

Proposed Amendments to Minnesota Rules, Chapter 4410
Environmental Review of Large Energy Facilities
Before the Public Utilities Commission

- 1.1 Environmental Quality Board
- 1.2 Proposed Permanent Rules Relating to Environmental Review of
- 1.3 Large Energy Facilities
- 1.4 4400.1700 PREPARATION OF EIS.
- 1.5 Subpart 1. **EIS required.** The EQB shall prepare an
- 1.6 environmental impact statement on each proposed large electric
- 1.7 power generating plant and high voltage transmission line for
- 1.8 which a permit application has been accepted by the chair.
- 1.9 **For text of subp 2, see M.R.**
- 1.10 Subp. 3. **Alternative sites or routes.** During the scoping
- 1.11 process, a person may suggest alternative sites or routes to
- 1.12 evaluate in the environmental impact statement. A person
- 1.13 desiring that a particular site or route be evaluated shall
- 1.14 submit to the EQB, during the scoping process, an explanation of
- 1.15 why the site or route should be included in the environmental
- 1.16 impact statement and any other supporting information the person
- 1.17 wants the chair to consider. The chair shall provide the
- 1.18 applicant with an opportunity to respond to each request that an
- 1.19 alternative be included in the environmental impact statement.
- 1.20 The chair shall include the suggested site or route in the scope
- 1.21 of the environmental ~~assessment~~ impact statement only if the
- 1.22 chair determines that evaluation of the proposed site or route
- 1.23 will assist in the board's decision on the permit application.
- 1.24 **For text of subps 4 to 12, see M.R.**
- 1.25 4400.2750 PREPARATION OF ENVIRONMENTAL ASSESSMENT.
- 1.26 **For text of subps 1 to 7, see M.R.**
- 2.1 Subp. 8. **No additional environmental review.** An
- 2.2 environmental assessment must be the only state environmental
- 2.3 review document required to be prepared by the EQB on a project
- 2.4 qualifying for review under the alternative review process. No
- 2.5 environmental assessment worksheet or environmental impact
- 2.6 statement shall be required. Environmental review at the
- 2.7 certificate of need stage before the Public Utilities Commission
- 2.8 must be performed in accordance with parts ~~4410.7000~~ 4410.7010
- 2.9 to ~~4410.7700~~ 4410.7070.
- 2.10 **For text of subp 9, see M.R.**
- 2.11 4410.0200 DEFINITIONS AND ABBREVIATIONS.
- 2.12 **For text of subps 1 to 37, see M.R.**
- 2.13 Subp. 38. **High voltage transmission line.** "High voltage
- 2.14 transmission line" has the meaning given in part
- 2.15 ~~4400.0200~~ 4410.7015.
- 2.16 **For text of subps 39 to 40a, see M.R.**
- 2.17 Subp. 41. **Large electric power generating plant; LEPGP.**
- 2.18 "Large electric power generating plant" or "LEPGP" has the
- 2.19 meaning given in part ~~4400.0200~~ 4410.7015.
- 2.20 **For text of subps 42 to 96, see M.R.**
- 2.21 4410.3100 PROHIBITION ON FINAL GOVERNMENTAL DECISIONS.
- 2.22 Subpart 1. **Prohibitions.** If an EAW or EIS is required for
- 2.23 a governmental action under parts 4410.0200 to ~~4410.7500~~
- 2.24 4410.6500, or if a petition for an EAW is filed under part
- 2.25 4410.1100, a project may not be started and a final governmental
- 2.26 decision may not be made to grant a permit, approve a project,
- 3.1 or begin a project, until:
- 3.2 **For text of items A to D, see M.R.**
- 3.3 Subp. 2. **Public projects, prohibitions.** If a project
- 3.4 subject to review under parts 4410.0200 to ~~4410.7500~~ 4410.6500

3.5 is proposed to be carried out or sponsored by a governmental
 3.6 unit, the governmental unit shall not take any action with
 3.7 respect to the project, including the acquisition of property,
 3.8 if the action will prejudice the ultimate decision on the
 3.9 project, until a petition has been dismissed, a negative
 3.10 declaration has been issued, or until the final EIS has been
 3.11 determined adequate by the RGU or the EQB, unless the project is
 3.12 an emergency under subpart 9 or a variance is granted under
 3.13 subparts 4 to 8. An action prejudices the ultimate decision on
 3.14 a project if it tends to determine subsequent development or to
 3.15 limit alternatives or mitigative measures.

3.16 **For text of subps 4 to 8, see M.R.**

3.17 Subp. 9. **Emergency action.** In the rare situation when
 3.18 immediate action by a governmental unit or person is essential
 3.19 to avoid or eliminate an imminent threat to the public health or
 3.20 safety or a serious threat to natural resources, a proposed
 3.21 project may be undertaken without the environmental review which
 3.22 would otherwise be required by parts 4410.0200 to ~~4410.7500~~
 3.23 4410.6500. The governmental unit or person must demonstrate to
 3.24 the EQB chair, either orally or in writing, that immediate
 3.25 action is essential and must receive authorization from the EQB
 3.26 chair to proceed. Authorization to proceed shall be limited to
 3.27 those aspects of the project necessary to control the immediate
 4.1 impacts of the emergency. Other aspects of the project remain
 4.2 subject to review under parts 4410.0200 to 4410.6500.

4.3 4410.4300 MANDATORY EAW CATEGORIES.

4.4 **For text of subps 1 and 2, see M.R.**

4.5 Subp. 3. **Electric generating facilities.** For construction
 4.6 of an electric power generating plant and associated facilities
 4.7 designed for or capable of operating at a capacity of between 25
 4.8 megawatts ~~or more~~ and 50 megawatts, the EQB shall be the
 4.9 RGU. For electric power generating plants and associated
 4.10 facilities designed for and capable of operating at a capacity
 4.11 of 50 megawatts or more, environmental review shall be conducted
 4.12 according to parts 4410.7010 to 4410.7070 and chapter 4400.

4.13 **For text of subps 4 and 5, see M.R.**

4.14 Subp. 6. **Transmission lines.** For construction of a
 4.15 transmission line at a new location with a nominal capacity of
 4.16 between 70 kilovolts ~~or more~~ and 100 kilovolts with 20 or more
 4.17 miles of its length in Minnesota, the EQB shall be the RGU. For
 4.18 transmission lines and associated facilities designed for and
 4.19 capable of operating at a nominal voltage of 100 kilovolts or
 4.20 more, environmental review shall be conducted according to parts
 4.21 4410.7010 to 4410.7070 and chapter 4400.

4.22 **For text of subps 7 to 36, see M.R.**

4.23 4410.4400 MANDATORY EIS CATEGORIES.

4.24 Subpart 1. **Threshold test.** An EIS must be prepared for
 4.25 projects that meet or exceed the threshold of any of subparts 2
 4.26 to ~~24~~ 25. Multiple projects and multiple stages of a single
 5.1 project that are connected actions or phased actions must be
 5.2 considered in total when comparing the project or projects to
 5.3 the thresholds of this part.

5.4 **For text of subp 2, see M.R.**

5.5 Subp. 3. **Electric generating facilities.** For construction
 5.6 of a large electric power generating plant ~~pursuant to part~~
 5.7 ~~4410.7000, the EQB shall be the RGU, environmental review shall~~
 5.8 be conducted according to parts 4410.7010 to 4410.7070 and
 5.9 chapter 4400.

5.10 **For text of subps 4 and 5, see M.R.**

5.11 Subp. 6. **Transmission lines.** For construction of a high
 5.12 voltage transmission line ~~pursuant to part 4410.7400, the EQB~~
 5.13 ~~shall be the RGU, environmental review shall be conducted~~
 5.14 according to parts 4410.7010 to 4410.7070 and chapter 4400.

- 5.15 **For text of subps 7 to 25, see M.R.**
- 5.16 4410.5200 EQB MONITOR PUBLICATION REQUIREMENTS.
- 5.17 Subpart 1. **Required notices.** Governmental units are
- 5.18 required to publish notice of the items listed in items A to ~~R~~ P
- 5.19 in the EQB Monitor, except that this part constitutes a request
- 5.20 and not a requirement with respect to federal agencies.
- 5.21 **For text of items A to O, see M.R.**
- 5.22 ~~P. Notice of the availability of a draft~~
- 5.23 ~~environmental report, pursuant to part 4410.7100, subpart 6.~~
- 5.24 ~~Q. Notice of the availability of a final~~
- 5.25 ~~environmental report, pursuant to part 4410.7100, subpart 10.~~
- 5.26 ~~R. Notice of other actions that the EQB may specify~~
- 5.27 ~~by resolution.~~
- 6.1 Subp. 2. **Optional notices.** Governmental units may publish
- 6.2 notices of general interest or information in the EQB Monitor.
- 6.3 Subp. 3. **Required EQB notices.** The EQB is required to
- 6.4 publish the following in the EQB Monitor:
- 6.5 **For text of items A to E, see M.R.**
- 6.6 ~~F. notice of application for a certificate of site~~
- 6.7 ~~compatibility or a high voltage transmission line construction~~
- 6.8 ~~permit site permit for a large electric power generating plant~~
- 6.9 ~~or a route permit for a high voltage transmission line pursuant~~
- 6.10 ~~to Minnesota Statutes, sections 116C.51 to 116C.69; and~~
- 6.11 ~~G. receipt of a consolidated permit application~~
- 6.12 ~~pursuant to part 4400.5500 4350.3030, subpart 1; and~~
- 6.13 ~~H. notice of the availability of an environmental~~
- 6.14 ~~report, pursuant to part 4410.7030, subpart 10.~~
- 6.15 ENVIRONMENTAL REVIEW OF
- 6.16 ELECTRIC POWER GENERATING PLANTS
- 6.17 AND HIGH-VOLTAGE TRANSMISSION LINES
- 6.18 IN PROCEEDINGS BEFORE THE PUBLIC
- 6.19 UTILITIES COMMISSION
- 6.20 4410.7010 APPLICABILITY AND SCOPE.
- 6.21 Subpart 1. **Applicability.** Parts 4410.7010 to 4410.7070
- 6.22 apply to any high voltage transmission line project or large
- 6.23 electric power generating plant project for which a certificate
- 6.24 of need or other need determination is required by the Public
- 6.25 Utilities Commission under applicable law.
- 6.26 Subp. 2. **Scope.** Parts 4410.7010 to 4410.7070 establish
- 6.27 the requirements for the conduct of environmental review of
- 7.1 proposed projects before the Public Utilities Commission for
- 7.2 consideration of need. Additional review at the EQB permitting
- 7.3 stage is required under chapter 4400.
- 7.4 4410.7015 DEFINITIONS.
- 7.5 Subpart 1. **Scope.** For the purposes of parts 4410.7010 to
- 7.6 4410.7070, the following terms and abbreviations have the
- 7.7 meanings given them.
- 7.8 Subp. 2. **Associated facilities.** "Associated facilities"
- 7.9 means buildings, equipment, and other physical structures that
- 7.10 are necessary to the operation of a large electric power
- 7.11 generating plant or a high voltage transmission line.
- 7.12 Subp. 3. **Chair.** "Chair" means the person who is the chair
- 7.13 of the Environmental Quality Board.
- 7.14 Subp. 4. **EQB.** "EQB" means the Environmental Quality Board.
- 7.15 Subp. 5. **Environmental report.** "Environmental report"
- 7.16 means a written document that describes the human and
- 7.17 environmental impacts of a proposed large electric power
- 7.18 generating plant or high voltage transmission line and
- 7.19 alternatives to the project and methods to mitigate anticipated
- 7.20 adverse impacts.
- 7.21 Subp. 6. **High voltage transmission line or HVTL.** "High
- 7.22 voltage transmission line" or "HVTL" means any high voltage
- 7.23 transmission line with a capacity of 200 kilovolts or more and

- 7.24 any high voltage transmission line with a capacity of 100
7.25 kilovolts or more with more than ten miles of its length in
7.26 Minnesota or that crosses a state line.
- 7.27 Subp. 7. Large electric power generating plant or
8.1 LEPGP. "Large electric power generating plant" or "LEPGP" means
8.2 any electric power generating plant or combination of plants at
8.3 a single site with a combined capacity of 50,000 kilowatts or
8.4 more and transmission lines directly associated with the plant
8.5 that are necessary to interconnect the plant to the transmission
8.6 system.
- 8.7 Subp. 8. Mail. "Mail" means either the United States mail
8.8 or electronic mail by e-mail.
- 8.9 Subp. 9. Public Utilities Commission or PUC. "Public
8.10 Utilities Commission" or "PUC" means the Minnesota Public
8.11 Utilities Commission.
- 8.12 4410.7020 ENVIRONMENTAL REVIEW BEFORE PUBLIC UTILITIES
8.13 COMMISSION.
- 8.14 The Environmental Quality Board shall prepare an
8.15 environmental report on a proposed high voltage transmission
8.16 line or a proposed large electric power generating plant at the
8.17 need stage. The environmental report must contain information
8.18 on the human and environmental impacts of the proposed project
8.19 associated with the size, type, and timing of the project,
8.20 system configurations, and voltage. The environmental report
8.21 must also contain information on alternatives to the proposed
8.22 project and shall address mitigating measures for anticipated
8.23 adverse impacts. The EQB shall be responsible for the
8.24 completeness and accuracy of all information in the
8.25 environmental report.
- 8.26 4410.7025 COMMENCEMENT OF ENVIRONMENTAL REVIEW.
- 9.1 Subpart 1. Certificate of need application. A person who
9.2 submits an application to the Public Utilities Commission for a
9.3 certificate of need for a LEPPG or a HVTL pursuant to Minnesota
9.4 Statutes, section 216B.243, shall at the same time submit a copy
9.5 of the application and all accompanying materials required by
9.6 the PUC to the EQB.
- 9.7 Subp. 2. Transmission planning report. A person who
9.8 submits a transmission planning report to the Public Utilities
9.9 Commission with a request for certification of a high voltage
9.10 transmission line pursuant to Minnesota Statutes, section
9.11 216B.2425, shall at the same time submit a copy of the report
9.12 and all accompanying materials required by the PUC to the EQB.
- 9.13 4410.7030 PROCESS FOR PREPARATION OF ENVIRONMENTAL REPORT.
- 9.14 Subpart 1. Notice to interested persons. Upon receipt of
9.15 an application for a certificate of need or receipt of a
9.16 transmission planning report seeking certification of a high
9.17 voltage transmission line, the Environmental Quality Board shall
9.18 provide notice to interested persons of the pending project.
9.19 Notice must be mailed to the following persons:
- 9.20 A. those persons on the EQB list maintained pursuant
9.21 to part 4400.1350;
- 9.22 B. those persons on the general service list
9.23 maintained by the applicant pursuant to part 7829.0600;
- 9.24 C. those persons on any service list maintained by
9.25 the Public Utilities Commission for the proceeding;
- 9.26 D. those persons known to the EQB to own property or
9.27 reside in the area of the proposed project; and
- 10.1 E. local governmental officials in the area of the
10.2 proposed project.
- 10.3 Subp. 2. Content of notice. The notice required by
10.4 subpart 1 must contain the following information:
- 10.5 A. a description of the proposed project, including
10.6 possible sites or routes if known;

- 10.7 B. a statement that authorization from the Public
10.8 Utilities Commission to construct the facility has been applied
10.9 for and a description of the PUC process;
- 10.10 C. a statement that the EQB will prepare an
10.11 environmental report on the project and a description of the
10.12 process for preparation of the report;
- 10.13 D. a statement that a public meeting will be held by
10.14 the EQB and the date and place of the meeting and that the
10.15 public will have an opportunity to ask questions about the
10.16 project and to suggest alternatives and impacts to address in
10.17 the environmental report; and
- 10.18 E. a statement indicating whether the project
10.19 proposer may exercise the power of eminent domain to acquire the
10.20 land necessary for the project and the basis for such authority.
- 10.21 Subp. 3. **Public meeting.** The Environmental Quality Board
10.22 shall hold a public meeting within 40 days after receipt of an
10.23 application for a certificate of need or receipt of a
10.24 transmission planning report seeking certification of a high
10.25 voltage transmission line. At least 20 days prior to the
10.26 meeting, the EQB shall mail notice of the meeting to those
10.27 persons listed in subpart 1. The EQB shall also publish notice
11.1 of the meeting in the EQB Monitor and by posting the notice on
11.2 the EQB Web page. The public meeting must be held in a location
11.3 that is convenient for persons who live near a proposed project.
- 11.4 Subp. 4. **Conduct of public meeting.** The EQB shall make
11.5 available at the public meeting a copy of the certificate of
11.6 need application or transmission planning report. The EQB staff
11.7 shall explain the process for preparation of the environmental
11.8 report. At the public meeting, the public must be afforded an
11.9 opportunity to ask questions and present comments and to suggest
11.10 alternatives and possible impacts to be evaluated in the
11.11 environmental report. The EQB shall keep an audio recording of
11.12 the meeting. The EQB shall provide at least ten days from the
11.13 day of the public meeting for the public to submit written
11.14 comments regarding the proposed project.
- 11.15 Subp. 5. **Applicant role.** The applicant shall provide
11.16 representatives at the public meeting who can respond to
11.17 questions about the proposed project.
- 11.18 Subp. 6. **Alternatives and impacts.** A person desiring that
11.19 a particular alternative to the proposed project or a possible
11.20 adverse impact of the project be considered in the environmental
11.21 report shall identify the alternative or impact to be included,
11.22 provide an explanation of why the alternative or impact should
11.23 be included in the environmental report, and submit all
11.24 supporting information the person wants the chair to consider.
11.25 The chair shall provide the applicant with an opportunity to
11.26 respond to each request that is filed. The chair shall include
11.27 the alternative or impact in the environmental report only if
12.1 the chair determines that the evaluation will assist the PUC in
12.2 its decision on the certificate of need application or HVTL
12.3 certification request. The chair shall include in the
12.4 environmental report any alternative or impact identified by the
12.5 PUC for inclusion.
- 12.6 Subp. 7. **Chair decision.** Within ten days after close of
12.7 the public comment period, the chair shall issue an order
12.8 determining the following:
- 12.9 A. the alternatives to be addressed in the
12.10 environmental report;
- 12.11 B. the specific potential impacts to be addressed;
- 12.12 C. the schedule for completion of the environmental
12.13 report; and
- 12.14 D. other matters to be included in the environmental
12.15 report.

12.16 Once the chair has issued an order establishing the matters
12.17 to be evaluated in the environmental report, the order must not
12.18 be changed except upon a decision by the chair that substantial
12.19 changes have been made in the project or substantial new
12.20 information has arisen significantly affecting the potential
12.21 environmental effects of the project or the availability of
12.22 reasonable alternatives. The chair may elect to bring to the
12.23 EQB any decisions regarding what should be included in the
12.24 environmental report. In that event, the chair shall bring the
12.25 matter to the board at the next regularly scheduled meeting or
12.26 at a special meeting.

12.27 Subp. 8. **Notice of decision.** At the time of the chair
13.1 decision, the EQB shall mail the order to those persons who have
13.2 requested to be notified.

13.3 Subp. 9. **Time frame for completion of environmental**
13.4 **report.** The EQB shall complete the environmental report in
13.5 accordance with the schedule determined by the chair. In
13.6 establishing the schedule for completion of the environmental
13.7 report, the chair shall take into account any applicable
13.8 statutory deadlines, the number and complexity of the
13.9 alternatives and impacts to be addressed, and the interests of
13.10 the public, the applicant, the PUC, and the EQB. The EQB shall
13.11 complete the environmental report within four months of
13.12 submission of the information required by part 4410.7025. If
13.13 the PUC should determine that an initial certificate of need
13.14 application or transmission planning report is incomplete, the
13.15 EQB's schedule shall be extended accordingly.

13.16 Subp. 10. **Notification of availability of environmental**
13.17 **report.** Upon completion of the environmental report, the EQB
13.18 shall publish notice in the EQB Monitor of the availability of
13.19 the environmental report and mail notice of the availability of
13.20 the document to those persons who have requested to be
13.21 notified. The EQB shall provide a copy of the document to the
13.22 PUC and to any other public agency with authority to permit or
13.23 approve the proposed project. The EQB shall post the
13.24 environmental report on the agency's Web page.

13.25 4410.7035 CONTENT OF ENVIRONMENTAL REPORT.

13.26 Subpart 1. **Content of environmental report.** The
13.27 environmental report must include the items described in items A
14.1 to H.

14.2 A. A general description of the proposed project and
14.3 associated facilities.

14.4 B. A general description of the alternatives to the
14.5 proposed project that are addressed. Alternatives shall include
14.6 the no-build alternative, demand side management, purchased
14.7 power, facilities of a different size or using a different
14.8 energy source than the source proposed by the applicant,
14.9 generation rather than transmission if a high voltage
14.10 transmission line is proposed, transmission rather than
14.11 generation if a large electric power generating plant is
14.12 proposed, use of renewable energy sources, and those
14.13 alternatives identified by the chair.

14.14 C. An analysis of the human and environmental impacts
14.15 of a project of the type proposed and of the alternatives
14.16 identified.

14.17 D. An analysis of the potential impacts that are
14.18 project specific.

14.19 E. An analysis of mitigative measures that could
14.20 reasonably be implemented to eliminate or minimize any adverse
14.21 impacts identified for the proposed project and each alternative
14.22 analyzed.

14.23 F. An analysis of the feasibility of each alternative
14.24 considered.

- 14.25 G. A list of permits required for the project.
14.26 H. A discussion of other matters identified by the
14.27 chair.
- 15.1 Subp. 2. **Impacts of power plants.** At a minimum, the EQB
15.2 shall address in the environmental report the following impacts
15.3 for any large electric power generating plant and associated
15.4 facilities:
- 15.5 A. the anticipated emissions of the following
15.6 pollutants and the calculations performed to determine the
15.7 emissions at the maximum rated capacity of the project: sulfur
15.8 dioxide, nitrogen oxides, carbon dioxide, mercury, and
15.9 particulate matter, including particulate matter under 2.5
15.10 microns in length;
- 15.11 B. the anticipated emissions of any hazardous air
15.12 pollutants or volatile organic compounds;
- 15.13 C. the anticipated contribution of the project to
15.14 impairment of visibility within a 50-mile radius of the plant;
- 15.15 D. the anticipated contribution of the project to the
15.16 formation of ozone;
- 15.17 E. the availability of the source of fuel for the
15.18 project, the amount required annually, and the method of
15.19 transportation to get the fuel to the plant;
- 15.20 F. associated facilities required to transmit the
15.21 electricity to customers;
- 15.22 G. the anticipated amount of water that will be
15.23 appropriated to operate the plant;
- 15.24 H. the potential wastewater streams and the types of
15.25 discharges associated with such a project including potential
15.26 impacts of a thermal discharge;
- 15.27 I. the types and amounts of solid and hazardous
16.1 wastes generated by such a project, including an analysis of
16.2 what contaminants may be found in the ash and where the ash
16.3 might be sent for disposal or reuse; and
- 16.4 J. the anticipated noise impacts of a project,
16.5 including the distance to the closest receptor where state noise
16.6 standards can still be met.
- 16.7 Subp. 3. **Impacts of high voltage transmission lines.** At a
16.8 minimum, the EQB shall address in the environmental report the
16.9 following impacts for any high voltage transmission line and
16.10 associated facilities:
- 16.11 A. the typical right-of-way required for construction
16.12 of a transmission line;
- 16.13 B. the anticipated size and type of structures
16.14 required for a line;
- 16.15 C. the electric and magnetic fields usually
16.16 associated with a line;
- 16.17 D. the anticipated noise impacts of the transmission
16.18 line; and
- 16.19 E. the anticipated visual impacts of the transmission
16.20 line.
- 16.21 Subp. 4. **Incorporation of information.** In preparing an
16.22 environmental report, the EQB may incorporate information and
16.23 data from other documents in accordance with part 4410.2400.
16.24 4410.7040 AGENCY ASSISTANCE.
- 16.25 The Environmental Quality Board may request another state
16.26 agency to assist in the preparation of an environmental report.
16.27 Upon request, another state agency shall provide in a timely
17.1 manner any unprivileged data or information to which it has
17.2 reasonable access concerning the matters to be addressed in the
17.3 environmental report and shall assist in the preparation of the
17.4 environmental report when the agency has special expertise or
17.5 access to information.
17.6 4410.7045 APPLICANT ASSISTANCE.

17.7 The Environmental Quality Board may request the applicant
17.8 for a certificate of need or for certification of a HVTL to
17.9 assist in the preparation of an environmental report. Upon
17.10 request, the applicant shall provide in a timely manner any
17.11 unprivileged data or information to which it has reasonable
17.12 access and which will aid in the expeditious completion of the
17.13 environmental report.

17.14 4410.7050 ENVIRONMENTAL REPORT TO ACCOMPANY PROJECT.

17.15 Subpart 1. PUC decision. The environmental report must be
17.16 completed and a copy provided to the Public Utilities Commission
17.17 before the PUC can commence any public hearing or render a final
17.18 decision on an application for a certificate of need or for
17.19 certification of a HVTL. The EQB staff shall participate in the
17.20 PUC proceeding and be available to answer questions about the
17.21 environmental report and to respond to comments about the
17.22 document. The environmental report must be considered by the
17.23 PUC in making a final decision on a certificate of need or HVTL
17.24 certification request.

17.25 Subp. 2. Completeness of environmental report. At the
17.26 time the PUC makes a final decision on a certificate of need
18.1 application or a request for certification of a HVTL, the PUC
18.2 shall determine whether the environmental report and the record
18.3 created in the matter address the issues identified by the chair
18.4 in the decision made pursuant to part 4410.7030, subpart 7. The
18.5 PUC may direct the EQB to prepare a supplement to the
18.6 environmental report if the PUC determines that an additional
18.7 alternative or impact should be addressed or supplemental
18.8 information should be provided.

18.9 4410.7055 REVIEW BY OTHER GOVERNMENTAL BODIES.

18.10 All local and state governmental bodies that were
18.11 identified in the environmental report with permitting authority
18.12 over the project shall consider the report in making any
18.13 decision to authorize the project.

18.14 4410.7060 JOINT PROCEEDING.

18.15 Subpart 1. Environmental assessment. In the event an
18.16 applicant for a certificate of need for a LEPGP or a HVTL has
18.17 also applied to the EQB for a site permit or route permit, and
18.18 the project qualifies for alternative review by the EQB under
18.19 part 4400.2000, the EQB may elect to prepare an environmental
18.20 assessment in accordance with part 4400.2750 in lieu of the
18.21 environmental report required under part 4410.7020. If the EQB
18.22 makes this election, it is not required to prepare an
18.23 environmental report under parts 4410.7010 to 4410.7070.

18.24 Subp. 2. Environmental impact statement. In the event an
18.25 applicant for a certificate of need for a LEPGP or a HVTL has
18.26 also applied to the EQB for a site permit or route permit, and
19.1 the project does not qualify for alternative review by the EQB
19.2 under part 4400.2000, the EQB may elect to prepare an
19.3 environmental impact statement in lieu of the environmental
19.4 report required under part 4410.7020 if the applicant agrees to
19.5 the additional time that will be required to prepare the
19.6 environmental impact statement. In this event, the EQB is not
19.7 required to prepare an environmental report under part 4410.7020.

19.8 Subp. 3. Joint hearing. If the EQB determines that a
19.9 joint hearing with the Public Utilities Commission to consider
19.10 both permitting and need issues is feasible, more efficient, and
19.11 may further the public interest, the EQB may decide to hold a
19.12 joint hearing with the approval of the commission.

19.13 4410.7065 ALTERNATIVE FORM OF REVIEW.

19.14 The requirements under parts 4410.7010 to 4410.7070 for
19.15 preparation of an environmental report on a LEPGP or HVTL for
19.16 which a determination of need by the Public Utilities Commission
19.17 has been requested is approved as an alternative form of review.

19.18 4410.7070 COSTS OF PREPARATION OF ENVIRONMENTAL REPORT.
19.19 Subpart 1. **Applicant required to pay costs.** The applicant
19.20 for a certificate of need for a large electric power generating
19.21 plant or a high voltage transmission line or for a certification
19.22 of a high voltage transmission line as part of a transmission
19.23 planning report shall pay the Environmental Quality Board the
19.24 reasonable costs incurred by the EQB in preparing the
19.25 environmental report.
19.26 Subp. 2. **Payment schedule.** The applicant shall submit a
20.1 minimum payment of \$5,000 to the EQB at the time the application
20.2 or request is filed with the Public Utilities Commission.
20.3 Additional payments shall be made within 30 days of notification
20.4 by the agency that additional fees are necessary for completion
20.5 of the environmental review. After preparation of the
20.6 environmental report, the EQB shall provide the applicant with a
20.7 final accounting. The applicant shall make the final payment
20.8 within 30 days of notification, or the agency shall refund any
20.9 excess payments within 30 days of the final accounting.
20.10 **REPEALER.** Minnesota Rules, parts 4410.7000; 4410.7100;
20.11 4410.7400; and 4410.7500, are repealed.