

**2007 Rock-Tenn language – from SF 2096 (Senator Ellen Anderson)**

\$4,500,000 the first year is for a onetime grant to the St. Paul Port Authority in part for a study related to a steam and electrical energy facility to supply energy to a customer using steam in a paper recycling operation.

The port authority shall convene and regularly involve a citizen advisory committee composed of members recommended by St. Paul district councils 11, 12, 13, and 14 and other members as appropriate to advise on the scope of the study.

The citizen advisory committee must meet regularly throughout the course of the study and the development of recommendations.

The citizen advisory committee shall have the right to include its separate recommendations as part of the port authority recommendations submitted at the public meeting and to the St. Paul City Council.

The study shall:

- (1) assess the economic and technical feasibility of various fuel types to power the plant;
- (2) provide a full description and analysis of each fuel type and their respective economic and noneconomic impacts;
- (3) provide a full description and analysis of each fuel type and their respective environmental emissions, including carbon dioxide, and the cost of controlling those emissions that affect human health;
- (4) describe public subsidies related to the production and use of each fuel type;
- (5) describe potential energy efficiency improvement that can be made to the paper recycling operation and subsidies available for each improvement; and
- (6) evaluate additional uses for the steam and electricity produced at the facility and the cost of infrastructure needed to implement the additional uses.

In addition, the grant may be used for environmental review, permitting, preliminary engineering, and development of total project cost estimates, including project design and engineering, other preliminary work, and a preliminary financing plan for the steam and electricity producing facility.

The St. Paul Port Authority shall present the findings of its analysis and its preferred alternative for an eligible energy technology fuel mix in at least two public meetings that must be held in the area encompassing districts 11, 12, 13, and 14 in the city of St. Paul.

"Eligible energy technology" has the meaning given in Minnesota Statutes, section 216B.1691, subdivision 1, except that it does not include mixed municipal solid waste as an eligible energy technology.

The recommendation of the St. Paul Port Authority concerning its preferred alternative fuel mix must be based on the alternative that has the least environmental impact consistent with the economic viability and technical feasibility of the facility.

Testimony shall be taken at the meetings from citizens who live in the affected communities.

Resolutions concerning the facility from district councils 11, 12, 13, and 14 must be solicited by the city council.

Construction of the facility may not be commenced unless and until the St. Paul City Council has adopted a resolution approving the construction after consideration of the findings of the port authority, resolutions from the district councils, and other public input.

The appropriation does not cancel and is available until expended.

Of this amount, \$500,000 is transferred to the Department of Natural Resources for the Ecological Services Division to prepare, authorize, and implement habitat restoration plans on public or private properties to fulfill ecological principles of restoration ecology, while providing roadside access to the byproduct of the management actions at no cost to the operator of a biomass-fueled cogeneration facility located in St. Paul. The division may provide grants or otherwise transfer some or all of these funds to other public or private entities to accomplish these purposes.

If a higher value nonbiomass market is available for some of the byproduct of this management, the division is authorized to sell the material to that market, provided that all of the proceeds are spent for the further purposes of this appropriation. The nonbiomass market sales of material from this management cannot exceed 20 percent by weight of the total byproducts produced by all approved activities under this appropriation.

The restoration activities shall take place on land located within 75 miles by road of the city of St. Paul. The division shall consult with the operator of the biomass facility and other appropriate parties regarding planned projects to be funded with this appropriation. The division shall report annually to the legislative policy and finance committees for natural resources and energy regarding the expenditures and results of the program.

This appropriation does not cancel but is available until spent.

Notwithstanding Minnesota Statutes, section 465.717, the St. Paul Port Authority may create a not-for-profit corporation for purposes of owning or operating, or both, a steam and electricity producing facility to be located in St. Paul that uses primarily fuel from an eligible energy technology as defined in Minnesota Statutes, section 216B.1691, subdivision 1, except that it does not include mixed municipal solid waste as an eligible energy technology.

Steam produced by the facility may be used by a customer in a paper recycling operation.

Nothing in this section authorizes or prohibits the retail sale of energy produced by the facility to other retail customers.