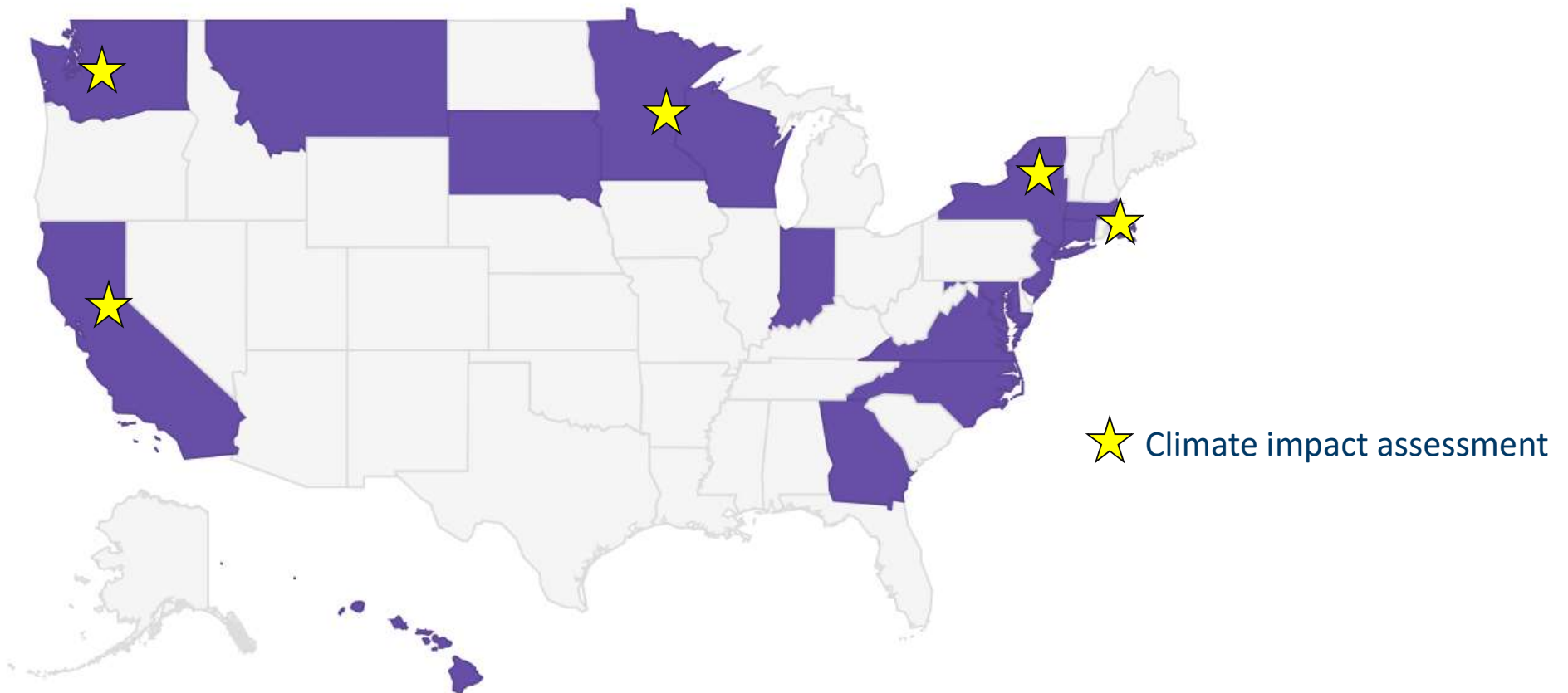
Climate and Environmental Review

- Proposed NEPA Changes
- Other State Programs
- Current Requirements
- Strategies for Program Improvements

Updates: Proposed Changes to the National Environmental Policy Act (NEPA)

- National Environmental Policy Act (NEPA) proposed changes (<https://www.govinfo.gov/content/pkg/FR-2020-01-10/pdf/2019-28106.pdf>)
 - Comments submitted to the Council on Environmental Quality by March 10, 2020
- Potential impacts to projects undergoing federal review
- No immediate effect to MEPA review; State requirements can be more stringent than federal

SEPA ER Programs – with Climate Assessment



Why Climate Information in ER?

- Climate information is critical for effective planning and regulatory approval decisions
- Most mandatory EAW and EIS categories include sources of greenhouse gas emissions
- Adaptation and mitigation planning are needed for reducing the impact of climate change
- *There isn't a consistent approach for assessing climate-change related impacts in the environmental review process.*

GHG as a threshold for Environmental Review

Current Requirements: MN 4410 Subp. 15. Air Pollution

- B. For construction of a stationary source facility that generates a combined 100,000 tons or more per year or modification of a stationary source facility that increases generation by a combined 100,000 tons or more per year of greenhouse gas emissions, after installation of air pollution control equipment, expressed as carbon dioxide equivalents, the PCA shall be the RGU.*

(> 100,000 MT CO₂e new or expansion = EAW Required)

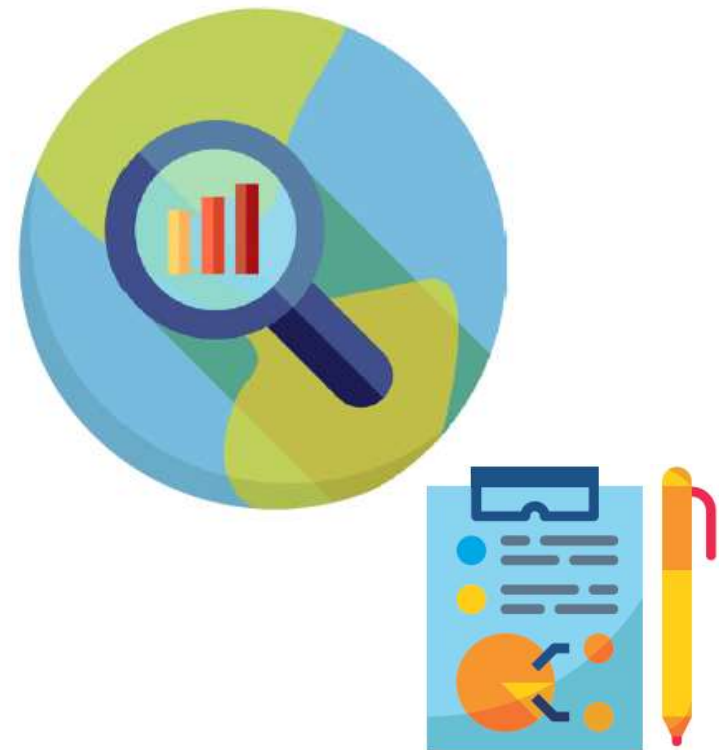


Current Requirements: EAW Form

- Question 16. Air-Stationary source Greenhouse Gas emissions
- Question 19. Cumulative potential effects
- Question 20. Other potential environmental effects

EQB Workplan: Environmental Review

- Integrate climate analysis into the Environmental Review Program
- Evaluate and consider options to understand and address potential health impacts through environmental review



Environmental Review Climate Integration Project

Project Goal: Ensure the Environmental Review Program:

- is an effective source of usable information about the potential climate effects of a project
- Includes the appropriate categories of project types required for review, and
- Creates a foundation for making the decision for when more detailed climate information is needed

Effective Climate Change Assessment

- Proportional level of effort with potential impacts
- Environmental documents provide “usable” climate change information
- Access to trusted sources of climate change-related data and information
- Environmental Documents should include:
 - Greenhouse gas (GHG) quantification
 - Assessment for mitigation, adaptation and resiliency planning
- Technically and legally defensible

ER Program Area Focus

Assessment
Requirements

Decision
Criteria

Mandatory
Review

Strategies: Assessment Requirements

- Emission Sources
 - GHG Quantification
 - When and How
 - Adaptation and Resiliency Planning
- 
- EAW Form Changes
 - Guidance


Strategies: Decision Criteria

- How to apply existing criteria (MR 4410.1700)
- How to consider mitigation
- Scale for assessment
- New Criteria?



- Guidance
- Rule change

Strategies: Mandatory Review

- GHG Emissions Sources included in existing categories?
 - Change existing thresholds?
 - Create new categories?
- 
- TBD
 - Rule changes

Thank You!

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**Minnesota Environmental
Quality Board**

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