

# Mandatory and exemption categories

The following tables list mandatory requirements and exemptions for environmental review from Minnesota Rules, parts 4410.4300, 4410.4400 and 4410.4600. Each section presents EAW, EIS and exemption requirements, describing how to determine if review is mandatory or exempt for a particular type of project. It also indicates in bold the assigned **Responsible Governmental Unit**. If a project does not fit in any category, its review is discretionary. Notes accompany categories when needed to define terms, provide guidance and give examples.

## Notes that apply to the entire table

- Two frequently used terms are: **construction**, any activity that directly alters the environment, including land preparation or facilities fabrication, excluding surveying or mapping; and **expansion**, a facility's capability to produce or operate beyond its existing capacity, excluding repairs or renovations that do not increase capacity.
- The "complete project" must be compared to appropriate categories in the table. Guidance about defining the complete project can be

found in Chapter 2. A requirement adopted in 1997 requires existing project stages begun after April 21, 1997, to be included under some circumstances.

- A project may fit several different categories: compare each project to columns within and among categories. If the RGU listed is different, follow procedures at part 4410.0500.
- Mandatory categories overrule exemption categories, except standard exemptions listed at part 4410.4600, subpart 2.

## Guide to Minnesota state agencies in the table

- Department of Natural Resources, **DNR**
- Department of Transportation, **DOT**
- Environmental Quality Board, **EQB**
- Department of Agriculture, **MDA**
- Department of Health, **MDH**
- Pollution Control Agency, **PCA**
- Public Utilities Commission, **PUC**

<b>NUCLEAR FUELS AND NUCLEAR WASTE</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 2</b></p> <p>A. Construction or expansion of a facility for the storage of high level nuclear waste, <b>EQB</b></p> <p>B. Construction or expansion of a facility for the storage of low level nuclear waste for one year or longer, <b>MDH</b></p> <p>C. Expansion of a high level nuclear waste disposal site, <b>EQB</b></p> <p>D. Expansion of a low level nuclear waste disposal site, <b>MDH</b></p> <p>E. Expansion of an away-from-reactor facility for temporary storage of spent nuclear fuel, <b>EQB</b></p> <p>F. Construction or expansion of an on-site pool for temporary storage of spent nuclear fuel, <b>EQB</b></p>	<p><b>4410.4400, subpart 2</b></p> <p>A. Construction or expansion of a nuclear fuel or nuclear waste processing facility, including fuel fabrication facilities, reprocessing plants, and uranium mills, <b>DNR</b> for uranium mills; otherwise, <b>PCA</b>.</p> <p>B. Construction of a high level nuclear waste disposal site, <b>EQB</b></p> <p>C. Construction of an away-from-reactor facility for temporary storage of spent nuclear fuel, <b>EQB</b></p> <p>D. Construction of a low level nuclear waste disposal site, <b>MDH</b></p>	<p><b>None</b></p>

<b>ELECTRIC GENERATING FACILITIES</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 3</b></p> <p>Construction of an electric power generating plant and associated facilities designed for or capable of operating at a capacity of 25 megawatts or more, <b>EQB</b></p>	<p><b>4410.4400, subpart 3</b></p> <p>Construction of a large electric power generating plant pursuant to part 4410.7000, <b>EQB</b></p>	<p><b>4410.4600, subpart 3</b></p> <p>Construction of an electric generating plant or combination of plants at a single site with a combined capacity of less than five megawatts.</p>
<p><b>NOTES</b></p> <p>Large electric power generating plants and associated facilities include power generating plants of 50 or more megawatt capacity (EQB power plant siting rules at part 4400.0200). Special procedures apply to integrate EIS review into EQB siting process (4410.7000 to 4410.7100).</p>		

<b>PETROLEUM REFINERIES</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 4</b></p> <p>Expansion of an existing petroleum refinery facility that increases its capacity by 10,000 or more barrels per day, <b>PCA</b></p>	<p><b>4410.4400, subpart 4</b></p> <p>Construction of a new petroleum refinery facility, <b>PCA</b></p>	<p><b>None</b></p>

<b>FUEL CONVERSION FACILITIES</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 5</b></p> <p>A. Construction of a facility for the conversion of coal, peat, or biomass sources to gaseous, liquid, or solid fuels if that facility has the capacity to utilize 25,000 dry tons or more per year of input, <b>PCA</b></p> <p>B. Construction or expansion of a facility for the production of alcohol fuels which would have or would increase its capacity by 5,000,000 or more gallons per year of alcohol produced, <b>PCA</b></p>	<p><b>4410.4400, subpart 5</b></p> <p>A. Construction of a facility for the conversion of coal, peat, or biomass sources to gaseous, liquid, or solid fuels if that facility has the capacity to utilize 250,000 dry tons or more per year of input, <b>PCA</b></p> <p>B. For construction or expansion of a facility for the production of alcohol fuels which would have or would increase its capacity by 50,000,000 or more gallons per year of alcohol produced, <b>PCA</b></p>	<p><b>4410.4600, subpart 4</b></p> <p>Expansion of a facility for the production of alcohol fuels that would have or would increase its capacity by less than 500,000 gallons per year of alcohol produced.</p>
<p><b>NOTES</b></p> <p><b>Biomass sources</b> are animal wastes and all forms of vegetation, natural or cultivated (4410.0200, subpart 6).</p>		

<b>TRANSMISSION LINES</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 6</b> Construction of a transmission line at a new location with a nominal capacity of 70 kilovolts or more with 20 or more miles of its length in Minnesota, <b>EQB</b></p>	<p><b>4410.4400, subpart 6</b> Construction of a high voltage transmission line pursuant to part 4410.7400, <b>EQB</b></p>	<p><b>4410.4600, subpart 5</b> Construction of a transmission line with a nominal capacity of 69 kilovolts or less.</p>
<p><b>NOTES</b> <b>High voltage transmission line</b> is a conductor of electricity designed to operate at a nominal voltage of 200 kilovolts or more; associated facilities include insulators, towers, switching yards, substations, and terminals (4400.0200). Special procedures apply to integrate EIS into EQB route selection process (4410.7400 and 4410.7500).</p>		

<b>PIPELINES</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 7</b> A. Routing of a pipeline, greater than six inches in diameter and having more than 0.75 miles of its length in Minnesota, used for the transportation of coal, crude petroleum fuels, or oil or their derivatives, <b>EQB</b> B. Construction of a pipeline for distribution of natural or synthetic gas under a license, permit, right, or franchise that has been granted by the municipality under authority of Minnesota Statutes, section 216B.36, designed to operate at pressures in excess of 275 pounds per square inch (gauge) with a length greater than: (1) five miles if the pipeline will occupy streets, highways, and other public property; or (2) 0.75 miles if the pipeline will occupy private property; <b>EQB</b> or <b>municipality</b> C. Construction of a pipeline to transport natural or synthetic gas subject to regulation under the federal Natural Gas Act, United States Code, title 15, section 717, et. seq., designed to operate at pressures in excess of 275 pounds per square inch (gauge) with a length greater than: (1) five miles if the pipeline will be constructed and operated within an existing right-of-way; or (2) 0.75 miles if construction or operation will require new temporary or permanent right-of-way; <b>EQB</b> D. Construction of a pipeline to convey natural or synthetic gas that is not subject to regulation under the federal Natural Gas Act, United States Code, title 15, section 717, et. seq.; or to a license, permit, right, or franchise that has been granted by a municipality under authority of Minnesota Statutes, section 216B.36; designed to operate at pressures in excess of 275 pounds per square inch (gauge) with a length greater than 0.75 miles, <b>EQB</b></p>	<p><b>4410.4400, subpart 24</b> Routing of a pipeline subject to the full route selection procedures under Minnesota Statutes, section 116I.015, <b>EQB</b></p>	<p><b>None</b></p>
<p><b>NOTES</b> Items A to D do not apply to repair or replacement of an existing pipeline within an existing right-of-way or to a pipeline located entirely within a refining, storage or manufacturing facility. Item C (interstate natural gas pipelines) does not apply if the application is expressly preempted by federal law, or under specific circumstances when a conflict exists with applicable federal law. The EQB has approved an alternative pipeline routing review process (4410.3600); any pipeline reviewed under chapter 4415 automatically satisfies EAW and EIS requirements.</p>		

<b>TRANSFER FACILITIES</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 8</b></p> <p>A. Construction of a facility designed for or capable of transferring 300 tons or more of coal per hour or with an annual throughput of 500,000 tons of coal from one mode of transportation to a similar or different mode of transportation; or the expansion of an existing facility by these respective amounts, <b>PCA</b></p> <p>B. Construction of a new facility or the expansion by 50 percent or more of an existing facility for the bulk transfer of hazardous materials with the capacity of 10,000 or more gallons per transfer, if the facility is located in a shoreland area, delineated flood plain, a state or federally designated wild and scenic rivers district Minnesota River Project Riverbend area, or the Mississippi headwaters area, <b>PCA</b></p>	<p><b>None</b></p>	<p><b>4410.4600, subpart 6</b></p> <p>Construction of a facility designed for or capable of transferring less than 30 tons of coal per hour or with an annual throughput of less than 50,000 tons of coal from one mode of transportation to a similar or different mode of transportation, or the expansion of an existing facility by these respective amounts.</p>
<p><b>NOTES</b></p> <p><b>Water-related land use management district</b> is any of the following designated zones: shorelands, flood plains, wild or scenic rivers districts, Mississippi Headwaters and Minnesota Project Riverbend districts.</p>		

<b>UNDERGROUND STORAGE</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 9</b></p> <p>A. Expansion of an underground storage facility for gases or liquids that requires a permit, pursuant to Minnesota Statutes, section 103I.681, subdivision 1, paragraph (a), <b>DNR</b></p> <p>B. Expansion of an underground storage facility for gases or liquids, using naturally occurring rock materials, that requires a permit pursuant to Minnesota Statutes, section 103I.681, subdivision 1, paragraph (b), <b>DNR</b></p>	<p><b>4410.4400, subpart 7</b></p> <p>A. Construction of an underground storage facility for gases or liquids that requires a permit pursuant to Minnesota Statutes, section 103I.681, subdivision 1, paragraph (a), <b>DNR</b></p> <p>B. Construction of an underground storage facility for gases or liquids, using naturally occurring rock materials, that requires a permit pursuant to Minnesota Statutes, section 103I.681, subdivision 1, paragraph (b), <b>DNR</b></p>	<p><b>None</b></p>

<b>STORAGE FACILITIES</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 10</b></p> <p>A. Construction of a facility designed for or capable of storing more than 7,500 tons of coal or with an annual throughput of more than 125,000 tons of coal; or the expansion of an existing facility by these respective amounts, <b>PCA</b></p> <p>B. Construction of a facility on a single site designed for or capable of storing 1,000,000 gallons or more of hazardous materials, <b>PCA</b></p> <p>C. Construction of a facility designed for or capable of storing on a single site 100,000 gallons or more of liquefied natural gas, synthetic gas, or anhydrous ammonia, <b>PCA</b></p>	<p><b>None</b></p>	<p><b>4410.4600, subpart 7</b></p> <p>Construction of a facility designed for or capable of storing less than 750 tons of coal or more, with an annual throughput of less than 12,500 tons of coal, or the expansion of an existing facility by these respective amounts.</p>
<p><b>NOTES</b></p> <p>Item C includes all types of natural or synthetic gas stored in a liquid state.</p>		

METALLIC MINERAL MINING AND PROCESSING		
MANDATORY EAW	MANDATORY EIS	EXEMPTION CATEGORIES
<p><b>4410.4300, subpart 1</b></p> <p>A. Mineral deposit evaluation of metallic mineral deposits other than natural iron ore and taconite, <b>DNR</b></p> <p>B. Expansion of a stockpile, tailings basin, or mine by 320 or more acres, <b>DNR</b></p> <p>C. Expansion of a metallic mineral plant processing facility that is capable of increasing production by 25 percent per year or more, provided that increase is in excess of 1,000,000 tons per year in the case of facilities for processing natural iron ore or taconite, <b>DNR</b></p>	<p><b>4410.4400, subpart 8</b></p> <p>A. Mineral deposit evaluation involving the extraction of 1,000 tons or more of material that is of interest to the proposer principally due to its radioactive characteristics, <b>DNR</b></p> <p>B. Construction of a new facility for mining metallic minerals or for the disposal of tailings from a metallic mineral mine, <b>DNR</b></p> <p>C. Construction of a new metallic mineral processing facility, <b>DNR</b></p>	<p><b>4410.4600, subpart 8</b></p> <p>A. General mine site evaluation activities that do not result in a permanent alteration of the environment, including mapping, aerial surveying, visual inspection, geologic field reconnaissance, geophysical studies, and surveying, but excluding exploratory borings.</p> <p>B. Expansion of metallic mineral plant processing facilities that are capable of increasing production by less than ten percent per year, provided the increase is less than 100,000 tons per year in the case of facilities for processing natural iron ore or taconite.</p> <p>C. Scram mining operations.</p>
<p><b>NOTES</b></p> <p><b>Mineral deposit evaluation</b> is examining an area to determine the quantity and quality of minerals, excluding exploratory boring, but including bulk samples obtained by excavating; trenching; constructing shafts, tunnels or pits; producing refuse and other associated activities (4410.0200, subpart 47, citing Minnesota Statute, section 103I.605, subdivision 2).</p> <p><b>Scram mining operations</b> produce natural iron ore or ore concentrates from previously developed stockpiles, tailings, basins, underground mines or open pits. Land can be no more than 80 acres previously not affected by mining, that is: from which no materials have been removed or on which no mine wastes have been deposited. (4410.0200, Subpart 78, citing part 6130.0100).</p>		

NONMETALLIC MINERAL MINING		
MANDATORY EAW	MANDATORY EIS	EXEMPTION CATEGORIES
<p><b>4410.4300, subpart 12</b></p> <p>A. Development of a facility for the extraction or mining of peat which will result in the excavation of 160 or more acres of land during its existence, <b>DNR</b></p> <p>B. Development of a facility for the extraction or mining of sand, gravel, stone, or other nonmetallic minerals, other than peat, which will excavate 40 or more acres of land to a mean depth of ten feet or more during its existence, <b>local governmental unit</b></p>	<p><b>4410.4400, subpart 9</b></p> <p>A. Development of a facility for the extraction or mining of peat which will utilize 320 acres of land or more during its existence, <b>DNR</b></p> <p>B. Development of a facility for the extraction or mining of sand, gravel, stone, or other nonmetallic minerals, other than peat, which will excavate 160 acres of land or more to a mean depth of ten feet or more during its existence, <b>local governmental unit</b></p>	<p><b>None</b></p>
<p><b>NOTES</b></p> <p>Item B requires a mine to be both at least 40 acres in extent and of 10-foot average depth.</p>		

PAPER OR PULP PROCESSING MILLS		
MANDATORY EAW	MANDATORY EIS	EXEMPTION CATEGORIES
<p><b>4410.4300, subpart 13</b></p> <p>Expansion of an existing paper or pulp processing facility that will increase its production capacity by 50 percent or more, <b>PCA</b></p>	<p><b>4410.4400, subpart 10</b></p> <p>Construction of a new paper or pulp processing mill, <b>PCA</b></p>	<p><b>4410.4600, subpart 9</b></p> <p>Expansion of an existing paper or pulp processing facility that will increase its production capacity by less than 10 percent.</p>

<b>INDUSTRIAL, COMMERCIAL AND INSTITUTIONAL FACILITIES</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 14</b>                      A. Construction of a new or expansion of an existing warehousing or light industrial facility equal to or in excess of the following thresholds, expressed as gross floor space, <b>local governmental unit</b>:</p> <p>(1) unincorporated area, 150,000                      (2) third or fourth class city, 300,000                      (3) second class city, 450,000                      (4) first class city, 600,000</p> <p>B. Construction of a new or expansion of an existing industrial, commercial, or institutional facility, other than a warehousing or light industrial facility, equal to or in excess of the following thresholds, expressed as gross floor space, <b>local governmental unit</b>:</p> <p>(1) unincorporated area, 100,000 square feet                      (2) third or fourth class city, 200,000 square feet                      (3) second class city, 300,000 square feet                      (4) first class city, 400,000 square feet</p>	<p><b>4410.4400, subpart 11</b>                      A. Construction of a new or expansion of an existing warehousing or light industrial facility equal to or in excess of the following thresholds, expressed as gross floor space, <b>local governmental unit</b>:</p> <p>(1) unincorporated area, 375,000                      (2) third or fourth class city, 750,000                      (3) second class city, 1,000,000                      (4) first class city, 1,500,000</p> <p>B. Construction of a new or expansion of an existing industrial, commercial, or institutional facility, other than a warehousing or light industrial facility, equal to or in excess of the following thresholds, expressed as gross floor space, <b>local governmental unit</b>:</p> <p>(1) unincorporated area, 250,000 square feet                      (2) third or fourth class city, 500,000 square feet                      (3) second class city, 750,000 square feet                      (4) first class city, 1,000,000 square feet</p>	<p><b>4410.4600, subpart 10</b>                      A. Construction of a new or expansion of an existing warehousing, light industrial, commercial, or institutional facility of less than the following thresholds, expressed as gross floor space, if no part of the development is within a shoreland area, delineated flood plain, state or federally designated wild and scenic rivers district, the Minnesota River Project Riverbend area, or the Mississippi headwaters area:                      (1) third or fourth class city or unincorporated area, 50,000 square feet                      (2) second class city, 75,000 square feet                      (3) first class city, 100,000 square feet</p> <p>B. Construction of a warehousing, light industrial, commercial, or institutional facility with less than 4,000 square feet of gross floor space, and with associated parking facilities designed for 20 vehicles or less.</p>
<p><b>NOTES</b>  <b>Warehousing facility's</b> primary function is storage of goods or materials; a small portion may be used for office or sales space. (4410.0200, subpart 89a)  <b>Light industrial facility's</b> primary function is that other than manufacturing with fewer than 500 employees (4410.0200, subpart 42a).  <b>Gross floor space</b> is the total square footage of all floors, including all structures on the site, but not including parking space or approach areas (4410.0200, subpart 35).  <b>Ground area</b> is total area converted to impervious surface in conjunction with the project, including parking and approach areas (4410.0200, Subpart 36).  <b>City classes by population</b>                      First class: Minneapolis, St. Paul and Duluth (and any other city that reaches population of 100,000)                      Second class: 20,000 to 100,000                      Third class: 10,000 to 20,000                      Fourth class: under 10,000                      Based on the most recent population census or the latest reliable population estimate from the State Demographer or Metropolitan Council.</p>		

<b>AIR POLLUTION</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 15</b>                      A. Construction of a stationary source facility that generates 100 tons or more per year or modification of a stationary source facility that increases generation by 100 tons or more per year of any single air pollutant after installation of air pollution control equipment, <b>PCA</b></p> <p>B. Construction of a new parking facility for 2,000 or more vehicles, <b>PCA</b>, except that this category does not apply to any parking facility which is part of a project reviewed pursuant to part 4410.4300, subpart 14, 19, 32, or 34, or part 4410.4400, subpart 11, 14, 21, or 22.</p>	<p>None</p>	<p><b>4410.4600, subpart 10, item C</b>                      Construction of a new parking facility for less than 100 vehicles if the facility is not located in a shoreland area, delineated flood plain, state or federally designated wild and scenic rivers district, the Minnesota River Project Riverbend area, or the Mississippi headwaters area.</p>

<b>HAZARDOUS WASTE</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 16</b></p> <p>A. Construction or expansion of a hazardous waste disposal facility, <b>PCA</b></p> <p>B. Construction of a hazardous waste processing facility with a capacity of 1,000 or more kilograms per month, <b>PCA</b></p> <p>C. Expansion of a hazardous waste processing facility that increases its capacity by ten percent or more, <b>PCA</b></p> <p>D. Construction or expansion of a facility that sells hazardous waste storage services to generators other than the owner and operator of the facility or construction of a facility at which a generator's own hazardous wastes will be stored for a time period in excess of 90 days, if the facility is located in a water-related land use management district, or in an area characterized by soluble bedrock, <b>PCA</b></p>	<p><b>4410.4400, subpart 12</b></p> <p>A. Construction or expansion of a hazardous waste disposal facility for 1,000 or more kilograms per month, <b>PCA</b></p> <p>B. Construction or expansion of a hazardous waste disposal facility in a water-related land use management district, or in an area characterized by soluble bedrock, <b>PCA</b></p> <p>C. Construction or expansion of a hazardous waste processing facility if the facility is located in a water-related land use management district, or in an area characterized by soluble bedrock, <b>PCA</b></p>	<p><b>None</b></p>
<p><b>NOTES</b></p> <p><b>Water-related land use management district</b> is any of the following designated zones: shorelands, flood plains, wild or scenic rivers districts, Mississippi Headwaters and Minnesota Project Riverbend districts.</p>		

<b>SOLID WASTE</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 17</b></p> <p>A. Construction of a mixed municipal solid waste disposal facility for up to 100,000 cubic yards of waste fill per year, <b>PCA</b></p> <p>B. Expansion by 25 percent or more of previous capacity of a mixed municipal solid waste disposal facility for up to 100,000 cubic yards of waste fill per year, <b>PCA</b></p> <p>C. Construction or expansion of a mixed municipal solid waste transfer station for 300,000 or more cubic yards per year, <b>PCA</b></p> <p>D. Construction or expansion of a mixed municipal solid waste energy recovery facility or incinerator, or the utilization of an existing facility for the combustion of mixed municipal solid waste or refuse-derived fuel, with a capacity of 30 or more tons per day of input, <b>PCA</b></p> <p>E. Construction or expansion of a mixed municipal solid waste compost facility or a refuse-derived fuel production facility with a capacity of 50 or more tons per day of input, <b>PCA</b></p> <p>F. Expansion by at least ten percent but less than 25 percent of previous capacity of a mixed municipal solid waste disposal facility for 100,000 cubic yards or more of waste fill per year, <b>PCA</b></p> <p>G. Construction or expansion of a mixed municipal solid waste energy recovery facility ash land-fill receiving ash from an incinerator that burns refuse-derived fuel or mixed municipal solid waste, <b>PCA</b></p>	<p><b>4410.4400, subpart 13</b></p> <p>A. Construction of a mixed municipal solid waste disposal facility for 100,000 cubic yards or more of waste fill per year, <b>PCA</b></p> <p>B. Construction or expansion of a mixed municipal solid waste disposal facility in a water-related land use management district, or in an area characterized by soluble bedrock, <b>PCA</b></p> <p>C. Construction or expansion of a mixed municipal solid waste energy recovery facility or incinerator, or the utilization of an existing facility for the combustion of mixed municipal solid waste or refuse-derived fuel, with a capacity of 250 or more tons per day of input, <b>PCA</b></p> <p>D. Construction or expansion of a mixed municipal solid waste compost facility or a refuse-derived fuel production facility with a capacity of 500 or more tons per day of input, <b>PCA</b></p> <p>E. Expansion by 25 percent or more of previous capacity of a mixed municipal solid waste disposal facility for 100,000 cubic yards or more of waste fill per year, <b>PCA</b></p>	<p><b>None</b></p>
<p><b>NOTES</b></p> <p><b>Water-related land use management district</b> is any of the following designated zones: shorelands, flood plains, wild or scenic rivers districts, Mississippi Headwaters and Minnesota Project Riverbend districts.</p>		

<b>WASTEWATER AND SEWAGE SYSTEMS</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 18</b></p> <p>A. Expansion, modification, or replacement of a municipal sewage collection system resulting in an increase in design average daily flow of any part of that system by 1,000,000 gallons per day or more, <b>PCA</b></p> <p>B. Expansion or reconstruction of an existing municipal or domestic wastewater treatment facility which results in an increase by 50 percent or more and by at least 50,000 gallons per day of its average wet weather design flow capacity, or construction of a new municipal or domestic wastewater treatment facility with an average wet weather design flow capacity of 50,000 gallons per day or more, <b>PCA</b></p> <p>C. Expansion or reconstruction of an existing industrial process wastewater treatment facility which increases its design flow capacity by 50 percent or more and by at least 200,000 gallons per day or more, or construction of a new industrial process wastewater treatment facility with a design flow capacity of 200,000 gallons per day or more, 5,000,000 gallons per month or more, or 20,000,000 gallons per year or more, <b>PCA</b>. This category does not apply to industrial process wastewater treatment facilities that discharge to a publicly-owned treatment works or to a tailings basin reviewed pursuant to subpart 11, item B.</p>	<p><b>None</b></p>	<p><b>4410.4600, subpart 11</b></p> <p>Construction of a new wastewater treatment facility with a capacity of less than 5,000 gallons per day average wet weather flow or the expansion of an existing wastewater treatment facility by less than 5,000 gallons per day average wet weather flow or the expansion of a sewage collection system by less than 5,000 gallons per day design daily average flow or a sewer line of 1,000 feet or less and eight-inch diameter or less.</p>

<b>RESIDENTIAL DEVELOPMENT</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 19</b></p> <p>Local governmental unit is the RGU for construction of a permanent or potentially permanent residential development of:</p> <p>A. 50 or more unattached or 75 or more attached units in an unsewered unincorporated area or 100 unattached units or 150 attached units in a sewerer unincorporated area;</p> <p>B. 100 unattached units or 150 attached units in a city that does not meet the conditions of item D;</p> <p>C. 100 unattached units or 150 attached units in a city meeting the conditions of item D if the project is not consistent with the adopted comprehensive plan; or</p> <p>D. 250 unattached units or 375 attached units in a city within the seven-county Twin Cities metropolitan area that has adopted a comprehensive plan under Minnesota Statutes, section 473.859, or in a city not located within the seven-county Twin Cities metropolitan area that has filed with the EQB chair a certification that it has adopted a comprehensive plan containing the elements listed in the Notes.</p>	<p><b>4410.4400, subpart 14</b></p> <p>Local governmental unit is the RGU for construction of a permanent or potentially permanent residential development of:</p> <p>A. 100 or more unattached or 150 or more attached units in an unsewered unincorporated area or 400 unattached units or 600 attached units in a sewerer unincorporated area;</p> <p>B. 400 unattached units or 600 attached units in a city that does not meet the conditions of item D;</p> <p>C. 400 unattached units or 600 attached units in a city meeting the conditions of item D if the project is not consistent with the adopted comprehensive plan; or</p> <p>D. 1,000 unattached units or 1,500 attached units in a city within the seven-county Twin Cities metropolitan area that has adopted a comprehensive plan under Minnesota Statutes, section 473.859, or in a city not located within the seven-county Twin Cities metropolitan area that has filed with the EQB chair a certification that it has adopted a comprehensive plan containing the elements listed in the Notes below.</p>	<p><b>4410.4600, subpart 12</b></p> <p>A. Construction of a sewerer residential development, no part of which is within a shoreland area, delineated flood plain state or federally designated wild and scenic rivers district, the Minnesota River Project Riverbend area, or the Mississippi headwaters area, of:</p> <p>(1) less than ten units in an unincorporated area,                  (2) less than 20 units in a third or fourth class city,                  (3) less than 40 units in a second class city, or                  (4) less than 80 units in a first class city.</p> <p>B. Construction of a single residence or multiple residence with four dwelling units or less and accessory appurtenant structures and utilities.</p>
<p><b>NOTES</b></p> <p><b>How to count units. All contiguous land must be included if:</b> a. the developer owns it or has a purchase option; and b. it is zoned for residential development or is identified for future residential development by an adopted comprehensive plan.</p> <p>To calculate number of units: a. If known, use the number of units planned by the proposer, or b. Use the maximum number of units per acre allowed by the zoning ordinance, or c. If option b is not available, use the average number of units per acre in the proposer's plan.</p> <p><b>Attached units</b> are dwelling units that are grouped together with four or more units per structure.</p> <p><b>Unattached units</b> are single-family, duplex and triplex structures.</p> <p><b>Sewered area</b> is one served by a sanitary sewer system connected to a wastewater treatment or a publicly owned, operated or supervised centralized septic system, or one that lies within the Metropolitan Council's designated Metropolitan Urban Service Area.</p> <p><b>Water-related land use management district</b> is any of the following designated zones: shorelands, flood plains, wild or scenic rivers districts, Mississippi Headwaters and Minnesota Project Riverbend districts.</p> <p>Mixtures of attached and unattached units. An arithmetic computation must be performed to determine if mixed unit developments require an EAW or EIS. The formula is:</p> <p><math>S = A/B + C/D</math>, where:</p> <p>A = # of unattached units                  B = applicable unattached unit threshold                  C = # of attached units, and                  D = applicable attached unit threshold.</p> <p>If S equals or exceeds 1.00, review is required.</p> <p>Example: Determine if an EAW is required for a development of 300 apartments and 50 single-family units; and the development is consistent with a certified comprehensive plan.</p> <p>Step 1: divide the number of unattached units, 50, by the applicable unattached EAW threshold, 250: <math>50/250 = 0.20</math>.</p> <p>Step 2: divide the number of attached units, 300, by the applicable attached unit threshold, 375: <math>300/375 = 0.80</math>.</p> <p>Step 3: Add the quotients from steps 1 &amp; 2: <math>0.20 + 0.80 = 1.00</math>.</p> <p>Step 4: Compare the sum to 1.00: Since 1.00 equals 1.00, an EAW is mandatory for this project.</p> <p><b>Requirements for a qualifying comprehensive plan.</b> The overall plan must include the following elements: (1) a land use plan designating the existing and proposed location, intensity and extent of use of land and water for residential, industrial, agricultural and other public and private purposes; (2) a transportation plan describing, designating and scheduling the location, extent, function and capacity of existing and proposed local public and private transportation facilities and services; (3) a sewage collection system policy plan describing, designating, and scheduling the areas to be served by the public system, the existing and planned capacities of the public system, and the standards and conditions under which the installation of private sewage treatment systems will be permitted; (4) a capital improvements plan for public facilities; and (5) an implementation plan describing public programs, fiscal devices and other actions to be undertaken to implement the comprehensive plan, and a description of official controls for zoning, subdivision and private sewage systems, and a schedule for their implementation.</p>		

CAMPGROUNDS AND RV PARKS		
MANDATORY EAW	MANDATORY EIS	EXEMPTION CATEGORIES
<p><b>4410.4300, subpart 20</b></p> <p>Construction of a seasonal or permanent recreational development, accessible by vehicle, consisting of 50 or more sites, or the expansion of such a facility by 50 or more sites, <b>local governmental unit</b></p>	None	None

AIRPORT PROJECTS		
MANDATORY EAW	MANDATORY EIS	EXEMPTION CATEGORIES
<p><b>4410.4300, subpart 21</b></p> <p>A. Construction of a paved, new airport runway, the DOT, <b>local governmental unit or Metropolitan Airports Commission</b></p> <p>B. Construction of a runway extension that would upgrade an existing airport runway to permit usage by aircraft over 12,500 pounds that are at least three decibels louder than aircraft currently using the runway, the DOT, <b>local governmental unit or Metropolitan Airports Commission</b></p>	<p><b>24410.4400, subpart 15</b></p> <p>Construction of a paved and lighted airport runway of 5,000 feet of length or greater, <b>local governmental unit or Department of Transportation</b></p>	<p><b>4410.4600, subpart 13</b></p> <p>A. Runway, taxiway, apron, or loading ramp construction or repair work including reconstruction, resurfacing, marking, grooving, fillets, and jet blast facilities, except where the project will create environmental impacts off airport property</p> <p>B. Installation or upgrading of airfield lighting systems, including beacons and electrical distribution systems</p> <p>C. Construction or expansion of passenger handling or parking facilities, including pedestrian walkway facilities.</p> <p>D. Grading or removal of obstructions and erosion control projects on airport property, except where the projects will create environmental impacts off airport property</p>
<p><b>NOTES</b></p> <p>RGU for the airport categories shall be selected according to part 4410.0500, subpart 5.</p>		

HIGHWAY PROJECTS		
MANDATORY EAW	MANDATORY EIS	EXEMPTION CATEGORIES
<p><b>4410.4300, subpart 22</b></p> <p>A. Construction of a road on a new location over one mile in length that will function as a collector roadway, <b>local governmental unit or DOT</b></p> <p>B. For construction of additional travel lanes on an existing road for a length of one or more miles, <b>local governmental unit or DOT</b></p> <p>C. For the addition of one or more new interchanges to a completed limited access highway, <b>local governmental unit or DOT</b></p>	<p><b>4410.4400, subpart 16</b></p> <p>Construction of a road on a new location which is four or more lanes in width and two or more miles in length, <b>local governmental unit or DOT</b></p>	<p><b>4410.4600, subpart 14</b></p> <p>A. Highway safety improvement projects</p> <p>B. Installation of traffic control devices, individual noise barriers, bus shelters and bays, loading zones, and access and egress lanes for transit and paratransit vehicles</p> <p>C. Modernization of an existing roadway or bridge by resurfacing, restoration, or rehabilitation that may involve the acquisition of minimal amounts of right-of-way</p> <p>D. Roadway landscaping, construction of bicycle and pedestrian lanes, paths, and facilities within existing right-of-way</p> <p>E. Any stream diversion or channelization within the right-of-way of an existing public roadway associated with bridge or culvert replacement</p> <p>F. Reconstruction or modification of an existing bridge structure on essentially the same alignment or location that may involve the acquisition of minimal amounts of right-of-way</p>
<p><b>NOTES</b></p> <p><b>Collector roadway</b> is a road that provides access to minor arterial roadways from local roadways and adjacent land uses.</p> <p><b>Highway safety improvement projects</b> are those at specific hazardous locations, including geometric corrections with minimal additional right-of-way.</p>		

<b>BARGE FLEETING</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 23</b> Construction of a new or expansion of an existing barge fleeting facility, <b>DOT or port authority</b></p>	<p><b>4410.4400, subpart 17</b> Construction of a barge fleeting facility at a new off-channel location that involves the dredging of 1,000 or more cubic yards, <b>DOT or port authority</b></p>	<p><b>None</b></p>

<b>WATER APPROPRIATION AND IMPOUNDMENTS</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 24</b> A. New appropriation for commercial or industrial purposes of either surface water or ground water averaging 30,000,000 gallons per month; or a new appropriation of either ground water or surface water for irrigation of 540 acres or more in one continuous parcel from one source of water, <b>DNR</b> B. New permanent impoundment of water creating additional water surface of 160 or more acres or an additional permanent impoundment of water creating additional water surface of 160 or more acres, <b>DNR</b> C. Construction of a dam with an upstream drainage area of 50 square miles or more, <b>DNR</b></p>	<p><b>4410.4400, subpart 18</b> Construction of a Class I dam, <b>DNR</b></p>	<p><b>4410.4600, subpart 15</b> A new or additional permanent impoundment of water creating a water surface of less than ten acres.</p>

**NOTES**

**Class I dam** is a dam whose failure would probably result in loss of life; serious hazard; damage to health; damage to main highways, high-value industrial or commercial properties, major public utilities; or serious economic loss to the public.

<b>MARINAS</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 25</b> Construction or expansion of a marina or harbor that results in a 20,000 or more square foot total or a 20,000 or more square foot increase of water surface area used temporarily or permanently for docks, docking, or maneuvering of watercraft, <b>local governmental unit</b></p>	<p><b>4410.4400, subpart 19</b> Construction of a new or expansion of an existing marina, harbor, or mooring project on a state or federally designated wild and scenic river, <b>local governmental unit</b></p>	<p><b>4410.4600, subpart 16</b> Construction of private residential docks for use by four or less boats and utilizing less than 1,500 square feet of water surface.</p>

**NOTES**

**Marina** is an inland or offshore area for the concentrated mooring of five or more watercraft where at least one of the following ancillary services is provided: boat storage, fueling, launching, repair, sanitary pumpout or restaurant service.

<b>STREAMS AND DITCHES</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 26</b> Diversion, realignment or channelization of any designated trout stream, or affecting greater than 500 feet of natural watercourse with a total drainage area of ten or more square miles unless exempted by part 4410.4600, subpart 14, item E, or 17, <b>local governmental unit</b></p>	<p><b>None</b></p>	<p><b>4410.4600, subpart 17</b> Routine maintenance or repair of a drainage ditch within the limits of its original construction flow capacity, performed within 20 years of construction or major repair.</p>

**NOTES**

See also exemption at subpart 14, item E, highway projects.

<b>WETLANDS AND PROTECTED WATERS</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 27</b></p> <p>A. Projects that will change or diminish the course, current or cross-section of one acre or more of any protected water or protected wetland except for those to be drained without a permit pursuant to Minnesota Statutes, chapter 103G, <b>local governmental unit</b></p> <p>B. Projects that will change or diminish the course, current or cross-section of 40 percent or more or five or more acres of types 3 through 8 wetland of 2.5 acres or more, excluding protected wetlands, if any part of the wetland is within a shoreland area, delineated flood plain, a state or federally designated wild and scenic rivers district, the Minnesota River Project Riverbend area, or the Mississippi headwaters area, <b>local governmental unit</b></p>	<p><b>4410.4400, subpart 20</b></p> <p>Projects that will eliminate a protected water or protected wetland, <b>local governmental unit</b></p>	<p><b>None</b></p>
<p><b>NOTES</b></p> <p><b>Protected waters and wetlands</b> are identified on official maps of the Department of Natural Resources, which requires permits for work within their beds. Wetlands regulated by a local governmental unit under the Wetland Conservation Act are generally not covered by EQB categories, except as specified under item B. Circular 39 wetland classes are described in an appendix to the EQB's EAW Guidelines.</p> <p>Wetlands are covered by item B only if: a. a type 3 to 8 wetland, b. not on the DNR protected wetland inventory, c. at least 2.5 acres; and d. at least partially in a shoreland, flood plain, wild or scenic river zone. Item B threshold is triggered if a project cumulatively affects five acres or 40 percent of any wetland.</p>		

<b>FORESTRY</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 28</b></p> <p>A. Harvesting of timber for commercial purposes on public lands within a state park, historical area, wilderness area, scientific and natural area, wild and scenic rivers district, the Minnesota River Project Riverbend area, the Mississippi headwaters area, or critical area that does not have an approved plan under Minnesota Statutes, section 86A.09 or 116G.07, <b>DNR</b></p> <p>B. Clear cutting of 80 or more contiguous acres of forest, any part of which is located within a shoreland area and within 100 feet of the ordinary high water mark of the lake or river, <b>DNR</b></p>	<p><b>None</b></p>	<p><b>4410.4600, subpart 18</b></p> <p>A. Harvesting of timber for maintenance purposes</p> <p>B. Public and private forest management practices, other than clear cutting or the application of pesticides, that involve less than 20 acres of land</p>
<p><b>NOTES</b></p> <p>Items C and D, formerly in subpart 28, are in subpart 36, effective 1997.</p>		

ANIMAL FEEDLOTS		
MANDATORY EAW	MANDATORY EIS	EXEMPTION CATEGORIES
<p>For information about mandatory EAW requirements and exemptions go to the updated guidance under "Feedlot Environmental Review" at the Environmental Review Website (<a href="http://www.eqb.state.mn.us/review.html">http://www.eqb.state.mn.us/review.html</a>). For more information about "animal units" go to Minnesota Rules part 7020.0300, subpart 5 (<a href="http://www.revisor.leg.state.mn.us/arule/7020/0300.html">http://www.revisor.leg.state.mn.us/arule/7020/0300.html</a>).</p>		

NATURAL AREAS		
MANDATORY EAW	MANDATORY EIS	EXEMPTION CATEGORIES
<p><b>4410.4300, subpart 30</b>                      Projects resulting in the permanent physical encroachment on lands within a national park, state park, wilderness area, state lands and waters within the boundaries of the Boundary Waters Canoe Area, scientific and natural area, or state trail corridor when the encroachment is inconsistent with laws applicable to or the management plan prepared for the recreational unit, <b>local governmental unit or DNR</b></p>	<p>None</p>	<p>None</p>
<p><b>NOTES</b>                      The Department of Natural Resources is the RGU if the area is state-owned or state-managed; for all other areas, including federally managed lands, the local governmental unit is the RGU.</p>		

HISTORICAL PLACES		
MANDATORY EAW	MANDATORY EIS	EXEMPTION CATEGORIES
<p><b>4410.4300, subpart 31</b>                      Destruction, in whole or part, or the moving of a property that is listed on the National Register of Historic Places or State Register of Historic Places, except this does not apply to projects reviewed under section 106 of the National Historic Preservation Act of 1966, United States Code, title 16, section 470, or the federal policy on lands, wildlife and waterfowl refuges, and historic sites pursuant to United States Code, title 49, section 303, <b>permitting state agency or local governmental unit</b></p>	<p>None</p>	<p>None</p>
<p><b>NOTES</b>                      If a state permit is involved, the state agency is the RGU, otherwise the local governmental unit. The State Historical Society is never the RGU.</p>		

<b>MIXED RESIDENTIAL AND INDUSTRIAL-COMMERCIAL PROJECTS</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 32</b></p> <p>If a project includes both residential and industrial-commercial components, the project must have an EAW prepared if the sum of the quotient obtained by dividing the number of residential units by the applicable residential threshold of subpart 19, plus the quotient obtained by dividing the amount of industrial-commercial gross floor space by the applicable industrial-commercial threshold of subpart 14, equals or exceeds one, <b>local governmental unit</b></p>	<p><b>4410.4400, subpart 21</b></p> <p>If a project includes both residential and commercial-industrial components, the project must have an EIS prepared if the sum of the quotient obtained by dividing the number of residential units by the applicable residential threshold of subpart 14, plus the quotient obtained by dividing the amount of industrial-commercial gross floor space by the applicable industrial-commercial threshold of subpart 11, equals or exceeds one.</p>	None
<p><b>NOTES</b></p> <p>Calculations needed for this category are similar to those for mixed-unit residential projects.</p>		

<b>COMMUNICATIONS TOWERS</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 33</b></p> <p>Construction of a communications tower equal to or in excess of 500 feet in height, or 300 feet in height within 1,000 feet of any protected water or protected wetland or within two miles of the Mississippi, Minnesota, Red, or St. Croix rivers or Lake Superior, <b>local governmental unit</b></p>	None	None
<p><b>NOTES</b></p> <p>Official maps showing protected waters and wetlands are available at many local unit offices and at DNR hydrology offices. DNR issues permits for protected waters and wetlands rather than a local unit, as under the Wetland Conservation Act. When a river flows through an impoundment or lake, distance is measured from its shoreline.</p>		

<b>SPORTS OR ENTERTAINMENT FACILITIES</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
<p><b>4410.4300, subpart 34</b></p> <p>Construction of a new sports or entertainment facility designed for or expected to accommodate a peak attendance of 5,000 or more persons, or the expansion of an existing sports or entertainment facility by this amount, <b>local governmental unit</b></p>	<p><b>4410.4400, subpart 22</b></p> <p>Construction of a new outdoor sports or entertainment facility designed for or expected to accommodate a peak attendance of 20,000 or more persons or a new indoor sports or entertainment facility designed for or expected to accommodate a peak attendance of 30,000 or more persons, or the expansion of an existing facility by these amounts, <b>local governmental unit</b></p>	None
<p><b>NOTES</b></p> <p><b>Sports or entertainment facility</b> is any facility for sports events or various forms of entertainment or amusement that attract large numbers of people within a limited period of time, including: sports stadiums and arenas; racetracks; concert halls or amphitheatres; theaters; facilities for festivals or pageants (if other than temporary facilities such as grandstands, amplification systems, or lighting are to be constructed); fairgrounds; amusement parks; and zoos. The number of participants is to be counted as part of the attendance.</p>		

<b>WATER DIVERSIONS</b>		
<b>MANDATORY EAW</b>	<b>MANDATORY EIS</b>	<b>EXEMPTION CATEGORIES</b>
None	<p><b>4410.4400, subpart 23</b></p> <p>Diversion of waters of the state to an ultimate location outside the state in an amount equal to or greater than 2,000,000 gallons per day, expressed as a daily average over any 30-day period, <b>DNR</b></p>	None

RELEASE OF GENETICALLY ENGINEERED ORGANISMS		
MANDATORY EAW	MANDATORY EIS	EXEMPTION CATEGORIES
<p><b>4410.4300, subpart 35</b></p> <p>Release of a genetically engineered organism that requires a release permit from the EQB under chapter 4420, <b>EQB</b>. For all other releases of genetically engineered organisms, <b>permitting state agency</b>. This subpart does not apply to the direct medical application of genetically engineered organisms to humans or animals.</p>	None	None
<p><b>NOTES</b></p> <p>The EQB is required to prepare an EAW for the release of any genetically engineered organism except those regulated under a significant environmental permit. Presently, only certain agriculturally related organisms regulated by the Department of Agriculture qualify for this exception.</p> <p><b>Agriculturally related organism</b> is any organism that is used in agricultural production or processing of agricultural products, including livestock and livestock products; dairy animals and dairy products; poultry and poultry products; domestic fur-bearing animals; animal feeds; horticultural stock; nursery stock; fruit; vegetables; forage grain; wild rice; seeds; bees; apiary products; and products for the control or mitigation of noxious weeds. It excludes vaccines and drugs for use in humans; genetic engineering of human germ cells and human somatic cells intended for use in human gene therapy; vaccines for use in livestock, dairy animals, poultry, domestic fur-bearing animals, or private aquatic life; genetically engineered wild animals; and forestry products.</p> <p><b>Genetically engineered organism</b> is an organism derived from genetic engineering.</p> <p><b>Genetic engineering</b> is the introduction of new genetic material to an organism or the regrouping of an organism's genes using techniques or technology designed by humans. This does not include selective breeding, hybridization or nondirected mutagenesis.</p> <p><b>Organism</b> is any animal, plant, bacterium, cyanobacterium, fungus, protist or virus.</p> <p><b>Release</b> is the placement or use of a genetically engineered organism outside a contained laboratory, greenhouse, building, structure, or other similar facility or under any other conditions not specifically determined by the EQB to be adequately contained.</p>		

LAND USE CONVERSION, INCLUDING GOLF COURSES		
MANDATORY EAW	MANDATORY EIS	EXEMPTION CATEGORIES
<p><b>4410.4300, subpart 36</b></p> <p>A. Golf courses, residential development where the lot size is less than five acres, and other projects resulting in the permanent conversion of 80 or more acres of agricultural, native prairie, forest, or naturally vegetated land, except that this subpart does not apply to agricultural land inside the boundary of the Metropolitan Urban Service Area established by the Metropolitan Council, <b>local governmental unit</b></p> <p>B. Projects resulting in the conversion of 640 or more acres of forest or naturally vegetated land to a different open space land use, <b>local governmental unit</b></p>	None	None
<p><b>NOTES</b></p> <p><b>Permanent conversion</b> is a change that impairs the ability to convert the land back to its agricultural, natural or forest capacity. It does not include changes in management practices such as the conversion to parklands, open space or natural areas. (4410.0200, Subpart 57.) In practice, the EQB considers almost all intensified land development to be permanent conversion, even when it would be physically possible to reconvert the land, unless the intensified use is clearly temporary.</p> <p><b>Open space land use</b> is a function particularly oriented to an area's outdoor character including agriculture; campgrounds, parks and recreation areas (4410.0200, subpart 55).</p>		

PCB INCINERATION		
MANDATORY EAW	MANDATORY EIS	EXEMPTION CATEGORIES
None	<p><b>4410.4400, subpart 25</b></p> <p>Incineration of wastes containing PCBs for which an EIS is required by Minnesota Statutes, section 116.38, subdivision 2, <b>PCA</b></p>	None

**EXEMPTIONS WITH NO ASSOCIATED EAW OR EIS CATEGORIES****4410.4600****Subpart 2. Standard exemptions**

Projects are exempt when:

- A. No governmental decisions are required.
- B. All governmental decisions have been made. However, this exemption does not in any way alter the prohibitions on final governmental decisions to approve a project under part 4410.3100.
- C. A governmental unit has denied a required governmental approval.
- D. A substantial portion of the project has been completed and an EIS would not influence remaining implementation or construction.
- E. Environmental review has already been initiated under the prior rules or for which environmental review is being conducted at parts 4410.3600 or 4410.3700.

**Subpart 20. Utilities**

- A. Water service mains of 500 feet or less and 1-1/2 inches diameter or less.
- B. Local electrical service lines.
- C. Gas service mains of 500 feet or less and 1-inch diameter or less.
- D. Telephone services lines.

**Subpart 21. Construction projects**

- A. Construction of accessory appurtenant structures including garages, carports, patios, swimming pools, agricultural structures excluding feedlot or other similar buildings not changing land use or density.
- B. Accessory signs appurtenant to any commercial, industrial or institutional facility.
- C. Operation, maintenance or repair work having no substantial impact on existing structures, land use or natural resources.
- D. Restoration or reconstruction of a structure, provided that the structure is not of historical, cultural, architectural, archaeological or recreational value.
- E. Demolition or removal of buildings and related structures, except where they are of historical, archaeological or architectural significance.

**Subpart 22. Land use**

- A. Individual land use variances, including minor lot line adjustments and side yard and setback variances not resulting in the creation of a new subdivided parcel of land or any change in land use character or density.
- B. Minor temporary uses of land having negligible or no permanent effect on the environment.
- C. Maintenance of existing landscaping, native growth and water supply reservoirs, excluding the use of pesticides.

**Subpart 23. Research and data collection**

Basic data collection, training programs, research, experimental management and resource evaluation projects that do not result in an extensive or permanent disturbance to an environmental resource, and do not constitute a substantial commitment to a further course of action having potential for significant environmental effects.

**Subpart 24. Financial transactions**

- A. Acquisition or disposition of private interests in real property, including leaseholds, easements, right-of-way or fee interests.
- B. Purchase of operating equipment, maintenance equipment or operating supplies.

**Subpart 25. Licenses**

- A. Licensing or permitting decisions related to individual persons or activities directly connected with an individual's household, livelihood, transportation, recreation, health, safety and welfare, such as motor vehicle licensing or individual park entrance permits.
- B. All licenses required under electrical, fire, plumbing, heating, mechanical and safety codes and regulations, but not including building permits.

**Subpart 26. Governmental activities**

Proposals and enactments of the legislature, rules or orders of governmental units, executive orders of the governor or their implementation by governmental units, judicial orders and submissions of proposals to a vote of the people of the state.