

Minnesota Environmental and Energy Update - March 4, 2011

Posted by [Eric F. Swanson](#) on March 04, 2011

It was a busy week in the environmental and energy arenas at the Minnesota Legislature. On Thursday, Governor Dayton signed into law HF 1, the environmental review bill chief authored by Rep. Dan Fabian (R-Roseau) and Sen. Bill Ingebrigtsen (R-Alexandria.). Among its notable features, the bill, now Chapter 4 of Minnesota Laws 2011, accelerates and simplifies the permitting process at both the Department of Natural Resources and the Pollution Control Agency, allows direct appeal to the Court of Appeals of agency decisions on environmental permits and provides for environmental assessment documents to be prepared by contractors of project proposers, rather than contractors of the reviewing governmental body. Additional legislation on this topic may still be considered this session.

The Governor signed the bill just one day after the Office of Legislative Auditor (OLA) released its report on environmental reviews of private-sector projects. The OLA evaluation focused on the timeliness and efficiency of the state's environmental review and permitting practices, noting lengthy delays in the review of certain projects.

Coal fired energy also took center stage this week, with the House Commerce and Regulatory Reform Committee hearing HF 72, authored by Rep. Michael Beard (R-Shakopee), on Wednesday. A second hearing in that same committee and final vote is scheduled for March 8. The Senate Energy, Utilities and Telecommunications Committee heard testimony on the companion bill, SF 86, authored by Sen. Julie Rosen (R-Fairmont). The Senate Committee will take further testimony on March 8, as well. These bills would repeal the ban on new electric generation facilities or contracts with electric energy providers that would lead to increased carbon dioxide emissions. That ban was enacted as part of the 2007 Next Generation Energy Act.

In a similar effort regarding nuclear power, a conference committee has been selected for SF 4, the nuclear moratorium repeal authored by Majority Leader Amy Koch (R-Buffalo). Members include Sens. Koch, Julie Rosen (R-Fairmont) and Linda Scheid (DFL-Brooklyn Park) and Reps. Joyce Peppin (R-Rogers), Joe Hoppe (R-Chaska) and Tim Mahoney (DFL-St. Paul). The conference committee was requested after the Senate rejected the House version of the bill which included an amendment sponsored by Rep. Phyllis Kahn (DFL – Minneapolis) to include a provision that put a restriction on reprocessing spent nuclear fuel into weapons-grade plutonium. Governor Dayton has given three criteria that must be in place before he will sign the bill. The Kahn amendment meets one of these criteria and the other two require ratepayer protection and no net increase in nuclear waste in the State.

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Finally, a number of new initiatives surfaced this past week, including various efforts to amend Minnesota's Conservation Improvement Program (CIP) statutes, a bill allowing utilities to file for "multi-year rate plans," a bill requiring utility rates to better reflect costs to serve various classes of customers, and efforts to restrict wind energy development. The outlook for those bills remains unclear but we will provide further information in upcoming newsletters.