

FY2011 Legislative Report on Environmental Assessment Worksheets

A summary of Environmental Assessment Worksheets completed by the Minnesota Pollution Control Agency in FY2011



Minnesota Pollution Control Agency

October 2011

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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Estimated cost of preparing this report (as required by Minn. Stat. § 3.197)

Total staff time: 162 hours.	\$ 5,200
Production/duplication	\$200
Total	\$5,400

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Document number: lrp-ear4-sy11

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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, 2011, on the total number of Environmental Assessment Worksheets (EAW) completed during the 2011 Fiscal Year (FY2011) and the total, average and median number of staff hours spent on those EAWs.

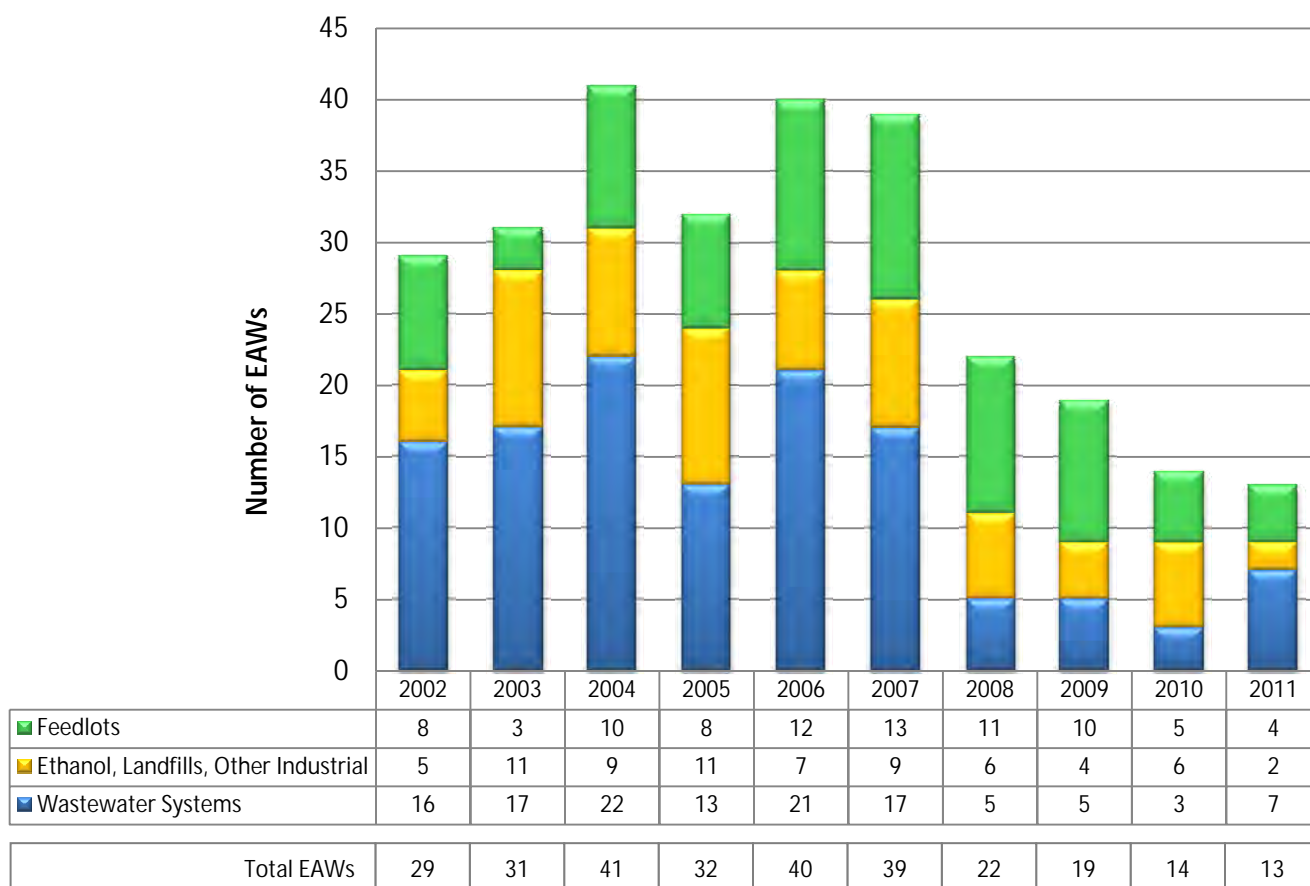
- Projects requiring EAWs are the largest projects of their kind. During the 2011 fiscal year, less than two percent of the permits issued by the MPCA required preparation of an EAW.
- In FY2011, 13 projects completed the EAW process at the MPCA. All 13 reviews concluded with a Negative Declaration on the need for an Environmental Impact Statement (EIS).
- None of the 13 projects in FY2011 required an MPCA Citizens Board Decision.
- A total of 3,255 MPCA staff hours were used to complete the EAW processes for these 13 projects, for an average of 250 hours per EAW. The per-project median was 219 hours.
- The minimum staff hours spent on one project was 90 (Lake Elmo Trunk Gravity Sanitary Sewer). The maximum staff hours spent on one project was 514 (Valero Welcome Plant Production Increase).
- 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 data for an EAW.
- Four of the 13 EAWs (Valero Welcome Plant Production Increase, Granite Falls Energy, LLC Production Expansion Project, MCES - East Bethel Wastewater Treatment Facility, and Johnson's Rolling Acres-Dairy Feedlot Expansion) consumed half (49.8 percent) of the total staff hours.
- Overall, about three-fourths (75 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.
- 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, and changes to the proposed project during the EAW process.

Numbers of Environmental Assessment Worksheets

During FY2011, the Minnesota Pollution Control Agency (MPCA) completed the environmental review process for 13 projects with Environmental Assessment Worksheets (EAWs). For each of these projects the EAW process began with an initial permit application and EAW data submittal by the project proposer and ended with a decision by the MPCA Commissioner that further study in the form of an EIS was not needed. None of the 13 FY2011 EAWs required a decision by the MPCA Citizens' Board. 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 perspective, the MPCA issued 975 water, air, and land permits between March 4 and June 30, 2011. In comparison, six of these projects completed the EAW process during that time period; less than one percent.

Over the last ten years, an average of 28 projects completed the EAW process each fiscal year (see Figure 1). In each of the last four fiscal years (2008-2011), however, fewer projects completed the process than during any of the previous six years. This decline is attributed to economic conditions and increased thresholds triggering mandatory EAWs for wastewater treatment facilities and projects with air pollutant emissions.

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



Staff Hours Spent on EAWs

For the 13 projects completing the EAW process during FY2011, a total of 3,255.5 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, 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, 250.4 staff hours were spent per project to complete the EAW process, while the per-project median was 218.8 hours. In FY2011, no EAWs went to the MPCA Citizens Board for a decision so there were no staff hours devoted to the preparation of documents and presentations to the Board.

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 EIS need decision 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 concurrent practice also more expedient and 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 EIS. 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 FY2011 reporting period, each of the 13 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.

Criteria for determining the need for an EIS (Environmental Quality Board Rules)

¹Minn. R. 4410.1700 decision on need for EIS

Subp. 6. Standard

In deciding whether a project has the potential for significant environmental effects the Responsible Governmental Unit (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. The 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.
- 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 FY2011 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.

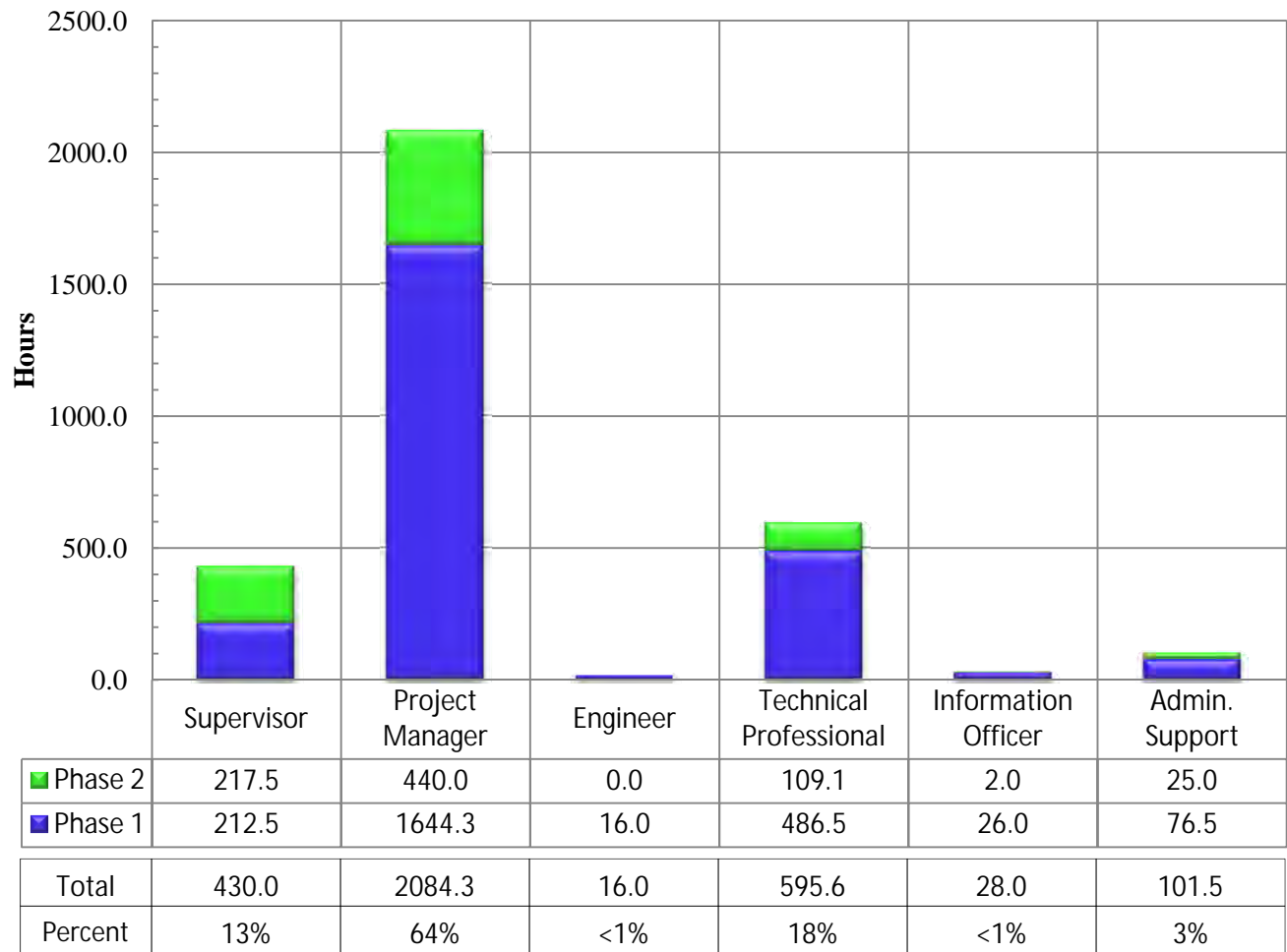
- Three-fourths of staff hours were devoted to Phase 1 activities: EAW preparation, data analysis and project management.
- Individual projects displayed substantial variation in the number of staff hours among all types of projects and within project sectors.
- Four of the 13 FY2011 projects (31 percent) consumed 50 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
Bailey Lake Trunk Sanitary Sewer	83.0	129.0	212.0
East Bethel Collection System	176.5	94.0	270.5
Forsman Farms Layer Hens Feedlot Expansion	100.5	20.5	121.0
Granite Falls Energy, LLC Production Expansion Project	379.6	74.2	453.8
Johnson's Rolling Acres - Dairy Feedlot Expansion	265.1	25.2	290.3
Jona Baer Egg Laying Retrofit	182.5	31.0	213.5
Lake Elmo Trunk Gravity Sanitary Sewer	47.0	42.5	89.5
Long Prairie Municipal Wastewater Treatment Facility Improvements	196.0	29.0	225.0
MCES – East Bethel Wastewater Treatment Facility	210.5	151.3	361.8
MCES – Hopkins Pump Station and MSB-7026 Forcemain Improvements	48.5	88.5	137.0
Paul and Connie Magedanz Farm 1 Expansion	196.8	22.0	218.8
Perham Wastewater Treatment Facility Expansion	107.5	40.5	148.0
Valero Welcome Plant Production Increase	468.3	46.0	514.3
Statistical summary for all projects	Phase 1	Phase 2	Total
Total hours	2,461.8	793.7	3,255.5
Percentage	75.6%	24.4%	100%
Minimum	47.0	20.5	89.5
Maximum	468.3	151.3	514.3
Average	189.4	61.1	250.4
Median	182.5	42.5	218.8

The distribution of EAW-related staff hours for projects completed in FY2011, by position, is shown in Figure 2. This shows that the EAW project manager accounted for 64 percent of all staff hours devoted to the EAW process. Project management tasks include reviewing and revising EAW submittals, 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 classifications, which accounted for approximately 18 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(s) is 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. 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 or not of sufficient quality to begin work. Incomplete permit applications may be returned and missing information may be documented in a "Deficiency Letter."
Additional data submittal, EAW preparation	The EAW data submittal is concluded 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 EQB monitor 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 FY2011

Project Name and Type	Page
Bailey Lake Trunk Sanitary Sewer	2-1
East Bethel Collection System	2-2
Forsman Farms Layer Hens Feedlot Expansion	2-3
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Paul and Connie Magedanz Farm 1 Expansion	2-11
Perham Wastewater Treatment Facility Expansion	2-12
Valero Welcome Plant Production Increase	2-13

Project Name: Bailey Lake Trunk Sanitary Sewer

Project Description:

- Trunk sewer extension into new subdivision area in Woodbury.
- Primary issues: Construction stormwater management, tree removal, habitat impacts.

Hours:

Phase 1.	Phase 2. Public	Total
EAW Preparation <u>83.0 hours</u>	Notice to Decision <u>129.0 hours</u>	Project Hours <u>212.0 hours</u>

Timeline:

Phase 1.	Phase 2. Public	Total
EAW Preparation <u>94 days</u>	Notice to Decision <u>70 days</u>	Project Time <u>164 days</u>

The EAW was distributed 21 days after the information submittal was substantially complete.

Factors Affecting Timeline:

- The initial EAW data submittal was deficient requiring additional information on the specific alignment of the proposed sewer line. The City of Woodbury was initially unable to specify the ultimate alignment, citing the need for future discussions with developers regarding exact placement of subdivision units and alignment of laterals. After discussion, agreement was reached that the EAW would analyze a corridor within which the ultimate alignment would fall, rather than analyzing only the initial proposed alignment strip itself.
- Comments on the EAW noted the importance of coordination between the city and other local units of government to avoid impacting the South Washington Watershed District Greenway Corridor, which is planned to link Lake Elmo Regional Park with Cottage Grove Ravine Regional Park and the Mississippi River. The EAW provided a forum to bring that issue forward.
- Final data submittals for environmental review were completed on August 2, 2010. The EAW was placed on public notice on August 23, 2010.
- No EIS requests were received. An order for a Negative Declaration was signed by the MPCA Commissioner on November 1, 2010.

Project Name: East Bethel Collection System

Project Description:

- The City of East Bethel proposed to construct the initial phase of a new regional trunk sanitary sewer system to convey wastewater to a new wastewater treatment/reclamation facility proposed to be constructed in East Bethel by Metropolitan Council Environmental Services (MCES).
- Project site located in Anoka County.
- Primary Issue: Impacts related to construction activities, impacts on wetlands and other sensitive resources, and public concerns about cost.

Hours:

Phase 1.	Phase 2. Public	Total
EAW Preparation <u>176.5 hours</u>	Notice to Decision <u>94.0 hours</u>	Project Hours <u>270.5 hours</u>

Timeline:

Phase 1.	Phase 2. Public	Total
EAW Preparation <u>107 days</u>	Notice to Decision <u>65 days</u>	Project Time <u>172 days</u>

The EAW was distributed 13 days after the information submittal was substantially complete.

Factors Affecting Timeline:

- The initial EAW data submittal made on March 16, 2009, lacked sufficient detail related to the construction of the MCES treatment facility.
- EAW work began April 20, 2010, same date as a draft EAW submittal was made for the proposed MCES treatment facility.
- A deficiency letter identifying additional information needs was sent on June 1, 2010. The EAW information submittal was substantially complete on July 27, 2010, when all the information regarding the subsurface piping was received.
- Guidance on discharge and monitoring requirements for MCES permit were finalized by MPCA staff, and the EAWs and proposed permits for the collection system and treatment facility were readied and co-noticed in early June 2010.
- A Negative Declaration on the need for an EIS was signed October 14, 2010.
- Comments were also submitted regarding future public water supplies and water treatment plants that, while outside the scope of the project environmental review, had to be appropriately responded to.

Project Name: Forsman Farms Layer Hens Feedlot Expansion

Project Description:

- Forsman Farms proposed to expand an existing egg laying facility, adding one laying barn and one manure barn per year until complete in 2012. The expanded facility would have an additional 1,980 animal units (AU), for a total of 3,420 AU at the facility.
- The facility is located in Section 1, Stockholm Township, Wright County.
- Primary Issue: Refined air quality modeling was required to demonstrate that ammonia emissions from the existing and proposed barns would not be a significant health issue.

Hours:

Phase 1.	Phase 2. Public	Total
EAW Preparation <u>100.5 hours</u>	Notice to Decision <u>20.5 hours</u>	Project Hours <u>121.0 hours</u>

Timeline:

Phase 1.	Phase 2. Public	Total
EAW Preparation <u>175 days</u>	Notice to Decision <u>45 days</u>	Project Time <u>220 days</u>

The EAW was distributed 63 days after the information submittal was substantially complete.

Factors Affecting Timeline:

- After an initial EAW data submittal on August 30, 2010, a revised draft EAW was submitted on November 30, 2010.
- Air modeling indicated that high concentrations of potentially toxic ammonia, exceeding human health protection benchmarks, could exist along a township road bisecting the site. Refined analysis of the potential frequency of the predicted exceedance of the ammonia health risk values indicated that the risks to human health would be low.
- The data submittal for the Environmental Review was substantially complete on December 20, 2010, with the submittal of the supplemental air modeling report.
- The EAW was distributed for comment on February 21, 2011.
- The comment period for the EAW ended on March 23, 2011, and a negative declaration was issued on April 7, 2011.

Project Name: Granite Falls Energy, LLC Production Expansion Project

Project Description:

- Proposed expansion of the Granite Falls Energy ethanol plant (going from 49.9 to 70 million gallons per year of ethanol production).
- Project site located in Granite Falls, Chippewa County.
- Primary issues: air emissions, wastewater discharges, above ground storage tanks, noise, odors, traffic, and spills.

Hours:

Phase 1. EAW Preparation	<u>379.6 hours</u>	Phase 2. Public Notice to Decision	<u>74.2 hours</u>	Total Project Hours	<u>453.8 hours</u>
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Timeline:

Phase 1. EAW Preparation	<u>81 days</u>	Phase 2. Public Notice to Decision	<u>38 days</u>	Total Project Time	<u>119 days</u>
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The EAW was distributed 19 days after the information submittal was substantially complete.

Factors Affecting Timeline:

- An initial EAW data submittal (June 30, 2009) was incomplete and did not represent the final project. The scope of the proposed project changed several times during EAW/permit development.
- A revised EAW data submittal was received on October 7, 2010. This assessment was based on the final design and description of the project proposed for permitting.
- The data submittal was declared substantially complete on December 8, 2010, with receipt of numerous required attachment maps for the EAW.
- An EAW was public noticed on December 27, 2010. The public notice period ended on January 26, 2011.
- A Negative Declaration on the need for an EIS was approved and Findings of Fact were signed on February 3, 2011.

Project Name: Johnson's Rolling Acres - Dairy Feedlot Expansion

Project Description:

- Johnson's Rolling Acres proposed to expand an existing dairy operation from a registered capacity of 1,303 AU to 2,316 AU.
- Project is located in Section 21 of Norway Township, Fillmore County.
- Primary Issues: Air quality modeling and ground water protection in an area with karst geology.

Hours:

Phase 1. EAW Preparation	<u>265.1 hours</u>	Phase 2. Public Notice to Decision	<u>25.2 hours</u>	Total Project Hours	<u>290.3 hours</u>
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Timeline:

Phase 1. EAW Preparation	<u>504 days</u>	Phase 2. Public Notice to Decision	<u>51 days</u>	Total Project Time	<u>555 days</u>
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The EAW was distributed 55 days after the information submittal was substantially complete.

Factors Affecting Timeline:

- Between August 20, 2009 and May 7, 2010, the proposer's consultant submitted several incomplete National Pollutant Discharge Elimination System Permits Program/State Disposal System Permit applications and manure management plans before submitting a complete application on May 27, 2010.
- The air quality modeling protocol and report were revised several times during the EAW preparation phase. Air modeling predicted numerous high concentrations of hydrogen sulfide, possibly exceeding state standards. A more thorough examination of the data determined that violations of the standards were not likely to occur.
- Soil borings for the proposed manure storage basin identified concerns about groundwater levels at the site of the manure storage basin. The design plan for the manure storage basin did not include measures to deal with groundwater, and on July 23, 2010, the MPCA required the additional work to define groundwater conditions and the potential influence on the basin. On September 24, 2010, the MPCA required this work to be repeated because the installation of the monitoring wells (piezometers) were not installed to sufficient depth to determine the presence of groundwater below the bottom of the proposed basin. MPCA required that the piezometers be installed again to a depth below the bottom of the proposed basin.
- Groundwater was observed in two of the piezometers and the design of the basin was changed to include controls for groundwater.
- The data submittal for Environmental Review was complete on November 16, 2010, when there was agreement on the need to control high groundwater in the area of the proposed manure storage basin. A proposed design was subsequently submitted on December 6, 2010, and approved by the MPCA Feedlot engineer on January 4, 2011. Several minor clarifications and revisions to the design plans for the basin were received on January 14, 2011.
- The EAW comment period began on January 10, 2011, and ended on February 9, 2011. A Negative Declaration was approved on March 2, 2011.

Project Name: Jona Baer Egg Laying Retrofit

Project Description:

- Jona Baer, Inc. proposed to expand an existing total confinement layer hen facility. Total AU after the project is completed will be 1,326 AU.
- The facility is located in Section 24 of Eglon Township in Clay County.
- Primary issues: Effects of air emissions on human health, local concerns related to impaired lakes from manure application, odors from feedlot, application and trucking of manure, compliance with current feedlot requirements, additional truck traffic on local roads.

Hours:

Phase 1.	Phase 2. Public	Total
EAW Preparation <u>182.5 hours</u>	Notice to Decision <u>31.0 hours</u>	Project Hours <u>213.5 hours</u>

Timeline:

Phase 1.	Phase 2. Public	Total
EAW Preparation <u>119 days</u>	Notice to Decision <u>49 days</u>	Project Time <u>168 days</u>

The EAW was distributed 24 days after the information submittal was substantially complete.

Factors Affecting Timeline:

- The initial data submittal occurred on November 2, 2010. This was determined to be deficient, as several required documents and reports, including an air modeling report, were not included in the submittal or had not been completed.
- An approvable air modeling protocol was submitted and approved on January 10, 2011. The required report was submitted on January 31, 2011.
- The data submittal for Environmental Review was complete on February 25, 2011, when the database search from the State Historical Preservation Office was received by the MPCA.
- The EAW comment period began on March 21, 2011, and a Negative Declaration on the need for an EIS was approved on May 10, 2011.

Project Name: Lake Elmo Trunk Gravity Sanitary Sewer

Project Description:

- The City of Lake Elmo proposed to extend a trunk gravity sanitary sewer from a city forcemain to an existing MCES meter station. The wastewater was to be sent to the MCES Eagles Point Wastewater Treatment Facility in Cottage Grove.
- Primary Issues: Conversion of prime farm land, construction stormwater management.

Hours:

Phase 1. EAW Preparation	<u>47.0 hours</u>	Phase 2. Public Notice to Decision	<u>42.5 hours</u>	Total Project Hours	<u>89.5 hours</u>
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Timeline:

Phase 1. EAW Preparation	<u>21 days</u>	Phase 2. Public Notice to Decision	<u>39 days</u>	Total Project Time	<u>60 days</u>
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The EAW was distributed 21 days after the information submittal was substantially complete.

Factors Affecting Timeline:

- The city had previously completed a discretionary EAW for the sewer project; however, changes in the service area required a new sewer line which triggered a mandatory EAW. Thus, this EAW was very limited in scope.
- The city and their engineering consultant participated in a detailed discussion prior to the submittal of a draft EAW on March 18, 2011. This reduced the time needed to prepare a final EAW.
- A Negative Declaration on the need for an EIS was issued on May 27, 2011.

Project Name: Long Prairie Municipal Wastewater Treatment Facility Improvements

Project Description:

- The expansion and upgrade of an existing municipal wastewater treatment facility was proposed to accommodate additional wastewater flow and loadings from Long Prairie Packing Company. The Company's existing pond system was to be used for storage and pretreatment and its direct discharge to the Long Prairie River would be eliminated.
- The project is located in the City of Long Prairie in Todd County.
- Primary issues: Water quality impacts related to stormwater discharges during construction and water quality impacts related to the wastewater discharge.

Hours:

Phase 1. EAW Preparation	<u>196.0 hours</u>	Phase 2. Public Notice to Decision	<u>29.0 hours</u>	Total Project Hours	<u>225.0 hours</u>
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Timeline:

Phase 1. EAW Preparation	<u>84 days</u>	Phase 2. Public Notice to Decision	<u>45 days</u>	Total Project Time	<u>129 days</u>
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The EAW was distributed five days after the information submittal was substantially complete.

Factors Affecting Timeline:

- The project required a non-degradation review submittal from the City's consultant. MPCA staff sent guidance to the consultant in October 2010. The non-degradation review was submitted to the MPCA on December 10, 2010. Staff completed their non-degradation review on January 27, 2011. The permit application was complete January 31, 2011.
- The EAW data submittal on January 24, 2011, lacked required information such as an incomplete project description, insufficient attachments as required, and a permanent stormwater controls for the site. All the technical information needed to complete the EAW data submittal was not received until April 13, 2011. The final revision of the EAW was completed, and the comment period began on April 18, 2011.
- A Negative Declaration was issued on June 2, 2011.

Project Name: MCES – East Bethel Wastewater Treatment Facility

Project Description:

- Metropolitan Council Environmental Services proposed to construct a new wastewater treatment facility in the City of East Bethel. The effluent would receive a high degree of treatment and be suitable for several reuse, recycling, and reclamation purposes in addition to the disposal at the subsurface sites.
- Project site located in Anoka County.
- Primary Issues: Groundwater impacts.

Hours:

Phase 1.	Phase 2. Public	Total
EAW Preparation <u>210.5 hours</u>	Notice to Decision <u>151.3 hours</u>	Project Hours <u>361.8 hours</u>

Timeline:

Phase 1.	Phase 2. Public	Total
EAW Preparation <u>109 days</u>	Notice to Decision <u>73 days</u>	Project Time <u>182 days</u>

The EAW was distributed 6 days after the information submittal was substantially complete.

Factors Affecting Timeline:

- Draft EAW was received on April 20, 2010.
- Additional time was needed to determine effluent limits and monitoring requirements for the facility because the water reclamation was a new concept and design. Permit and EAW processes were coordinated with the corresponding EAW and permit processes for the connected East Bethel Collection System project.
- The data submittal was complete on August 3, 2010, when the required piping component of the permit application was received.
- The EAW went out for public comment on August 9, 2010.
- Comments were submitted regarding future water use in the cities within the service area and operation of water treatment plants.
- A Negative Declaration on the need for an EIS was issued on October 22, 2010.

Project Name: MCES – Hopkins Pump Station and MSB-7026 Forcemain Improvements

Project Description:

- Metropolitan Council Environmental Services proposed to reconstruct a lift station in Hopkins, build a new forcemain, and rehabilitate an existing forcemain from the new pump station through the cities of Hopkins, St. Louis Park, and Minneapolis.
- The project is located in parts of Hopkins, St. Louis Park, and Minneapolis.
- Primary issues: Potential physical impacts on water resources where the forcemain crosses the channel between Lake of the Isles and Lake Calhoun and Minnehaha Creek, impacts on roadways and on parks, trails and other recreational and natural resources within the cities.

Hours:

Phase 1.		Phase 2. Public		Total	
EAW Preparation	<u>48.5 hours</u>	Notice to Decision	<u>88.5 hours</u>	Project Hours	<u>137.0 hours</u>

Timeline:

Phase 1.		Phase 2. Public		Total	
EAW Preparation	<u>56 days</u>	Notice to Decision	<u>85 days</u>	Project Time	<u>141 days</u>

The EAW was distributed 7 days after the information submittal was substantially complete.

Factors Affecting Timeline:

- Initial data submittal was received on August 23, 2010. Numerous clarifications to the data submittal were necessary. Data submittal was substantially complete on October 11, 2010, with receipt of the requested clarifications, and the EAW went out for comment on October 18, 2010.
- Extensive comments were received from several local jurisdictions regarding the protection of local resources and coordination of project construction activities at the local level.
- This project was initially slated as a priority project by MCES, but immediately after the public notice period ended the MCES indicated that the timeline for completing the Findings of Fact was no longer critical due to other MCES-related factors causing delay for the construction contract.
- A Negative Declaration on the need for an EIS was issued on January 11, 2011.

Project Name: Paul and Connie Magedanz Farm 1 Expansion

Project Description:

- Paul and Connie Magedanz proposed to expand their dairy operation, from 948 AU to 2,540 AU.
- Facility is located in Section 9, Eden Lake Township, Stearns County.
- Primary Issues: The proposed facility expansion and some of the cropland designated for manure application are located in the Rice Lake and the North Fork Crow watersheds. Approximately half of the cropland designated for manure application is located in the Horseshoe Chain of Lakes and the Sauk River Watershed. Both watersheds are listed as impaired for nutrients.

Hours:

Phase 1.	Phase 2. Public	Total
EAW Preparation <u>196.8 hours</u>	Notice to Decision <u>22.0 hours</u>	Project Hours <u>218.8 hours</u>

Timeline:

Phase 1.	Phase 2. Public	Total
EAW Preparation <u>417 days</u>	Notice to Decision <u>80 days</u>	Project Hours <u>497 days</u>

The EAW was distributed 52 days after the information submittal was substantially complete.

Factors Affecting Timeline:

- Proposer submitted an initial permit application and EAW data submittal on May 22, 2009. The permit application was determined to be incomplete for multiple reasons including a manure management plan (MMP) which did not meet the minimum requirements of Minn. R. 7020.2225.
- After the initial EAW data submittal, subsequent submittals of missing information occurred over an extended period of time.
- A revised permit application and MMP were submitted on November 6, 2009, and was incomplete because the MMP was inadequate.
- An approvable MMP was submitted to the MPCA on April 28, 2010.
- Compliance issues were present at the existing operation and additional time was needed to develop an individual NPDES permit to address the issues. Larger amounts of staff time were spent assisting the project proposer with information submittals and revising the EAW document as information was received.
- Data submittal for Environmental Review was declared complete on May 21, 2010, with submittal of the map showing significant features within one mile of the proposed project. This map still needed to be revised and final revision was received on June 10, 2010.
- EAW comment period began on July 12, 2010, and ended on August 11, 2010. A Negative Declaration on the need for an EIS was issued on September 30, 2010.

Project Name: Perham Wastewater Treatment Facility Expansion

Project Description:

- This project was a proposed expansion and upgrade of the existing Perham municipal wastewater stabilization pond and on-land disposal system. The existing wastewater treatment facility was exceeding its design capacity. The final design doubled the flow capacity of the system to 1.107 million gallons per day.
- Project is located in the City of Perham in Ottertail County.
- Primary issues: Potential odors from pond system, water quality impacts related to stormwater discharges, water quality impacts related to runoff from spray irrigation fields and groundwater impacts from the land application of wastewater.

Hours:

Phase 1.	Phase 2. Public	Total
EAW Preparation <u>107.5 hours</u>	Notice to Decision <u>40.5 hours</u>	Project Hours <u>148.0 hours</u>

Timeline:

Phase 1.	Phase 2. Public	Total
EAW Preparation <u>35 days</u>	Notice to Decision <u>38 days</u>	Project Time <u>73 days</u>

The EAW was distributed 11 days after the information submittal was substantially complete.

Factors Affecting Timeline:

- EAW data submittal, received on March 30, 2011, was lacking required information such as a decision regarding the scope of the project, a discussion on the geology and soil conditions of the project site, and a discussion regarding the potential for stormwater runoff.
- The MPCA did not receive all the technical information needed to complete the EAW data submittal until May 5, 2011. The MPCA Project Manager did a significant amount of the work to complete the EAW quickly in order to preserve the city's eligibility for state funding.
- Public notice period for EAW began on May 16, 2011, and ended on June 15, 2011. The Negative declaration and Findings of Fact were signed on June 23, 2011.

Project Name: Valero Welcome Plant Production Increase

Project Description:

- Valero Renewable Fuels Company proposed to increase production at its existing dry mill corn ethanol production facility. Maximum production will increase from 118 million gallons per year to 136 million gallons per year.
- Project is located near the City of Welcome in Martin County, Minnesota.
- Primary Issues: Air quality impacts and stormwater runoff from existing facility.

Hours:

Phase 1. EAW Preparation	<u>468.3 hours</u>	Phase 2. Public Notice to Decision	<u>46.0 hours</u>	Total Project Hours	<u>514.3 hours</u>
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Timeline:

Phase 1. EAW Preparation	<u>251 days</u>	Phase 2. Public Notice to Decision	<u>42 days</u>	Total Project Hours	<u>282 days</u>
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The EAW was distributed six days after the information submittal was substantially complete.

Factors Affecting Timeline:

- The initial submittal was considered incomplete by MPCA staff because the required Air Emissions Risk Analysis and Risk Modeling did not conform to MPCA protocols. Air testing was eventually redone in November 2010, and data were resubmitted to MPCA several weeks later.
- MPCA staff considered the entire submittal package as technically complete on April 26, 2011.
- Final Federal guidance on fugitive dust emissions changed in early 2011, necessitating the need for proposer to rerun air modeling and resubmit reports to MPCA.
- A Negative Declaration on the need for an EIS was issued on June 13, 2011.