



Environmental Reviews: Before a Project Starts

Contents

Key Terms:

Environmental Assessment Worksheet (EAW)

preliminary environmental review looking at how a project could potentially affect the environment

Environmental Impact Statement (EIS)

more in-depth review, completed if the EAW finds potential for significant environmental effects. May be required for some larger projects.

Environmental Quality Board (EQB) state agency that issues rules covering EAWs

Findings of Fact

MPCA document that recommends whether an EIS is necessary

Minnesota Pollution Control Agency (MPCA) state agency that reviews most EAWs, issues Findings of Fact; can act as Responsible Government Unit

Responsible Government Unit (RGU)

government unit that takes a project proposer's information and completes the EAW

A city wants to build a sewage line. A factory wants to expand its plant. A facility wants to store hazardous waste. All of the plans are ready, but then come questions – what about the nearby water, land and air? How will the project affect the environment?

That's where Environmental Assessment Worksheets (EAWs) come in. These worksheets, a preliminary environmental review, look at how a proposed project could potentially affect the environment.

Findings from the EAW – or just the EAW process itself – could affect how the project proceeds.

This Minnesota Pollution Control Agency (MPCA) fact sheet will talk about EAWs: who has to conduct them, what the EAW process and timeframes are, and where to find more help.

What is an EAW?

An EAW is a document designed to gather and disclose information about potential environmental effects from a proposed project. The EAW also reviews ways to avoid or minimize any environmental effects.

Ultimately, the MPCA uses all of this information to decide whether the project's environmental effects should be studied closer. If so, the MPCA requires a more in-depth document, called an Environmental Impact Statement (EIS).

An EAW contains a list of standardized questions. These questions cover issues such as:

- land use and habitat;
- storm water and wastewater;
- air emissions;
- traffic; and historical or archaeological resources.

Once the EAW is completed, the public can get involved during a 30-day public comment period. After people review the proposed projects' potential environmental effects, they can ask more questions – or identify other significant issues they think may have been overlooked.

Although the MPCA reviews most EAWs, it is another state agency – the Environmental Quality Board (EQB) – which issues the rules covering EAWs.

These rules include when an EAW is mandatory, and which city, county or state group is the responsible government unit (RGU). An RGU is the government unit that takes information from a project's proposer or consultant, and completes the EAW.

After the EAW and comment period are completed, the RGU reviews it and makes final judgment on the level of the project's environmental effects.

What projects need an EAW?

New construction projects or expansions of existing facilities are typical subjects for EAWs. The EQB's rules contain a list of categories for which an EAW is mandatory (Minn. R. 4410.4300).

Any expansion or modification that is large enough to meet the criteria in that list has to have an EAW prepared. An example of this is a wastewater treatment facility that expands by 50 percent or more.

But EAWs can also be conducted even if the project isn't covered under the EQB's rules.

Sometimes, people will submit a petition to the EQB asking for an EAW on a project, when the worksheet is not mandatory. When this happens, the RGU decides whether the project has a potential for significant environmental effects. If so, an EAW is prepared.

An RGU can also order a discretionary EAW if it appears that the project has the potential for significant effects.

When is the MPCA the RGU?

The MPCA is the RGU for these types of projects:

- Air pollution increases (including factories, large parking lots or facilities that will attract traffic);
- Petroleum refineries or fuel conversion facilities;
- Wastewater treatment facilities or sewer extensions;
- Some feedlots; and
- Landfills, solid or hazardous waste storage, or transfer facilities

If my project needs an EAW, what do I have to do?

For best results, the MPCA encourages proposers to consider the EAW-related issues early in the design process to help make the project as environmentally friendly as possible.

Once an EAW is required, the project's proposer or consultant answers a number of questions on the EAW form and submits it to the RGU.

This completed portion should consist of answers to each EAW question about the specific proposal and its location.

Project proposers may need to consult other agencies to obtain this data. For example, the Minnesota Department of Natural Resources maintains a database of locations of endangered rare and threatened species.

The MPCA's environmental review project manager uses this completed data portion to develop the actual EAW document.

Once the EAW document is published, the MPCA receives public comments for 30 days. The MPCA responds to any comments received on the project. The EAW process concludes with a decision on whether the more in-depth EIS review is necessary.

What are the time frames for EAWs?

The amount of time it takes to complete the EAW process varies from project to project. Generally, the entire EAW process takes roughly six months from start to finish.

It usually takes several months from the time the MPCA receives the initial submittal of the data portion, to when the public notice period begins. This length of time depends on the quality of the completed data portion.

It is important that a project's proposer submits information that is thorough, and contains responses to every item on the EAW form. Publication-ready figures are necessary. Submitting figures electronically also allows the MPCA to include them when posting the EAW on its Web site

How will the public hear about the EAW?

An EAW's 30-day public comment period starts when the MPCA publishes an official announcement in the *EQB Monitor*, a newsletter published every two weeks.

In addition, the MPCA also posts the EAW on its Web site, mails copies to the EQB's EAW mailing list, and sends a press release to media outlets that cover news in the area of the proposed project.

Depending on the number and complexity of comments on a project, it may take the MPCA project manager anywhere from several days to several months to respond to comments, working with the project's proposer and MPCA staff.

The MPCA project manager then completes a document called the Findings of Fact, recommending to the MPCA commissioner whether or not to require an EIS.

The Findings of Fact recommendation considers the project's potential for significant environmental effects. It also considers any proposed mitigation (ways to deal with possible environmental effects), such as by a permit limit.

Sometimes, a comment letter includes a request for an EIS. In that case, or if a project is very controversial, the MPCA Citizens' Board makes the decision. The MPCA Citizens' Board meets on the fourth Tuesday of each month.

When can I move ahead with the proposed project?

If the MPCA decides that an EIS is not required, the EAW process is complete. Once that decision has been made, permits and approvals can be issued.

Under state rules, no governmental approvals – including things like conditional use permits – can be issued until the EIS decision is made.

If the MPCA decides that an EIS is needed, permits cannot be issued until the final EIS review is determined to be adequate. This process could take a year or more.

Where can I get some help?

The EQB publishes a "Guide to Minnesota Environmental Review Rules." It is available by calling toll-free 800-657-3794 or by visiting their Web site at: <http://www.eqb.state.mn.us>

The *EQB Monitor* can also be found on that Web site.

For information on what a project's proposer or consultant should include in their portion of the EAW, ask for a copy of the MPCA's fact sheet "How to Prepare an EAW for the MPCA." This fact sheet also contains additional contact information. It is available on the MPCA's Web site at:

http://www.pca.state.mn.us/programs/envr_p.html

To see EAWs that are currently on public notice, go to the MPCA's Web site at:

<http://www.pca.state.mn.us/news/eaw/index.html>

For questions prior to submitting an EAW, such as mandatory categories or timing, call Barbara Jean Conti, MPCA Environmental Review Project Manager, Regional Division at 651-296-6703. Toll-free/TTY at 800-657-3864.

Where should I submit my EAW data?

For projects where the MPCA is the RGU, proposers should send the agency a paper copy of the EAW as well as an electronic file, once an agency project manager is assigned. This information should be sent to Richard Newquist, MPCA Environmental Review Unit Supervisor, Regional Division, 520 Lafayette Road North, St. Paul, Minnesota 55155.

MPCA Web site: <http://www.pca.state.mn.us>