

 **MINNESOTA**
ENVIRONMENTAL QUALITY BOARD

Minnesota Environmental Quality Board | 520 Lafayette Road North | Saint Paul, MN 55155

January 9, 2025

The Honorable Foug Hawj, Chair
Environment, Climate, and Legacy Committee
3231 Minnesota Senate Bldg.
St. Paul, MN 55155

The Honorable Peter Fischer, Co-Chair
Environment and Natural Resources Finance and
Policy Committee
407 State Office Building
St. Paul, MN 55155

The Honorable Nick A. Frentz, Chair
Energy, Utilities, Environment, and Climate
Committee
3109 Minnesota Senate Bldg.
St. Paul, MN 55155

The Honorable Patty Acomb, Co-Chair
Energy Finance and Policy Committee
593 State Office Building
St. Paul, MN 55155

The Honorable Justin D. Eichorn
Environment, Climate, and Legacy Committee
2235 Minnesota Senate Bldg.
St. Paul, MN 55155

The Honorable Josh Heintzeman, Co-Chair
Environment and Natural Resources Finance and
Policy Committee
375 State Office Building
St. Paul, MN 55155

The Honorable Andrew Mathews
Energy, Utilities, Environment, and Climate
Committee
2233 Minnesota Senate Bldg.
St. Paul, MN 55155

The Honorable Chris Swedzinski, Co-Chair
Energy Finance and Policy Committee
245 State Office Building
St. Paul, MN, 55155

Re: Rulemaking Docket and Record Pursuant to Minn. Stat. § 14.116, paragraph (a)

Dear Senators and Representatives:

The Minnesota Environmental Quality Board (EQB) is pleased to deliver our 2025 update on completed, planned, and in-progress rulemakings, pursuant to Minn. Stat § 14.116, subd. (a).

- No rulemakings were completed in 2024 and EQB has no active rulemakings.

In 2024, EQB completed the triennial Mandatory Category Report, pursuant to Minn. Stat. 116D.04, Subd. 5. That report outlined potential rule changes for the environmental review program and was submitted to the legislature in December 2024. Further information-gathering and stakeholder conversations will be needed to ascertain the scope of any necessary changes.

Listed in the preliminary rule docket are three areas for possible proposed rules currently under active consideration. The Board has not yet authorized rulemaking, but is likely to take up authorization in 2025.

There are two rulemakings that EQB was directed to make by the legislature. The third rulemaking encompasses housekeeping changes identified by EQB staff and practitioners during past rule reviews and the 2024 Mandatory Category Report drafting process. Housekeeping changes include small updates to conform with statutory changes and to improve Board operations.

Please feel free to contact me if you have any questions or would like further detail.

Sincerely,



Catherine Neuschler

Executive Director, Minnesota Environmental Quality Board

Attachment 1: EQB Public Rulemaking Docket

CC: Legislative Reference Library



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Active rulemaking projects

Subject matter	Brief rule summary	Board contact person (lead staff)	Current status of proposed rule and any agency determinations	Next opportunity for public comment	Timetable for adoption and other Board determinations	Notices published (State Register citations)	Public hearing schedule
N/A							

Completed rulemaking projects – adopted within past year

Subject matter	Notices published (State Register citations)	Date rule adopted by EQB (i.e., Order to Adopt is signed)	Date rule filed with Secretary of State	Effective date of rule
N/A				

Potential rulemaking – under active consideration

Subject matter	Brief rule summary	Board contact person (lead staff)	Current status of proposed rule and any agency determinations
Gas and Oil Resources	EQB is a member of the Minnesota Gas and Oil Resources Technical Advisory Committee. Per Minn. Stat. 93.514 (a)(3), the Environmental Quality Board may adopt or amend rules to establish mandatory categories for environmental review as they pertain to gas and oil production. This will likely include and address helium gas exploration and extraction.	Jesse Krzenski	Under active consideration; likely to be proposed for Board authorization in spring 2025

Subject matter	Brief rule summary	Board contact person (lead staff)	Current status of proposed rule and any agency determinations
MN Energy Infrastructure Permitting Act	Laws of Minnesota 2024, Chapter 126 (SF 4942) made multiple changes to the state’s process for permitting and environmental review of large energy projects such as power generating facilities, energy storage systems, and transmission lines. EQB was directed to make conforming changes to the environmental review rules (Minn. R. 4410) using the expedited rulemaking process. Proposed rule changes will need to be public noticed by November 2025.	Colleen Hetzel	Under active consideration; likely to be proposed for Board authorization in early 2025
Housekeeping (Minn. R. 4405 and 4410)	EQB recommends simple housekeeping changes that will provide clarity and ease of operations to Minn. R., chapter 4405 and 4410, mostly for mandatory categories for environmental reviews and the ER process.	Kayla Walsh	Under active consideration

Acronyms:

GO – Governor’s Office
MMB – Minnesota Management and Budget
OAH – Office of Administrative Hearings

RFC – Request for Comments
SONAR – Statement of Need and Reasonableness
SR – MN State Register (published Mondays, except holidays)

TBD – To be determined