July 31, 2006

TO: INTERESTED PARTIES

RE: Forest Lake – Section 21 Trunk Sewer Line

The Minnesota Pollution Control Agency (MPCA) has approved the Findings of Fact, Conclusions of Law, and Order for a Negative Declaration on the need for an Environmental Impact Statement on the proposed Forest Lake – Section 21 Trunk Sewer Line project, Washington County. The Findings of Fact, Conclusions of Law, and Order 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 the revised Environmental Quality Board rules, Minn. R. 4410.1700, subp. 7. This project can now proceed to permitting.

These documents can be reviewed at the following locations: the MPCA offices in St. Paul; the Forest Lake Branch Library, 220 North Lake Street, Forest Lake, Minnesota, 55025-2505; and the Washington County Library, 8595 Central Park Place, Woodbury Minnesota, 55125. The document can be viewed on our MPCA Web site at http://www.pca.state.mn.us/news/eaw/index.html. Requests for copies of these documents may be made by contacting the St. Paul office at (651) 297-8510.

We want to express our appreciation to those of you who submitted comments on the Environmental Assessment Worksheet. Your comments and responses to them have been incorporated into the Findings of Fact, Conclusions of Law, and Order and will assist MPCA staff in drafting permits for the proposed project.

Sincerely,

[Signature]

Richard Newquist
Supervisor, Environmental Review Unit
Environmental Review and Operations Section
Regional Division

RN: mbo
STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

IN THE MATTER OF THE DECISION
ON THE NEED FOR AN ENVIRONMENTAL
IMPACT STATEMENT FOR THE PROPOSED
FOREST LAKE - SECTION 21 TRUNK SEWER LINE
WASHINGTON COUNTY
FOREST LAKE, MINNESOTA

FINDINGS OF FACT

Pursuant to Minn. R. 4410.1000 - 4410.1600 (2003), the Minnesota Pollution Control Agency (MPCA) staff has prepared an Environmental Assessment Worksheet (EAW) for the proposed Forest Lake – Section 21 Trunk Sewer Line project (Project). Based on the MPCA staff environmental review, 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.

PROPOSED PROJECT DESCRIPTION

The city of Forest Lake (City) updated their Comprehensive Plan in 2004. Part of that plan includes phased development of the Project service area. The City proposes to construct approximately 4,065 feet of 12, 18, and 21-inch diameter trunk sewer line to serve approximately 280 acres of the City.

Sanitary sewer flow will be conveyed from the Greystone Avenue junction to the junction at County Road 50 and Goodview Avenue. Flow volumes are anticipated to be 0.04 million gallons per day (MGD) initially and 1.23 MGD ultimately at full build-out of the service area.

Construction of the trunk line will involve grading, excavation, backfilling, potential dewatering, and re-vegetation activities. Equipment to be used will include standard construction machinery, such as trucks, backhoes, graders, compactors, bobcats, cranes, loaders, compressors, and possibly dewatering pumps. Construction of the initial phase of the Project is anticipated to begin July 2006 and be completed by September 2006. Future phases will occur over time as development occurs.

Permitting History
Approximately 1,800 feet of 21 and 24-inch trunk line was previously constructed along County Road 50/202nd Street North from Forest Road North to Goodview Avenue North. Flows expected to be conveyed by that segment of pipe at the time of construction did not exceed the threshold for an EAW. With construction of the currently proposed segment, flows to be conveyed in the new and old segments will exceed the threshold.
PROCEDURAL HISTORY

1. Pursuant to Minn. R. 4410.4300, subp. 18, an EAW was prepared by MPCA staff on the proposed project. Pursuant to Minn. R. 4410.1500 (2003), the EAW was distributed to the Environmental Quality Board (EQB) mailing list and other interested parties on June 16, 2006.

2. The MPCA notified the public of the availability of the EAW for public comment. A news release was provided to Washington, Hennepin, Ramsey, Dakota, Carver, Anoka, and Scott counties, as well as other interested parties, on June 16, 2006. In addition, the EAW was published in the EQB Monitor on June 19, 2006, and available for review on the MPCA Web site at http://www.pca.state.mn.us/news/eaw/index.html on June 19, 2006.

3. The public comment period for the EAW began on June 19, 2006, and ended on July 19, 2006. During the 30-day comment period, the MPCA received two comment letters from government agencies and received no comment letters from citizens.

4. The MPCA prepared responses to all comments received during the 30-day public comment period. Comment letters received and the MPCA responses to comments received have been hereby incorporated by reference as Appendix A to these findings.

CRITERIA FOR DETERMINING THE POTENTIAL FOR SIGNIFICANT ENVIRONMENTAL EFFECTS

5. Under Minn. R. 4410.1700 (2003), the MPCA must order an Environmental Impact Statement (EIS) for projects that have the potential for significant environmental effects that are reasonably expected to occur. In deciding whether a project has the potential for significant environmental effects, the MPCA must compare the impacts that may be reasonably expected to occur from the project with the criteria set forth in Minn. R. 4410.1700, subp. 7 (2003). These criteria are:

A. the type, extent, and reversibility of environmental effects;

B. cumulative potential effects of related or anticipated future projects;

C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and

D. the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.
THE MPCA FINDINGS WITH RESPECT TO EACH OF THESE CRITERIA ARE SET FORTH BELOW

Type, Extent, and Reversibility of Environmental Effects

6. The first criterion that the MPCA must consider, when determining if a project has the potential for significant environmental effects that are reasonably expected to occur, is the "type, extent, and reversibility of environmental effects" Minn. R. 4410.1700, subp. 7.A (2003).

7. The MPCA finds that the project as it is proposed does not have the potential for significant environmental effects based on the type, extent, and reversibility of environmental effects reasonably expected to occur.

Cumulative Potential Effects of Related or Anticipated Future Projects

8. The second criterion that the MPCA must consider, when determining if a project has the potential for significant environmental effects that are reasonably expected to occur, is the "cumulative potential effects of related or anticipated future projects," Minn. R. 4410.1700, subp. 7.B (2003). The MPCA findings with respect to this criterion are set forth below.

9. 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 identify any potential cumulative environmental impacts that are reasonably expected to occur.

10. In considering the cumulative potential effects of related or anticipated future projects, the MPCA finds that the reasonably expected effects from this project will not be significant.

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

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

<table>
<thead>
<tr>
<th>Unit of Government</th>
<th>Permit or Approval Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. U.S. Army Corps of Engineers</td>
<td>Wetland/Water Project – Public Linear Utility Project (GP/LOP-98-MN-Section 404 Activities in Minnesota)</td>
</tr>
<tr>
<td>B. MPCA</td>
<td>Review and approval of Construction Plans and Specifications</td>
</tr>
<tr>
<td>C. MPCA</td>
<td>National Pollutant Discharge Elimination System General Permit for Discharge of Stormwater During Construction Activities (NPDES General Permit)</td>
</tr>
<tr>
<td>D. MPCA</td>
<td>Sewer Extension Permit</td>
</tr>
<tr>
<td>E. Minnesota Department of Natural Resources</td>
<td>Temporary Water Appropriation Permit</td>
</tr>
<tr>
<td>F. Minnesota Department of Health</td>
<td>Water Well Permit</td>
</tr>
<tr>
<td>G. Washington County Department of Transportation</td>
<td>Permit for Utility Construction on County Highway Right-of-way</td>
</tr>
<tr>
<td>H. Rice Creek Watershed District</td>
<td>Minnesota Wetland Conservation Act Certificate of No Loss or Exemption for temporary wetland, if proposed.</td>
</tr>
<tr>
<td>I. Rice Creek Watershed District</td>
<td>Review and approval of erosion and sediment control plans (Rule D)</td>
</tr>
</tbody>
</table>

13. The MPCA finds that ongoing public regulatory authority will address any significant potential environmental effects that were identified as reasonably expected to occur.

**The Extent to Which Environmental Effects can be Anticipated and Controlled as a Result of Other Available Environmental Studies Undertaken by Public Agencies or the Project Proposer, Including Other EISs**

14. The fourth criterion that the MPCA must consider is "the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs." Minn. R. 4410.1700, subp. 7.D (2003). The MPCA findings with respect to this criterion are set forth below.

15. The following documents were reviewed by MPCA staff as part of the potential environmental impact analysis for the proposed Project. This list is not intended to be exhaustive. The MPCA also relies on information provided by the project proposer, commentors, staff experience, and other available information.

- EAW
- Sewer Extension Permit
- NPDES General Permit
- Review and approval of Construction Plans and Specifications
16. There are no elements of the project that pose the potential for significant environmental effects that cannot be addressed in the project design and permit development processes, or by regional and local plans.

17. Based on the environmental review, previous environmental studies, and MPCA staff expertise on similar projects, the MPCA finds that the environmental effects of the project that are reasonably expected to occur can be anticipated and controlled.

CONCLUSIONS OF LAW

18. The MPCA has jurisdiction in determining the need for an EIS for this project. The EAW, the permit development process, the facility planning process, responses prepared by MPCA staff in response to comments on the Project EAW, 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.

19. Areas where the potential for significant environmental effects may have existed have been identified and appropriate mitigation measures have been incorporated into the Project design and permits. The Project is expected to comply with all MPCA standards.

20. Based on the criteria established in Minn. R. 4410.1700 (2003), there are no potential significant environmental effects reasonably expected to occur from the project.

21. An EIS is not required.

22. Any findings that might properly be termed conclusions and any conclusions that might properly be termed findings are hereby adopted as such.

ORDER

The Minnesota Pollution Control Agency determines that there are no potential significant environmental effects reasonably expected to occur from the Forest Lake – Section 21 Trunk Sewer project and that there is no need for an Environmental Impact Statement.

IT IS SO ORDERED

[Signature]
Sheryl A. Corrigan, Commissioner
Minnesota Pollution Control Agency

7/26/06

Date
Minnesota Pollution Control Agency

Forest Lake – Section 21 Trunk Sewer Line
Environmental Assessment Worksheet (EAW)

LIST OF COMMENT LETTERS RECEIVED

1. Amanda Goebel, Washington County. E-mail received July 6, 2006.
2. Phyllis Hanson, Metropolitan Council. Letter received July 18, 2006.

RESPONSES TO COMMENTS ON THE EAW

1. Comment by Amanda Goebel Washington County. E-mail received July 6, 2006.

Comment 1-1: Commenter stated that regarding Item 8 of the EAW, the reference to Washington County Highway Department should be changed to Washington County Department of Transportation.

Response: Comment noted.

2. Comments Phyllis Hanson, Metropolitan Council. Letter received July 18, 2006.

Comment 2-1: Commenter reminded the proposer that the Metropolitan Council will be reviewing permits as the project proceeds.

Response: No response necessary.

Comment 2-2: Commenter reminded the proposer to submit its Water Supply and Emergency and Conservation Plan update to required parties by October 15, 2006.

Response: No response necessary.
From: Amanda Goebel [Amanda.Goebel@co.washington.mn.us]
Sent: Thursday, July 06, 2006 1:14 PM
To: Kevin.Kain@state.mn.us
Subject: Forest Lake EAW

A few of us from Washington County have reviewed the Forest Lake Section 21 Trunk Sewer Line project and do not have any comments so far. One minor comment is that on page 4 it refers to the Washington County Highway Department and should refer to Washington County Department of Transportation and Physical Development. Thanks!

Amanda Goebel, R.E.H.S.
Senior Environmental Specialist
Washington County Public Health & Environment
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P.O. Box 6
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July 17, 2006

Kevin Kain, Project Manager
Minnesota Pollution Control Agency
520 Lafayette Road North
Saint Paul, MN 55155

RE: City of Forest Lake Section 21 Trunk Sewer
Environmental Assessment Worksheet
Metropolitan Council District 12
Metropolitan Council Review No. 19777-1

Dear Mr. Kain:

This project involves construction of a City trunk sanitary sewer in Forest Lake. Approximately 4,065 feet of a various-sized trunk sewer line will be constructed over the next 14 years to serve a 280-acre development area in the south-central part of the City. The initial phase will be done later this year, with subsequent phases done in response to development demand.

Metropolitan Council staff review of the Environmental Assessment Worksheet finds that it is complete and accurate with respect to regional concerns. An Environmental Impact Statement is not necessary for regional purposes. Staff offers the following advisory comments for the proposer’s consideration.

Item 8 – Permits and Approvals Required (Jim Larsen, 651-602-1159)
In accordance with Minnesota Statute Section 473.513, at the time the City makes application to the Minnesota Pollution Control Agency (MPCA) for a permit to construct each segment of the proposed sanitary sewer project, a copy of the plans, design data, and a location map of the project will need to be submitted to the Metropolitan Council. The Council’s Environmental Services staff will need to review, comment, and recommend issuance of the construction permit by the MPCA before connection can be made to the City’s wastewater disposal system.

Item 13 – Water Use (Sara Bertelsen, 651-602-1035)
The City will need to submit their Water Supply and Emergency & Conservation Plan update to the Council and Minnesota Department of Natural Resources (DNR) by October 15, 2006, in accordance with the DNR’s April 28, 2005 guidance letter to the City. The City is encouraged to pursue opportunities to implement water conservation efforts to help keep per capita water use down. Timely submission of the plan element update will insure any future water appropriation permit requests or Comprehensive Plan Amendment submissions from the City will not experience unnecessary delays in their review process.
If you need further information, please contact Bob Mazanec, Principal Reviewer, at 651 602-1330, or the technical reviewer indicated for matters pertaining to specific comments above.

Sincerely,

Phyllis Hanson, Manager
Local Planning Assistance

cc: Doug Borglund, City of Forest Lake
    Chris Georgacas, Metropolitan Council District 12
    Cheryl Olsen, Reviews Coordinator
    Bob Mazanec, Sector Representative & Principal Reviewer
    Jack Jackson, MultiFamily Market Analyst, MHFA
    Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division