

**4410.0200 DEFINITIONS AND ABBREVIATIONS.**

Subpart 1. **Scope.** For the purpose of parts 4410.0200 to 4410.6500, the following terms and abbreviations have the meanings given them, unless otherwise provided.

Subp. 1a. [Repealed, 31 SR 539]

Subp. 1b. **Acute hazardous waste.** "Acute hazardous waste" has the meaning given in part 7045.0020.

Subp. 2. **Agricultural land.** "Agricultural land" means land that is or has, within the last five years, been devoted to the production of livestock, dairy animals, dairy products, poultry and poultry products, fur bearing animals, horticultural and nursery stock, fruit, vegetables, forage, grains, or bees and apiary products. Wetlands, naturally vegetated lands, and woodlands contiguous to or surrounded by agricultural land shall be considered agricultural lands if under the same ownership or management as that of the agricultural land during the period of agricultural use.

Subp. 3. **Animal units.** "Animal units" has the meaning given in part 7020.0300, subpart 5.

Subp. 4. **Approval.** "Approval" means a decision by a unit of government to issue a permit or to otherwise authorize the commencement of a proposed project.

Subp. 5. **Attached units.** "Attached units" means in groups of four or more units each of which shares one or more common walls with another unit.

Subp. 5a. **Auxiliary lane.** "Auxiliary lane" means the portion of the roadway that:

A. adjoins the through lanes for purposes such as speed change, turning, storage for turning, weaving, or truck climbing; and

B. supplements through-traffic movement.

Subp. 6. **Biomass sources.** "Biomass sources" means animal waste and all forms of vegetation, natural or cultivated.

Subp. 6a. **Capacity.** "Capacity," as used in parts 4410.4300, subpart 17, and 4410.4400, subpart 13, means the maximum daily operational input volume a facility is designed to process on a continuing basis.

Subp. 7. **Class I dam.** "Class I dam" has the meaning given in part 6115.0340.

Subp. 8. **Class II dam.** "Class II dam" has the meaning given in part 6115.0340.

Subp. 9. **Collector roadway.** "Collector roadway" means a road that provides access to minor arterial roadways from local streets and adjacent land uses.

Subp. 9a. **Common open space.** "Common open space" means a portion of a development permanently set aside to preserve elements of the natural landscape for public or private use, which will not be developed or subdivided and is either owned in common by the individual owners in the development or by a permanently established management entity. Common open space does not include the area within 25 feet of any structure, any impervious surface, or the area between

buildings within an individual cluster of buildings when the development is designed using clustered compact lots or clustered units or sites to create and preserve green space, such as in a conservation subdivision, planned unit development, or resort.

Subp. 9b. **Compost facility.** "Compost facility" has the meaning given in part 7035.0300.

Subp. 9c. **Connected actions.** Two projects are "connected actions" if a responsible governmental unit determines they are related in any of the following ways:

- A. one project would directly induce the other;
- B. one project is a prerequisite for the other and the prerequisite project is not justified by itself; or
- C. neither project is justified by itself.

Subp. 10. **Construction.** "Construction" means any activity that directly alters the environment. It includes preparation of land or fabrication of facilities. It does not include surveying or mapping.

Subp. 11. **Cumulative impact.** "Cumulative impact" means the impact on the environment that results from incremental effects of the project in addition to other past, present, and reasonably foreseeable future projects regardless of what person undertakes the other projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Subp. 11a. **Cumulative potential effects.** "Cumulative potential effects" means the effect on the environment that results from the incremental effects of a project in addition to other projects in the environmentally relevant area that might reasonably be expected to affect the same environmental resources, including future projects actually planned or for which a basis of expectation has been laid, regardless of what person undertakes the other projects or what jurisdictions have authority over the projects. Significant cumulative potential effects can result from individually minor projects taking place over a period of time. In analyzing the contributions of past projects to cumulative potential effects, it is sufficient to consider the current aggregate effects of past actions. It is not required to list or analyze the impacts of individual past actions, unless such information is necessary to describe the cumulative potential effects. In determining if a basis of expectation has been laid for a project, an RGU must determine whether a project is reasonably likely to occur and, if so, whether sufficiently detailed information is available about the project to contribute to the understanding of cumulative potential effects. In making these determinations, the RGU must consider: whether any applications for permits have been filed with any units of government; whether detailed plans and specifications have been prepared for the project; whether future development is indicated by adopted comprehensive plans or zoning or other ordinances; whether future development is indicated by historic or forecasted trends; and any other factors determined to be relevant by the RGU.

Subp. 12. **Day.** "Day" in counting any period of time shall not include the day of the event from which the designated period of time begins. The last day of the period counted shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day that is not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed

or allowed is 15 days or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the counting of days.

Subp. 13. [Repealed by amendment, L 1983 c 289 s 115 subd 1]

Subp. 14. **Disposal facility.** "Disposal facility" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 10.

Subp. 15. **DNR.** "DNR" means Department of Natural Resources.

Subp. 16. **DOT.** "DOT" means Department of Transportation.

Subp. 17. **EAW.** "EAW" means environmental assessment worksheet.

Subp. 18. **EIS.** "EIS" means environmental impact statement.

Subp. 19. [Repealed, 21 SR 1458]

Subp. 20. [Repealed, 21 SR 1458]

Subp. 21. [Repealed, 21 SR 1458]

Subp. 22. **Emergency.** "Emergency" means a sudden unexpected occurrence, natural or caused by humans, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. "Emergency" includes fire, flood, windstorm, riot, accident, or sabotage.

Subp. 22a. **Energy recovery facility.** "Energy recovery facility" means a facility used to capture the heat value of solid waste for conversion to steam, electricity, or immediate heat by direct combustion or by first converting the solid waste into an intermediate fuel product. It does not include facilities that produce, but do not burn, refuse-derived fuel.

Subp. 23. **Environment.** "Environment" means physical conditions existing in the area that may be affected by a proposed project. It includes land, air, water, minerals, flora, fauna, ambient noise, energy resources, and artifacts or natural features of historic, geologic, or aesthetic significance.

Subp. 24. **Environmental assessment worksheet.** "Environmental assessment worksheet" means a brief document which is designed to set out the basic facts necessary to determine whether an EIS is required for a proposed project or to initiate the scoping process for an EIS.

Subp. 25. **Environmental document.** "Environmental document" means EAW, draft EIS, final EIS, substitute review document, and other environmental analysis documents.

Subp. 26. **Environmental impact statement.** "Environmental impact statement" means a detailed written statement as required by Minnesota Statutes, section 116D.04, subdivision 2a.

Subp. 27. **EQB.** "EQB" means Environmental Quality Board.

Subp. 28. **Expansion.** "Expansion" means an extension of the capability of a facility to produce or operate beyond its existing capacity. It excludes repairs or renovations that do not increase the capacity of the facility.

Subp. 29. **First class city.** "First class city" has the meaning given in Minnesota Statutes, section 410.01.

Subp. 30. **Floodplain.** "Floodplain" has the meaning given in Minnesota Statutes, section 103F.111.

Subp. 31. [Repealed, 21 SR 1458]

Subp. 32. **Fourth class city.** "Fourth class city" has the meaning given in Minnesota Statutes, section 410.01.

Subp. 33. **Governmental action.** "Governmental action" means activities including projects wholly or partially conducted, permitted, assisted, financed, regulated, or approved by governmental units, including the federal government.

Subp. 34. **Governmental unit.** "Governmental unit" means any state agency and any general or special purpose unit of government in the state, including watershed districts organized under Minnesota Statutes, chapter 103D, counties, towns, cities, port authorities, housing authorities, and the Metropolitan Council, but not including courts, school districts, the Iron Range Resources and Rehabilitation Board, and regional development commissions.

Subp. 35. **Gross floor space.** "Gross floor space" means the total square footage of all floors but does not include parking lots or approach areas.

Subp. 35a. **Genetically engineered organism.** "Genetically engineered organism" has the meaning given in part 4420.0010, subpart 14.

Subp. 35b. **Genetic engineering.** "Genetic engineering" has the meaning given in part 4420.0010, subpart 15.

Subp. 36. **Ground area.** "Ground area" means the total surface area of land that would be converted to an impervious surface by the proposed project. It includes structures, parking lots, approaches, service facilities, appurtenant structures, and recreational facilities.

Subp. 36a. **Hazardous material.** "Hazardous material" has the meaning given in Code of Federal Regulations, title 49, section 171.8.

Subp. 37. **Hazardous waste.** "Hazardous waste" has the meaning given in parts 7045.0129 to 7045.0141.

Subp. 38. **High voltage transmission line.** "High voltage transmission line" has the meaning given in part 7849.1100.

Subp. 39. **Highway safety improvement project.** "Highway safety improvement project" means a project designed to improve safety of highway locations that have been identified as hazardous or potentially hazardous. Projects in this category include the removal, relocation, remodeling, or shielding of roadside hazards; installation or replacement of traffic signals; and the geometric correction of identified high accident locations requiring the acquisition of minimal amounts of right-of-way.

Subp. 40. **HVTL.** "HVTL" means high voltage transmission line.

Subp. 40a. **Incinerator.** "Incinerator" means any furnace used in the process of burning solid waste for the purpose of reducing the volume of waste by removing combustible matter.

Subp. 40b. **Institutional facility.** "Institutional facility" means a land-based facility owned or operated by an organization having a governmental, educational, civic, or religious purpose such as a school, hospital, prison, military installation, church, or other similar establishment or facility.

Subp. 41. **Large electric power generating plant; LEPGP.** "Large electric power generating plant" or "LEPGP" has the meaning given in part 7849.1100.

Subp. 42. **LEPGP.** "LEPGP" means large electric power generating plant.

Subp. 42a. **Light industrial facility.** "Light industrial facility" means a subcategory of industrial land use with a primary function other than manufacturing and less than 500 employees.

Subp. 43. **Local governmental unit.** "Local governmental unit" means any unit of government other than the state or a state agency or the federal government or a federal agency. Local governmental unit includes watershed districts established according to Minnesota Statutes, chapter 103D, soil and water conservation districts, watershed management organizations, counties, towns, cities, port authorities, housing authorities, and the Metropolitan Council. Local governmental unit does not include courts, school districts, and regional development commissions.

Subp. 44. **Marina.** "Marina" has the meaning given in part 6115.0170.

Subp. 45. **MDA.** "MDA" means Minnesota Department of Agriculture.

Subp. 46. **MDH.** "MDH" means Minnesota Department of Health.

Subp. 47. **Mineral deposit evaluation.** "Mineral deposit evaluation" has the meaning given in Minnesota Statutes, section 103I.605, subdivision 2.

Subp. 48. **Minnesota River Project Riverbend area.** "Minnesota River Project Riverbend area" means an area subject to the comprehensive land use plan of the Project Riverbend Board established under Minnesota Statutes, chapter 103F.

Subp. 49. **Mississippi headwaters area.** "Mississippi headwaters area" means an area subject to the comprehensive land use plan of the Mississippi River Headwaters Board established under Minnesota Statutes, chapter 103F.

Subp. 50. **Mississippi headwaters plan.** "Mississippi headwaters plan" means the comprehensive land use plan of the Mississippi River Headwaters Board established under Minnesota Statutes, chapter 103F.

Subp. 51. **Mitigation.** "Mitigation" means:

- A. avoiding impacts altogether by not undertaking a certain project or parts of a project;
- B. minimizing impacts by limiting the degree of magnitude of a project;

- C. rectifying impacts by repairing, rehabilitating, or restoring the affected environment;
  - D. reducing or eliminating impacts over time by preservation and maintenance operations during the life of the project;
  - E. compensating for impacts by replacing or providing substitute resources or environments;
- or
- F. reducing or avoiding impacts by implementation of pollution prevention measures.

Subp. 52. **Mixed municipal solid waste.** "Mixed municipal solid waste" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 21.

Subp. 52a. **Mixed municipal solid waste land disposal facility.** "Mixed municipal solid waste land disposal facility" has the meaning given in part 7035.0300.

Subp. 53. **Natural watercourse.** "Natural watercourse" has the meaning given in Minnesota Statutes, section 103G.005, subdivision 13.

Subp. 54. **Negative declaration.** "Negative declaration" means a written statement by the RGU that a proposed project does not require the preparation of an EIS.

Subp. 55. **Open space land use.** "Open space land use" means a use particularly oriented to and using the outdoor character of an area including agriculture, campgrounds, parks, and recreation areas.

Subp. 55a. **Ordinary high water level.** "Ordinary high water level" has the meaning given in Minnesota Statutes, section 103G.005, subdivision 14.

Subp. 55b. **Organism.** "Organism" has the meaning given in part 4420.0010, subpart 18.

Subp. 56. **PCA.** "PCA" means Minnesota Pollution Control Agency.

Subp. 56a. **PCB.** "PCB" has the meaning given in Minnesota Statutes, section 116.36, subdivision 4.

Subp. 57. **Permanent conversion.** "Permanent conversion" means a change in use of agricultural, naturally vegetated, or forest lands that impairs the ability to convert the land back to its agricultural, natural, or forest capacity in the future. It does not include changes in management practices, such as conversion to parklands, open space, or natural areas.

Subp. 58. **Permit.** "Permit" means a permit, lease, license, certificate, or other entitlement for use or permission to act that may be granted or issued by a governmental unit, or the commitment to issue or the issuance of a discretionary contract, grant, subsidy, loan, or other form of financial assistance, by a governmental unit.

Subp. 59. **Person.** "Person" means any natural person, state, municipality, or other governmental unit, political subdivision, other agency or instrumentality, or public or private corporation, partnership, firm, association, or other organization, receiver, trustee, assignee, agent, or other legal representative of the foregoing, and any other entity.

Subp. 59a. **Petroleum refinery.** "Petroleum refinery" has the meaning given in Minnesota Statutes, section 115C.02, subdivision 10a.

Subp. 60. **Phased action.** "Phased action" means two or more projects to be undertaken by the same proposer that a RGU determines:

- A. will have environmental effects on the same geographic area; and
- B. are substantially certain to be undertaken sequentially over a limited period of time.

Subp. 61. **Positive declaration.** "Positive declaration" means a written statement by the RGU that a proposed project requires the preparation of an EIS.

Subp. 62. **Potentially permanent.** "Potentially permanent" means a dwelling for human habitation that is permanently affixed to the ground or commonly used as a place of residence. It includes houses, seasonal and year round cabins, and mobile homes.

Subp. 63. **Preparation notice.** "Preparation notice" means a written notice issued by the RGU stating that an EIS will be prepared for a proposed project.

Subp. 64. **Processing.** "Processing," as used in parts 4410.4300, subpart 16, items B and C, and 4410.4400, subpart 12, item C, has the meaning given in Minnesota Statutes, section 115A.03, subdivision 25.

Subp. 65. **Project.** "Project" means a governmental action, the results of which would cause physical manipulation of the environment, directly or indirectly. The determination of whether a project requires environmental documents shall be made by reference to the physical activity to be undertaken and not to the governmental process of approving the project.

Subp. 66. [Repealed, 13 SR 1437]

Subp. 67. **Project Riverbend plan.** "Project Riverbend plan" means the comprehensive land use plan of the Project Riverbend Board established under Minnesota Statutes, chapter 103F.

Subp. 68. **Proposer.** "Proposer" means the person or governmental unit that proposes to undertake or to direct others to undertake a project.

Subp. 69. **Public waters.** "Public waters" has the meaning given in Minnesota Statutes, section 103G.005.

Subp. 70. **Public waters wetland.** "Public waters wetland" has the meaning given in Minnesota Statutes, section 103G.005, subdivision 15a.

Subp. 70a. **PUC.** "PUC" means the Minnesota Public Utilities Commission.

Subp. 71. **Recreational development.** "Recreational development" means facilities for temporary residence while in pursuit of leisure activities. Recreational development includes, but is not limited to, recreational vehicle parks, rental or owned campgrounds, and condominium campgrounds.

Subp. 71a. **Refuse-derived fuel.** "Refuse-derived fuel" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 25d.

Subp. 71b. **Release.** "Release" has the meaning given in part 4420.0010, subpart 19.

Subp. 72. [Repealed, 13 SR 1437]

Subp. 73. **Resource recovery.** "Resource recovery" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 27.

Subp. 74. [Repealed, 13 SR 1437]

Subp. 75. **Responsible governmental unit.** "Responsible governmental unit" means the governmental unit that is responsible for preparation and review of environmental documents.

Subp. 76. **RGU.** "RGU" means responsible governmental unit.

Subp. 77. **Scientific and natural area.** "Scientific and natural area" means an outdoor recreation system unit designated pursuant to Minnesota Statutes, section 86A.05, subdivision 5.

Subp. 78. **Scram mining operation.** "Scram mining operation" has the meaning given in part 6130.0100.

Subp. 79. **Second class city.** "Second class city" has the meaning given in Minnesota Statutes, section 410.01.

Subp. 79a. **Sensitive shoreland area.** "Sensitive shoreland area" means shoreland designated as a special protection district pursuant to part 6120.3200 or shoreland riparian to any of the following types of public waters:

- A. lakes or bays of lakes classified as natural environment pursuant to part 6120.3000;
- B. trout lakes and streams designated pursuant to part 6264.0050;
- C. wildlife lakes designated pursuant to Minnesota Statutes, section 97A.101, subdivision 2;
- D. migratory waterfowl feeding and resting lakes designated pursuant to Minnesota Statutes, section 97A.095, subdivision 2; or
- E. outstanding resource value waters designated pursuant to part 7050.0335.

Subp. 80. **Sewage collection system.** "Sewage collection system" means a piping or conveyance system that conveys wastewater to a wastewater treatment plant.

Subp. 81. **Sewered area.** "Sewered area" means an area:

- A. that is serviced by a wastewater treatment facility or a centralized septic system servicing the entire development; or
- B. that is located within the boundaries of the metropolitan urban service area, as defined pursuant to the development framework of the Metropolitan Council.



Subp. 81a. **Shore impact zone.** "Shore impact zone" has the meaning given in part 6120.2500, or in a local ordinance, if the ordinance specifies a greater size for the zone.

Subp. 82. **Shoreland.** "Shoreland" has the meaning given in part 6120.2500, subpart 15, of the Department of Natural Resources.

Subp. 82a. **Silica sand.** "Silica sand" has the meaning given in Minnesota Statutes, section 116C.99, subdivision 1.

Subp. 82b. **Silica sand project.** "Silica sand project" has the meaning given in Minnesota Statutes, section 116C.99, subdivision 1.

Subp. 83. [Repealed, 21 SR 1458]

Subp. 84. **Solid waste.** "Solid waste" has the meaning given in Minnesota Statutes, section 116.06, subdivision 22.

Subp. 84a. **Sports or entertainment facility.** "Sports or entertainment facility" means a facility intended for the presentation of sports events and various forms of entertainment or amusement. Examples include sports stadiums or arenas, racetracks, concert halls or amphitheaters, theaters, facilities for pageants or festivals, fairgrounds, amusement parks, and zoological gardens.

Subp. 85. **State trail corridor.** "State trail corridor" means an outdoor recreation system unit designated pursuant to Minnesota Statutes, section 86A.05, subdivision 4.

Subp. 86. **Storage.** "Storage," as used in part 4410.4300, subpart 16, item D, has the meaning given in Code of Federal Regulations 1980, title 40, section 260.10 (a)(66).

Subp. 87. **Third class city.** "Third class city" has the meaning given in Minnesota Statutes, section 410.01.

Subp. 88. **Tiering.** "Tiering" means incorporating by reference the discussion of an issue from a broader or more general EIS. An example of tiering is the incorporation of a program or policy statement into a subsequent environmental document of a more narrow scope, such as a site-specific EIS.

Subp. 89. **Transfer station.** "Transfer station" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 33.

Subp. 89a. **Warehousing facility.** "Warehousing facility" means a subcategory of industrial-commercial land use that has as its primary function the storage of goods or materials. Warehousing facilities may include other uses, such as office space or sales, in minor amounts.

Subp. 90. **Waste.** "Waste" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 34.

Subp. 91. **Waste facility.** "Waste facility" has the meaning given in Minnesota Statutes, section 115A.03, subdivision 35.

Subp. 92. **Wastewater treatment facility.** "Wastewater treatment facility" means a facility for the treatment of municipal or industrial waste water.

Subp. 92a. **Water-related land use management district.** "Water-related land use management district" includes:

- A. shoreland areas;
- B. floodplains;
- C. wild and scenic rivers districts;
- D. areas subject to the comprehensive land use plan of the Project Riverbend Board under Minnesota Statutes, chapter 103F; and
- E. areas subject to the comprehensive land use plan of the Mississippi River Headwaters Board under Minnesota Statutes, chapter 103F.

Subp. 92b. **Water-related land use management district ordinance or plan, approved.** "Water-related land use management district ordinance or plan, approved" means:

- A. a state-approved shoreland ordinance;
- B. a state-approved floodplain ordinance;
- C. a state-approved wild and scenic rivers district ordinance;
- D. the comprehensive land use plan of the Project Riverbend Board under Minnesota Statutes, chapter 103F; or
- E. the comprehensive land use plan of the Mississippi River Headwaters Board under Minnesota Statutes, chapter 103F.

Subp. 92c. **Waters of the state.** "Waters of the state" has the meaning given in Minnesota Statutes, section 103G.005, subdivision 17.

Subp. 93. **Wetland.** "Wetland" has the meaning given wetlands in Minnesota Statutes, section 103G.005, subdivision 19.

Subp. 94. **Wild and scenic rivers district.** "Wild and scenic rivers district" means a river or a segment of the river and its adjacent lands that possess outstanding scenic, recreational, natural, historical, scientific, or similar values and has been designated by the commissioner of the DNR or by the legislature of the state of Minnesota for inclusion within the Minnesota wild and scenic rivers system pursuant to Minnesota Statutes, sections 103F.301 to 103F.345, or by Congress for inclusion within the national wild and scenic rivers system pursuant to United States Code 1976, title 16, sections 1274 to 1286.

Subp. 95. **Wild and scenic rivers district ordinances, state approved.** "Wild and scenic rivers district ordinances, state approved" means a local governmental unit ordinance implementing the state management plan for the district. The ordinance must be approved by the commissioner

of the DNR pursuant to parts 6105.0220 to 6105.0250 or 6105.0500 to 6105.0550 of the Department of Natural Resources.

Subp. 96. **Wilderness area.** "Wilderness area" means an outdoor recreation system unit designated pursuant to Minnesota Statutes, section 86A.05, subdivision 6.

**Statutory Authority:** *MS s 14.388; 116C.94; 116C.991; 116D.04; 116D.045; L 2013 c 114 art 4 s 105; L 2015 1Sp4 art 4 s 121; art 5 s 33*

**History:** *L 1983 c 289 s 115; 11 SR 714; 13 SR 1437; 17 SR 139; 17 SR 1279; 21 SR 1458; 28 SR 951; 31 SR 539; 31 SR 646; 34 SR 721; 37 SR 820; 41 SR 545; 44 SR 691*

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