

**STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY**

**IN THE MATTER OF THE DECISION
ON THE NEED FOR AN ENVIRONMENTAL
IMPACT STATEMENT FOR THE PROPOSED
WOODBURY NORTHEAST REGIONAL LIFT
STATION L-77 AND LAKE ELMO EAST CONNECTION
WASHINGTON COUNTY
WOODBURY AND LAKE ELMO, MINNESOTA**

**FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER**

FINDINGS OF FACT

Pursuant to Minn. R. 4410.1000 - 4410.1600 (2003), the Minnesota Pollution Control Agency (MPCA) staff has prepared an Environmental Assessment Worksheet (EAW) for the proposed Woodbury Northeast Regional Lift Station L-77 and Lake Elmo East Connection. Based on the MPCA staff environmental review, and information received during the comment period, and other information in the record of the MPCA, the MPCA hereby makes the following Findings of Fact, Conclusions of Law, and Order.

FACILITY HISTORY

Background

The Metropolitan Council Environmental Services (MCES) is proposing to construct the Woodbury Northeast Regional Lift Station L-77 and Lake Elmo East Connection in order to extend sanitary sewer service to the old village of Lake Elmo and the northeast corner of the city of Woodbury. The project will consist of the construction of a cast-in-place lift station with four to six sewage pumps, a meter station, and an existing 16-inch diameter force main that connects to the South Washington County Interceptor, with ultimate average daily flows of 5.1 million gallons per day (mgd). A gravity flow interceptor 3,000 to 4,000 feet in length will convey wastewater from the southern border of Lake Elmo to Lift Station L-77.

Previous Environmental Review

No previous environmental review has been prepared on this project. An EAW was prepared by the city of Woodbury in April of 2002 on the Northeast Area Trunk Sanitary Sewer Project that included a lift station. The lift station was never constructed. An EAW was prepared in September of 2001 by the MPCA on the South Washington County Interceptor. Negative Declarations on the Need for an Environmental Impact Statement (EIS) were issued on those EAWs.

PROPOSED PROJECT DESCRIPTION

Proposed New Construction

The MCES is proposing to construct the Woodbury Northeast Regional Lift Station L-77 and Lake Elmo East Connection along Cottage Grove Drive/Lake Elmo Avenue in Woodbury and Lake Elmo, Minnesota. The project would involve the construction of a sanitary sewer lift station in Woodbury, and approximately 3,000-4,000 feet of gravity flow interceptor pipe to provide sewer service to Lake Elmo. The preliminary service area for Lake Elmo includes the Old Village and adjoining areas to the north and east, as well as the land between I-94 and 10th Street North (County Road 10). The city of Lake Elmo is in the process of preparing a Comprehensive Plan that will detail the future service area boundaries and development staging. Flows from the proposed Lake Elmo East Connection will be combined with local Woodbury flows and routed to Lift Station L-77. Lift Station L-77 will pump flows to the South Washington County Interceptor, where they will ultimately be discharged for treatment at the Eagles Point Wastewater Treatment Plant (WWTP) in Cottage Grove.

Lift Station L-77 will pump flows originating from different communities. The ultimate average daily flow (ADF) from Lake Elmo is anticipated to be 1.7 mgd. The ultimate ADF from Woodbury is anticipated to be 1.4 mgd, and 2.0 mgd ADF is reserved for flow outside of Lake Elmo and Woodbury. Based on the total average ultimate ADF of 5.1 mgd and a peak flow factor of 2.3 mgd, the ultimate peak flow capacity of Lift Station L-77 is 11.7 mgd.

Lift Station L-77 will have a firm pumping capacity of 11.7 mgd, and will pump to the South Washington County Interceptor, which discharges to the Eagles Point WWTP. (An EAW was prepared on the Eagles Point WWTP under a previous appellation of the South Washington County WWTP.) Lift Station L-77 will be a cast-in-place concrete structure, approximately 60 feet deep, with a masonry control building on top. The station will contain four to six sewage pumps, odor control provisions, and a permanent standby generator. For its initial few years of operation, Lift Station L-77 will discharge into an existing 16-inch diameter force main, owned by the city of Woodbury, which discharges into the city's central district trunk sanitary sewer, and eventually to the South Washington County Interceptor. Ultimately, a second force main will be constructed, and the two will discharge directly into the future Northeast Regional Interceptor planned for operation in 2010. At that time, the MCES will acquire ownership of the operational portion of the existing 16-inch city force main.

The gravity interceptor extending from Lift Station L-77 to Lake Elmo will consist of approximately 3,000 feet of 24-inch diameter (or larger) pipe and a flow metering station. Larger diameters may be used for tunneled segments for efficiency of construction. Also, one hour of peak flow storage capacity is desired upstream of Lift Station L-77 to provide maintenance crews time to respond to an outage; therefore, a larger pipe (up to eight-foot diameter) may be needed in order to provide the storage.

Construction of the lift station and gravity sewer interceptor connection will involve activities, such as excavation, temporary storage of excavated material, backfilling, compacting, grading, re-vegetation, and potential dewatering. Standard construction equipment and machinery, such as trucks, backhoes, bulldozers, bobcats, cranes, loaders, graders, compactors, compressors, and possibly dewatering pumps, will be used. Construction of Lift Station L-77 is anticipated to begin in the spring of 2006 and be complete by autumn 2007. Construction of the interceptor connection to the city of Lake Elmo is

anticipated to begin in the spring of 2006 and be finished by the end of the year, with only minor “clean-up” activities left to be completed in the spring of 2007. The interceptor connection pipe will be tunneled under I-94 and installed by open trench elsewhere.

Environmental Concerns

The following environmental concerns associated with the proposed Woodbury Northeast Regional Lift Station L-77 and Lake Elmo East Connection were identified and addressed in the EAW:

- Short and long-term impacts of construction and enabled development on area flora and fauna;
- Potential impacts on nearby wetlands;
- Proximity of the project alignment to nearby potable water wells;
- Potential need for temporary dewatering;
- Erosion and stormwater runoff during construction of the interceptor and enabled development, and stormwater runoff from increased impervious surfaces due to enabled development;
- Increased vehicular emissions from traffic associated with development enabled by the project;
- Dust and noise caused by sewer construction;
- Potential impacts on archaeological resources; and
- Impacts of enabled development on prime farmlands, infrastructure, and public services.

Additional Concerns Described in Comment Letters

- Northern Natural Gas Company provided copies of easements held by the firm (see Response to Comment 1-1);
- Minnesota Department of Transportation (MNDOT), Metropolitan District, noted that a MNDOT Drainage permit would be required. MNDOT also expressed concern about the impacts of enabled development on MNDOT’s transportation infrastructure (see Responses to Comment 2-1, Comment 2-2, Comment 2-3, Comment 2-4 and Comment 2-5);
- The Valley Branch Watershed District (VBWD) noted that a copy of the EAW should have been provided to them (see Response to Comment 3-1);
- The VBWD also noted that they had concerns about the impacts of enabled development on the water resources of the watershed district, indicating that all involved agencies should cooperate in determining appropriate development for the area (see Response to Comment 3-2);
- The VBWD expressed concern about impacts of enabled development on flooding of various lakes and ponds within the VBWD, as well as possible impacts on ground water base flow and temperature in Valley Creek (see Response to Comments 3-3, 3-4, 3-5, and 3-6);
- The VBWD expressed concern about ground water base flow and temperature changes on the Valley Branch, a high quality trout stream (see Response to Comment 3-7);
- The VBWD expressed concern about impacts of increased runoff on the St. Croix River water quality (see Response to Comment 3-8);
- The VBWD indicated that sinkholes have been discovered in the area, and that the city of Woodbury is investigating, with the South Washington Watershed District, where sinkholes might be located (see Response to Comment 3-9);
- Susan Dunn maintained that the pollution from the petroleum release mentioned in Item 9 of the EAW “is still an issue” (see Response to Comment 4-1);

- Susan Dunn commented that doubling the size of impervious surface from .5 to 1.0 acres was not in the best environmental interest for the area (see Response to Comment 4-2);
- Susan Dunn commented that Blanding's Turtle and other rare species are known to be in the area (see Response to Comment 4-3);
- Susan Dunn expressed concern about adverse impacts on project area wetlands, and also concern that construction of the deep trench would lead to flooding problems (see Response to Comment 4-4);
- Susan Dunn commented that the city of Woodbury is digging 13 additional wells, some of which must be in this affected area, and indicated that since dewatering might be required, "you are in a sensitive water area" (see Response to Comment 4-5);
- Susan Dunn commented that the project will ultimately impact the St. Croix River Valley with high density development, and should be reviewed by the VBWD (see Response to Comment 4-6);
- Susan Dunn expressed concern about surface water runoff (see Response to Comment 4-7);
- Susan Dunn noted that the EAW "suggest possible challenges" relative to geological and soil conditions (see Response to Comment 4-8);
- Susan Dunn expressed concern about health and welfare issues from odors, dust, and noise (see Response to Comment 4-9);
- Susan Dunn expressed concern about archaeological sites in the area, as well as a Pony Express route along I-94 (see Response to Comment 4-10, and Appendix C of these Findings);
- Susan Dunn expressed concern about impacts of the project on prime farmland (see Response to Comment 4-11);
- Susan Dunn expressed concern about parks and scenic views in the area (see Response to Comment 4-12);
- Susan Dunn expressed concern that the project was not compatible with plans and land use regulations (see Response to Comment 4-13);
- The Washington County Department of Public Health and Environment (WCDPHE) indicated that a County Right of Way Permit would not be required unless a trunk line connection were created (see Response to Comment 6-1);
- The WCDPHE expressed concern that decisions to extend the Metropolitan Urban Services Area line should consider the Washington County Groundwater Plan (see Response to Comment 6-2); and
- The WCDPHE expressed concern about the sustainability of ground water and the Valley Branch Creek (see Responses to Comment 6-3 and 6-4).

Community Involvement in Process

The MCES conducted public informational meetings early in project planning that were attended by residents and representatives of the city of Afton, who objected to routing of an interceptor along the Afton/Woodbury border. The MCES revised the alignment by moving it westward.

PROCEDURAL HISTORY

1. Pursuant to Minn. R. 4410.4300, subp. 18, Item A, an EAW was prepared by MPCA staff on the proposed project. Pursuant to Minn. R. 4410.1500 (2003), the EAW was distributed to the Environmental Quality Board (EQB) mailing list and other interested parties on December 16, 2005.
2. The MPCA notified the public of the availability of the EAW for public comment. A news release was provided to media in the area, as well as other interested parties, on December 19, 2005. In addition, the EAW was published in the *EQB Monitor* on December 16, 2005, and available for

review on the MPCA Web site at <http://www.pca.state.mn.us/news/eaw/index.html>, on December 19, 2005.

3. The public comment period for the EAW began on December 16, 2005, and ended on January 18, 2006. During the 30-day comment period, the MPCA received four comment letters from government agencies, one comment letter from a citizen, and one comment letter from a natural gas utility. One additional comment letter from the Minnesota Historical Society (Appendix C of these Findings) was received on February 1, 2006, and a letter clarifying statements as to project service area (Appendix D) was received from the MCES on February 14, 2006.
4. The MPCA prepared responses to all comments received during the 30-day public comment period. Comment letters received have been hereby incorporated by reference as Appendix A to these findings. The MPCA responses to comments received are hereby incorporated by reference as Appendix B to these findings. The MPCA also received a letter dated February 13, 2006, from the MCES clarifying the project service area, which is incorporated by reference as Appendix C to these findings.

CRITERIA FOR DETERMINING THE POTENTIAL FOR SIGNIFICANT ENVIRONMENTAL EFFECTS

5. Under Minn. R. 4410.1700 (2003), the MPCA must order an EIS for projects that have the potential for significant environmental effects that are reasonably expected to occur. In deciding whether a project has the potential for significant environmental effects, the MPCA must compare the impacts that may be reasonably expected to occur from the project with the criteria set forth in Minn. R. 4410.1700, subp. 7 (2003). These criteria are:
 - A. the type, extent, and reversibility of environmental effects;
 - B. cumulative potential effects of related or anticipated future projects;
 - C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; 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.

**THE MPCA FINDINGS WITH RESPECT TO EACH OF THESE CRITERIA
ARE SET FORTH BELOW**

Type, Extent, and Reversibility of Environmental Effects

6. The first criterion that the MPCA must consider, when determining if a project has the potential for significant environmental effects that are reasonably expected to occur, is the "type, extent, and reversibility of environmental effects," Minn. R. 4410.1700, subp. 7.A (2003). The MPCA findings with respect to each of these factors are set forth below.
7. Reasonably expected short-term impacts of construction will include **noise and dust** that will be generated by excavating machinery. Equipment will include trucks, backhoes, graders, compactors, bobcats, cranes, loaders, compressors, and possibly dewatering pumps.
8. The extent of reasonably expected short-term noise and dust impacts of construction will be limited to the immediate area of construction, as described in Item 24 of the EAW. Consequently, the amount of noise and dust impacting area residents will be limited to receptors in the immediate vicinity of the construction area. These receptors include employees of a gravel mining operation to the south of the lift station, patrons of the nearby drive-in movie theater and the Kampgrounds of America, Inc. campground, and residents along the Cottage Grove Drive/Lake Elmo Avenue and the I-94 frontage road. The extent of impacts will also be limited since construction will take place only during daytime hours. Total duration of construction will be about 18 months, but construction noise and dust will not be generated during all of this time. Noise impacts can and will be minimized by the use of mufflers, and dust will be suppressed, if necessary, by watering, and by prompt revegetation of the worksite.
9. The reversibility of reasonably expected short-term impacts of construction: Construction noise and dust are totally reversible, since once construction is complete these impacts come to an end as well.
10. Comments received that expressed concerns regarding short-term impacts of construction: Susan Dunn expressed concern about health and welfare issues from odors, dust, and noise (see Response to Comment 4-9).
11. The MPCA finds that the environmental review is adequate to address these concerns because all potential short-term noise and dust impacts of construction that are reasonably expected to occur have been considered during the review process and have been found to not be significant, or methods to prevent these impacts have been developed. The MPCA finds that concerns about dust and noise will be addressed by restricting construction to daytime hours and by the generally short duration of construction at any given point on the project alignment.
12. The MPCA finds that the project, as it is proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of noise and dust reasonably expected to occur as a result of construction.
13. Reasonably expected environmental effects of this project on **nearby wetlands** are expected to be minor. One wetland exists at the lift station site, and it will be crossed by the lift station's

driveway. Other wetlands will be impacted temporarily by construction of the interceptor. Although not anticipated, additional wetland areas may be present, and would be delineated.

14. The extent of environmental effects of the lift station driveway on wetlands will be permanent, with the wetland area crossed by the project completely filled. The extent of impacts of interceptor construction on nearby wetlands depends upon the method to accomplish the crossing, and is expected to be minor. If construction is needed through wetland areas, vegetation will be restored using a native wetland plant seed mix. Original grade contours would be restored after construction and, therefore, pre-construction drainage patterns would not be altered by the project. If a trench box is used, water would be either pumped out of or diverted around the construction trench. Dewatering discharge would be directed to sediment traps or vegetative buffer strips if the discharge is laden with sediment. A filter sock may also be used to trap the sediment and filter the water prior to discharge. If dewatering wells are needed, clean discharge from well point dewatering would be dissipated over the adjacent wetland areas located beyond the construction limits. It is noteworthy that construction utilities and public works projects, such as sewer interceptors, are exempt from wetland replacement requirements by Minn. R. 8420.0122. This notwithstanding, the Contract Specifications for the project will include requirements to minimize impacts on and restore the wetlands.
15. The reversibility of effects on nearby wetlands will be complete. Any areas where excavation is utilized for construction would be restored to pre-construction conditions, and would be totally reversible. Impacts on the wetland from driveway construction would be irreversible, but construction of replacement wetlands at a 2:1 ratio would be required by the Wetland Conservation Act (WCA). A replacement plan would be submitted to the VBWD.
16. Comments received pertaining to effects of this project on wetlands: Susan Dunn indicated that the project will have definite negative impact on existing wetlands. See Response to Comment 4-4.
17. The MPCA finds that the environmental review is adequate to address the concerns because all potential impacts of construction on wetlands that are reasonably expected to occur from the proposed project have been considered during the review process and methods to prevent or mitigate these impacts have been developed.
18. The MPCA finds that the project, as it is proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of environmental effects reasonably expected to occur on area wetlands.
19. Reasonably expected environmental effects of this project associated with **stormwater runoff and erosion** during construction of the interceptor and enabled development: During construction of the interceptor, vegetation will be removed from the alignment of the project, and when precipitation falls on this devegetated earth, erosion can occur. The stormwater runoff can entrain sediment, and the sediment can be deposited in open water. The interceptor project is intended to provide sewer service to areas that are presently undeveloped. This will enable development to occur at a much higher density than exists at present. One consequence of such development is an increase in the area of impervious surfaces, in the form of rooftops, sidewalks, driveways, roadways, and to a certain extent, lawn grass. This impervious surface results in runoff, which entrains pollutants such as phosphorus and nitrate and contaminants present on the impervious

surface, and which can cause soil erosion and entrained sediment. In addition, the amplitude of flow in receiving streams may increase, leading to additional erosion.

20. The extent of any impacts of stormwater runoff and erosion during construction of the interceptor and enabled development: The extent of construction stormwater impacts will depend upon length of time required to re-establish vegetative cover, and the effectiveness of interim erosion control measures. Effects of stormwater from enabled development will depend on the density of development and upon mitigative measures implemented. Density of development will be dictated by the Comprehensive Plans of the cities of Woodbury and Lake Elmo. These plans include a Stormwater Management Plan. Subsequent residential development within the service area of this project will also be subject to a National Pollutant Discharge Elimination System (NPDES) General Permit for Discharge of Stormwater During Construction Activities (General Stormwater Permit). Subsequent development will also be subject to the requirements of the VBWD. Finally, proposed developments that exceed the thresholds in Minn. R. 4410.4300, subp. 19 or Minn. R. 4410.4400, subp. 14 will require preparation of independent EAWs or EISs that will be performed on more specific development plans than are presently available.
21. The reversibility of any impacts of stormwater runoff and erosion: If stormwater runoff and erosion occur during construction, those effects are reversible with the prompt implementation of best management practices. If stormwater runoff and erosion occurs as a result of development enabled by the project, it will be reversible to the extent that construction of stormwater controls, conveyance, and treatment facilities can be performed retroactively.
22. Comments received that expressed concerns regarding impacts of stormwater runoff and erosion: Susan Dunn opined that stormwater impacts were best avoided by leaving the land in its natural state (see Response to Comment 4-7).
23. The MPCA finds that the environmental review is adequate to address the impacts of stormwater runoff and erosion. All potential impacts of stormwater runoff and erosion that are reasonably expected to occur from the proposed project have been considered during the review process and methods to prevent these impacts have been developed.
24. The MPCA finds that the project, as it is proposed, does not have the potential for significant impacts due to erosion and stormwater runoff based on the type, extent, and reversibility of environmental effects reasonably expected to occur.
25. Reasonably expected impacts associated with the **enabled development** on prime farmlands, open land, wildlife habitat, infrastructure, and public services: Development enabled by wastewater interceptors occurs at a far higher density than that supported by individual sewage treatment systems. This density results in the conversion of agricultural and open space land use to suburban residential land use. Wildlife habitat is altered to that enjoyed by species tolerant of humans.

The land use conversion also creates a demand for infrastructure and services, such as: stormwater collection; conveyance and treatment utilities of wastewater; utilities, such as gas, water, and power; residential and arterial streets; and related governmental services, such as schools, police, and fire protection.

26. The extent of impacts associated with the enabled development: Enabled development is the result of a consciously intended, designed provision of wastewater collection services to areas undergoing urbanization. In such areas, comprehensive plans are prepared that channel this development in an orderly fashion, so that infrastructural needs are met, and so that adverse environmental impact is minimized.
27. The reversibility of impacts associated with the enabled development: Enabled development and land use conversion, practically speaking, are irreversible. Once the development occurs, demand on infrastructure is irreversible as well.
28. Comments received concerning the impacts of enabled development on prime farmlands, infrastructure, and public services: Susan Dunn expressed concern about all the above aspects of land use conversion due to enabled development (see Responses to Comments 4-2, 4-3, 4-4, 4-6, 4-7, 4-10, 4-11, 4-12, and 4-13).
29. The MPCA finds that the environmental review is adequate to address the concerns because: All potential impacts associated with enabled development that are reasonably expected to occur from the proposed project have been considered during the review process and methods to prevent these impacts, specifically Comprehensive Planning and regulatory review by multiple state and local agencies (see Findings 36, 37, and 38) are available.
30. The MPCA finds that the project, as it is proposed, does not have the potential for significant environmental effects associated with enabled development based on the type, extent, and reversibility of environmental effects reasonably expected to occur.

Cumulative Potential Effects of Related or Anticipated Future Projects

31. The second criterion that the MPCA must consider, when determining if a project has the potential for significant environmental effects that are reasonably expected to occur, is the "cumulative potential effects of related or anticipated future projects," Minn. R. 4410.1700, subp. 7.B. (2003). The MPCA findings with respect to this criterion are set forth below.
32. There are, and will be, several related projects in the area. Lateral sewer extensions will further enable development. The ultimate proposed land use for the project service area in Lake Elmo and Woodbury is urban residential and commercial development, with the timing of urbanization varying according to demand for housing, commercial and industrial property, the intention of local developers, and the availability of infrastructure. As discussed in the previous Findings, the consequences of this enabled development are varied and multiple. However, development has been occurring throughout our history, especially in the Metropolitan Area, and methods to mitigate adverse impacts on the environment are available and well understood.

33. The means of avoiding adverse environmental impacts associated with enabled development are well understood. Development of the area will be subject to compliance with the cities of Lake Elmo and Woodbury Comprehensive Plans, including Sewer Policy Plans, Recreational Plans, Stormwater Management Plans, and various ordinances. Development within the Valley Branch Watershed will also be subject to review by the VBWD.
34. Related projects will also be subject to additional environmental review, pursuant to Minn. R. 4410.4300 and Minn. R. 4410.4400, including under the residential, commercial, or industrial mandatory categories for EAW preparation, with the respective cities being the Responsible Governmental Unit (RGU). Lateral sewer extensions may require additional EAWs under the wastewater category, Minn R. 4410.4300, subp. 18 A, with the MPCA serving as RGU.
35. In considering the cumulative potential effects of related or anticipated future projects, the MPCA finds that the reasonably expected cumulative effects from this project and other projects in the area will not be significant.

The Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority

36. The third criterion that the MPCA must consider, when determining if a project has the potential for significant environmental effects that are reasonably expected to occur, is "the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority," Minn. R. 4410.1700, subp. 7.C (2003). The MPCA findings with respect to this criterion are set forth below.

| Unit of Government | Type of Application | Status |
|--|---|---|
| A. MPCA | NPDES General Stormwater Permit | To be submitted |
| B. MPCA | Sewer Extension Permit | To be submitted |
| C. MPCA | Stationary Source Air Emissions Permit if the size or use of the lift station power generator will require it | To be submitted if needed |
| D. Minnesota Department of Natural Resources (DNR) | General Permit 97-0005 for Temporary Water Appropriations | To be submitted by construction contractor if more than 10,000 gallons per day of water is appropriated |
| E. MNDOT | Utility Permit to install utilities within right of way of I-94 | To be submitted |
| F. VBWD | Project Approval | To be submitted |

- continued -

| Unit of Government | Type of Application | Status |
|----------------------|---|---|
| G. VBWD | Approval of Erosion Control Plan (part of project approval process) | To be submitted with application for project approval |
| H. VBWD | Minnesota WCA Certificate of No Loss or exemption for temporary wetland impacts | Pending |
| I. VBWD | WCA Wetland Replacement Plan | Pending |
| J. City of Woodbury | Site Plan Approval | Pending |
| K. City of Lake Elmo | Utility Permit | Pending |

37. The above-listed permits include general and specific requirements for mitigation of environmental effects of the project, as follows:

- A. MPCA - Application for NPDES General Stormwater Permit: The project owner and operator (contractor) must apply to the MPCA for a NPDES General Stormwater Permit because construction of the project will disturb greater than one acre of land. The NPDES application includes a series of statements that must be affirmed by the permittee. These statements include assurances that a Stormwater Pollution Prevention Plan (SWPPP) has been prepared, that the plans will be compliant with the NPDES General Stormwater Permit and that the proposer and operator will adhere to this plan. Approvals of Facility Plan and Construction Plans and Specifications (for Minnesota Public Facilities Authority funding eligibility) for the project are submitted to the MPCA for technical review and approval. This review is performed to ensure that the facility design is consistent with good engineering practice and state and federal criteria.
- B. MPCA - Application for Sewer Extension Permit: After completion of administrative and technical reviews by MPCA staff, State Disposal System Permits will be required for the interceptors and each lateral sewer that will connect to them. Review of sewer extension permits will verify that hydraulic capacity exists in the receiving wastewater interceptor systems and the treatment facility. The cities of Woodbury and Lake Elmo will have a legal obligation to enforce adopted local stormwater laws. If the MPCA discovers that the community has failed to implement and enforce its stormwater laws in a manner that protects receiving water quality and quantity, the MPCA may subject it to administrative penalties including denial of future sanitary sewer extensions. The SWPPP will be incorporated into the project's plans and specifications. The SWPPP will address temporary and permanent erosion and sediment control measures, dewatering and basin draining, inspections and maintenance, and pollution prevention management measures. It will also incorporate stormwater related mitigation measures from any environmental reviews. The NPDES General Stormwater Permit is enforceable by the MPCA.

- C. MPCA - Stationary Source Air Emissions Permit: Provided the lift station emergency power generator is large enough to require a permit, this permit will contain operational and emission limits, including requirements for use of control equipment, that would help prevent or minimize the potential for significant environmental effects.
 - D. DNR - Application for General Permit 97-0005 for Temporary Water Appropriations Approval of Dewatering: A DNR Water Appropriation Permit is required when the amount of appropriation exceeds 10,000 gallons per day, or one million gallons per year. This permit regulates the appropriation of ground water so that any water supply wells are not adversely impacted by dewatering activities.
 - E. MNDOT - Utility Permit to install utilities within right of way of I-94: Assures any interceptor construction does not jeopardize integrity of the Interstate Highway.
 - F. VBWD - Approval of Runoff Water Management Plan: Assures that an adequate stormwater management plan is prepared and implemented.
 - G. VBWD - Approval of Erosion Control Plan: Assures preparation of the grading plan, erosion and sediment control plan, and other natural resource issues, such as wetlands.
 - H. VBWD - Application for Minnesota WCA Certificate of No Loss or exemption for temporary wetland impacts in Valley Branch Watershed: Minn. R. 8420.0122, subp. 6 exempts utilities from the WCA. Impacts upon the wetland are to be minimized to the extent practicable.
 - I. VBWD - WCA Wetland Replacement Plan: This plan stipulates the requirements for a 2:1 wetland replacement ratio for the wetland that will be crossed by the lift station driveway.
 - J. City of Woodbury - Site Plan Approval: Assures the lift station is constructed in accordance with city building codes.
 - K. City of Lake Elmo - Utility permit for work in Hudson Road North right-of way: Assures the interceptor construction does not jeopardize the integrity of the roadway.
38. The MPCA finds that ongoing public regulatory authority will address any potentially significant environmental effects that were identified as reasonably expected to occur.

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

39. The fourth criterion that the MPCA must consider is "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." Minn. R. 4410.1700, subp. 7.D (2003). The MPCA findings with respect to this criterion are set forth below.
40. The following documents were reviewed by MPCA staff as part of the potential environmental impact analysis for the proposed project. This list is not intended to be exhaustive. The MPCA also relies on information provided by the project proposer, commenters, staff experience with literally hundreds of sewer extensions, and other available information.

- completed data portions of the Woodbury Northeast Regional Lift Station L-77 and Lake Elmo East Connection EAW; and
 - the December 16, 2005, EAW.
41. In addition, the process of designing and constructing wastewater interceptors and lift stations is very routine. The community of civil engineers that are involved in design and construction, as well as the community of regulators of the industry, are very familiar with the routine principles of design and construction of interceptor sewers.
42. Similarly, the planning process for residential and other development within the Twin Cities Metropolitan Area is very sophisticated and well able to control development in such a way as to minimize adverse environmental impacts such as traffic, stormwater runoff, loss of recreational areas, and sewer capacity problems. Comprehensive plans include elements that address all of these issues. Cities are required to prepare Comprehensive Plans that must be reviewed and approved by the Metropolitan Council.
43. There are no elements of the project that pose the potential for significant environmental effects that cannot be addressed in the project design and permit development processes, or by regional and local plans.
44. Based on the environmental review, previous environmental studies, and MPCA staff expertise on similar projects, the MPCA finds that the environmental effects of the project that are reasonably expected to occur can be anticipated and controlled.

CONCLUSIONS OF LAW

45. The MPCA has jurisdiction in determining the need for an EIS for this project. The EAW, the permit development process, the facility planning process, and the evidence in the record are adequate to support a reasoned decision regarding the potential significant environmental effects that are reasonably expected to occur from this project.
46. Areas where the potential for significant environmental effects may have existed have been identified and appropriate mitigation measures have been incorporated into the project design and permits. The project is expected to comply with all MPCA standards.
47. Based on the criteria established in Minn. R. 4410.1700 (2003), there are no potential significant environmental effects reasonably expected to occur from the project.
48. An EIS is not required.
49. Any findings that might properly be termed conclusions and any conclusions that might properly be termed findings are hereby adopted as such.

ORDER

The Minnesota Pollution Control Agency determines that there are no potential significant environmental effects reasonably expected to occur from the Woodbury Northeast Regional Lift Station L-77 and Lake Elmo East Connection project and that there is no need for an Environmental Impact Statement.

IT IS SO ORDERED

Commissioner Sheryl A. Corrigan
Chair, Citizens' Board
Minnesota Pollution Control Agency

Date

Minnesota Pollution Control Agency

Woodbury Northeast Regional Lift Station L-77
and Lake Elmo East Connection
Environmental Assessment Worksheet (EAW)

RESPONSES TO COMMENTS ON THE EAW

1. Comments by Elizabeth E. Babcock, Right-of-Way Agent, Northern Natural Gas Company. Letter received December 19, 2005.

Comment 1-1: “Although it appears that Northern Natural Gas will not be impacted by your proposal, I have enclosed copies of easements than Northern Natural Gas have in the area.”

Response: The information was forwarded to the Metropolitan Council Environmental Services Division (MCES), which indicated, “We do not believe we have any conflict with NNG easements or facilities.”

2. Comments by Brigid Gombold, Senior Planner, Minnesota Department of Transportation (MNDOT), Metropolitan District. Letter received January 12, 2006.

Comment 2-1: “This proposed lift station has both the physical impact of being located under Mn/DOT right of way,”

Response: This statement is incorrect. The proposed Lift Station L-77 site is located on property owned in fee title by the city of Woodbury. If the commenter is using the term “lift station” to mean the entire project consisting of both lift station and gravity sewer pipe connection to Lake Elmo, the statement is still misleading. Only about 400 feet of the approximate total 3,400-foot pipe line is likely to be located in Minnesota Department of Transportation right of way – crossing transversely under I-94.

Comment 2-2: “...as well as the impact on the safety and capacity of Mn/DOT’s transportation infrastructure resulting from the increased development.”

Response: This project is consistent with the long-term Regional Transportation System Plan, including I-94, and the Regional Wastewater System Plan, which has included sewered development in Woodbury and portions of Lake Elmo since the initial regional system plans were developed over 30 years ago.

Comment 2-3: “The EA states in the Traffic section that the actual connection of the interceptor is a separate project and will be subject to its own environmental review.”

Response: There is no such statement in EAW item 21, *Traffic*. The commenter is apparently referring to item 6, *Description d. Future Stages*. In that paragraph, the subject of the future planned Northeast Regional Interceptor is introduced. Lift station L-77 would have an “actual connection” to a 16-inch force main from the date it begins operation in 2007. That 16-inch pipe can only carry about 1.6 million gallons per day (mgd) of the ultimate design capacity of 5.1 mgd of Lift Station L-77. The Northeast Regional Interceptor is a future pipe line project located “downstream” of L-77 to increase the hydraulic capacity to 5.1 mgd average daily flow.

Comment 2-4: “As a reminder Mn/DOT has a fiscally constrained budget over the next 25 years. Our Transportation System Plan has identified a limited number of projects for construction over this period. Major future local expansion should consider these limited highway resources.”

Response: Comment noted. Local municipalities, Washington County, Metropolitan Council and the state of Minnesota all have a role in planning transportation systems to support growth in the metropolitan region.

Comment 2-5: “A Mn/DOT Drainage permit will be required. Any construction activities must not increase runoff into Mn/DOT right of way or alter current drainage patterns. In addition, post-construction conditions must not increase runoff either.”

Response: Comment noted. Metropolitan Council agrees to apply for and secure any Drainage Permit as necessary.

3. Comments by John P. Hanson, P.E., Barr Engineering, for the Valley Branch Watershed District. Letter received January 16, 2006.

Comment 3-1: The proposed Woodbury Northeast Regional Lift Station L-77 and Lake Elmo East Connection project is located within the Valley Branch Watershed District (VBWD). Minnesota Rules 4410.1500 requires that the Responsible Government Unit (RGU) send one copy of the Environment Assessment Worksheet (EAW) to any local government unit within which the project will take place. Therefore, the Minnesota Pollution Control Agency (MPCA) should have sent a copy of the EAW to the VBWD, but the VBWD did not receive a copy. In any case, the VBWD appreciates that the EAW recognizes the need to obtain a VBWD permit for various aspects of the project.

Response: The EAW was apparently obtained by Valley Branch Watershed District (VBWD) from the web posting. A hard copy has since been provided by the MPCA.

Comment 3-2: The EAW (the answer to question 11a and others) acknowledges that the project will lead to a “change in land use from open land to residential subdivisions and supporting infrastructure, such as roadways” and that “this land-use conversion will directly impact resident wildlife.” The VBWD has concerns about how the project will enable development, which could have serious negative effects on the water resources.

No one agency or organization can protect all of the local and regional water resources that will be affected by the proposed project. We need to work together. The VBWD will look for assistance from the MPCA, the Metropolitan Council, the Cities of Lake Elmo and Woodbury, and others to ensure the water resources of the VBWD are protected. The VBWD wishes to work up-front with these organizations and developers to determine the appropriate type of development for the area and to design developments that will minimize negative affects.

Response: These comments are an introductory statement by VBWD of concern and cooperative approach to resolution of issues. Metropolitan Council indicated they support this collaborative approach.

Comment 3-4: Local Area Effects within VBWD Jurisdiction

None of the figures referred to in the EAW is provided on the website. Please provide the VBWD with these figures. Without the figures, our understanding of the anticipated service areas of the lift station and sewer extension is limited to the written descriptions. Based on the description in the answer to question 6, the sewer extension of this pipe will only extend approximately 3,000-4,000 feet from Woodbury into Lake Elmo, which likely puts the sewer just to the north side of Interstate 94. These areas lie within the Fahlstrom Pond watershed and the Rest Area Pond watershed.

Response: The MPCA was the first agency to routinely post EAWs on the Internet, a posting that is not required. Figures are generally not posted because of quality problems. They are available in hard copy and were provided to the VBWD.

Comment 3-5: Fahlstrom Pond is a landlocked basin within the City of Afton. In 2001, the VBWD worked with the City of Afton and the City of Woodbury to determine the 1% probability flood level of Fahlstrom Pond under existing and proposed land cover conditions. The study found 9 homes within the 100-year floodplains of Fahlstrom Pond and other low areas within the Fahlstrom Pond watershed. More intense land changes from those assumed in the 2001 study could increase the number of homes put into flooding jeopardy. Discharging a significant amount of water from dewatering processes for the project could cause short-term flooding and negative ecological issues to various wetlands within the watershed, too.

Response: From Metropolitan Council's review of the VBWD's 2005–2015 Draft Plan, Figure 5-18.1, the proposed Lift Station L-77 and approximately the southerly one-half (about 1,700 linear feet) of the Lake Elmo East Connection project lies within the western extremity of the Fahlstrom Pond watershed.

Development enabled by this project within northeast Woodbury would lie within the Fahlstrom Pond watershed. The municipalities' and VBWD's Watershed Management Plans provide the mechanism to protect against adverse flooding effects from development.

While some construction dewatering for the sewer improvement project is anticipated, the extent of ground water identified in the project soil indicates that dewatering will not be of a substantial volume or duration. Also, since the project is physically located at the upstream end of the Fahlstrom Pond watershed on undeveloped land, dewatering discharge can either be temporarily ponded to infiltrate, or directed away from the Fahlstrom Pond watershed, should a risk exist of exacerbating a natural-occurring flood condition affecting Fahlstrom Pond.

Comment 3-6: As its name implies, Rest Area Pond is located within the Minnesota Department of Transportation Interstate 94 rest area. The pond collects runoff from the I-94 drainage system as well as a large portion of the VBWD. The total tributary area to the pond is 27.8 square miles. The pond's pipe outlet conveys water directly to the St. Croix River. The system was designed in the mid-1980s, based on assumed development conditions. If the development enabled by the proposed project differs from the assumed development, the I-94 drainage system and adjacent areas could be affected.

Response: From Metropolitan Council's review of the VBWD's 2005–2015 Draft Plan, Figure 5-17.1a, approximately the northerly one-half (about 1,700 linear feet) of the Lake Elmo East Connection project lies within the western extremity of the Rest Area Pond watershed.

Enabled development that is planned to occur within northeast Woodbury along I-94 and in southeast Lake Elmo would lie within the Rest Area Pond local watershed. The municipalities' and VBWD's Watershed Management Plans will provide the mechanism to protect against adverse effects from development.

Comment 3-7: Adjacent areas along Lake Elmo Avenue that could be served by this sewer system lie within the Kramer Pond, Rose Lake, Horseshoe Lake, Downs Lake, Lake Elmo, and Legion Pond watershed. All of these watershed and water bodies have specific flooding and/or water quality issues.

Response: Enforcement of the city of Lake Elmo and VBWD watershed management plans will provide the mechanism to protect against adverse flooding effects from development. Also, since these areas are already developed to some extent using on-site systems, centralized wastewater collection and treatment will help maintain long-term water quality in these basins.

Comment 3-8: Much of the area expected to be served by the project lies within the Valley Creek groundwatershed. Valley Creek is a high-quality trout stream, which gets its baseflow from groundwater. Reductions in the baseflow caused by more high-production groundwater wells and increased water temperature from additional stormwater runoff would negatively impact the creek.

Response: Metropolitan Council supports Woodbury's incremental municipal well development, coupled with ground water modeling by Washington County and the VBWD for potential adverse impacts on ground water recharge of the south branch of Valley Creek. Similar careful planning and implementation should be followed in any subsequent municipal well development potentially affecting trout streams or other unique resources.

Comment 3-9: Because the land to be served by the project drains to the Lower St. Croix National Scenic Riverway, the land cover changes that will be enabled because of this project will not only affect the local environment, but the larger region, too. The St. Croix River supports 95 fish species, beaver, muskrat, and otters. Eagles, osprey, and ducks nest along the river. Insects, 41 species of fresh water mussels, and hundreds of other species of plants and animals make the St. Croix River basin their home. The MS4 (Municipal Separate Storm Sewer System) program of the Phase II of the NPDES (National Pollutant Discharge Elimination System) administered by the Minnesota Pollution Control Agency requires operators of MS4s to not increase the stormwater runoff volumes and phosphorus loads leaving their jurisdictions over those volumes and loads of 1988. The proposed lift station and sanitary sewer project is intended to serve future development and will increase the difficulty of MS4s conforming to this rule.

In 1994, the St. Croix Basin Water Resources Planning Team, comprised of representatives from the Minnesota Pollution Control Agency and the Metropolitan Council, as well as other state, federal, and local units of government and other organizations, developed water resource goals for the St. Croix River. The team later determined nutrient and sediment loading to be the top issue affecting the water quality in the river. The St. Croix Basin Water Resources Planning Team recommended a 20-percent reduction in total phosphorus loading within the St. Croix River Basin. According to this team, a 20-percent reduction in total phosphorus loading to the river will approximate the ecological conditions of Lake St. Croix prior to 1950, before changes in diatom communities and productivity occurred. Again, the development that will be enabled because of the proposed lift station and sanitary sewer project will increase the difficulty in achieving this goal.

The stormwater runoff from the land that will be served by this project drains to the St. Croix River, and the sanitary sewer will discharge to the Mississippi River and Lake Pepin. While the St. Croix River is not currently listed as impaired for excessive nutrients on the MPCA's 303(d) list, the St. Croix River discharges to the Mississippi River and Lake Pepin, which are listed as impaired.

Response: New development that could not have otherwise occurred using on-site wastewater systems will require municipalities to carefully apply best management practices through their storm water management plan to comply with MS4. In addition, the centralized wastewater collection and treatment enabled by this sanitary sewer interceptor offers the offsetting benefit of a means to phase out on-site treatment systems should they fail, thereby reducing the risk of phosphorus discharge to local lakes, streams and rivers.

Comment 3-10: Sinkholes have been discovered in the area. The City of Woodbury with assistance from the South Washington Watershed District and others is currently investigating where sinkholes might be located in the area and where water flowing into the sinkholes drains.

Response: Comment noted. The Metropolitan Council is aware of the recent, large sinkhole that occurred southeast of the proposed sewer project. Their geotechnical investigation of the proposed sewer alignment did not provide any indication they would encounter similar conditions.

Comment 3-11: As indicated throughout the EAW, a permit will be required from the VBWD for the project. Once a permit application has been submitted, we will review the project thoroughly to ensure it conforms to the VBWD and Wetland Conservation Act rules and regulations.

Response: Comment noted.

4. Comments by Susan Dunn, EKHI. E-mail received on January 16, 2006.

Comment 4-1: Land Use - the pollution from the petroleum spill is still an issue.

Response: The MPCA has issued closure on the leaking underground storage tank incident on private property owned by others that is referenced above. A Phase I Environmental Site Assessment was completed for the interceptor project and concluded that there are no significant environmental concerns identified *on the interceptor sewer project site*. If any signs of underground environmental contamination are detected during construction, the MPCA will be notified for direction on the appropriate response.

Comment 4-2: Cover Types - Doubling the impervious surface from .5 to 1.0 acres, reducing cropland by 33.3%, plus reducing by 50% the wooded forested areas are not in the best environmental interest for the area.

Response: The added impervious surface area (0.5 acres) is very small by any measure. It represents the area of the driveway for the lift station building. The crop land in the project corridor is proposed to be reduced by about 20 percent (not 33.3 percent), or 2.4 acres. The wooded/forested actual proposed reduction area is 0.2 acres. Again, these are very small areas that do not rise to the level of creating a significant environmental effect. Land use change as a result of enabled development will be far more substantial. It will be governed by the provisions of the comprehensive plans and ordinances of the city of Lake Elmo and the city of Woodbury. Neither the Minnesota Department of Natural Resources (DNR) nor the Minnesota Department of Agriculture commented on land use change.

Comment 4-3: Fish, Wildlife, and Ecological Resources - I find it interesting that the Blanding Turtle was omitted from comment. That is known to be in this area as are other rare species. I would expect a full report detailing all the different species that were not mentioned in the EAW be made public.

Response: The DNR reviewed the Minnesota Natural Heritage database and responded in writing on March 17, 2005, and again on November 3, 2005, for any rare plant, animal species or other significant natural features within a one-mile radius of the project area. The Blandings Turtle was not reported as being within that area. The DNR's responses are enclosed in Attachment 1 of the EAW.

Comment 4-4: Physical Impact of Water Resources - The definite negative impact of this proposed project on existing wetlands was acknowledged. Wetlands are a very important part of surface water management / ponding /infiltration and when altered or removed the negative affects will occur.

Woodbury has a long history of residential flooding with the latest reported in the fall of 2005. The methods of construction proposed include deep trenching and when it rains problems will become very evident to the residents of the city.

Response: The acknowledgement of "definite negative impact on existing wetlands" was from the commenter's perspective, not a statement made in the EAW. The EAW describes two types of wetland impacts: one of a permanent nature for a driveway to cross about one-eighth-acre of wetland to reach the lift station site, and about another 1.3 acres of temporary impacts during construction. The EAW states that the permanently impacted wetland would be replaced at a 2:1 ratio, and the temporarily impacted wetlands would be restored with their native soils to their original contours. Also, under EAW item 10., Cover Types, it is estimated that wetland acres before and after the project will remain at approximately 1.4 acres. These are very small impacts.

In regard to residential flooding within Woodbury, the comment does not elaborate how a deep sewer trench on this project might create problems for residents of the city when it rains. The area around the proposed sewer project is largely open land, not residential development, so the likelihood for rainwater, ground water, dewatering discharge, or stormwater runoff from this project affecting residents of Woodbury is remote.

Comment 4-5: Water Use: Woodbury is in the process of digging 13 additional wells some of which must be in this affected area. The comments about having to de-water the trenches during construction tells me you are in a sensitive water area.

Response: Metropolitan Council contacted an engineering representative of Woodbury about their plans for 13 additional municipal wells, since these wells are not part of this EAW. None of the 13 additional wells, which the comment states, "Woodbury is in the process of digging" have begun being constructed, and the nearest of these future potential well sites is over one mile south of the proposed Lift Station L77. There are two, new existing wells in Woodbury. One, located about two and one-quarter miles south of proposed Lift Station L-77, was put in operation last year. Another well, located about one and three-quarters miles south and one-quarter mile east of Lift Station L-77, is expected to be tested and monitored beginning in June 2006.

The wells will extend into the Jordan aquifer, and will not be affected by short-term construction dewatering within the much shallower St. Peter aquifer. The wells are being constructed one at a time and monitored very closely by the DNR and Washington County. It is unknown at this time whether all 13 wells will eventually be installed, as this depends on the monitoring results.

The ground water sources described in item 13 refer to perched water table at depths less than 42 feet, and ground water at depths of about 48 feet. Because the ground water sources are either isolated (perched) or near the grade of the proposed pipe, the need for dewatering is much less probable than had the pipe been proposed many feet below the ground water table. These near-surface ground water sources have no near-term interconnection with deep municipal wells of the type planned by the city of Woodbury.

Comment 4-6: Water Related land use management districts - This project will ultimately impact the Protected St Croix River Valley since the project is to provide the capability to provide high density development to the river. The VBWS district should closely review this proposed project.

Response: The VBWD should fully participate in the review of this project or any subsequent enabled development within its jurisdiction.

The comment “since the project is to provide the capability to provide high density development to the river” requires that Metropolitan Council correct some inaccurate statements that were incorporated into the December 16, 2005, draft EAW. The draft EAW inadvertently portrayed the project as being planned to serve areas east of Lake Elmo and Woodbury, which is inconsistent with the Regional Wastewater System Plan. All the capacity in the South Washington County Interceptor has been allocated for the communities of Cottage Grove, Woodbury, and Lake Elmo. There is no reserve capacity for any other community.

The South Washington County Interceptor is designed with flexibility to accommodate wastewater generation rates, which may vary for different portions of the service area. For example, the I-94 corridor in Woodbury may generate more wastewater per acre through higher intensity development than other parts of the service area. Consequently, additional capacity is proposed in the Woodbury Northeast Interceptor to provide this flexibility.

The design flexibility was incorrectly referred to as reserve capacity for areas east of Woodbury and Lake Elmo. This would only be a possibility in the long term if the service area communities completed their development without using the full capacity allocated to them. Some statements that were made in the December 2005 draft EAW incorporated this scenario without appropriate explanation.

Comment 4-7: Water Quality- Surface Water Runoff - This area is prone to surface water run-off issues. We who have lived in the area for many years know the problem of surface water run-off. Costs for surface water management are very expensive and are not needed if the natural terrain is left undisturbed. Woodbury has in the past and is currently asking neighboring cities to take hold water because Woodbury overdeveloped with inadequate planning on how to handle surface water.

Response: From Metropolitan Council’s review of the VBWD’s watershed management, we understand that many areas within both Lake Elmo and Woodbury drain to land-locked basins, which require careful management of surface water runoff, particularly as more impervious surface is created. This project’s service in northeast Woodbury is tributary to Fahlstrom Pond Watershed and Rest Area Pond Watershed, both a part of the VBWD. The city of Woodbury’s enabled development will be subject to the VBWD

Watershed Management Plan, or a VBWD-approved local plan, with the objective of managing stormwater runoff rates, volumes and quality. We understand that only the VBWD has the authority to require stormwater ponding across municipal boundaries within the district. Although we cannot speak for the VBWD or every possible circumstance, we would anticipate that most frequently, stormwater ponds are required to be located in the community where the stormwater originates.

Comment 4-8: Geological Hazards and Soil conditions: Report suggests possible challenges.

Response: Metropolitan Council would agree there are possible geological challenges, but they do not think these are unusual or unreasonable conditions for this type of project, nor do they pose a risk to health or the environment.

Comment 4-9: Odors, Dust, Noise: Noted as a problem in the EAW. Adverse affect on health and welfare of anyone or anything around the project.

Response: The EAW states the types of odors, dust and noise that typically occur on this type of project. These impacts are similar to what occurs on almost every construction project involving large excavations or grading of land. This project is better situated than most, because it is largely bordered by large tracts of open land. These impacts are most often nuisances rather than serious health risks. Were people able to reasonably show a serious risk to their health existed, there are corrective measures readily available to reduce or eliminate the risk.

Comment 4-10: Nearby Resources: “Should be a YES Archaeological - huge Indian population.. Pony express route along 1-94.”

Response: We must rely on the opinion of the Minnesota Historical Society and the State Archaeologist who have the legal authority, expertise, and responsibility to respond to archaeological issues. As stated in the original text of item 25.a., the Minnesota Historical Society indicated there were no archaeological sites identified in the project area. On November 7, 2005, the State Archaeologist responded in writing that the project area had “low archaeological potential.” The Pony Express traveled between St. Joseph, Missouri and San Francisco, California, nowhere near Minnesota.

Comment 4-11: “Yes - Prime farmland.. the cost of sewer drives up the cost of land and the loss of agriculture. Met Council and Builders Association driving this specific project.”

Response: The EAW question and response pertains to whether prime farmland exists in proximity to the site, and the answer was, “Yes.” The comments are matters of economic and political opinion. It is noteworthy that the Minnesota Department of Agriculture declined to comment on the impacts on prime farm land.

Comment 4-12: “Yes- Parks, trails scenic views are in the area Just look from 1-94 to the east.”

Response: The point of this question is whether this lift station and underground sewer project will impact those scenic views and vistas. We believe the answer remains, “No.”

Comment 4-13: “Compatibility with plans and land use regulations: Not really. the dictatorship of the Met Council with the backing of the Builders Association lobbyist such as Pam Weaver and Peter Coyle, and land speculators have driven this project to Lake Elmo. The plan isn't the residents plan it is the Met Council plan for the region.”

“The EAW is a good start, but I think that additional investigation and review must be done before going further with this proposal. It is detrimental to the environment and will cause additional costly remedial actions in the future to residents.”

Response: The authority and political structure of Metropolitan Council was created by state of Minnesota legislation. Its activities are regularly monitored by legislative committee and by the Governor. Its actions leading up to providing regional wastewater capacity to the city of Lake Elmo have been upheld by the Minnesota Supreme Court. Comments regarding particular individuals or organizations are political commentary and not pertinent to an environmental document.

5. Comments by Amanda Goebel, Senior Environmental Specialist, Department of Public Health and Environment, Washington County. Letter dated January 18, 2006 (e-mail received January 17, 2006).

Comment 5-1: Item 8 (page 5) of the EAW refers to the need for a County right of way permit for work in County Highway 17 (which is actually County Road 17B), if needed. It does not appear that a permit would be needed unless a trunk line connection was created.

Response: The MCES no longer anticipates any work under the proposed Metropolitan Council project within the right of way of Washington County Road 17B (which they understand is the portion of Lake Elmo Avenue north of I-94 to 10th Street North).

Comment 5-2: Item 27 (page 19) of the EAW discusses compatibility with local plans. It fails to mention the Washington County Groundwater Plan. The Washington County Groundwater Plan (*page 63*) states that the availability of centralized sewers and the future growth of the Metropolitan Urban Services Area (MUSA) are major factors in determining housing density in Washington County. In areas where the MUSA is extended, higher density development will follow. In areas where centralized sewers are not available, development densities will be lower. Decisions to extend the MUSA will need to consider groundwater resources as higher density development may have an impact on groundwater supplies and the sustainability of underlying aquifers.

Response: The Metropolitan Council would support inclusion of this description of the Washington County Groundwater Plan within the EAW Findings of Fact, with regard to guidance available to assist future planning for urban development enabled by this project.

Comment 5-3: A study completed by the Department in June 2005 evaluated groundwater sustainability in the Woodbury area and the effect municipal wells may have on the Valley Branch Trout Stream in Afton. The Valley Branch Trout Stream is a DNR protected trout stream that receives the majority of its base flow from groundwater contributions. Drawdown in regional aquifer levels may have adverse effects on the trout stream. Please see the enclosed fact sheet for more information on this study.

Response: The Metropolitan Council shares Washington County's concern that development of municipal wells that could have an adverse effect on recharge of the Valley Branch Trout Stream be carefully controlled by incremental implementation with follow-up ground water modeling of the effect on the trout stream recharge.

Comment 5-4: The Groundwater Plan Chapter 2, Policy 1, Implementation Action 1 (*page 68*) states that the Washington County Department of Public Health & Environment will recommend to the Metropolitan Council that the Council consider the long term sustainability of groundwater resources with respect to both water supply and importance in sustaining natural resources as a primary consideration in granting the extension of the MUSA.

Response: In regard to consideration of long-term sustainability of ground water resources in granting extensions of the Metropolitan Urban Services Area (MUSA): Metropolitan Council acknowledges that this is an important consideration. As an administrative note, the Metropolitan Council no longer "grants MUSA extensions," but rather approves a community's comprehensive plan, provided that it is consistent with regional system plans.

6. Comment by Matt Langan, Environmental Planner, Environmental Review Unit, Division of Ecological Services, Minnesota Department of Natural Resources. Letter received January 19, 2006.

Comment 6-1: From a natural resource management perspective, the project does not appear to have the potential for significant environmental effects, and does not require the preparation of an Environmental Impact Statement. The EAW correctly states that the project may require a DNR Temporary Water Appropriations permit.

Response: Comment noted. No response is necessary.