



520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

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January 12, 2024

To: Interested Parties:

RE: CertainTeed Roofing – Shakopee Expansion Project

The Minnesota Pollution Control Agency (MPCA) has approved the Findings of Fact, Conclusions of Law, and Order for a Negative Declaration (FOF) on the need for an Environmental Impact Statement on the CertainTeed Roofing – Shakopee Expansion Project. The FOF document concludes that this project does not have the potential for significant environmental effects. The decision for a Negative Declaration completes the state environmental review process under Environmental Quality Board rules, Minn. R. ch. 4410. Final governmental decisions on permits or approvals for the project may now be made.

The MPCA appreciates comments submitted on the Environmental Assessment Worksheet (EAW). The comments were considered by MPCA staff during the environmental review process and responses to these comments are provided in the FOF.

Interested parties can review the FOF and the EAW documents at the following locations: the MPCA offices in St. Paul; the Hennepin County Library at 300 Nicollet Mall, Minneapolis. Interested parties can also view the documents on MPCA's website at <https://www.pca.state.mn.us/business-with-us/recently-completed-mpca-reviews>. Please contact the MPCA's St. Paul office at 651-757-2098 for copies of these documents.

**STATE OF MINNESOTA  
MINNESOTA POLLUTION CONTROL AGENCY**

**IN THE MATTER OF THE DECISION  
ON THE NEED FOR AN ENVIRONMENTAL  
IMPACT STATEMENT FOR THE PROPOSED  
CERTAINTEED ROOFING – SHAKOPEE EXPANSION PROJECT  
SCOTT COUNTY, SHAKOPEE, MINNESOTA**

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

**INTRODUCTION**

Pursuant to Minn. R. ch. 4410, the Minnesota Pollution Control Agency (MPCA) staff prepared and distributed an Environmental Assessment Worksheet (EAW) for the proposed CertainTeed Roofing – Shakopee Expansion Project (Project) in Shakopee, Minnesota. Based on the MPCA staff environmental review, the EAW, comments 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.

**FINDINGS OF FACT**

**Project Description**

1. CertainTeed Roofing’s (CertainTeed) Shakopee facility is proposing to install an asphalt blowing operation. This includes installation of several new lube oil storage tanks, as well as storage tanks used for the mixing and pre-heating of asphalt, including two new 1,000,000-gallon asphalt flux storage tanks with emissions controlled by a new regenerative thermal oxidizer or install new dust collection bags on the Filler Silos. The project includes four rail sidetracks for unloading up to seven railcars of asphalt flux on each sidetrack. The permitted operational throughput would remain the same at 200,000 tons per year of asphalt.
2. CertainTeed applied for a Major amendment to their existing Title V Air Permit. Additional permits as reflected in item 67 are required for the project.

**Procedural History**

3. An EAW is a brief document designed to provide the basic facts necessary for the Responsible Governmental Unit (RGU) to determine whether an Environmental Impact Statement (EIS) is required for a proposed project or to initiate the scoping process for an EIS (Minn. R. 4410.0200, subp. 24). The MPCA is the RGU for this Project.
4. Pursuant to Minn. R. 4410.1000, subp. 3(C), on March 19, 2018, CertainTeed submitted a draft EAW to the MPCA. Subsequently, an EAW on the Project was prepared by MPCA staff for publication. The MPCA provided public notice of the Project as follows:
  - The Environmental Quality Board (EQB) published the notice of availability of the EAW for public comment in the *EQB Monitor* on September 26, 2023, as required by Minn. R. 4410.1500.
  - The EAW was available for review on the MPCA website at <https://mpca.commentinput.com/comment/search>.
  - The MPCA provided a news release to media in Scott County, Minnesota, and other state-

wide interested parties, on September 26, 2023.

5. During the 30-day comment period on the EAW, the MPCA received comments from United States Army Corps of Engineers, Metropolitan Council, the City of Shakopee and Department of Natural Resources. The comment period ended on October 26, 2023.
6. On November 9, 2023, the MPCA requested and was granted approval from the EQB for a 15-day extension of the decision-making process on the need for an EIS for the Project in accordance with Minn. R. 4410.1700, subp. 2(B).
7. The list of comments received during the 30-day public comment period are included as Appendix A to these Findings. The MPCA prepared written responses to the comments received during the 30-day public comment period. These responses are included as Appendix B to these Findings.

### **Criteria for Determining the Potential for Significant Environmental Effects**

8. The MPCA shall base its decision on the need for an EIS on the information gathered during the EAW process and the comments received on the EAW (Minn. R. 4410.1700, subp. 3). The MPCA must order an EIS for projects that have the potential for significant environmental effects. (Minn. R. 4410.1700, subp. 1). 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. These criteria are:
  - A. Type, extent, and reversibility of environmental effects.
  - B. Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the proposer to minimize the contributions from the project.
  - C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project.
  - 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**

#### **A. Type, Extent, and Reversibility of Environmental Effects**

9. The first criterion that the MPCA must consider when determining if a project has the potential for significant environmental effects is the “type, extent, and reversibility of environmental effects” Minn. R. 4410.1700, subp. 7(A). The MPCA findings with respect to this criterion are set forth below.
10. The types of impacts that the MPCA anticipates may reasonably be expected to occur from the Project include the following:
  - Air quality
  - Greenhouse gas emissions

11. Written comments received during the comment period raised additional issues, as follows:

- Mapped Active Karst Geology and stormwater

12. Written comments received after the comment period raised an additional new issue, as follows:

- Nearby archaeological sites and burial areas

13. With respect to the extent and reversibility of impacts that are reasonably expected to occur from the Project, the MPCA makes the following findings.

#### **a. Air Quality**

##### **Air Permit**

14. CertainTeed's Shakopee Plant operates under MPCA Air Permit 13900013-007. The Project will trigger a Major amendment to CertainTeed's existing Title V air permit.
15. In the air permit application, CertainTeed proposes install either a regenerative thermal oxidizer (RTO) or install new dust collection bags on Filler Silos as part of the Project to control particulate matter (PM) emissions.
16. Installation of the RTO will result in no net increase of PM emissions while installation of the new dust collection bags would result in a net decrease of 0.51 lb/hr of PM emissions.
17. The Project will increase criteria pollutant emissions of nitrogen oxides (NO<sub>x</sub>), Carbon Monoxide (CO), Sulfur Dioxide (SO<sub>2</sub>), hydrogen sulfide (H<sub>2</sub>S) and volatile organic compounds (VOCs).

##### **Air Dispersion Modeling**

18. CertainTeed did a Significant Impact Level Analysis for NO<sub>2</sub>, SO<sub>2</sub>, and CO for the Project. A similar screening analysis was done for H<sub>2</sub>S. The Project's emission did not pass the screening for NO<sub>2</sub> 1-hr, NO<sub>2</sub> Annual, SO<sub>2</sub> 1-hr, SO<sub>2</sub> 24-hr, and H<sub>2</sub>S 1-hr.
19. Therefore, refined air dispersion modeling was conducted for the NO<sub>2</sub> 1-hr, NO<sub>2</sub> Annual, SO<sub>2</sub> 1-hr, SO<sub>2</sub> 24-hr, and H<sub>2</sub>S 1-hr. Refined dispersion modeling includes whole facility emissions, nearby source emissions, and background values. Modeled concentrations were then compared against the applicable ambient air quality standard. The modeled concentrations for each pollutant and averaging period was below, and therefore in compliance, with the applicable ambient air quality standards.
20. CertainTeed conducted air dispersion modeling of Project emissions using the American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD). AERMOD was developed by the American Meteorological Society and the U.S. Environmental Protection Agency. The model evaluated the air quality impacts of the Project. AERMOD is a widely accepted air dispersion model, which uses conservative assumptions to predict air quality.

##### **Air Emission Risk Analysis (AERA)**

21. An Air Emission Risk Analysis (AERA) was completed to evaluate and quantify potential human risks associated with toxic emissions from the Project. The AERA includes both a quantitative analysis of potential impacts to human health using the risk assessment screening spreadsheet (RASS), and a qualitative analysis using information from the CertainTeed plant and the surrounding community.

22. The results of the AERA indicate that the calculated cumulative excess cancer risks and hazards are below the Minnesota Department of Health (MDH) risk management levels. The Project does not significantly change the rural risk and hazard levels.
23. The MPCA finds that information presented in the EAW and other information in the environmental review record are adequate to assess potential impacts to the air quality that are reasonably expected to occur from the Project.
24. The MPCA finds the Project, as proposed, does not have the potential for significant environmental effects based on the type, extent and reversibility of impacts related to air quality, which are reasonably expected to occur.

**b. Greenhouse gas (GHG) emissions**

25. The MPCA considered GHG emission sources that are within the scope of the Project.
26. The Project will directly release GHG emissions, which can widely disperse within the atmosphere, and which vary both in terms of their global warming potential and their persistence in the atmosphere.
27. To provide a common unit of measure, the MPCA uses the individual global warming potential of methane and nitrous oxide to convert to carbon dioxide equivalency (CO<sub>2</sub>e).
28. Using EPA emission factors, Scope 1 Construction Sources, Scope 1 Mobile Equipment Combustion, Scope 1 Stationary Equipment Combustion, Scope 2 Fugitive Emissions, and Scope 2 Off-site Electricity, as noted in Appendix 2 to the EAW, the Project will release 616 tons per year of CO<sub>2</sub>e during construction of the project. Further, the Project will release an additional 9,469 tons per year of CO<sub>2</sub>e during operation.
29. There are no Minnesota or National Ambient Air Quality Standards for GHGs.
30. Currently, there are no federal or Minnesota thresholds of GHG significance for determining impacts of GHG emissions from an individual project on global climate change.
31. In the absence of a threshold of GHG significance, the MPCA looks to existing regulation. Minn. R. 4410.4300, subp. 15, Part B, establishes a mandatory category requiring preparation of an EAW for stationary source facilities generating 100,000 tpy of GHGs. The purpose of an EAW is to assess environmental effects associated with a proposed project to aid in the determination of whether an EIS is needed. On the premise of GHG emissions, environmental review regulations establish 100,000 tpy as a “trigger” to prepare an EAW to aid in determining potential significant environmental effects. A reasonable conclusion is that the Project’s total GHG emissions below 100,000 tpy are not considered significant.
32. The MPCA finds that information presented in the EAW and other information in the environmental review record are adequate to assess potential greenhouse gas emission impacts that are reasonably expected to occur to and from the Project.
33. The MPCA finds the Project, as proposed, does not have the potential for significant environmental effects based on the type, extent and reversibility of impacts related to greenhouse gas emissions, which are reasonably expected to occur.

**c. Mapped Active Karst Geology and stormwater**

34. Two commenters noted the area where the Project is located is considered an active karst area. See comments 4-4 and 6-1 in Appendix B Responses to Comments on the EAW.
35. The bedrock layer beneath the Project is dolomitic limestone with a depth ranging from 7 to 12 feet.
36. The area was mapped as an Active Karst area by E. Calvin Alexander Jr., Yongli Gao, and Jeff Green in 2006.<sup>1</sup>
37. The Minnesota Department of Natural Resources' (DNR) Minnesota Spring Inventory identifies 19 springs within one mile of the project.<sup>2</sup>
38. The DNR's Minnesota Karst Feature Inventory does not identify any karst features in the area mapped as active karst. The nearest mapped karst feature is approximately 10 miles from the Project.<sup>3</sup>
39. The Project will obtain an amendment to their Above Ground Storage Tank Permit (AST#52221 / TS0052221). See finding 81 for a more detailed description of the permit.
40. CertainTeeds Above Ground Storage Tank Permit will have the following conditions:
  - Constructed within an existing concrete-bermed secondary containment system designed to contain 110% of the tank volume of either tank should a catastrophic release occur.
  - require the Permittee to conduct periodic visual monitoring of each tank system and its secondary containment area and piping for releases of stored substances.
  - All drainage equipment shall be maintained in working condition. Prior to drainage, standing water shall be visually inspected for tank releases.
  - Releases shall be remediated prior to discharging water.
  - Drainage operations shall be monitored at all times that pumps are operating or drainage valves are open. Drainage valves shall be closed immediately following drainage operations.
41. CertainTeed will obtain an amendment to their existing NPDES/SDS General Stormwater Permit for Construction Activity (MNR100001) Permit ID: C00035464. See finding 79 for a more detailed description of the permit.
42. CertainTeed's amended construction stormwater permit will have the following conditions:
  - Permittees must store hazardous materials and toxic waste, (including oil, diesel fuel, gasoline, hydraulic fluids, paint solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids) in sealed containers to prevent spills, leaks or other discharge. Storage and disposal of hazardous waste materials must be in compliance with Minn. R. ch. 7045 including secondary containment as applicable. [Minn. R. 7090]
  - Permittees must take reasonable steps to prevent the discharge of spilled or leaked

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<sup>1</sup>[https://stormwater.pca.state.mn.us/images/f/fb/Minnesota\\_karst\\_lands.png](https://stormwater.pca.state.mn.us/images/f/fb/Minnesota_karst_lands.png)

<sup>2</sup> <https://arcgis.dnr.state.mn.us/portal/apps/webappviewer/index.html?id=560f4d3aaf2a41aa928a38237de291bc>

<sup>3</sup> <https://arcgis.dnr.state.mn.us/portal/apps/webappviewer/index.html?id=9df792d8f86546f2aafc98b3e31adb62>

chemicals, including fuel, from any area where chemicals or fuel will be loaded or unloaded including the use of drip pans or absorbents unless infeasible. Permittees must ensure adequate supplies are available at all times to clean up discharged materials and that an appropriate disposal method is available for recovered spilled materials. Permittees must report and clean up spills immediately as required by Minn. Stat. 115.061, using dry clean up measures where possible. [Minn. Stat. 115.061]

43. CertainTeed will obtain an amendment to their National Pollutant Discharge Elimination System (NPDES) General Industrial Stormwater Permit #MNR0539JG. This permit includes a spill response plan. See finding 78 for a more detailed description of the permit. This permit prohibits Permittees from constructing infiltration systems within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.
44. CertainTeed maintains a stormwater pollution prevention plan (SWPPP), which specifies that CertainTeed maintains spill kits at all raw material unloading areas, portable spill kits to respond to spills from vehicles on the property, and trained responders that have 24/7 coverage. In addition, the facility maintains a Facility Response Plan (FRP) and a Spill Prevention, Control, and Countermeasure plan (SPCC), which are updated annually. Additionally, all employees and new hires received annual spill response training. CertainTeed also does regular preventative maintenance on stormwater ponds, outfall locations, and ditches, and also has a monitoring location on site for stormwater. The SWPPP will be updated with new BMPs as needed; the most recent update was in February 2023.
45. If a spill or release occurs within the secondary containment system, it would be contained and not comingled with runoff that is collected and treated separately from the stormwater collection and treatment system.
46. In the event of a spill of contaminated stormwater that the facility has recaptured, the spill would be addressed on a case-by-case basis depending on the spill. If a spill is caught in a stormwater pond the MPCA would have them pump it out for treatment and disposal. Treatment/disposal would be based on the volume and type of material spilled.
47. It is unlikely that heavy rain would overwhelm a containment area. Most of the secondary tank containment areas are designed to hold a greater volume than the tanks (110%), and only collect rain that falls directly into the containment area. All non-contaminated runoff is diverted away from the secondary containment areas. Overflow from containment would only occur if a catastrophic tank failure occurred at the same time as an exceptionally heavy storm event.
48. The MPCA finds that information presented in the EAW and other information in the environmental review record are adequate to assess potential impacts due to mapped active karst geology that are reasonably expected to occur to and from the Project.
49. The MPCA finds the Project, as proposed, does not have the potential for significant environmental effects based on the type, extent and reversibility of impacts related to the mapped active karst geology, which are reasonably expected to occur.

**d. Nearby archaeological sites and burial areas**

50. One commenter noted that the Project's boundaries intersect or are immediately adjacent to surrounding archaeological sites and burial areas. See comment 7-1 in Appendix B Responses to Comments on the EAW.

51. The current and final phase of the Project will not include any excavation or disturbance of soil. The tank will be constructed on an existing concrete foundation. Installation of new filter bags will be within an existing silo filter. Installation of the RTO will be within an existing containment area and will not involve any earthwork.
52. There is additional concern about the staging area for the construction and that there could be damage to nearby burial sites from the heavy equipment.
53. CertainTeed must comply with Minn. Stat. 307.08, **Subd. 10. Construction and development plan review.** When human burials are known or suspected to exist, on public lands or waters, the state or political subdivision controlling the lands or waters or, in the case of private lands, the landowner or developer, shall submit construction and development plans to the state archaeologist for review before plans are finalized and prior to any disturbance within the burial area. If the known or suspected burials are thought to be American Indian, plans shall also be submitted to the Indian Affairs Council. The state archaeologist and the Indian Affairs Council shall review the plans within 45 days of receipt and make recommendations for the preservation in place or removal of the human burials or remains, which may be endangered by construction or development activities.
54. MPCA will notify CertainTeed of the concerns of damage to archaeological sites and burial area, their responsibility to comply with the statute, and recommend that they contact/coordinate with the Minnesota Indian Affairs Council and develop a comprehensive archaeological monitoring plan.

## **B. Cumulative potential effects**

The second criterion that the MPCA must consider when determining if a project has the potential for significant environmental effects is the “cumulative potential effects.” In making this determination, the MPCA must consider “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 effects; and the efforts of the proposer to minimize the contributions from the project.” Minn. R. 4410.1700 subp.7(B). The MPCA findings with respect to this criterion are set forth below.

55. The EAW, public comments, and MPCA follow-up evaluation did not disclose any related or anticipated future projects that may interact with this Project in such a way as to result in significant cumulative potential environmental effects.
56. The EAW addressed the following areas for cumulative potential effects for the proposed Project:
  - Air quality
  - Greenhouse gas emissions

### **Air quality**

Cumulative potential effects related to air quality were discussed in Part 17 and Part 21.c of the EAW. Findings 18 through 24 are incorporated herein as part of MPCA’s cumulative potential effects evaluation for human health impacts to air quality, in that the air assessment through refined air dispersion modeling and AERA incorporated ambient background concentrations and nearby contributing emission sources in the same geographic region.

57. The results of the AERA indicate that the calculated cumulative excess cancer risks and hazards are below the MDH risk management levels. The Project does not significantly change the rural risk and



hazard levels.

58. The MPCA finds the information presented in the EAW and other information in the environmental review record does not demonstrate that the Project has the potential for significant environmental effects to air quality based on significant cumulative potential effects because: the Project will obtain and comply with an MPCA air emissions permit, will meet the NAAQS, and will not pose any acute inhalation health hazards or any sub-chronic or chronic multi-pathway health hazards to the public.
59. Therefore, the MPCA finds that the Project is not expected to contribute significantly to adverse cumulative potential effects on air quality.

### **Greenhouse gas emissions**

60. On-site, stationary source GHG emissions were calculated for the Project.
61. While the Project will increase overall GHG emissions, the increase in GHG emissions will be offset by reductions in emissions at the offsite facility where the blowstill operation was previously being done.
62. On the premise of GHG emissions, environmental review regulations establish 100,000 tpy as a “trigger” to prepare an EAW to aid in determining potential significant environmental effects. A reasonable conclusion is that the Project’s GHG emissions below 100,000 tpy are not considered significant.
63. Global climate change results from the total accumulation of GHG emissions in the earth’s atmosphere, as well as other man-made and natural factors. The GHG composition of the earth’s atmosphere is changing and causing the planet’s climate to change.
64. While it may be possible to model the effects of the incremental GHG emissions associated with the Project (e.g., a social cost of carbon estimate based on a modeling framework that considers the social cost of each marginal ton of CO<sub>2</sub>e), as a matter of empirical observation, it would be impossible to “see” the effects signal observationally amidst the internal noise of the global climate system. In other words, the available models might be used, and the results of those models might be extrapolated to give MPCA some idea of physical impacts caused by the amount of GHGs emitted from the Project. However, significant uncertainty would remain, especially as to when and where the physical impacts might occur.
65. It is not within the current state of the science to provide an analysis of the impact that the Project related GHG emissions will have on the environment.
66. It is impossible to know whether and when reliable data regarding Project GHG emissions’ impact on the environment will become available, and any study of cumulative impacts of GHGs would necessarily go well beyond evaluating the impacts solely from the Project.
67. The information on Project impacts might be developed from any such GHG/climate modeling cannot be reasonably obtained as required for an EAW Minn. R. 4410.1700, subp. 2(A).
68. There are no Minnesota or National Ambient Air Quality Standards for GHGs.
69. Regarding Minn. R. 4410.1700, subp. 7(B), findings 62-70 analyze whether the cumulative potential effect is significant and whether the contribution from the Project is significant when viewed in connection with other contributions to the cumulative potential effect.

- 70. The MPCA finds that for the reasons stated in findings 62-70, the cumulative potential effect of Project GHG impacts, as proposed, does not have the potential for significant environmental effects related to cumulative potential effects based on the Project’s GHG emissions that are reasonably expected to occur.
- 71. Therefore, the MPCA finds that the Project is not expected to contribute significantly to adverse cumulative potential effects on greenhouse gas emissions.

**Cumulative effects – summary**

- 72. Based on information on the Project obtained from air modeling reports information on air quality, air toxics, greenhouse gases, and odors, presented in the EAW, and consideration of potential effects due to related or anticipated future projects, the MPCA does not expect significant cumulative effects from this Project.
- 73. The MPCA finds the Project, as proposed, does not have the potential for significant environmental effects related to cumulative potential effects that are reasonably expected to occur.

**C. The Extent to Which the Environmental Effects Are Subject to Mitigation by Ongoing Public Regulatory Authority**

- 74. The third criterion that the MPCA must consider when determining if a project has the potential for significant environmental effects is "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." Minn. R. 4410.1700, subp. 7(C). The MPCA findings with respect to this criterion are set forth below.
- 75. The following permits or approvals will be required for the Project:

Unit of Government	Permit or Approval Required
MPCA	National Pollutant Discharge Elimination System (NPDES) General Industrial Stormwater Permit #MNR0539JG
MPCA	NPDES/SDS General Stormwater Permit for Construction Activity (MNR100001) Permit ID: C00035464
MPCA	Air Emissions Permit #13900013-007
MPCA	Aboveground Storage Tank Permit (AST#52221 / TS0052221)
City of Shakopee	Grading Permit #G13-04-02
City of Shakopee	Building Permit
City of Shakopee	Conditional Use Permit

- 76. **NPDES Industrial Stormwater Permit and Spill Response Plan:** The NPDES/SDS Industrial Stormwater Permit requires that specific conditions be adhered to for construction and operation of the facility, and for overall compliance with water quality requirements.
- 77. **NPDES Construction Stormwater Permit:** The Project requires a NPDES/CSW permit which will include require the implementation of best management practices (BMPs) to prevent soil erosion

and to keep eroded sediment from leaving the construction site. The Project proposer must have a SWPPP that provides details of the specific measures to be implemented.

78. **Air Emissions Permit:** The Air Emission Permit for the facility will contain operational and emission limits, including requirements for use of control equipment, that will help prevent or minimize the potential for significant environmental effects.
79. **Above Ground Storage Tank Major Facility Permit:** The Above Ground Storage Tank Permit includes operational limits and construction requirements that will help prevent or minimize the potential for significant environmental effects. Requirements include a secondary containment area, routine monitoring for leaks, corrosion protection for the floor of the tank, overfill prevention equipment, and areas where substances are transferred must be equipped with spill containment.
80. **City of Shakopee Grading Permit:** The Grading Permit assures that grading is accomplished in a way that run-off does not cause sedimentation.
81. **City of Shakopee Building Permit:** Building permits and inspections assure that the project will be constructed or installed in accordance with city ordinances and codes.
82. **City of Shakopee Conditional Use Permit:** The proposer is required to obtain all required building and conditional use permits required by local units of government to ensure compliance with local ordinances. The conditional use permit will address local zoning, environmental, regulatory, and other requirements that are needed to avoid adverse effects on adjacent land uses.
83. The above-listed permits include general and specific requirements for mitigation of environmental effects of the Project. The MPCA finds that the environmental effects of the Project are subject to mitigation, as explained in these Findings and the EAW, by ongoing public regulatory authority.
84. The MPCA finds that the environmental effects of the Project can be anticipated, evaluated, controlled and mitigated through ongoing regulatory control by implementing the state-wide PFAS Blueprint plan and strategy to address PFAS impacts. Implementation of the PFAS Blueprint and other ongoing activities for addressing PFAS, will be used in conjunction with Project design, and permitting processes undertaken by the MPCA and the project proposer to address Project impacts.

**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**

85. 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). The MPCA Findings with respect to this criterion are set forth below.
86. Although not exhaustive, the MPCA reviewed the following documents as part of the environmental impact analysis for the proposed Project:
  - i. Data presented in the EAW
  - ii. Air Dispersion Modeling Report
  - iii. Permits and environmental review of similar projects
87. The environmental effects of the Project have been addressed by the design and permit

development processes, and by ensuring conformance with regional and local plans. No elements of the Project pose the potential for significant environmental effects that are not addressed or mitigated by the requirements of the permits listed above or in the EAW.

88. Based on the environmental review, previous environmental studies by public agencies or the project proposer, and staff expertise and experience on similar projects, the MPCA finds that the environmental effects of the Project that are reasonably expected to occur can be anticipated and controlled.
89. The MPCA adopts the rationale stated in the attached Response to Comments (Appendix B) as the basis for response to any issues not specifically addressed in these Findings.

#### CONCLUSIONS OF LAW

90. The MPCA has jurisdiction in determining the need for an EIS for this Project. The EAW, the permit development 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.
91. The MPCA identified areas for potential significant environmental effects. The Project design and permits ensure CertainTeed Roofing will take appropriate mitigation measures to address significant effects. The MPCA expects the Project to comply with all environmental rules, regulations, and standards.
92. Based on a comparison of the impacts that are reasonably expected to occur from the Project with the criteria established in Minn. R. 4410.1700 subp. 7, the Project does not have the potential for significant environmental effects.
93. An EIS is not required for the proposed CertainTeed Roofing - Shakopee Expansion Project.
94. Any Findings that might properly be termed conclusions and any conclusions that might properly be termed Findings are hereby adopted as such.

#### ORDER

95. The Minnesota Pollution Control Agency determines that there are no potential significant environmental effects reasonably expected to occur from the CertainTeed Roofing - Shakopee Expansion Project and that there is no need for an Environmental Impact Statement.

*Katrina Kessler*

Katrina Kessler, Commissioner  
Minnesota Pollution Control Agency

January 22, 2024

Date

**Minnesota Pollution Control Agency**

**CertainTeed Roofing - Shakopee Expansion EAW**

**LIST OF COMMENT LETTERS RECEIVED**

1. Janel A Shafer, U.S. Army Corps of Engineers. Email received September 28, 2023.
2. Joseph Toth, U.S. Army Corps of Engineers. Email received October 5, 2023.
3. Katelyn Champoux, Metropolitan Council. Email received October 12, 2023.
4. Angela R. Torres, Metropolitan Council. Email received October 20, 2023.
5. Mark Noble, City of Shakopee. Email received October 26, 2023.
6. Melissa Collins, Minnesota Department of Natural Resources. Email received October 26, 2023.

Comment letter 7 received after end of comment period.

7. John Reynolds, Minnesota Indian Affairs Council. Email received November 16, 2023.



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT  
332 MINNESOTA STREET, SUITE E1500  
ST. PAUL, MN 55101-1323

09/28/2023

Regulatory File No. MVP-2023-01232-JST

**THIS IS NOT A PERMIT**

Charles Peterson  
MN Pollution Control Agency  
520 Lafayette Road  
Saint Paul, MN 55155

To: Charles Peterson:

We have received your submittal described below. You may contact the Project Manager with questions regarding the evaluation process. The Project Manager may request additional information necessary to evaluate your submittal.

File Number: MVP-2023-01232-JST

Applicant: Grant Birznieks

Project Name: CertainTeed Roofing

Project Location: Section 4 of Township 115 N, Range 22 W, Scott County, Minnesota  
(Latitude: 44.79836; Longitude: -93.47852)

Received Date: 09/26/2023

Project Manager: Joseph Toth  
(651) 290-5532  
Joseph.Toth@usace.army.mil

Additional information about the St. Paul District Regulatory Program can be found on our web site at <http://www.mvp.usace.army.mil/missions/regulatory>.

Please note that initiating work in waters of the United States prior to receiving Department of the Army authorization could constitute a violation of Federal law. If you have any questions, please contact the Project Manager.

Thank you.

U.S. Army Corps of Engineers  
St. Paul District  
Regulatory Branch



**DEPARTMENT OF THE ARMY**  
U.S. ARMY CORPS OF ENGINEERS, ST. PAUL DISTRICT  
332 MINNESOTA STREET, SUITE E1500  
ST. PAUL, MN 55101-1323

**October 5, 2023**

Regulatory File No. MVP-2023-01232-JST

CertainTeed Corp  
c/o Grant Birznieks  
3303 4th Avenue East  
Shakopee, MN 55379

Dear Mr. Birznieks:

This letter is in response to correspondence we received from the Minnesota Pollution Control Agency regarding the CertainTeed Roofing – Shakopee Expansion Project. This letter contains our initial comments on this project for your consideration. The purpose of this letter is to inform you that based on the Environmental Assessment Worksheet: CertainTeed Roofing, a Department of the Army (DA) permit would not be required if there are no impacts to aquatic resources for your proposed activity. In lieu of a specific response, please consider the following general information concerning our regulatory program that may apply to the proposed project.

If the proposal involves activity in navigable waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Section 10 prohibits the construction, excavation, or deposition of materials in, over, or under navigable waters of the United States, or any work that would affect the course, location, condition, or capacity of those waters, unless the work has been authorized by a Department of the Army permit.

If the proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). Waters of the United States include navigable waters, their tributaries, and adjacent wetlands (33 CFR § 328.3). CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/regulatory>.

The Corps evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

If the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental

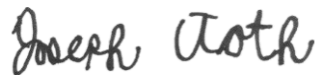
Regulatory Division (File No. MVP-2023-01232-JST)

consequences” (40 CFR § 230.10(a)). Time and money spent on the proposal prior to applying for a Section 404 permit cannot be factored into the Corps’ decision whether there is a less damaging practicable alternative to the proposal.

If an application for a Corps permit has not yet been submitted, the project proposer may request a pre-application consultation meeting with the Corps to obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process. A pre-application consultation meeting is strongly recommended if the proposal has substantial impacts to waters of the United States, or if it is a large or controversial project.

If you have any questions, please contact me in our St. Paul office at (651) 290-5532 or Joseph.Toth@usace.army.mil. In any correspondence or inquiries, please refer to the Regulatory file number shown above.

Sincerely,

A handwritten signature in black ink that reads "Joseph Toth". The signature is written in a cursive, slightly slanted style.

Joseph Toth  
Regulatory Specialist

Enclosure(s)

cc:

Charles Peterson, (RGU - MPCA)  
John Kimble, (Proposer – CertainTeed Roofing)  
Alyssa Core, BWSR  
Kirby Templin, (LGU – City of Shakopee)



**From:** [Champoux, Katelyn](#)  
**To:** [Peterson, Charles V \(MPCA\)](#)  
**Cc:** [Esmaeili, Raya](#)  
**Subject:** CertainTeed Roofing Shakopee Expansion Project EAW - Inaccuracies Identified  
**Date:** Thursday, October 12, 2023 2:40:05 PM  
**Attachments:** [image001.jpg](#)

You don't often get email from [katelyn.champoux@metc.state.mn.us](mailto:katelyn.champoux@metc.state.mn.us). [Learn why this is important](#)

**This message may be from an external email source.**

Do not select links or open attachments unless verified. Report all suspicious emails to Minnesota IT Services Security Operations Center.

Hi Charles,

I'm reaching out regarding the ongoing review of the CertainTeed Roofing Shakopee Expansion Project EAW. I'm coordinating the review of the EAW for the Metropolitan Council, and I noticed some inaccuracies in the information provided. It seems like some of the information was prepared when CertainTeed initially thought it would need to complete an EAW in 2013 and was not updated with current information when submitted last month.

For example, section 9 of the EAW (p. 11) incorrectly identifies the 2030 Comprehensive Plan as the City of Shakopee's current authorized planning document. The Metropolitan Council authorized Shakopee's 2040 Comprehensive Plan on October 23, 2019, making it the current legal planning document for the City. The EAW also references the 2030 Plan in its discussion of the planned land use of the project site and incorrectly identifies the planned land use as "Industrial" when the current guiding in the 2040 Plan for this site is "Mixed Employment Center." This is just one example of inaccuracies in the EAW, but other information related to land use, transportation, and other areas may also need updating.

I recommend that the EAW be reviewed for inaccuracies and updated to reflect the correct information related to the 2040 Comprehensive Plan, along with any other outdated information. After making these changes, you can re-share the EAW with the EQB distribution list for review. If the Council does not receive supplemental information correcting this inaccuracy, we will have to send a response deeming the EAW inaccurate.

I'm happy to talk about this further if you have questions or want additional clarification.

Best,  
 Katelyn



**Katelyn Champoux**

Pronouns: she/her/hers  
 Planner | Local Planning Assistance  
 Metropolitan Council  
 390 Robert St N, St. Paul, MN 55101  
 P. 651-602-1831

[metro council.org](https://metro council.org) | [facebook](#) | [twitter](#)



October 20, 2023

Charles Peterson  
 Minnesota Pollution Control Agency  
 520 Lafayette Road North  
 St. Paul, MN 55155

**RE: Minnesota Pollution Control Agency – Environmental Assessment Worksheet (EAW) –  
 CertainTeed Roofing Shakopee Expansion Project**  
 Metropolitan Council Review No. 22905-1  
 Metropolitan Council District No. 4

Dear Charles Peterson:

The Metropolitan Council received the EAW for the CertainTeed Roofing Shakopee Expansion project in the City of Shakopee on September 26, 2023. The proposed project is located in northern Shakopee along County Highway 101. The proposed development will impact 6.3 acres of a 55.2-acre site by expanding the existing facility to install an asphalt blowing operation. The project will include installation of several new lube oil storage tanks, storage tanks used for the mixing and pre-heating of asphalt, and four rail sidetracks for unloading up to seven railcars of asphalt flux on each sidetrack.

The staff review finds that the EAW is not complete and not accurate with respect to regional concerns. However, the EAW does not raise major issues of consistency with Council policies and an EIS is not necessary for regional purposes.

We offer the following comments for your consideration.

**Item 9. Land Use** (*Katelyn Champoux, 651-602-1831*)

The EAW incorrectly identifies the most recently authorized comprehensive plan as the City of Shakopee's 2030 Comprehensive Plan and states, "The Facility is compatible with existing and planned future land use in the area and is therefore compatible with the 2030 Comprehensive Plan" (p. 11). The Metropolitan Council authorized the City's 2040 Comprehensive Plan on October 23, 2019, which replaces the 2030 Plan as the City's legal planning document. Given the EAW sites an outdated comprehensive plan in its land use discussion, it incorrectly identifies the current planned land use of the site as "Industrial."

The City's Final 2040 Comprehensive Plan assigns the project site a guiding land use of "Mixed Employment Center." The Plan allows light industrial, office, and higher education as primary uses and commercial, multifamily, and open space as secondary uses in areas guided as "Mixed Employment Center." The description of the Mixed Employment Center land use category mentions that these areas include existing business parks (e.g., Valley Green which has a variety of manufacturing, warehousing, office, and light industrial businesses). The project is consistent with the correct guiding of the site, which is Mixed Employment Center. However, the EAW still needs to reference the current legal planning document for the City (the 2040 Comprehensive Plan) and accurately identify the existing and planned land uses of the project site.

**Item 9. Land Use – Surface Water** (*Maureen Hoffman, 651-602-8026*)

The EAW states the project will impact areas on the site indicated as a 100-year or 500-year event flood risk. Council staff recommends the EAW describe how the project proposer will address flooding on the site and the steps they will take to mitigate flood risk for 100- or 500-year rain events. The EAW also states that the flood risk potential is not expected to increase because of changing precipitation and rain event intensity. Council staff recommends providing further description and discussion of how the changing precipitation and rain event intensity will not increase potential flood risk.

**Item 10a. Geology, Soils, and Topography/Landforms – Water Supply** (*Lanya Ross, 651-602-1803*)

The EAW notes that, “According to the MNDNR Division of Waters and the Minnesota Geological Survey, there are no karst features known to be at the Project or in the area,” but does not provide a specific reference for this conclusion. The MN Stormwater Manual karst resource ([Minnesota karst lands.png \(1403x927\) \(state.mn.us\)](#)) suggests active or transition karst conditions may be present in the bedrock in this area. Council staff recommends providing documentation to support the conclusion about no karst features, and updating discussion about karst risks and appropriate best management practices consistent with the [MN Stormwater Manual](#).

**Item 10b. Geology, Soils, and Topography/Landforms – Water Supply** (*Lanya Ross, 651-602-1803*)

The EAW describes soils with a high infiltration potential and shallow depth to groundwater and notes that the site is highly susceptible to infiltration of surface contaminants. Given this risk of groundwater contamination and impact to downgradient resources such as springs, more detailed information about the proposed spill prevention plan and planned updates to the Stormwater Pollution Prevention Plan would be useful.

**Item 11ai. Water Resources – Surface Water** (*Maureen Hoffman, 651-602-8026*)

The EAW contains discrepancies related to the information provided about the presence of ponds and wetlands on or near the project site. The text states that a review of the U.S. Fish and Wildlife Service National Wetlands Inventory shows various ponds or wetlands on or near the site, while the National Wetland inventory (NWI) Map Excerpt (Figure 12) does not show any ponds or wetlands on the site and the Cover Type table (p. 8) indicates zero acres of wetlands. Council staff recommends updating the EAW to resolve these discrepancies and accurately reflect the status of wetlands on and near the project site.

**Item 11aii. Water Resources – Water Supply** (*Lanya Ross, 651-602-1803*)

The EAW does not mention the proximity of the Shakopee [Drinking Water Supply Management Area \(DWSMA\)](#). While the project area is not in the Shakopee DWSMA, it is adjacent to it along 4th Avenue East. This proximity, and the vulnerability of the Shakopee DWSMA, should be acknowledged given the low vulnerability close to the site that becomes moderate and then high traveling south away from the site.

**Item 11bii. Water Resources – Surface Water** (*Maureen Hoffman, 651-602-8026*) **and Water Supply** (*Lanya Ross, 651-602-1803*)

The EAW states CertainTeed will test detained stormwater after significant rainfall for contamination, but it does not state how CertainTeed will address contaminated stormwater. Council staff recommends including information on how the project proposer plans to address contaminated stormwater.

The EAW does not include information about mapped springs in close vicinity to the project area. The DNR’s [Minnesota Spring Inventory](#) includes several mapped springs immediately

downgradient of the project site. Including this information in the EAW would be useful, as any groundwater contamination may impact these resources and downstream surface waters.

**Item 12. Contamination/Hazardous Materials/Wastes – Water Supply** (*Lanya Ross, 651-602-1803*)

The EAW mentions the three-year average of waste generation from the Facility for the years 2010 to 2012. This information is now over a decade old and may not represent current conditions and disposal practices; more recent information would be useful. If more recent information does not exist, please include an explanation why.

**Item 18. Transportation** (*Joseph Widing, 651-602-1822*)

The traffic counts provided in the EAW (p. 41) represent data from over ten years ago. Council staff recommends updating the traffic data to the most recent available counts. Updated traffic counts for roadways near the project site include 23,681 on Canterbury Road at Highway 169 (2021), 8,500 on Canterbury Road at Highway 101 (2019), 6,400 on 4th Avenue East (2020), and 16,241 on Highway 101 (2022).

Council staff recommend updating transit availability information (p. 38) to reflect new service in the area. The EAW states there is no service within walking distance of the project location; however, Minnesota Valley Transit Authority Route 495 with service between Shakopee and the Mall of America has a stop at the Amazon fulfillment center located on Shenandoah Drive about one-half mile from the CertainTeed facility.

This concludes the Council's review of the EAW. The Council will not take formal action on the EAW. If you have any questions or need further information, please contact Katelyn Champoux, Principal Reviewer, at 651-602-1831 or via email at [katelyn.champoux@metc.state.mn.us](mailto:katelyn.champoux@metc.state.mn.us). As always, you can also contact your Sector Representative, Raya Esmaeili, at 651-602-1616 or via email at [raya.esmaeili@metc.state.mn.us](mailto:raya.esmaeili@metc.state.mn.us).

Sincerely,



Angela R. Torres, AICP, Senior Manager  
Local Planning Assistance

CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division  
Deb Barber, Metropolitan Council District 4  
Raya Esmaeili, Sector Representative  
Katelyn Champoux, Principal Reviewer  
Reviews Coordinator

*N:\CommDev\LPVA\Agencies\MPCA\MPCA 2023 CertainTeed Roofing Shakopee Expansion EAW 22905-1.docx*

October 26, 2023

Charles Peterson  
Resource Management and Assistance Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155

RE: CertainTeed Public Notice – Environmental Assessment Worksheet (EAW)  
3303 4<sup>th</sup> Avenue East, Shakopee, MN 55379

Dear Mr. Peterson:

The City of Shakopee has completed our review of this EAW, and have several comments that we are requesting to be addressed. Those comments can be found on the attachments to the email which delivered this letter.

A number of their drawings/attachments appear to be outdated. In particular, one element of their use of the site (exterior storage) has expanded beyond what was previously approved by Conditional Use Permit and we would specifically request that they contact us to pursue an amendment. The Conditional Use Permit process requires review and approval from the Board of Adjustment and Appeals in a public hearing process. Our application is available online thru the ePermit process (<https://shakopeemn-energovpub.tylerhost.net/apps/selfservice#/home>). If they have any questions/issues with this application submittal, they can contact either Gia Eley ([geley@shakopeemn.gov](mailto:geley@shakopeemn.gov) , 952-233-9334) or Kelly Buska ([kbuska@shakopeemn.gov](mailto:kbuska@shakopeemn.gov) , 952-233-9322) for assistance.

If you have any further questions regarding this letter, please feel free to contact me at 952-233-9348 or at [mnoble@shakopeemn.gov](mailto:mnoble@shakopeemn.gov). Thank you for the opportunity to comment.

Sincerely,

Mark Noble  
Senior Planner  
Department of Planning and Development



Division of Ecological and Water Resources  
Region 3 Headquarters  
1200 Warner Road  
Saint Paul, MN 55106

Transmitted by Email

October 26, 2023

Charles Peterson  
Environmental Review  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155

Dear Charles Peterson,

Thank you for the opportunity to review the CertainTeed Roofing Environmental Assessment Worksheet (EAW) located in Scott County. The Department of Natural Resources (DNR) has reviewed the document and respectfully submits the following comments for your consideration:

1. Page 12, Geology. Please note that while no karst features have been mapped within the project area, the site is entirely within an area prone to surface karst feature development. There are also several springs mapped within 1,000 feet of the site to the north.
2. Page 14, Surface Waters. This section states that there are no fishable water bodies within one mile of the project area, however, the Minnesota River is fishable and located within one mile of the site.
3. Page 15, Wastewater. This section describes how water used for the steam boilers is treated by water softeners, and then discharged to the City's sewer system. The additional 1.832 million gallons of wastewater per year released to the City's sewer system is a significant amount, and is likely high in salts as a result of containing water softening discharge. It would be helpful to have more information about the chloride concentration of the wastewater discharged from the facility as well as the current state of Blue Lake WWTP (the recipient of CertainTeed's wastewater) in meeting chloride effluent discharge standards.
4. Page 17, Stormwater. The Minnesota River is currently an impaired water and will be the receiving watercourse for stormwater from the site. Even if no additional requirements were needed at the time of construction, this current development proposal provides an opportunity to improve the quality of the stormwater being discharged to the Minnesota River.
5. Page 23, Rare Features. There is very little wildlife habitat within the project area, however, the site is located entirely within the Lower Minnesota River Valley Important Bird Area (IBA), a significant corridor for migratory birds. The stormwater from the site flows to the Minnesota

River, which is habitat for numerous species that could be impacted by changes to water quality.

6. Page 25, Visual. Because the project area is within an IBA and migratory bird corridor, lighting for the facility will be especially important to limit impacts to migratory birds. Animals depend on the daily cycle of light and dark for behaviors such as hunting, migrating, sleeping, and protection from predators. Light pollution can affect their sensitivity to the night environment and alter their activities. In addition to the undesirable effects of upward facing lighting, the hue of lights can also affect wildlife. LED lighting has become increasingly popular due to its efficiency and long lifespan. However, these bright lights tend to emit blue light, which can be harmful to birds, insects, and fish. The DNR recommends that any projects using LED luminaries follow the [MnDOT Approved Products for luminaries](#), which limits the Uplight rating to 0. A nominal color temperature below 2700K is preferable for wildlife, and so we recommend choosing products that have the lowest number for backlight and glare (all approved products should already be 0 for Uplight).

We also recommend that all non-essential lighting be turned off during the Mayfly hatch as well as follow the Audubon Society's Lights Out program. This program advocates for darkening all buildings and structures during the bird migration from midnight until dawn March 15 - May 31 and August 15 - Oct 31. Information on this program can be found at: <http://mn.audubon.org/conservation/lights-out-faq>.

Thank you for the opportunity to review this document, and please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Melissa Collins". The signature is written in black ink on a light blue rectangular background.

Melissa Collins

Regional Environmental Assessment Ecologist | Ecological and Water Resources

Minnesota Department of Natural Resources

1200 Warner Road

St. Paul, MN 55106

Phone: 651-259-5755

Email: melissa.collins@state.mn.us

CC: John Kimble, CertainTeed Roofing

*Equal Opportunity Employer*





161 St. Anthony Ave, Suite 919 Saint Paul, MN 55103

[MIAC.Culturalresources@state.mn.us](mailto:MIAC.Culturalresources@state.mn.us)

Date: 11/16/2023

Charles Peterson  
 Minnesota Pollution Control Agency  
 651-757-2856  
 charles.peterson@state.mn.us

**Project Name:**

CertainTeed  
 Roofing –  
 Shakopee  
 Expansion Project

**Submitter's**

**Project ID:**

Known or Suspected Cemeteries
<input type="checkbox"/> Platted Cemeteries <input type="checkbox"/> Unplatted Cemeteries <input type="checkbox"/> Burial File <input type="checkbox"/> Authenticated Burial
Notes/Comments
<p>The Minnesota Indian Affairs Council Cultural Resource office has completed review of the CertainTeed Roofing - Shakopee Expansion Project EAW. The provided project information did not adequately detail if the proposed project site's boundaries intersect with, or are immediately adjacent to the surrounding archaeological sites and burial areas. Further research, cultural resource management fieldwork, and consultation with area Tribal Historic Preservation Offices should occur prior to construction. A comprehensive archaeological monitoring plan should be developed for the construction process. For any remaining questions or concerns, please contact our office.</p>
Recommendations



- Not Applicable
- No Concerns
- Monitoring
- Avoidance
- Phase Ia – Literature Review
- Phase I – Reconnaissance survey
- Phase II – Evaluation
- Phase III – Data Recovery
- Other

If you require additional information or have questions, comments, or concerns please contact our office.

Sincerely,

John Reynolds  
Cultural Resource Specialist  
MIAC  
161 St. Anthony Avenue, Ste. 919  
Saint Paul MN 55103  
651.539.2200  
John.Reynolds@state.mn.us

## Minnesota Pollution Control Agency

### CertainTeed Roofing – Shakopee Expansion Project Environmental Assessment Worksheet (EAW)

#### RESPONSES TO COMMENTS ON THE EAW

**1. Comments by Janel A Shafer, U.S. Army Corps of Engineers. Email received September 28, 2023.**

**Comment 1-1:** Commenter states that initiating work in waters of the United States prior to receiving Department of the Army authorization could constitute a violation of Federal law. If you have any questions, please contact the Project Manager.

**Response:** Comment noted and forwarded to CertainTeed.

**2. Comments by Joseph Toth, U.S. Army Corps of Engineers. email received October 5, 2023.**

**Comment 2-1:** Commenter states that a Department of the Army (DA) permit would not be required if there are no impacts to aquatic resources for your proposed activity.

**Response:** Comment noted and forwarded to CertainTeed.

**Comment 2-2:** Commenter states that if the proposal involves activity in navigable waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (Section 10). Section 10 prohibits the construction, excavation, or deposition of materials in, over, or under navigable waters of the United States, or any work that would affect the course, location, condition, or capacity of those waters, unless the work has been authorized by a Department of the Army permit.

**Response:** Comment noted and forwarded to CertainTeed.

**Comment 2-3:** Commenter states that if the proposal involves discharge of dredged or fill material into waters of the United States, it may be subject to the Corps of Engineers' jurisdiction under Section 404 of the Clean Water Act (CWA Section 404). Waters of the United States include navigable waters, their tributaries, and adjacent wetlands (33 CFR § 328.3). CWA Section 301(a) prohibits discharges of dredged or fill material into waters of the United States, unless the work has been authorized by a Department of the Army permit under Section 404. Information about the Corps permitting process can be obtained online at <http://www.mvp.usace.army.mil/regulatory>.

**Response:** Comment noted and forwarded to CertainTeed.

**Comment 2-4:** Commenter states that the Corps evaluation of a Section 10 and/or a Section 404 permit application involves multiple analyses, including (1) evaluating the proposal's impacts in accordance with the National Environmental Policy Act (NEPA) (33 CFR part 325), (2) determining whether the proposal is contrary to the public interest (33 CFR § 320.4), and (3) in the case of a Section 404 permit, determining whether the proposal complies with the Section 404(b)(1) Guidelines (Guidelines) (40 CFR part 230).

**Response:** Comment noted and forwarded to CertainTeed.

**Comment 2-5:** Commenter states that if the proposal requires a Section 404 permit application, the Guidelines specifically require that "no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences" (40 CFR § 230.10(a)). Time and money spent on the proposal prior

to applying for a Section 404 permit cannot be factored into the Corps' decision whether there is a less damaging practicable alternative to the proposal.

**Response:** Comment noted and forwarded to CertainTeed.

**Comment 2-6:** Commenter states that if an application for a Corps permit has not yet been submitted, the project proposer may request a pre-application consultation meeting with the Corps to obtain information regarding the data, studies or other information that will be necessary for the permit evaluation process. A pre-application consultation meeting is strongly recommended if the proposal has substantial impacts to waters of the United States, or if it is a large or controversial project.

**Response:** Comment noted and forwarded to CertainTeed.

### **3. Comments by Katelyn Champoux, Metropolitan Council. Email received October 12, 2023.**

**Comment 3-1:** Commenter states that it seems like some of the information was prepared when CertainTeed initially thought it would need to complete an EAW in 2013 and was not updated with current information when submitted last month.

**Response:** See response to Comments 4-2, 4-9, and 4-10.

**Comment 3-2:** Commenter states Section 9 of the EAW (p. 11) incorrectly identifies the 2030 Comprehensive Plan as the City of Shakopee's current authorized planning document. The Metropolitan Council authorized Shakopee's 2040 Comprehensive Plan on October 23, 2019, making it the current legal planning document for the City. The EAW also references the 2030 Plan in its discussion of the planned land use of the project site and incorrectly identifies the planned land use as "Industrial" when the current guiding in the 2040 Plan for this site is "Mixed Employment Center." This is just one example of inaccuracies in the EAW, but other information related to land use, transportation, and other areas may also need updating. This is just one example of inaccuracies in the EAW, but other information related to land use, transportation, and other areas may also need updating.

**Response:** See response to Comment 4-2.

**Comment 3-3:** Commenter recommends the EAW be reviewed for inaccuracies and updated to reflect the correct information related to the 2040 Comprehensive Plan, along with any other outdated information. After making these changes, you can re-share the EAW with the EQB distribution list for review. If the Council does not receive supplemental information correcting this inaccuracy, we will have to send a response deeming the EAW inaccurate.

**Response:** The MPCA will review and evaluate all the comments related to inaccuracies and outdated information as to its significance. Inaccurate information will be corrected in an errata sheet and attached to the Findings of Fact as **Appendix C**. See Appendix C – Errata Sheet for correct EAW language.

### **4. Comments by Angela R. Torres, Metropolitan Council. Email received October 20, 2023.**

**Comment 4-1:** Commenter states that staff review finds that the EAW is not complete and not accurate with respect to regional concerns. However, the EAW does not raise major issues of consistency with Council policies and an EIS is not necessary for regional purposes.

**Response:** See response to comment 3-3.

**Comment 4-2:** Commenter states that in Item 9. Land Use, the EAW incorrectly identifies the most recently authorized comprehensive plan as the City of Shakopee's 2030 Comprehensive Plan and

states, “The Facility is compatible with existing and planned future land use in the area and is therefore compatible with the 2030 Comprehensive Plan” (p. 11). The Metropolitan Council authorized the City’s 2040 Comprehensive Plan on October 23, 2019, which replaces the 2030 Plan as the City’s legal planning document. Given the EAW sites an outdated comprehensive plan in its land use discussion, it incorrectly identifies the current planned land use of the site as “Industrial.”

The City’s Final 2040 Comprehensive Plan assigns the project site a guiding land use of “Mixed Employment Center.” The Plan allows light industrial, office, and higher education as primary uses and commercial, multifamily, and open space as secondary uses in areas guided as “Mixed Employment Center.” The description of the Mixed Employment Center land use category mentions that these areas include existing business parks (e.g., Valley Green which has a variety of manufacturing, warehousing, office, and light industrial businesses). The project is consistent with the correct guiding of the site, which is Mixed Employment Center. However, the EAW still needs to reference the current legal planning document for the City (the 2040 Comprehensive Plan) and accurately identify the existing and planned land uses of the project site.

**Response:** Item 9.a.ii of the EAW referenced the 2030 Comprehensive Plan submitted by the city of Shakopee to the Metropolitan Council for land use. The city of Shakopee has updated the comprehensive plan and it was accepted by the Metropolitan Council for land use identified through the year 2040. The area where the project site is located is identified as a “Mixed Use Employment Center”, which is defined an area that includes “existing business parks, ...manufacturing, warehousing, office and light industrial businesses.” This project is consistent with the planned land use in the 2040 Comprehensive Plan. See **Appendix C – Errata Sheet** for correct EAW language.

**Comment 4-3: Item 9.** Commenter states that in Item 9. Land Use – Surface Water, the EAW states the project will impact areas on the site indicated as a 100-year or 500-year event flood risk. Council staff recommends the EAW describe how the project proposer will address flooding on the site and the steps they will take to mitigate flood risk for 100- or 500-year rain events. The EAW also states that the flood risk potential is not expected to increase because of changing precipitation and rain event intensity. Council staff recommends providing further description and discussion of how the changing precipitation and rain event intensity will not increase potential flood risk.

**Response:** Based on the FEMA Flood Map Service Center, the CertainTeed facility is not in a 100-year or 500-year event flood hazard area. Since flood risk from these flood events are unlikely, no additional measures are required to mitigate this risk. Currently, the site stores and handles hazardous materials in accordance with existing regulations and installation of any new storage would incorporate the use of reinforced concrete, meeting MPCA guidance.

**Comment 4-4:** Commenter states that in Item 10a. Geology, Soils, and Topography/Landforms – Water Supply, the EAW notes that, “According to the MNDNR Division of Waters and the Minnesota Geological Survey, there are no karst features known to be at the Project or in the area,” but does not provide a specific reference for this conclusion. The MN Stormwater Manual karst resource (Minnesota\_karst\_lands.png (1403x927) (state.mn.us)) suggests active or transition karst conditions may be present in the bedrock in this area. Council staff recommends providing documentation to support the conclusion about no karst features, and updating discussion about karst risks and appropriate best management practices consistent with the MN Stormwater Manual.

**Response:** The area of the Project was mapped as active karst by E. Calvin Alexander Jr., Yongli Gao, and

Jeff Green in 2006<sup>1</sup>. The first layer of bedrock underneath the Project site is dolomite limestone at a depth of 7 to 12 feet, which would be consistent with the mapping of the site as active karst. The DNR's Minnesota Spring Inventory shows 19 springs within one mile of the Project<sup>2</sup>. These Lithology of springs are identified as 12 unconsolidated (3 with dolomite outcrops nearby), 5 limestone/dolomite and 1 lithology not listed. The DNR's Minnesota Karst Feature Inventory does not identify any karst features in the area mapped as active karst in the Project area<sup>33</sup>. The nearest mapped karst feature is approximately 10 miles from the Project.

CertainTeed will have both a construction stormwater permit and an industrial stormwater permit. CertainTeed has a stormwater pollution prevention plan (SWPPP) that was last modified on in February 2023. CertainTeed will utilize both temporary and permanent erosion prevention and sediment control best management practices as outlined in the SWPPP. In addition, CertainTeed will have an Above Ground Storage Tank (AST) permit that will require secondary containment for all ASTs associated with the Project to prevent leaks and releases escaping to land, surface water and groundwater.

**Comment 4-5:** Commenter states that in Item 10b. Geology, Soils, and Topography/Landforms – Water Supply, the EAW describes soils with a high infiltration potential and shallow depth to groundwater and notes that the site is highly susceptible to infiltration of surface contaminants. Given this risk of groundwater contamination and impact to downgradient resources such as springs, more detailed information about the proposed spill prevention plan and planned updates to the Stormwater Pollution Prevention Plan would be useful.

**Response:** CertainTeed will have both a construction stormwater permit and an industrial stormwater permit and maintains a stormwater pollution prevention plan (SWPPP), which specifies that CertainTeed maintains spill kits at all raw material unloading areas, portable spill kits to respond to spills from vehicles on the property, and trained responders that have 24/7 coverage. In addition, the facility maintains a Facility Response Plan (FRP) and a Spill Prevention, Control, and Countermeasure plan (SPCC), which are updated annually. Additionally, all employees and new hires received annual spill response training. CertainTeed also does regular preventative maintenance on stormwater ponds, outfall locations, and ditches, and also has a monitoring location on site for stormwater. The SWPPP will be updated with new BMPs as needed; the most recent update was in February 2023.

**Comment 4-6:** Commenter states that in Item 11ai. Water Resources – Surface Water, the EAW contains discrepancies related to the information provided about the presence of ponds and wetlands on or near the project site. The text states that a review of the U.S. Fish and Wildlife Service National Wetlands Inventory shows various ponds or wetlands on or near the site, while the National Wetland inventory (NWI) Map Excerpt (Figure 12) does not show any ponds or wetlands on the site and the Cover Type table (p. 8) indicates zero acres of wetlands. Council staff recommends updating the EAW to resolve these discrepancies and accurately reflect the status of wetlands on and near the project site.

**Response:** Figure 12 shows freshwater forested/shrub and freshwater ponds near the facility, but not on the site. Item 11ai specifically refers to bodies of water within one mile of the project, not just on the site.

**Comment 4-7:** Commenter states that in Item 11aii. Water Resources – Water Supply, the EAW does not

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<sup>1</sup> [https://stormwater.pca.state.mn.us/images/f/fb/Minnesota\\_karst\\_lands.png](https://stormwater.pca.state.mn.us/images/f/fb/Minnesota_karst_lands.png)

<sup>2</sup> <https://arcgis.dnr.state.mn.us/portal/apps/webappviewer/index.html?id=560f4d3aaf2a41aa928a38237de291bc>

<sup>3</sup> <https://arcgis.dnr.state.mn.us/portal/apps/webappviewer/index.html?id=560f4d3aaf2a41aa928a38237de291bc>

mention the proximity of the Shakopee Drinking Water Supply Management Area (DWSMA). While the project area is not in the Shakopee DWSMA, it is adjacent to it along 4th Avenue East. This proximity, and the vulnerability of the Shakopee DWSMA, should be acknowledged given the low vulnerability close to the site that becomes moderate and then high traveling south away from the site.

**Response:** CertainTeed acknowledges that the Shakopee DWSMA is near to the site. CertainTeed will continue to follow proper measures and BMPs listed in the SPCC and SWPPP to limit the risk of contamination of the city water supply. In addition, the city of Shakopee and the Minnesota Department of Health continually monitor water quality trends and take steps to prevent any violation of safe drinking water standards long before contaminant levels reach the limit for the drinking water standard.

CertainTeed is adding a second asphalt AST within an existing concrete-bermed secondary containment system designed to contain 110% of the tank volume of either tank should a catastrophic release occur. That extra 10% containment volume prevents tank contents of regulated substances from escaping the containment system and contaminating the city's water supply. Each tank also has over fill spill controls etc. If a spill or release occurs within the secondary containment system, it would be contained and not comingled with runoff that is collected and treated separately from the stormwater collection and treatment system.

CertainTeed's Aboveground Storage Tank (AST) permit requires the Permittee to conduct periodic visual monitoring of each tank system and its secondary containment area and piping for releases of stored substances. All drainage equipment shall be maintained in working condition. Prior to drainage, standing water shall be visually inspected for tank releases. Releases shall be remediated prior to discharging water. Remediation treatment is determined on a case-by-case basis depending on the volume and type of material released. Drainage operations shall be monitored at all times that pumps are operating or drainage valves are open. Drainage valves shall be closed immediately following drainage operations.

In addition, CertainTeed's Stormwater Management Plan, required by the Industrial Stormwater permit, identifies all dike drain locations and any other drainage equipment such as pumps and show the pathway and ultimate destination of stormwater discharges from each dike basin. The plan provides criteria which trigger removal of stormwater or snowmelt, specify the need and method for prior evaluation of stormwater for contamination, and specify responsibility for drainage monitoring and valve closure. All stormwater discharge shall be in accordance with all applicable state and federal water quality statutes, rules, and permits.

Specifically, CertainTeed's Construction Stormwater permit has the following conditions:

- Permittees must store hazardous materials and toxic waste, (including oil, diesel fuel, gasoline, hydraulic fluids, paint solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids) in sealed containers to prevent spills, leaks or other discharge. Storage and disposal of hazardous waste materials must be in compliance with Minn. R. ch. 7045 including secondary containment as applicable (Minn. R. 7090).
- Permittees must take reasonable steps to prevent the discharge of spilled or leaked chemicals, including fuel, from any area where chemicals or fuel will be loaded or unloaded including the use of drip pans or absorbents unless infeasible. Permittees must ensure adequate supplies are available at all times to clean up discharged materials and that an appropriate disposal method is available for recovered spilled materials. Permittees must report and clean up spills immediately as required by Minn.

Stat. 115.061, using dry clean up measures where possible (Minn. Stat. 115.061).

Specific requirements in the Industrial Stormwater permit include:

This permit prohibits Permittees from constructing infiltration systems within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13. If Permittees locate infiltration systems within the following areas, Permittees shall review and apply the requirements found in the "Guidance and recommendations for conducting a higher level of engineering review for stormwater infiltration in DWSMAs and Wellhead Protection Areas" section of the Minnesota Stormwater manual ([www.pca.state.mn.us](http://www.pca.state.mn.us)):

- In an Emergency Response Area (ERA) within a DWSMA classified as having high or very high vulnerability as defined by the Minnesota Department of Health
- In an ERA within a DWSMA classified as moderate vulnerability unless a regulated MS4 Permittee performed or approved a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater; or
- Outside of an ERA within a DWSMA classified as having high or very high vulnerability, unless a regulated MS4 Permittee performed or approved a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater (Minn. R. 7090).

In the event of a spill of contaminated stormwater that the facility has recaptured, the spill would be addressed on a case-by-case basis depending on the spill. If a spill is caught in a stormwater pond the MPCA would have them pump it out for treatment and disposal. Treatment/disposal would be based on the volume and type of material spilled.

It is unlikely that heavy rain would overwhelm a containment area. Most of the secondary tank containment areas are designed to hold a greater volume than the tanks (110%), and only collect rain that falls directly into the containment area. All non-contaminated runoff is diverted away from the secondary containment areas. Overflow from containment would only occur if a catastrophic tank failure occurred at the same time as an exceptionally heavy storm event. See also responses to comments 4-4 and 4-5.

**Comment 4-8:** Commenter states that in Item 11bii. Water Resources – Surface Water and Water Supply, the EAW states CertainTeed will test detained stormwater after significant rainfall for contamination, but it does not state how CertainTeed will address contaminated stormwater. Council staff recommends including information on how the project proposer plans to address contaminated stormwater.

**Response:** CertainTeed will handle contaminated stormwater similar to how the facility would address a spill in any other part of the facility. This would involve shutting off ignition sources, initiating containment measures once testing shows contamination, which includes preventing the spill from reaching drains and leaving the property, and creating a spill report.

In the event of a spill of contaminated stormwater that the facility has recaptured, the spill would be addressed on a case-by-case basis depending on the spill. If a spill is caught in a stormwater pond the MPCA would have them pump it out for treatment and disposal. Treatment/disposal would be based on the volume and type of material spilled.

It is unlikely that heavy rain would overwhelm a containment area. Most of the secondary tank containment areas are designed to hold a greater volume than the tanks (110%), and only collect rain that falls directly into the containment area. All non-contaminated runoff is diverted away

from the secondary containment areas. Overflow from containment would only occur if a catastrophic tank failure occurred at the same time as an exceptionally heavy storm event. See also responses to comments 4-4 and 4-5.

**Comment 4-9:** The EAW does not include information about mapped springs in close vicinity to the project area. The DNR’s Minnesota Spring Inventory includes several mapped springs immediately downgradient of the project site. Including this information in the EAW would be useful, as any groundwater contamination may impact these resources and downstream surface waters.

**Response:** The nearest spring is 0.14 miles from the site; however, the closest springs are separated from the Project by Highway 101 and the railroad adjacent to the north. As discussed, there is minimal impact to groundwater at the Project site.

**Comment 4-10:** Commenter states that in Item 12. Contamination/Hazardous Materials/Wastes – Water Supply, the EAW mentions the three-year average of waste generation from the Facility for the years 2010 to 2012. This information is now over a decade old and may not represent current conditions and disposal practices; more recent information would be useful. If more recent information does not exist, please include an explanation why.

**Response:** The 2010-2012 value are still valuable in understanding waste generation prior to the installation of the blowstills. However, for clarity, waste generation numbers for 2020 to 2022 are provided below. The three-year average (2020 to 2022) for waste generation at the site was 27,102 tons annually. Of that total, an average of approximately 95 percent was recycled. The remaining 1,185 tons per year of non-hazardous waste was landfilled. The table below provides a summary of 2022 waste generation, waste types, and disposal at the facility.

**2022 Waste Generation and Disposal**

Disposal Method	Waste Type	Waste Details	Quantity (tons)
Landfilled Location:	Non-hazardous	Solid Waste (Facility waste)	2,976
Recycled Location:	Non-hazardous	Coated waste	23,895
		Used oil	645
		Fiberglass	3
		Cores	292
		Granules	7,756
		Cardboard/paper	86
		Gaylord totes recycling	4
		Metal	106
		Paint w/granules	3
		Pallets	190
		Plastics (film)	0
		LDPE recycling (Plastics)	41
	Universal	Batteries	0.1
		Bulbs	0.04
		Computer monitors	0.9
		Mercury wastes	0.005



Disposal Method	Waste Type	Waste Details	Quantity (tons)
		Appliances	0.2
Waste Incinerated (without beneficial recovery)	Hazardous	Aerosol can (not punctured)	0.2
	Non-hazardous	Absorbents and filter media	10
		Used oil / limestone	25
		Process oil (fume condensate)	6
Facility Totals		Total Landfilled	2,976
		Total Recycled	33,289
		Total Waste	36,306
		% of Total Waste Recycled	91.7%

**Comment 4-11:** Commenter states that in Item 18. Transportation, the traffic counts provided in the EAW (p. 41) represent data from over ten years ago. Council staff recommends updating the traffic data to the most recent available counts. Updated traffic counts for roadways near the project site include 23,681 on Canterbury Road at Highway 169 (2021), 8,500 on Canterbury Road at Highway 101 (2019), 6,400 on 4th Avenue East (2020), and 16,241 on Highway 101 (2022).

Council staff recommend updating transit availability information (p. 38) to reflect new service in the area. The EAW states there is no service within walking distance of the project location; however, Minnesota Valley Transit Authority Route 495 with service between Shakopee and the Mall of America has a stop at the Amazon fulfillment center located on Shenandoah Drive about one-half mile from the CertainTeed facility.

**Response:** CertainTeed acknowledges there are updated traffic counts for the area and that there are two bus stops within 0.5 miles of the facility – one at a Canterbury Park and one at the west entrance of the Amazon Fulfillment Center. These aspects do not significantly impact the EAW.

**5. Comments by Mark Noble, City of Shakopee. Email received October 26, 2023.**

**Comment 5-1:** Commenter states that a number of their drawings/attachments appear to be outdated.

**Response:** See response to Comment 3-3.

**Comment 5-2:** Commenter states that one element of their use of the site (exterior storage) has expanded beyond what was previously approved by Conditional Use Permit and we would specifically request that they contact us to pursue an amendment. The Conditional Use Permit process requires review and approval from the Board of Adjustment and Appeals in a public hearing process. Our application is available online thru the ePermit process (<https://shakopeemn-energovpub.tylerhost.net/apps/selfservice#/home>).

**Response:** Comment noted and forwarded to CertainTeed.

**6. Comments by Melissa Collins, Minnesota Department of Natural Resources. Email received October 26, 2023.**

**Comment 6-1:** Commenter states that on Page 12, Geology, please note that while no karst features have been mapped within the project area, the site is entirely within an area prone to surface karst feature development. There are also several springs mapped within 1,000 feet of the site to the north.

**Response:** See response to Comment 4-4.

**Comment 6-2:** Commenter states that on Page 14, Surface Waters, this section states that there are no fishable water bodies within one mile of the project area, however, the Minnesota River is fishable and located within one mile of the site.

**Response:** Item 11.a.i of the EAW incorrectly identified that there were no fishable waters within one-mile of the project, as the Minnesota River is within one-mile of the facility. See **Appendix C – Errata Sheet** for correct EAW language.

**Comment 6-3:** Commenter states that on Page 15, Wastewater, this section describes how water used for the steam boilers is treated by water softeners, and then discharged to the City’s sewer system. The additional 1.832 million gallons of wastewater per year released to the City’s sewer system is a significant amount, and is likely high in salts as a result of containing water softening discharge. It would be helpful to have more information about the chloride concentration of the wastewater discharged from the facility as well as the current state of Blue Lake WWTP (the recipient of CertainTeed’s wastewater) in meeting chloride effluent discharge standards.

**Response:** A recent study by the Metropolitan Council showed that the Blue Lake WWTP does not have a reasonable potential to exceed the chloride water quality standard limits and that there is no expectation that a Water Quality Based Effluent Limit for chloride would be needed for the new Blue Lake WWTP NPDES permit. The increase in discharge for CertainTeed only represents an increase in 10% of overall wastewater discharge and the facility has been working to reduce water use and discharge. In addition, since CertainTeed’s discharge has been at these elevated levels since the installation of the initial million-gallon tank, the Blue Lake WWTP study reflects this increase in wastewater discharge, and it continues to meet the chloride effluent discharge standards.

**Comment 6-4:** Commenter states that on Page 17, Stormwater, the Minnesota River is currently an impaired water and will be the receiving watercourse for stormwater from the site. Even if no additional requirements were needed at the time of construction, this current development proposal provides an opportunity to improve the quality of the stormwater being discharged to the Minnesota River.

**Response:** CertainTeed will continue to follow proper measures and BMPs listed in the SPCC and SWPPP to limit contamination of the city water supply.

**Comment 6-5:** Commenter states that on Page 23, Rare Features, there is very little wildlife habitat within the project area, however, the site is located entirely within the Lower Minnesota River Valley Important Bird Area (IBA), a significant corridor for migratory birds. The stormwater from the site flows to the Minnesota River, which is habitat for numerous species that could be impacted by changes to water quality.

**Response:** Comment noted and forwarded to CertainTeed.

**Comment 6-6:** Commenter states that on Page 25, Visual, because the project area is within an IBA and migratory bird corridor, lighting for the facility will be especially important to limit impacts to migratory birds. Animals depend on the daily cycle of light and dark for behaviors such as hunting, migrating, sleeping, and protection from predators. Light pollution can affect their sensitivity to the night environment and alter their activities. In addition to the undesirable effects of upward facing lighting, the hue of lights can also affect wildlife. LED lighting has become increasingly popular due to its efficiency and long lifespan. However, these bright lights tend to emit blue light, which can be harmful to birds, insects, and fish. The DNR recommends that any projects using LED luminaries follow the MnDOT Approved Products for luminaries, which limits the Uplight rating to 0. A nominal color temperature below 2700K is preferable for wildlife, and so we recommend choosing products that have the lowest number for backlight and glare (all approved products

should already be 0 for Uplight).

**Response:** Comment noted and forwarded to CertainTeed.

**Comment 6-7:** Commenter also recommends that all non-essential lighting be turned off during the Mayfly hatch as well as follow the Audubon Society's Lights Out program. This program advocates for darkening all buildings and structures during the bird migration from midnight until dawn March 15 - May 31 and August 15 - Oct 31. Information on this program can be found at: <http://mn.audubon.org/conservation/lights-out-faq>.

**Response:** Comment noted and forwarded to CertainTeed.

**7. Comments by John Reynolds, Minnesota Indian Affairs Council. Email received November 16, 2023.** Comment letter received after the comment period ended.

**Comment 7-1:** Commenter states that the provided project information did not adequately detail if the proposed project site's boundaries intersect with, or are immediately adjacent to the surrounding archaeological sites and burial areas. Further research, cultural resource management fieldwork, and consultation with area Tribal Historic Preservation Offices should occur prior to construction. A comprehensive archaeological monitoring plan should be developed for the construction process. For any remaining questions or concerns, please contact our office.

**Response:** The current and final phase of the Project will not include any excavation or disturbance of soil. The tank will be constructed on an existing concrete foundation. Installation of new filter bags will be within an existing silo filter. Installation of the RTO will be within an existing containment area and will not involve any earthwork.

There is additional concern about the staging area for the construction and that there could be damage to nearby burial sites from the heavy equipment.

Minn. Stat. 307.08, Subd. 10. **Construction and development plan review.** When human burials are known or suspected to exist, on public lands or waters, the state or political subdivision controlling the lands or waters or, in the case of private lands, the landowner or developer, shall submit construction and development plans to the state archaeologist for review before plans are finalized and prior to any disturbance within the burial area. If the known or suspected burials are thought to be American Indian, plans shall also be submitted to the Indian Affairs Council. The state archaeologist and the Indian Affairs Council shall review the plans within 45 days of receipt and make recommendations for the preservation in place or removal of the human burials or remains, which may be endangered by construction or development activities.

Minn. Stat. 307.08, Subd. 12. **Right of entry.** The state archaeologist or designee may enter on property for the purpose of assessing burial sites. The Indian Affairs Council or a designated representative of the Indian Affairs Council may enter on property for the purpose of assessing or identifying American Indian cemeteries. Only after obtaining permission from the property owner or lessee, descendants of persons buried in burial grounds covered by this section may enter the burial grounds for the purpose of conducting religious or commemorative ceremonies. This right of entry must not unreasonably burden property owners or unnecessarily restrict their use of the property.

Comment will be forwarded to CertainTeed with a recommendation that they contact and coordinate with the MIAC prior to beginning construction of the current phase of the expansion project and develop a comprehensive archaeological monitoring plan.

## Minnesota Pollution Control Agency

CertainTeed Roofing – Shakopee Expansion Project  
Environmental Assessment Worksheet (EAW)

## ERRATA SHEET

1. Below is the corrected language for Part 9.a.ii, paragraph three, of the EAW.

The city of Shakopee has a comprehensive plan that was updated and accepted by the Metropolitan Council for land use identified through the year ~~2030~~ **2040**. The ~~2030~~ **2040** Comprehensive Plan meets the requirements of the Metropolitan Land Planning Act and identifies the Shakopee’s future development goals and objectives. The plan indicates that land use surrounding the Project is proposed as ~~industrial~~ **a Mixed Employment Center, which is defined an area that includes “existing business parks, ...manufacturing, warehousing, office and light industrial businesses.”** ~~With~~With some land identified for entertainment to the south, where Canterbury Park is currently, and east, the current site of Valley Fair Amusement Park. The Facility is compatible with existing and planned future land use in the area and is therefore compatible with the ~~2030~~ **2040** Comprehensive Plan.

2. Below is the corrected language for Part 11.a.i, paragraph one, of the EAW.

As shown in Figure 11, the Facility is within one mile of one protected water basin (Shakopee Memorial Pond) and protected watercourse (Minnesota River). CertainTeed conducted a review of the U.S. Fish and Wildlife Service National Wetlands Inventory, which shows that various small freshwater ponds and wetlands are on or near the Project site; however, all larger wetlands are across Highway 101 from the Project. The results of this query are found in Figure 12. There are no trout streams or ~~fishable water bodies~~ or shallow, wildlife lakes within one mile of the Facility. **The Minnesota River is identified as a fishable water within 1-mile of the facility.**