

FY2010 Legislative Report on Environmental Assessment Worksheets

A summary of Environmental Assessment Worksheets completed by the Minnesota Pollution Control Agency in FY2010



Legislative Charge

By October 1, 2010 and 2011, the commissioner shall submit a report to the chairs of the legislative committees with primary jurisdiction over the environment and natural resources policy and finance that includes the number of environmental assessment worksheets completed in the previous fiscal year, the total number of staff hours spent on those environmental assessment worksheets, and the average and median number of hours spent per completed environmental assessment worksheet, (2009 Session Law Chapter 37 Article 1, Section 3..

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Executive Summary

The Commissioner of the Minnesota Pollution Control Agency (MPCA) is required to submit a Legislative Report by October 1, 2010, on the total number of Environmental Assessment Worksheets (EAW) completed during the 2010 Fiscal Year (FY2010) and the total, average and median number of staff hours spent on those EAWs.

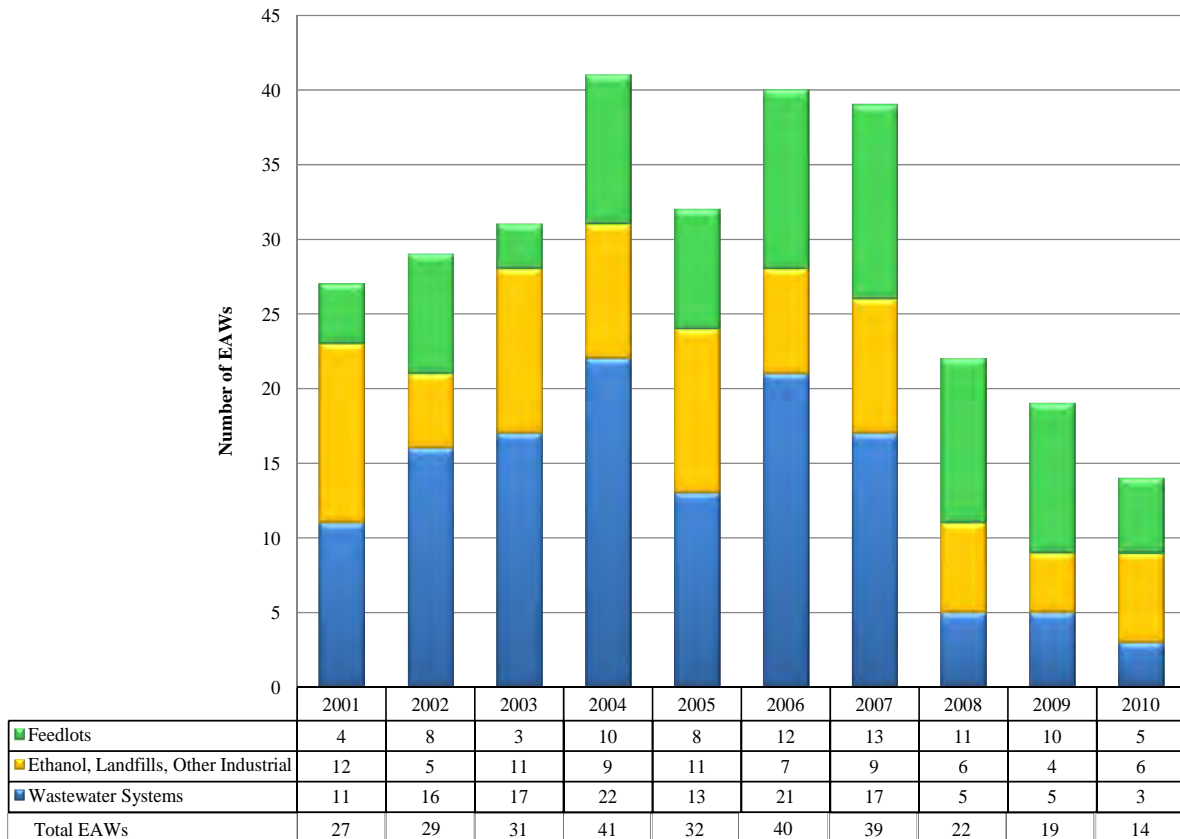
- Projects requiring EAWs are the largest projects of their kind. Less than two percent of the permits issued by the MPCA require preparation of an EAW.
- In FY2010, 14 projects completed the EAW process at the MPCA. All 14 reviews concluded with a Negative Declaration on the need for an Environmental Impact Statement (EIS).
- A total of 7,617 MPCA staff hours were used to complete the EAW processes for these 14 projects, for an average of 544 hours per EAW. The per-project median was 333 hours.
- The minimum staff hours spent on one project was 154 (Manox 3 Hog concentrated animal feedlot operation (CAFO) expansion). The maximum staff hours spent on one project was 1,330 (Asbury Asphalt Cement Storage Facility).
- The hourly numbers do not include time reviewing permit applications and supporting documents, time preparing permits and permit-related documents or any contacts and discussions with project proposers prior to the submittal of permit applications or data for an EAW.
- Three of the 14 EAWs (Asbury Asphalt Cement Storage Facility, East Central Landfill Expansion, and Sappi Cloquet Papermill Expansion) consumed nearly half (47 percent) of the total staff hours.
- Overall, about two-thirds (66 percent) of the staff hours related to EAWs were used during the EAW preparation phase of the EAW process, before the beginning of the public comment period.
- Every project has its own unique issues and challenges. The number of hours for any given project is affected by several factors such as project complexity, the quality and completeness of permit applications and EAW data submittals, the timeliness of project proposer responses to information requests, changes to the proposed project during the EAW process, site location, and the extent to which a project becomes controversial.

Numbers of Environmental Assessment Worksheets

During FY2010, the Minnesota Pollution Control Agency (MPCA) completed the environmental review process for 14 projects with Environmental Assessment Worksheets (EAWs). For each of these projects the EAW process began with an initial data submittal by the project proposer and ended with a decision by the MPCA Commissioner or MPCA Citizens' Board on the need for further study in an Environmental Impact Statement (EIS). The steps in the EAW process include the preparation of an EAW by the MPCA, a public comment period, and the preparation of Findings of Fact and Responses to Comments documents related to the Agency's decision. (See Attachment 1 for the steps in the EAW process.) To provide a rough perspective, the MPCA issued 2,081 water, air and land permits during the 2009 calendar year. In comparison, 19 projects were required to complete the EAW process in FY2009.

Over the last ten years, an average of 29 projects completed the EAW process each fiscal year (see Figure 1). In each of the last three fiscal years (2008 – 2010), however, fewer projects completed the process than during any of the previous seven years. This decline is attributed primarily to the downturn in economic conditions, as well as increases in the thresholds that trigger mandatory EAWs for projects in the wastewater and air pollution categories.

Figure 1. Number of projects completing the EAW process, by fiscal year



Staff hours spent on EAWs

For the 14 projects completing the EAW process during FY2010, a total of 7,617 staff hours were spent on work directly related to environmental review. This included preparation and review of EAWs, Responses to Comments on EAWs and Findings of Fact, technical analysis of impact assessment information prepared for the EAW process, the preparation of documents and presentations for those EAW projects brought to the MPCA Citizens' Board, and a variety of project management tasks including coordination of the activities of the project team established at the beginning of the EAW process. On average, 544 staff hours were spent per project to complete the EAW process, while the per-project median was 333 hours.

For purposes of this report, the EAW process has been broken down into two phases. Phase 1 is the preparation of the EAW, beginning with the submittal of a draft EAW, permit application(s) and other required documentation by the project proposer and ending with the publication of an EAW Notice of Availability in the Environmental Quality Board (EQB) *Monitor*. During Phase 1, an MPCA project team is formed to review the project submittals and work with the project proposer to prepare a final EAW and develop proposed permit(s). Phase 2 begins with the publication of the EAW Notice of Availability to start the public comment period and ends with the (EIS)-need decision, completing the EAW process. During Phase 2, staff prepares Responses to Comments received during the comment period and Findings of Fact summarizing the record upon which the need for an EIS is based. During Phase 2, additional mitigation measures that have been identified may also be incorporated into the project design or permit conditions.

The MPCA conducts the EAW and permit processes concurrently to avoid duplication. This practice also maximizes the amount of information available to other governmental units and citizens with interest in the project. Based on the information in its record, the MPCA makes a conclusion regarding the potential for significant environmental effects from the project and the need for further study in an EIS¹. If it is decided that no further study is required, the MPCA will order a Negative Declaration (no EIS) and proceed to permit issuance. If it is determined that a project has the potential for significant environmental effects, the MPCA will order a Positive Declaration and begin the EIS preparation process. If the decision is a Negative Declaration, permit issuance usually takes place shortly after the Agency's EIS-need decision. For the FY2010 reporting period, each of the 14 projects reviewed by the MPCA received a Negative Declaration on the need for an EIS. One-page summaries describing each project are provided in Appendix 2.

Environmental Quality Board

¹ **Minn. R. 4410.1700 Decision on need for EIS**

Subp. 6. **Standard.**

In deciding whether a project has the potential for significant environmental effects the RGU shall compare the impacts that may be reasonably expected to occur from the project with the criteria in this part.

Subp. 7. **Criteria.**

In deciding whether a project has the potential for significant environmental effects, the following factors shall be considered:

- A. type, extent, and reversibility of environmental effects;
- B. cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project;
- C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and
- D. the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

A summary of staff hours for Phase 1 (EAW preparation), Phase 2 (Public Comment Period, Findings and Decision), and in total for the FY2010 EAW projects is presented in Table 1. These totals include hours for all professional, engineering, supervisory and support staff directly related to both phases of the EAW process. Hours related to the review of permit applications, the development of proposed permits and the permit notice and issuance processes were not included. Some notable observations from the table are as follows.

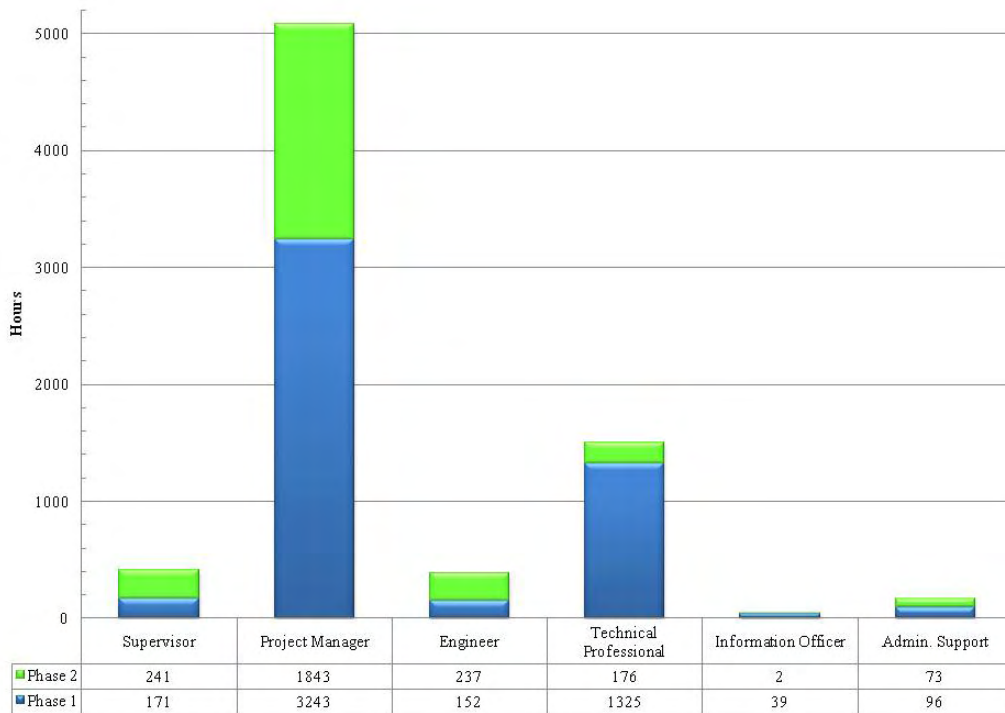
- Two-thirds of staff hours were devoted to Phase 1 activities: EAW preparation, data analysis and project management.
- Individual projects displayed substantial variation in the number of staff hours among all types of projects and within project sectors.
- Three of the 14 FY 2010 projects (21 percent) consumed 47 percent of the staff hours related to the EAW process.

Table 1. MPCA staff Hours spent on EAW processes for FY 2010 projects

Project name	Phase 1 EAW preparation	Phase 2 Comment Period, Findings and Decision	Total
Asbury Asphalt Cement Storage Facility-New	483	847	1330
Central Iron Range Sewer District WWTF-New	194	56	250
Clay County Landfill Expansion	425	231	656
Dollymount Dairy CAFO-New	277	460	737
East Central Landfill Expansion	752	291	1043
Highlevel Egg CAFO Expansion	235	51	286
Manox 3 Hog CAFO Expansion	106	48	154
Mar-Kit Landfill Expansion	159	27	186
Pipestone WWTF Expansion	197	167	364
Pope-Douglas Waste-to-Energy Expansion	643	105	748
Princeton WWTF Expansion	204	98	302
Sappi Cloquet Papermill Expansion	1080	126	1206
STL Cattle CAFO Expansion	118	49	167
Strobel Farms CAFO-New	174	14	188
Statistical Summary for All Proejcts	Phase 1	Phase 2	Total
Total hours	5047	2570	7617
Percentage	66%	34%	100%
Minimum	106	14	154
Maximum	1080	847	1330
Average	360	184	544
Median	219	101	333

The distribution of EAW-related staff hours for projects completed in FY2010, by position, is shown in Figure 2. This shows that the EAW project manager accounts for 67 percent of all staff hours devoted to the EAW process. Project management tasks include reviewing and revising EAW submittals by project tracking, coordinating staff input into the EAW process, communications with the project proposer, preparing responses to comments on the EAW, and preparing Findings of Fact and a recommendation regarding the need for an EIS. The Technical/Professional classes, which account for approximately 20 percent of staff hours, includes tasks related to air quality modeling, groundwater hydrology, watershed hydrology, technical review, etc.

Figure 2. Distribution of staff hours spent on EAWs by position.



Appendix 1

Steps in the EAW Process

(As conducted by the MPCA)

Pre-application meeting	After initial contact, a pre-application meeting may be held between the project proposer and MPCA staff. At that time, the proposer provides basic information on the project, and staff discusses possible permit and environmental review requirements. Rough timeframes are established for the submittal of information from the proposer, and key MPCA and project contacts are identified.
Initial data submittal	The project proposer submits a draft EAW, permit applications, and required supporting documents (e.g., air modeling study, facility planning report, manure management plan). Project proposers are asked to submit documents as a package; however, the initial submittal may be incomplete and not of sufficient quality to begin work. This is documented in a "Deficiency Letter."
Completed data submittal, EAW preparation	A data submittal is considered complete after all applications and supporting documents have been reviewed and approved. There are no major unresolved issues of a technical nature. MPCA staff prepares the final version of the EAW and proposed permits. Comment periods for the EAW and proposed permits are run concurrently.
EAW notice of availability	Publication of the Notice of Availability of the EAW in the <i>EQB Monitor</i> marks the beginning of the 30-day comment period.
Comment period ends	Citizens and governmental units have 30 days to submit written comments.
EIS request received (Yes/No)	If a written request for an EIS is received during the EAW comment period, or if an EIS is recommended by staff, the decision on the need for an EIS is made by the MPCA Citizens' Board. If no timely request for an EIS is received and the staff does not recommend an EIS, the Commissioner may order a Negative Declaration (no EIS).
EIS-need decision	The MPCA prepares a Finding of Fact, including written Responses to Comments, Conclusions of Law and Order supporting either a Negative Declaration (no EIS) or a Positive Declaration (EIS to be prepared).
Permits issued	If an order is made for a Negative Declaration, notification is provided to governmental units and interested parties stating that agencies may proceed with their respective permit processes.

Appendix 2

Summaries for EAW Projects Completed in FY 2010

Project Name and Type	Page
Asbury Asphalt Cement Bulk Storage Facility	2-1
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Sappi Cloquet Paper Mill Expansion	2-12
SLT Cattle Feedlot Expansion	2-13
Strobel Farms Swine Feedlot Expansion	2-14

Project name: Asbury Asphalt Cement Bulk Storage Facility

Project description:

- Proposed construction of four large above-ground storage tanks to receive, store and distribute asphalt cement used to make asphalt for the construction industry.
- Project site located in Granite Falls Township, Chippewa County.
- Primary issues: effects of air emissions on human health, local concerns related to land use, safety, noise, traffic, water use, etc.

Hours:	Phase 1. EAW Preparation	<u>483 hours</u>	Phase 2. Public Notice to Decision	<u>847 hours</u>	Total	<u>1330 hours</u>
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Timeline:	Phase 1. EAW Preparation	<u>580 days</u>	Phase 2. Public Notice to Decision	<u>205 days</u>	Total	<u>785 days</u>
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Factors affecting the timeline:

- After the initial EAW data submittal on April 29, 2008, additional information was needed to determine if an air quality permit was required, to evaluate compliance with state air quality standards for hydrogen sulfide and to assess the impact of air emissions on human health. Special requirements were added to the proposed Aboveground Storage Tank Permit to require the installation, operation and maintenance of air pollution control equipment to be used during asphalt cement loading and unloading activities.
- Several requests for an EIS were received, thus requiring that the EIS-need decision be made by the MPCA Citizens' Board. This was scheduled to occur in September 2009.
- Before MPCA Citizens' Board consideration, a significant change in the project was identified, i.e., the need to heat the rail cars during winter unloading of the asphalt cement. This required a groundwater supply well, a wastewater storage tank and a plan for final disposal of wastewater. As a result, a revised EAW was prepared and distributed for a second 30-day comment period.
- Upon consideration by the MPCA Citizens' Board at the February 2010 board meeting, the EIS-need decision was postponed by the board to obtain additional information on potential impacts to air quality, water supply and other areas.
- Staff gathered additional information requested by the board. The project proposer submitted refined air quality modeling. This re-evaluation resulted in the identification of an additional source of air emissions which had not been accounted for in the first modeling effort. The project proposer changed the site plan to remove the potential for violations of Minnesota air quality standards.
- The MPCA Citizens' Board approved a Negative Declaration on the need for an EIS on June 22, 2010.

Project name: Central Iron Range Sanitary Sewer District Wastewater Treatment Facility

Project description:

- Project proposer is a sanitary district consisting of the cities of Chisholm, Kinney and Buhl, and Great Scott Township; St. Louis County.
- Project is the construction of a new wastewater treatment facility and 3.5 miles of sewer lines to replace aging existing treatment plants serving Chisholm, Buhl, Kinney and some unsewered adjacent areas. The project site is adjacent to the existing Chisholm stabilization pond system. The project will result in an expanded discharge to Barber Creek.
- Primary issues: expanded discharge of treated wastewater to a wetland complex and hence to an Outstanding International Resource Value Water (Lake Superior watershed); construction of sewer mains involving stream crossings and within wetland areas; potential for flooding due to the increased discharge volume.

Hours:	Phase 1. EAW Preparation	<u>194 hours</u>	Phase 2. Public Notice to Decision	<u>56 hours</u>	Total	<u>250 hours</u>
Timeline:	Phase 1. EAW Preparation	<u>75 days</u>	Phase 2. Public Notice to Decision	<u>42 days</u>	Total	<u>117 days</u>

Factors affecting timeline:

- An initial EAW data submittal was received on Dec. 11, 2009. The initial data submittal was incomplete, and additional time was needed for the project proposer to submit a permit application and finalize issues related to the make-up of the district and the design of the facility.
- No major technical issues were encountered.
- A Negative Declaration was signed by the MPCA Commissioner on June 28, 2010, project certification was provided to the Minnesota Public Facilities Authority on June 30, 2010, to ensure Wastewater Infrastructure Funding

Project name: Clay County Landfill Expansion

Project description:

- Proposed expansion of the Clay County Sanitary Landfill.
- Project site located in Hawley Township, Clay County.
- Primary issues: groundwater impacts, blowing litter.

Hours:	Phase 1. EAW Preparation	<u>425 hours</u>	Phase 2. Public Notice to Decision	<u>231 hours</u>	Total	<u>656 hours</u>
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Timeline:	Phase 1. EAW Preparation	<u>314 days</u>	Phase 2. Public Notice to Decision	<u>86 days</u>	Total	<u>400 days</u>
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Factors affecting timeline:

- The initial submittals were received on June 24, 2008. The submittal was deficient, as the project proposer had not fully characterized groundwater conditions and movement of an existing contamination plume. This work, which was needed to determine the final facility design, was delayed by eminent domain proceedings required to make adjacent land available for the groundwater characterization work.
- Field investigations for groundwater and contamination plume characterization were done over the winter under challenging conditions and not completed until March 2009.
- After the groundwater information was obtained, a draft EAW was re-submitted by the project proposer in April 2009.
- The May 4 through June 3, 2009, comment period resulting in requests for the preparation of an EIS.
- MPCA Citizens' Board approved a Negative Declaration and Findings of Fact signed July 29, 2009.

Project name: Dollymount Dairy

Project description:

- New dairy feedlot in Dollymount Township, Traverse County.
- One of the largest dairy projects in the state: 6,640 head or 7,350 animal units.
- Advanced manure management system including solids separation, covered basins, manure digester to produce methane, and two engine/generator sets to burn methane for the production of electricity.
- Site specific concerns raised in many areas including susceptibility to flooding, water quality impacts, traffic and other local impacts, air quality and odor.

Hours:	Phase 1. EAW Preparation	<u>277 hours</u>	Phase 2. Public Notice to Decision	<u>460 hours</u>	Total	<u>737 hours</u>
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Timeline:	Phase 1. EAW Preparation	<u>189 days</u>	Phase 2. Public Notice to Decision	<u>100 days</u>	Total	<u>289 days</u>
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Factors affecting timeline:

- Controversial project preceded by two previous proposals that were withdrawn.
- Proposal No. 1 (2002) was to be located near the site that was eventually permitted and involved a different ownership group. The proposal was withdrawn before the EAW was finalized.
- Proposal No. 2 (2006) was at a different location near the final site. The EAW was noticed, generating extensive comments and requests for an EIS. The proposal was withdrawn prior to the MPCA Citizens' Board meeting.
- On October 13, 2008, a draft EAW was submitted for Proposal No. 3, the project that was eventually permitted. It involved a new ownership group and was proposed to be located at a new location in the same vicinity as the first two sites. All previous analysis was revised, and considerable effort was expended to address changes in the project (e.g., operation and impacts of digester and generators) and to include new information that would respond to the many comments that were received on the previous proposals.
- Extensive comment and requests for an EIS were made on the final proposal. A contested case hearing on the permit was also requested. Responses to comments and Findings of Fact were prepared for the MPCA Citizens' Board decisions on the EAW process and the permit.
- MPCA Citizens' approved a Negative Declaration and was signed on July 29, 2009, and the permit was approved.

Project name: East Central Solid Waste Commission Landfill Expansion

Project description:

- East Central Solid Waste Commission Landfill expansion in Arthur Township, Kanabec County.
- Simultaneous proposal by Southern Minnesota Municipal Power Agency for an engine-generator set on the same site to produce electricity from landfill gas.
- Primary issues: impacts of air emissions from landfill gas flare and generator set. Human health, odor wetland.

Hours:	Phase 1. EAW Preparation	<u>752 hours</u>	Phase 2. Public Notice to decision	<u>291 hours</u>	Total	<u>1043 hours</u>
Timeline:	Phase 1. EAW Preparation	<u>535 days</u>	Phase 2. Public Notice to Decision	<u>88 days</u>	Total	<u>623 days</u>

Factors affecting timeline:

- A single EAW was prepared for a complicated project involving two elements: a landfill expansion and an engine/generator proposed by two separate entities on same site. The combined projects required an air permit for the generator set (permit application received June 2008), a solid waste permit for the landfill expansion (permit application received December 2008), and an air permit for the landfill (permit application received April 2009, revised and resubmitted October 2009).
- The initial EAW data submittal made on September 19, 2008, was deficient addressing only the landfill expansion and not the impacts associated with the generator set.
- Early expressions of public concern about site air emissions led to a decision in October 2008, to require the preparation of an Air Emissions Risk Assessment (AERA) 2008.
- Air quality modeling for the AERA and permits was initially submitted without MPCA approval required for the air modeling protocol and emission rate calculations for on-site sources of air pollutants. An AERA was not submitted to MPCA in an acceptable form until November 2009.
- Project timeframes were lengthened several times by lack of agreement and subsequent discussions related to the scope of the environmental review and permitting requirements. The project proposer was also frequently unable to meet self-imposed timeframes.
- Final data submittals were completed during December 2009 and January 2010. The EAW and all permits were placed on public notice in March 2010. A public meeting was held during the comment periods, and the comment periods were held open for two additional weeks.
- No EIS requests were received.
- An order for a Negative Declaration was signed by the MPCA Commissioner on June 4, 2010.

Project name: Highlevel Egg Feedlot Expansion Project

Project description:

- Proposed reconfiguration within two layer hen barns to increase animal unit capacity, addition of new manure drying systems, and construction of two manure storage barns.
- Project site located in Eglon Township, Clay County.
- Primary issues: effects of air emissions on human health; local concerns related to impaired lakes from manure application; odors from the feedlot and the trucking and land application of manure; compliance with current feedlot requirements, truck traffic.

Hours:	Phase 1. EAW Preparation	<u>235 hours</u>	Phase 2. Public Notice to Decision	<u>51 hours</u>	Total	<u>285 hours</u>
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Timeline:	Phase 1. EAW Preparation	<u>227 days</u>	Phase 2. Public Notice to Decision	<u>64 days</u>	Total	<u>291 days</u>
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Factors affecting timeline:

- Initial data submittal on August 21, 2009, was incomplete. Several required documents, including the air modeling report and information related to manure management, were not provided.
- The required air modeling report was submitted more than three months into the process.
- A determination was made that an individual Department of Natural Resources water appropriations permit was required for both the existing and expanded facility.
- Three comment letters received during notice period, none requesting an EIS.
- The order for a Negative Declaration was signed by the MPCA Commissioner on June 9, 2010.

Project Name: Manox 3 – Manthey Hog Barns Expansion

Project description:

- Proposed construction of one wean to finish hog barn with below-ground concrete storage pit at an existing feedlot, doubling the number of hogs at the facility.
- Project site located in Vivian Township, Waseca County.
- Primary issues: air quality impacts related to hydrogen sulfide, ammonia, and odor emissions, and impacts to groundwater and surface water quality.

Hours:	Phase 1. EAW Preparation	<u>106 hours</u>	Phase 2. Public Notice to Decision	<u>48 hours</u>	Total	<u>154 hours</u>
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Timeline:	Phase 1. EAW Preparation	<u>97 days</u>	Phase 2. Public Notice to Decision	<u>130 days</u>	Total	<u>227 days</u>
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Factors affecting timeline:

- An initial EAW data submittal was received on July 6, 2009.
- Additional information was needed to determine which watersheds were receiving manure.
- After the EAW comment period, it was discovered that the news release, required by EQB rules within five days after the beginning of the comment period, had not been done. Thus, a follow-up notice was published in the EQB monitor and the comment period was extended for an additional 30 days. The total comment period was 60 days.
- A Negative Declaration was signed by the MPCA Commissioner on February 12, 2010.

Project name: Mar-Kit Landfill Expansion

Project description:

- Proposed expansion of Mar-Kit Sanitary Landfill by the Kittson County/Marshall County Joint Powers Board.
- Project site located in Thompson Township, Kittson County.
- Primary issues: groundwater impacts.

Hours:	Phase 1. EAW Preparation	<u>159 hours</u>	Phase 2. Public Notice to Decision	<u>27 hours</u>	Total	<u>186 hours</u>
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Timeline:	Phase 1. EAW Preparation	<u>126 days</u>	Phase 2. Public Notice to Decision	<u>74 days</u>	Total	<u>200 days</u>
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Factors affecting timeline:

- Initial submittal was submitted on February 8, 2010. All significant issues were properly addressed.
- Public notice April 5, 2010. No request for an EIS was received.
- A Negative Declaration was signed by the MPCA Commissioner on June 18, 2010.

Project name: Pipestone Wastewater Treatment Facility Expansion

Project description:

- Proposed construction of two additional wastewater stabilization ponds to the existing treatment facility; continued discharge to Pipestone Creek with increased flow and frozen waste load limits.
- Project site located in Sweet Township, Pipestone County.
- Primary issues: effects of increased flow on Pipestone Creek, an impaired water due to total suspended solids and coliform bacteria; conformance with an approved Total Maximum Daily Load (TMDL) and a TMDL implementation plan.

Hours:	Phase 1. EAW Preparation	<u>197 hours</u>	Phase 2. Public Notice to Decision	<u>167 hours</u>	Total	<u>364 hours</u>
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Timeline:	Phase 1. EAW Preparation	<u>308 days</u>	Phase 2. Public Notice to Decision	<u>109 days</u>	Total	<u>417 days</u>
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Factors affecting timeline:

- The initial submittal on May 14, 2009 was incomplete. A facility plan with final design flows and preliminary effluent limits had not been submitted. A nondegradation review was also required. The project was placed on hold pending the submittal of a request for effluent limits, a design flow determination, and a revised draft EAW.
- EAW continued on hold until the facility plan was reviewed and approved, and a proposed permit was drafted. The EAW comment period began in March 2010.
- Comment on the EAW took issue with the MPCA's proposed effluent limits for total suspended solids with respect to conformance with federal regulations. The preparation of a response required a thorough review by staff at MPCA and the Office of the Attorney General.
- A Negative Declaration was signed by the MPCA Commissioner on June 25, 2010.

Project name: Pope-Douglas Waste-to-Energy Facility Expansion

Project description:

- Expansion of an existing waste combustor for mixed municipal solid waste to produce steam used by nearby customers (hospital and manufacturing) for heating and/or production purposes, and to generate electricity.
- The capacity of the proposed facility would increase from 120 tons of waste per day to 240 tons per day.
- The primary issue was the potential impact of toxic air emissions on human health.

Hours:	Phase 1. EAW Preparation	<u>643 hours</u>	Phase 2. Public Notice to Decision	<u>105 hours</u>	Total	<u>748 hours</u>
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Timeline:	Phase 1. EAW Preparation	<u>160 days</u>	Phase 2. Public Notice to Decision	<u>73 days</u>	Total	<u>233 days</u>
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Factors affecting timeline:

- An initial EAW data submittal was received on May 26, 2009.
- Air permitting and health risk issues were addressed in a timely manner, and a draft permit was public noticed on a concurrent timeframe with the EAW.
- Health risk assessments addressed inhalation and the consumption of locally grown meat and dairy products, and fish caught in nearby lakes. Some portions of the analysis had to be re-run to refine the analysis related to certain health impacts and to address consultant errors. This work resulted in low, health-based permit emission limits for mercury and dioxin.
- A Negative Declaration was signed by the MPCA Commissioner on January 14, 2010.

Project name: Princeton Wastewater Treatment Facility Expansion

Project description:

- Proposed construction of new mechanical components of a wastewater treatment facility with a new discharge to the Rum River, an Outstanding Resource Value Water (ORVW).
- Project site located near Princeton, in Sherburne County.
- Primary issues: new discharge of treated wastewater to a restricted ORVW; adherence to a court order containing specific requirements related to the discharge from the facility.

Hours:	Phase 1. EAW Preparation	<u>204 hours</u>	Phase 2. Public Notice to Decision	<u>98 hours</u>	Total	<u>302 hours</u>
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Timeline:	Phase 1. EAW Preparation	<u>81 days</u>	Phase 2. Public Notice to Decision	<u>100 days</u>	Total	<u>181 days</u>
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Factors affecting timeline:

- The initial permit application and EAW submittals occurred on March 31, 2009. It was determined that a new nondegradation and effluent limits review was necessary to ensure that both the previous concerns related to a lawsuit and program changes were appropriately addressed. MPCA staff prepared and noticed both EAW and draft National Pollutant Discharge Elimination System Permit.
- Comments were received objecting to MPCA's interpretation and methodology for the assignment of effluent limits and permitting. A request was also made for consideration of the permit, but not the EAW, by the MPCA Citizens' Board.
- Internal discussions took place regarding the issues raised in comments on the EAW and permit. The permit was not referred to the MPCA Citizens' Board.
- A Negative Declaration was signed by the MPCA Commissioner on October 5, 2009.

Project name: Sappi Cloquet Papermill Expansion

Project description:

- The construction of a new paper machine to produce 671,000 net tons per year of fine coated paper on the site of its existing mill in the city of Cloquet.
- The new paper machine complex would include ancillary operations such as stock and coating preparation, finishing, converting, warehousing, and shipping.
- A new package boiler fired by natural gas would be installed to provide steam for the new paper machine.
- The former tree nursery area would be converted to a wood storage yard, requiring the rerouting of a local street. The proposed project would utilize pulp that is produced on-site and sold on the open market. An increase in pulp production or timber harvesting will not occur.

Hours:	Phase 1. EAW Preparation	<u>1080 hours</u>	Phase 2. Public Notice to Decision	<u>126 hours</u>	Total	<u>1206 hours</u>
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Timeline:	Phase 1. EAW Preparation	<u>315 days</u>	Phase 2. Public Notice to Decision	<u>88 days</u>	Total	<u>403 days</u>
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Factors affecting timeline:

- Initial EAW data submittals were received on July 1, 2008.
- As development of the EAW and permit were underway, extensive discussions occurred between the project representatives and MPCA staff concerning the information on air emissions, air quality modeling, and the assessment of health risks needed to address the cumulative potential. To resolve this discussion, the Agency staff conducted the necessary modeling and analysis. Ultimately, the project proposer submitted, and the MPCA staff approved, revised modeling results.
- Air permitting issues were addressed and a draft permit was public noticed on a concurrent timeframe with the EAW.
- A Negative Declaration was signed by the MPCA Commissioner on July 31, 2009.

Project name: SLT Cattle, Ted's Place CAFO Expansion

Project description:

- The expansion of an existing beef feedlot in Nobles County.
- Maximum capacity increased to 2,560 animal units.
- Primary issues were air quality and odor, and impacts on groundwater and surface water quality.

Hours:	Phase 1. EAW Preparation	<u>118 hours</u>	Phase 2. Public Notice to Decision	<u>49 hours</u>	Total	<u>167 hours</u>
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Timeline:	Phase 1. EAW Preparation	<u>70 days</u>	Phase 2. Public Notice to Decision	<u>60 days</u>	Total	<u>130 days</u>
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Factors affecting timeline:

- Complete EAW data submittal received on July 13, 2009.
- Timely and complete submittals with standard project review and approvals.
- EAW public comment period began on September 21, 2009, and ended on October 21, 2009. No requests for EIS received.
- Negative Declaration was signed by the MPCA Commissioner on November 20, 2009.

Project name: Strobel Farms – Jungbloet Site and Buecksler Site

Project description:

- Two new swine finishing sites in Sections 34 and 36, McPherson Township, Blue Earth County.
- Each site consisted of two identical power ventilated barns.
- Each site will have a maximum capacity of 4,800 swine or 1,440 AU.
- Manure storage is in eight foot deep reinforced poured concrete pits.

Hours:	Phase 1. EAW Preparation	<u>174 hours</u>	Phase 2. Public Notice to Decision	<u>14 hours</u>	Total	<u>188 hours</u>
Timeline:	Phase 1. EAW Preparation	<u>126 days</u>	Phase 2. Public Notice to Decision	<u>63 days</u>	Total	<u>189 days</u>

Factors affecting timeline:

- An EAW data submittal was received on February 23, 2009.
- Detailed review of manure management plan (MMP) showed that additional acres were needed because some of the fields in the first MMP submitted were being utilized for land application of manure by another site in Waseca County also under the control of Strobel Farms.
- Project was non-controversial. No comment letters were received during comment period.
- One e-mail comment was received after comment period ended. Commenter was concerned about adding more fecal bacteria into the watershed which is already impaired for bacteria. The project and manure application areas are covered by an approved TMDL implementation plan.
- A Negative Declaration was signed by the MPCA Commissioner on August 31, 2009.