

2.1 ~~(i) a variance is sought in the permit application or a contested case hearing request~~
2.2 ~~is pending; or~~

2.3 ~~(ii) the permit applicant, the permittee, or a person commenting on the permit action~~
2.4 ~~requests that the decision be made by the agency and the agency requests that it make~~
2.5 ~~the decision under subdivision 8;~~

2.6 ~~(5)(3) final adoption or amendment of agency rules for which a public hearing is~~
2.7 ~~required under section 14.25 or for which the commissioner decides to proceed directly to~~
2.8 ~~a public hearing under section 14.14, subdivision 1;~~

2.9 ~~(6) approval or denial of an application for a variance from an agency rule if:~~

2.10 ~~(i) granting the variance request would change an air, soil, or water quality standard;~~

2.11 ~~(ii) the commissioner has determined that granting the variance would have a~~
2.12 ~~significant environmental impact; or~~

2.13 ~~(iii) the applicant or a person commenting on the variance request requests that the~~
2.14 ~~decision be made by the agency and the agency requests that it make the decision under~~
2.15 ~~subdivision 8; and~~

2.16 ~~(7)(4) whether to reopen, rescind, or reverse a decision of the agency.~~

2.17 Sec. 2. **[116C.10] ENVIRONMENTAL PERMIT MANAGEMENT AND**
2.18 **COORDINATION.**

2.19 (a) All environmental permits that involve more than one state or federal agency shall
2.20 be managed and coordinated by the state agency with primary jurisdiction in permitting
2.21 the project. If environmental review under chapter 116D is or will be conducted for the
2.22 project and a state agency is the responsible governmental unit, the state agency named as
2.23 the responsible governmental unit shall manage and coordinate the state permitting for the
2.24 project. If no state agency is the responsible governmental unit for environmental review
2.25 on the project, the agency responsible for managing and coordinating the state permit
2.26 process shall be selected by the Department of Administration.

2.27 (b) The state agency responsible for managing and coordinating state permits under
2.28 paragraph (a) shall:

2.29 (1) develop a timeline for all permits issued by state and federal agencies and
2.30 coordinate the permits among the agencies;

2.31 (2) provide the project proposer the timeline for all state and federal permits; and

2.32 (3) be the contact person for the project proposer for all state and federal permits.

2.33 Sec. 3. **RESPONSIBILITIES TRANSFERRED.**

3.1 (a) The responsibilities of the former Environmental Quality Board are transferred to
3.2 the agencies listed below:

3.3 (1) responsibilities related to environmental review, to the Department of
3.4 Administration;

3.5 (2) responsibilities related to water policy, to the Board of Water and Soil Resources;

3.6 (3) responsibilities related to waste, to the Pollution Control Agency;

3.7 (4) responsibilities related to genetically engineered organisms, to the Department
3.8 of Agriculture;

3.9 (5) responsibilities related to energy, to the Public Utilities Commission; and

3.10 (6) any responsibilities not specified, to the Board of Water and Soil Resources.

3.11 (b) Minnesota Statutes, section 15.039, applies to the transfer of powers under
3.12 paragraph (a).

3.13 Sec. 4. **REVISOR'S INSTRUCTION.**

3.14 By January 15, 2012, the revisor of statutes shall present a bill to the legislature to
3.15 make the appropriate statutory changes to reflect the transfer of responsibilities under
3.16 section 3.

3.17 Sec. 5. **REPEALER.**

3.18 Minnesota Statutes 2010, sections 116.02, subdivision 8; 116C.01; 116C.02;
3.19 116C.03, subdivisions 1, 2, 2a, 3a, 4, 5, and 6; 116C.04, subdivisions 1, 2, 3, 4, 7, 10, and
3.20 11; 116C.06; and 116C.08, are repealed.

116.02 POLLUTION CONTROL AGENCY, CREATION AND POWERS.

Subd. 8. **Other actions.** Any other action not specifically within the authority of the commissioner shall be made by the agency if:

- (1) prior to the commissioner's final decision on the action, one or more members of the agency notify the commissioner of their request that the decision be made by the agency; or
- (2) any person submits a petition to the commissioner requesting that the decision be made by the agency and the commissioner grants the petition.

If the commissioner denies a petition submitted under clause (2), the commissioner shall advise the agency and the petitioner of the reasons for the denial.

116C.01 FINDINGS.

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. The legislature also finds that further 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.

116C.02 DEFINITIONS.

Subdivision 1. **Applicability.** For the purposes of sections 116C.01 to 116C.08, the following terms have the meaning given them.

Subd. 2. **Board.** "Board" means the Minnesota Environmental Quality Board.

116C.03 CREATION OF ENVIRONMENTAL QUALITY BOARD; MEMBERSHIP; CHAIR; STAFF.

Subdivision 1. **Creation.** An environmental quality board, designated as the Minnesota Environmental Quality Board, is hereby created.

Subd. 2. **Membership.** The members of the board are the director of the Office of Strategic and Long-Range Planning, the commissioner of commerce, the commissioner of the Pollution Control Agency, the commissioner of natural resources, the commissioner of agriculture, the commissioner of health, the commissioner of employment and economic development, the commissioner of transportation, the chair of the Board of Water and Soil Resources, and a representative of the governor's office designated by the governor. The governor shall appoint five members from the general public to the board, subject to the advice and consent of the senate. At least two of the five public members must have knowledge of and be conversant in water management issues in the state. Notwithstanding the provisions of section 15.06, subdivision 6, members of the board may not delegate their powers and responsibilities as board members to any other person.

Subd. 2a. **Public members.** The membership terms, compensation, removal, and filling of vacancies of public members of the board shall be as provided in section 15.0575.

Subd. 3a. **Chair.** The representative of the governor's office shall serve as chair of the board.

Subd. 4. **Support.** Staff and consultant support for board activities shall be provided by the Office of Strategic and Long-Range Planning. This support shall be provided based upon an annual budget and work program developed by the board and certified to the commissioner by the chair of the board. The board shall have the authority to request and require staff support from all other agencies of state government as needed for the execution of the responsibilities of the board.

Subd. 5. **Administration.** The board shall contract with the Office of Strategic and Long-Range Planning for administrative services necessary to the board's activities. The services shall include personnel, budget, payroll and contract administration.

Subd. 6. **Annual budget and work program.** The board shall adopt an annual budget and work program.

116C.04 POWERS AND DUTIES.

Subdivision 1. **Scope; votes.** The powers and duties of the Minnesota Environmental Quality Board shall be as provided in this section and as otherwise provided by law or executive

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order. Actions of the board shall be taken only at an open meeting upon a majority vote of all the permanent members of the board.

Subd. 2. **Jurisdiction.** (a) The board shall determine which environmental problems of interdepartmental concern to state government shall be considered by the board. The board shall initiate interdepartmental investigations into those matters that it determines are in need of study. Topics for investigation may include but need not be limited to future population and settlement patterns, air and water resources and quality, solid waste management, transportation and utility corridors, economically productive open space, energy policy and need, growth and development, and land use planning.

(b) The board shall review programs of state agencies that significantly affect the environment and coordinate those it determines are interdepartmental in nature, and insure agency compliance with state environmental policy.

(c) The board may review environmental rules and criteria for granting and denying permits by state agencies and may resolve conflicts involving state agencies with regard to programs, rules, permits and procedures significantly affecting the environment, provided that such resolution of conflicts is consistent with state environmental policy.

(d) State agencies shall submit to the board all proposed legislation of major significance relating to the environment and the board shall submit a report to the governor and the legislature with comments on such major environmental proposals of state agencies.

Subd. 3. **Cooperation.** The board shall cooperate with regional development commissions in appropriate matters of environmental concern.

Subd. 4. **Task forces.** The board may establish interdepartmental or citizen task forces or subcommittees to study particular problems.

Subd. 7. **Annual congress.** At its discretion, the board shall convene an annual Environmental Quality Board congress including, but not limited to, 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. The purpose of the congress shall be to receive reports and exchange information on progress and activities related to environmental improvement.

Subd. 10. **Stipulation agreements.** The board may enter into and enforce stipulation agreements made to enforce statutes and rules administered by the board.

Subd. 11. **Coordination.** The Environmental Quality Board shall coordinate the implementation of an interagency compliance with existing state and federal lead regulations and report to the legislature by January 31, 1992, on the changes in programs needed to comply.

116C.06 HEARINGS.

Subdivision 1. **Process.** The board shall hold public hearings on matters that it determines to be of major environmental impact. The board shall prescribe by rule in conformity to the provisions of chapter 14, the procedures for the conduct of all hearings and review procedures.

Subd. 2. **Delegation to hearings officer.** The board may delegate its authority to conduct a hearing to a hearings officer. The hearings officer shall have the same power as the board to compel the attendance of witnesses to examine them under oath, to require the production of books, papers, and other evidence, and to issue subpoenas and cause the same to be served and executed in any part of the state. The hearings officer shall be knowledgeable in matters of law and the environment.

If a hearings officer conducts a hearing, the officer shall make findings of fact and submit them to the board. The transcript of testimony and exhibits shall constitute the exclusive record upon which such findings are made. The findings shall be available for public inspection.

Subd. 3. **Recommendations.** After receipt of the findings of fact of the hearings officer, the board shall make recommendations to the governor and legislature as to administrative and legislative actions to be considered in regard to the matter.

116C.08 FEDERAL FUNDS; DONATIONS.

The board may apply for, receive, and disburse federal funds made available to the state by federal law or rules promulgated thereunder for any purpose related to the powers and duties of the board. The board shall comply with any and all requirements of such federal law or such rules and regulations promulgated thereunder in order to apply for, receive, and disburse such funds. The board is authorized to accept any donations or grants from any public or private concern. All such moneys received by the board shall be deposited in the state treasury and are

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hereby appropriated to it for the purpose for which they are received. None of such moneys in the state treasury shall cancel.