



## Minnesota Pollution Control Agency

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March 6, 2012

The Honorable Bill Ingebrigtsen  
Minnesota Senate  
303 State Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155

The Honorable Dan Fabian  
Minnesota House of Representatives  
431 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, Minnesota 55155

Dear Senator Ingebrigtsen and Representative Fabian:

As SF1567/HF2095, the Permitting Efficiency Bill, awaits action by the full Senate and House, I would like to share the Minnesota Pollution Control Agency's (MPCA) thoughts on the bills. These are the same comments MPCA staff members have expressed at various committee hearings.

Last year, the Governor's Executive Order and HF1/SF42 made helpful changes to the permitting process. With the hard work of MPCA staff and our external partners, 99% of priority construction permits and 81% of all permits meet the 150 day goal for issuance. The system is definitely faster and more certain.

With those gains in mind, there is a provision in SF1567 that actually moves us backwards and adds time to the permitting process. The provision starts the clock on the 150 day permit issuance goal when an application is first submitted to MPCA without considering if the application contains the necessary information. It removes the responsibility a project proposer plays in a timely permit issuance, which is providing a complete application. A quick permit turnaround is a partnership between MPCA and the applicant, both doing their parts. Implementing this provision will take us back prior to HF1/SF42.

Earlier drafts of the bill included a version of the "permit applicant professional" proposal that included a couple of troubling components. We appreciate the authors removing those components and no longer have a concern with the "permit applicant professional" concept overall. However, we will need to continue to work with the authors on making some final changes to the language.

Remaining in the bill are three provisions that reiterate existing law or efforts and in some cases create false impressions that we would like to clarify.

One provision would allow a person to start construction of a facility requiring an air permit before the issuance of a construction permit unless prohibited under federal law. The good news is the provision is already the practice in Minnesota. There is no difference between state and federal law in the area of air permits, like there was last year for water permits.

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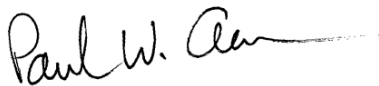
The creation of the environmental permits coordinator in the Department of Employment and Economic Development is an idea we support as part of Minnesota Business First Stop and the work of its member agencies. Minnesota Business First Stop is up and running and can provide assistance to project proposers beyond just permitting, including financing, licensing and technical assistance. The language in the bill needs to be changed to ensure it does not hamper these efforts and/or create duplicative work, thus allowing the agencies more time to help businesses.

The review of the mandatory environmental review (EIS & EAW) categories is also a good idea. Executive Order 11-32 already directs the Environmental Quality Board (EQB) to evaluate and make recommendations on how to improve and streamline environmental review by November 15, 2012. In addition to the mandatory environmental review categories, the EQB will examine the entire process to see if it is accomplishing what it set out to do 30 years ago, what parts may now be being duplicated in the permitting process and what issues it may be missing. It would be best to coordinate the bill with the EQB's current efforts.

Finally, the extension of the state SDS (State Disposal System) permit for feedlots from a five to a ten year duration may save a producer one permit renewal process. While we are willing to work with the concept, it needs a clarification that a modification to an operation would still need a formal permit amendment and the permit applicant needs to be in compliance at the time of application.

As this legislation continues to move through the process, my staff and I are available to work with the Legislature to make the changes needed to reach agreement on the bills.

Sincerely,



Paul W. Aasen  
Commissioner

cc: Representative Kurt Zellers  
Senator David Senjem  
Representative Paul Thissen  
Senator Thomas Bakk  
Representative Denny McNamara  
Representative Jean Wagenius  
Senator Linda Higgins  
Will Seuffert, Office of Governor Dayton