

## CHAPTER 116C

## ENVIRONMENTAL QUALITY BOARD

116C.03 Creation of the environmental quality board; membership; chair; staff.

116C.04 Powers and duties.

116C.712 Powers and duties.

116C.852 Low-level radioactive waste disposal.

116C.91 Definitions.

116C.94 Rules.

116C.96 Cost reimbursement.

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

*[For text of subd 1, see M.S.1990]*

Subd. 2. **Membership.** The members of the board are the director of the office of strategic and long-range planning, the commissioner of public service, the commissioner of the pollution control agency, the commissioner of natural resources, the director of the office of waste management, the commissioner of agriculture, the commissioner of health, 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.

*[For text of subds 2a and 3a, see M.S.1990]*

Subd. 4. **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. 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.

*[For text of subd 6, see M.S.1990]*

**History:** 1991 c 345 art 2 s 20-22

**116C.04 POWERS AND DUTIES.**

*[For text of subds 1 to 10, see M.S.1990]*

Subd. 11. 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.

**History:** 1991 c 292 art 9 s 1

**116C.712 POWERS AND DUTIES.**

*[For text of subds 1 and 2, see M.S.1990]*

Subd. 3. **Council staff.** Staff support for council activities must be provided by the office of strategic and long-range planning. State departments and agencies must cooperate with the council in the performance of its duties. Upon the request of the chair of the council, the governor may, by order, require a state department or agency to furnish assistance necessary to carry out the council's functions under this chapter.

*[For text of subd 4, see M.S.1990]*

Subd. 5. **Assessment.** (a) A person, firm, corporation, or association in the business of owning or operating a nuclear fission electrical generating plant in this state shall pay an assessment to cover the cost of:

(1) monitoring the federal high-level radioactive waste program under the Nuclear Waste Policy Act, United States Code, title 42, sections 10101 to 10226;

(2) advising the governor and the legislature on policy issues relating to the federal high-level radioactive waste disposal program;

(3) surveying existing literature and activity relating to radioactive waste management, including storage, transportation, and disposal, in the state;

(4) an advisory task force on low-level radioactive waste deregulation, created by a law enacted in 1990 until July 1, 1996; and

(5) other general studies necessary to carry out the purposes of this subdivision.

The assessment must not be more than the appropriation to the office of strategic and long-range planning for these purposes.

(b) The office shall bill the owner or operator of the plant for the assessment at least 30 days before the start of each quarter. The assessment for the second quarter of each fiscal year must be adjusted to compensate for the amount by which actual expenditures by the office for the preceding year were more or less than the estimated expenditures previously assessed. The billing may be made as an addition to the assessments made under section 116C.69. The owner or operator of the plant must pay the assessment within 30 days after receipt of the bill. The assessment must be deposited in the state treasury and credited to the special revenue fund.

(c) The authority for this assessment terminates when the department of energy eliminates Minnesota from further siting consideration for high-level radioactive waste by starting construction of a high-level radioactive waste disposal site in another state. The assessment required for any quarter must be reduced by the amount of federal grant money received by the office of strategic and long-range planning for the purposes listed in this section.

(d) The director of the office of strategic and long-range planning must report annually by July 1 to the legislative commission on waste management on activities assessed under paragraph (a).

**History:** 1991 c 345 art 2 s 23,24

#### **116C.852 LOW-LEVEL RADIOACTIVE WASTE DISPOSAL.**

All low-level radioactive waste that may be treated, recycled, stored, or disposed of in this state shall conform to applicable federal and state requirements regardless of whether or not the waste has been reclassified as "below regulatory concern" by the United States Nuclear Regulatory Commission pursuant to a generic rule or standard adopted after January 1, 1990.

**History:** 1991 c 202 s 4

#### **116C.91 DEFINITIONS.**

*[For text of subs 1 to 6, see M.S.1990]*

Subd. 7. **Significant environmental permit.** "Significant environmental permit" means a permit issued by a state agency with the authority to deny, modify, revoke, or place conditions on the permit in compliance with the requirements of sections 116C.91 to 116C.96, chapter 116D, and the rules adopted under them.

**History:** 1991 c 250 s 28

#### **116C.94 RULES.**

(a) The board shall adopt rules consistent with sections 116C.91 to 116C.96 that

require an environmental assessment worksheet and otherwise comply with chapter 116D and rules adopted under it for a proposed release and a permit for a release. The board may place conditions on a permit and may deny, modify, suspend, or revoke a permit.

(b) The rules shall provide that a permit from the board is not required if the proposer can demonstrate to the board that a significant environmental permit is required for the proposal by another state agency.

(c) A person proposing a release for which a federal permit is required may apply to the board for an exemption from the board's permit or to an agency with a significant environmental permit for the proposed release for an exemption from the agency's permit. The proposer must file with the board or agency, within 14 days of filing a federal application, a written request for exemption with a copy of the federal application and the information necessary to determine if there is a potential for significant environmental effects under chapter 116D and rules adopted under it. The board or agency shall give public notice of the request in the first available issue of the EQB Monitor and shall provide an opportunity for public comment on the environmental review process consistent with chapter 116D and rules adopted under it. The board or agency may grant the exemption if the board or agency finds that the federal permit issued is in compliance with the requirements of chapter 116D and rules adopted under it and any other requirement of the board's or agency's authority regarding the release of genetically engineered organisms. The board or agency must grant or deny the exemption within 45 days after the receipt of the federal permit.

(d) The board shall consult with local units of government and with private citizens before adopting any rules.

**History:** 1991 c 250 s 29

#### **116C.96 COST REIMBURSEMENT.**

The board shall assess the proposer of a release for the necessary and reasonable costs of processing exemptions from a release permit or applications for a release permit. An estimated budget shall be prepared for each exemption or application by the chair of the board. The proposer must remit 25 percent of the estimated budget within 14 days of the receipt of the estimated budget from the chair. The unpaid balance shall be billed in periodic installments, due upon receipt of an invoice from the chair. Costs in excess of the estimated budget must be certified by the board and upon certification constitute prima facie evidence that the expenses are reasonable and necessary and shall be charged to the proposer. The proposer may review all actual costs and present objections to the board, which may modify the cost or determine that the cost assessed is reasonable. The assessment paid by the proposer shall not exceed the sum of the costs incurred. All money received under this section shall be deposited in the special account established under section 116D.045, subdivision 3, for the purpose of paying costs incurred in processing exemptions and applications.

**History:** 1991 c 250 s 30