

CHAPTER 116C

ENVIRONMENTAL QUALITY BOARD

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116C.06 HEARINGS.

Subdivision 1. 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 sections 14.02, 14.04 to 14.28, 14.38, 14.44 to 14.45, and 14.57 to 14.62, the procedures for the conduct of all hearings and review procedures.

[For text of subs 2 and 3, see M.S.1994]

History: 1995 c 233 art 2 s 56

116C.69 BIENNIAL REPORT; APPLICATION FEES; APPROPRIATION; FUNDING.

[For text of subs 1 to 2a, see M.S.1994]

Subd. 3. **Funding; assessment.** The board shall finance its base line studies, general environmental studies, development of criteria, inventory preparation, monitoring of conditions placed on site certificates and construction permits, and all other work, other than specific site and route designation, from an assessment made quarterly, at least 30 days before the start of each quarter, by the board against all utilities with annual retail kilowatt-hour sales greater than 4,000,000 kilowatt-hours in the previous calendar year.

Each share shall be determined as follows: (1) the ratio that the annual retail kilowatt-hour sales in the state of each utility bears to the annual total retail kilowatt-hour sales in the state of all these utilities, multiplied by 0.667, plus (2) the ratio that the annual gross revenue from retail kilowatt-hour sales in the state of each utility bears to the annual total gross revenues from retail kilowatt-hour sales in the state of all these utilities, multiplied by 0.333, as determined by the board. The assessment shall be credited to the special revenue fund and shall be paid to the state treasury within 30 days after receipt of the bill, which shall constitute notice of said assessment and demand of payment thereof. The total amount which may be assessed to the several utilities under authority of this subdivision shall not exceed the sum of the annual budget of the board for carrying out the purposes of this subdivision. The assessment for the second quarter of each fiscal year shall be adjusted to compensate for the amount by which actual expenditures by the board for the preceding fiscal year were more or less than the estimated expenditures previously assessed.

History: 1995 c 220 s 110

116C.691 DEFINITIONS.

Subdivision 1. **Scope.** As used in sections 116C.691 to 116C.697, the terms defined in section 116C.52 and this section have the meanings given them, unless otherwise provided or indicated by the context or by this section.

Subd. 2. **Large wind energy conversion system or LWECS.** "Large wind energy conversion system" or "LWECS" means any combination of WECS with a combined nameplate capacity of 5,000 kilowatts or more.

Subd. 3. **Small wind energy conversion system or SWECS.** "Small wind energy conversion system" or "SWECS" means any combination of WECS with a combined nameplate capacity of less than 5,000 kilowatts.

Subd. 4. **Wind energy conversion system or WECS.** "Wind energy conversion system" or "WECS" means any device such as a wind charger, windmill, or wind turbine and associated facilities that converts wind energy to electrical energy.

History: 1995 c 203 s 1

116C.692 EXEMPTIONS.

(a) The requirements of sections 116C.51 to 116C.69 do not apply to the siting of LWECs, except for sections 116C.52; 116C.57, subdivision 4; 116C.59; 116C.62; 116C.63; 116C.645; 116C.65; 116C.68; and 116C.69, subdivision 3, which do apply.

(b) Any person may construct an SWECs without complying with sections 116C.51 to 116C.69 and 116C.691 to 116C.697.

(c) Nothing in sections 116C.691 to 116C.697 shall preclude a local governmental unit from establishing requirements for the siting and construction of SWECs.

History: 1995 c 203 s 2

116C.693 SITING OF LWECs.

The legislature declares it to be the policy of the state to site LWECs in an orderly manner compatible with environmental preservation, sustainable development, and the efficient use of resources.

History: 1995 c 203 s 3

116C.694 SITE PERMIT.

(a) No person may construct an LWECs without a site permit issued by the environmental quality board.

(b) Any person seeking to construct an LWECs shall submit an application to the board for a site permit in accordance with sections 116C.691 to 116C.697 and any rules adopted by the board. The permitted site need not be contiguous land.

(c) The board shall make a final decision on an application for a site permit for an LWECs within 180 days after acceptance of a complete application by the chair of the board. The board may extend this deadline for cause.

(d) The board may place conditions in a permit and may deny, modify, suspend, or revoke a permit.

History: 1995 c 203 s 4

116C.695 RULES.

The board shall adopt rules governing the consideration of an application for a site permit for an LWECs that address the following:

(1) criteria that the board shall use to designate LWECs sites, which must include the impact of LWECs on humans and the environment;

(2) procedures that the board will follow in acting on an application for an LWECs;

(3) procedures for notification to the public of the application and for the conduct of a public information meeting and a public hearing on the proposed LWECs;

(4) requirements for environmental review of the LWECs;

(5) conditions in the site permit for turbine type and designs; site layout and construction; and operation and maintenance of the LWECs, including the requirement to restore, to the extent possible, the area affected by construction of the LWECs to the natural conditions that existed immediately before construction of the LWECs;

(6) revocation or suspension of a site permit when violations of the permit or other requirements occur; and

(7) payment of fees for the necessary and reasonable costs of the board in acting on a permit application and carrying out the requirements of sections 116C.691 to 116C.697.

History: 1995 c 203 s 5

116C.696 MODEL ORDINANCE.

The board may assist local governmental units in adopting ordinances and other requirements to regulate the siting, construction, and operation of SWECS, including the development of a model ordinance.

History: 1995 c 203 s 6

116C.697 PREEMPTION.

A permit under sections 116C.691 to 116C.697 is the only site approval required for the location of an LWECs. The site permit supersedes and preempts all zoning, building, or land use rules, regulations, or ordinances adopted by regional, county, local, and special purpose governments.

History: 1995 c 203 s 7

116C.724 FIELD INVESTIGATIONS, TESTS, AND STUDIES.

Subd. 2. **Drilling.** A permit shall be obtained from the environmental quality board, in accordance with chapter 14, for any geologic and hydrologic drilling related to disposal. Conditions of obtaining and retaining the permit must be specified by rule and must include:

(1) compliance with state drilling and drill hole restoration rules as an exploratory boring under chapter 103I;

(2) proof that access to the test site has been obtained by a negotiated agreement or other legal process;

(3) payment by the permittee of a fee covering the costs of processing and monitoring drilling activities;

(4) unrestricted access by the commissioner of health, the commissioner of natural resources, the commissioner of the pollution control agency, the director of the Minnesota geological survey, the agent of a board of health as authorized under section 145A.04, and their employees and agents to the drilling sites to inspect and monitor the drill holes, drilling operations, and abandoned sites, and to sample air and water that may be affected by drilling;

(5) submission of splits or portions of a core sample, requested by the commissioner of natural resources or director of the Minnesota geological survey, except that the commissioner or director may accept certified data on the sample in lieu of a sample if certain samples are required in their entirety by the permittee; and

(6) that a sample submitted may become property of the state.

[For text of subd 3, see M.S.1994]

History: 1995 c 186 s 32

116C.98 NOTIFICATION FOR THE RELEASE OF CERTAIN GENETICALLY ENGINEERED PLANTS.

[For text of subs 1 and 2, see M.S.1994]

Subd. 3. **Performance standards for releases under the notification procedure.** (a) The performance standards in this subdivision must be met for any releases under the notification procedure.

(b) If the genetically engineered plants or plant materials are shipped, they must be shipped in such a way that the viable plant material is unlikely to be disseminated while in transit and must be maintained at the destination facility in such a way that there is no release into the environment.

(c) The genetically engineered plants must be planted in such a way that they are not inadvertently mixed with nonregulated plant materials of any species which are not part of the release.

(d) The plants and plant parts must be maintained in such a way that the identity of all material is known while it is in use, and the plant parts must be contained or devitalized when no longer in use.

(e) There must be no viable vector agent associated with the genetically engineered plants.

(f) The field trial must be conducted such that:

(1) the genetically engineered plants will not persist in the environment; and

(2) no offspring can be produced that could persist in the environment.

(g) Upon termination of the field test:

(1) no viable material shall remain which is likely to volunteer in subsequent seasons; or

(2) plant volunteers shall be managed to prevent persistence in the environment.

[For text of subs 4 to 6, see M.S.1994]

History: 1995 c 186 s 33