

MINNESOTA POLLUTION CONTROL AGENCY

**IN THE MATTER OF THE DECISION
ON THE NEED FOR AN ENVIRONMENTAL
IMPACT STATEMENT FOR THE PROPOSED
EPITOME ENERGY SOYBEAN PROCESSING FACILITY
CITY OF CROOKSTON
POLK COUNTY, MINNESOTA**

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

FINDINGS OF FACT

Pursuant to Minn. R. ch. 4410, the Minnesota Pollution Control Agency (MPCA) staff prepared and distributed an Environmental Assessment Worksheet (EAW) for the proposed Epitome Energy Soybean Processing Facility (Project). 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.

Project Description

1. Epitome Energy, LLC proposes to construct a rail served soybean crush and extraction facility in Crookston, MN. At full production capacity, the Project will process up to 42 million bushels of soybeans per year procured from soybean growers in the Crookston region. The Project will produce up to 450 million pounds of crude oil, just under one million tons of soybean meal, and 65,000 tons of soybean hulls. The Project includes 21 aboveground storage tanks for over 3.6 million gallons of storage.
2. Regarding the status of MPCA draft permits, the Air Emissions Permit is being drafted for public notice. Further, the Above Ground Storage Tank Major Facility Permit is ready for reissuance upon completion of environmental review.

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. Minn. R. 4410.4300, subp. 1 requires preparation of an EAW for the Project because it generate more 250 tons per year of any single air pollutant after installation of pollution control equipment, which exceeds the threshold identified in Minn. R. 4410.4300, subp. 15(A).
5. The MPCA provided public notice of the Project as follows:
 - a. The Environmental Quality Board (EQB) published the notice of availability of the EAW for public comment in the *EQB Monitor* on July 19, 2022, as required by Minn. R. 4410.1500.
 - b. The EAW was available for review on the MPCA website at <http://www.pca.state.mn.us/eaw>.
 - c. The MPCA provided a news release to media in Polk County Minnesota, and other state-wide interested parties, on July 19, 2022.

6. During the 30-day comment period on the EAW ending on August 18, 2022, the MPCA received comments from the State Historic Preservation Office, Department of Transportation, Polk County, and the City of Crookston and one comment from a citizen.
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

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 may reasonably be expected to occur from the Project include the following:
 - human health impacts related to emissions of hazardous air pollutants
 - impacts related to emissions of greenhouse gasses
11. With respect to the extent and reversibility of impacts that are reasonably expected to occur from the Project, the MPCA makes the following findings.

Human health impacts related to emissions of hazardous air pollutants

12. The Project will be emitting 329 tons per year of n-Hexane a hazardous air pollutant.
13. An Air Emission Risk Analysis (AERA) was completed for the project to evaluate and quantify potential human risks associated with emissions from the proposed project.
14. The AERA includes evaluation of n-Hexane, a hazardous air pollutant. Acute (short-term) exposure to hexane may cause dizziness, slight nausea, headache and irritation to the eyes and throat. Chronic (long-term) exposure is associated with numbness in the extremities, muscular weakness, blurred vision, headache, and fatigue observe.⁸ The AERA assesses both the short-term acute inhalation hazard and the long-term chronic acute inhalation cumulative excess cancer risk and hazard.
15. 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.

Impacts related to emissions of greenhouse gasses

16. The MPCA considered greenhouse gas (GHG) emission sources that are within the scope of the Project.
17. 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.
18. 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 (CO₂e).
19. Using EPA emission factors, the MPCA estimates include Scope 1 Construction Sources, Scope 1 Mobile Equipment Combustion, Scope 1 Stations Equipment Combustion, Scope 2 Fugitive Emissions, and Scope 2 Off-site Electricity, the Project will release 115,398.64 short tons of CO₂e annually.
20. There are no Minnesota or National Ambient Air Quality Standards (NAAQS) for GHGs.
21. 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.
22. 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 quality of human health impacts related to emissions of hazardous air pollutants that are reasonably expected to occur from the Project.
23. 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 emissions of greenhouse gasses, which are reasonably expected to occur.

Cumulative Potential Effects

24. 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.
25. The EAW, public comments, and MPCA follow-up evaluation did disclose related or anticipated future projects that may interact with this Project in such a way as to result in significant cumulative potential environmental effects.
26. The EAW addressed the following areas for cumulative potential effects for the proposed Project:
- air quality

Air Quality

27. Epitome identified American Crystal Sugar –Crookston (ACSC), CHS Inc. dba Mid-Valley Coop (CHS), SunOpta Grains & Foods Inc (SunOpta), and Ag Innovation Campus (AIC) as nearby sources that could influence ambient air concentrations near the Project.
28. To account for potential cumulative impacts, ACSC, SunOpta, and AIC were modeled explicitly as nearby sources in the PM2.5 analyses for dispersion modeling and the AERA.
29. Epitome modeled ACSC, CHS Inc dba Mid-Valley Coop (CHS), SunOpta, and AIC explicitly as nearby sources for PM10.
30. Air dispersion modeling for the Project used AERMOD, a steady-state plume model that incorporates air dispersion based on planetary boundary layer turbulence structure and scaling concepts, including treatment of both surface and elevated sources, and both simple and complex terrain. AERMOD is the MPCA preferred air dispersion model for use in air assessments in an EAW.
31. Air dispersion modelling results predicted that the Project would comply with National Ambient Air Quality Standards.
32. 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.
33. Therefore, the MPCA finds that the Project is not expected to contribute significantly to adverse cumulative potential effects on air quality.

Cumulative Effects – Summary

34. Based on information on the Project obtained from air modeling reports information on air quality 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.

35. 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.

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

36. The third criterion that the MPCA must consider when determining if a project has the potential for significant environmental effects 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.

37. The following permits or approvals will be required for the Project:

Unit of Government	Permit or Approval Required
MPCA	Air Emissions Permit
MPCA	National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit
MPCA	National Pollutant Discharge Elimination System (NPDES) Industrial Stormwater Permit
MPCA	Minnesota State Spill Response Plan
MPCA	Aboveground Storage Tank Major Facility Permit
US EPA	Spill Prevention, Control and Countermeasure Plan (SPCCP)
State Fire Marshall	Plan Review for Aboveground Storage Tanks
Board of Water and Soil Resources	Wetland Replacement Plan
City of Crookston	Conditional Use Permit
City of Crookston	Building Permit
City of Crookston	Permit for Discharge of Industrial Wastewater
City of Crookston	Connection Permit to Sanitary Sewer

38. **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.

39. **NPDES Construction Stormwater Permit:** The Project requires a NPDES/CSW permit which will include require the implementation of 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. The contractor shall obtain a permit prior to each construction phase.

40. **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. The facility will need to prepare a Spill Response Plan and/or revise its Stormwater Pollution Prevention Plan.

41. **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.

42. **US EPA Spill Prevention, Control and Countermeasure Plan (SPCCP):** Certain facilities that store oil and that could affect a navigable water or adjoining shoreline must prepare the SPCCP. Elements include secondary containment, facility layout and drainage pattern, and cleanup procedures, among other requirements.
43. **State Fire Marshall Plan Review for Aboveground Storage Tanks:** The State Fire Marshal Division conducts plan reviews for Aboveground Storage Tanks that contain flammable (Class I) liquids at bulk plants, chemical plants, refineries, and processing plants. The plan review would consider such design elements as flammable materials storage and conformance with setbacks.
44. **City of Crookston 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.
45. **City of Crookston Building Permit:** Building permits and inspections assure that the project will be constructed or installed in accordance with city ordinances and codes.
46. **City of Crookston Permit for Discharge of Industrial Wastewater:** This City permit will allow a new industrial discharge to the City's wastewater treatment facility.
47. **City of Crookston Connection Permit to Sanitary Sewer:** The permit assures that the utilities will be constructed or installed in accordance with ordinances and codes and provides for inspections.
48. 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.

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

49. 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.
50. Although not exhaustive, the MPCA reviewed the following documents as part of the environmental impact analysis for the proposed Project:
 - Data presented in the EAW
 - Air Dispersion Modeling Report
 - U.S. Government's U.S. Greenhouse Gas Emissions and Sinks: 1990-2016 (2018)
 - MPCA's legislative report *Greenhouse Gas Emissions in Minnesota: 1990-2016* (2019)
 - MPCA's report *Greenhouse gas reduction potential of agricultural best management practices* (2019)
 - The Center for Climate Strategies in Collaboration with Minnesota State Agencies' report
 - Minnesota Climate Strategies and Economic Opportunities (2016)
 - Permits and environmental review of similar projects

51. The MPCA also relies on information provided by Epitome Energy, LLC., persons commenting on the EAW, staff experience, and other available information obtained by staff.
52. 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.
53. 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.
54. 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

55. 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.
56. The MPCA identified areas for potential significant environmental effects. The Project design and permits ensure Epitome Energy, LLC. will take appropriate mitigation measures to address significant effects. The MPCA expects the Project to comply with all environmental rules, regulations, and standards.
57. 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.
58. An EIS is not required for the proposed Epitome Energy Soybean Processing Facility.
59. Any Findings that might properly be termed conclusions and any conclusions that might properly be termed Findings are hereby adopted as such.

ORDER

60. The Minnesota Pollution Control Agency determines that there are no potential significant environmental effects reasonably expected to occur from the Epitome Energy Soybean Processing Facility project and that there is no need for an Environmental Impact Statement.

Katrina Kessler

Katrina Kessler, Commissioner
Minnesota Pollution Control Agency

September 28, 2022

Date

Minnesota Pollution Control Agency

**Epitome Energy Soybean Processing Facility
EAW**

LIST OF COMMENT LETTERS RECEIVED

1. Clayton Doss. Letter received August 1, 2022.
2. John D. Steiner, Polk County Environmental Services. Letter received August 16, 2022.
3. Charles Reynolds, City of Crookston. Letter received August 18, 2022.
4. Sarah J. Beimers, Minnesota State Historic Preservation Office. Letter received August 17, 2022.
5. Jon Mason, Minnesota Department of Transportation. Letter received August 15, 2022.

Minnesota Pollution Control Agency

Epitome Energy Soybean Processing Facility
Environmental Assessment Worksheet (EAW)

RESPONSES TO COMMENTS ON THE EAW

1. Comments by Clayton Doss. Letter received August 1, 2022.

Comment 1-1: Sounds like progress to me. Let's build

Response: The comment is noted.

2. Comments by John D. Steiner, Polk County Environmental Services. Letter received August 16, 2022.

Comment 2-1: Polk County Environmental Services has received the aforementioned EAW. The correspondence containing the EAW represents the first contact by Epitome Energy (Epitome), or agents on their behalf, with our office in regards to this project. In checking with other County departments, none of them received the EAW notice. Minimal conversation between Epitome and those departments has occurred to date.

Response: MPCA as a policy sends copies of the EAW to the Chair of the County Board and to the County's Planning and Zoning.

Comment 2-2: Upon review of the EAW it appeared much like a concept proposal more so than a solid plan. It was heavy on content and detail in some areas, and lacking or insufficient in other areas. There are multiple critical variables for which the outcomes are being assumed rather than determined. Should some of these variable outcomes be determined to the contrary, it would change the nature of the project and comment on the EAW. (Ex. Abandonment of South Front St. easements, abandonment of County ditch easements, variances to deviate from 35' height requirement to accommodate >100' improvements, etc.)

Response: The EAW is a planning information gathering document. If there is a change in the project following a negative declaration on the need for an Environmental Impact Statement (EIS) then the MPCA will need to evaluate that change according to: Minn. R. 4410.1000 Subp. 5 **Change in proposed project; new EAW**. If, after a negative declaration has been issued but before the proposed project has received all approvals or been implemented, the RGU determines that a substantial change has been made in the proposed project or has occurred in the project's circumstances, which change may affect the potential for significant adverse environmental effects that were not addressed in the existing EAW, a new EAW is required. Epitome has been made aware of the possibility of completing a new round of environmental review if there are substantial changes to the Project.

Comment 2-3: While these [local] entities cannot issue permits or approvals prior to the EAW declaration, they could have obtained assurances or conditional approvals subject to favorable EAW declaration. This would have eliminated many of those variables.

Response: The purpose of environmental review is to inform the permitting process. MPCA does not recommend conditional approvals of a proposed project until the environmental review process is complete.

Comment 2-4: Waste/Hazardous Waste/Spills. These sections (Pg 20) were overly simplistic, overly generalized, and not adequate for this purpose. Normal operations on a plant of this size would suggest large-scale repair, maintenance and cleaning activities would be routinely conducted. However, there is little detail offered related to the waste byproduct types, volumes, character or frequency related to these activities. Likewise, "Take it to a licensed disposal facility" is used frequently in how these materials will be managed. The point of an EAW in this regard is to disclose the details of those activities and how/were they will be legally managed. Even where it stated sorbent socks and sludge would be landfilled, as an industrial waste it may not be allowed to be landfilled locally due to its specific chemical composition and strength.

Response: A final operations plan for the Project has not been prepared and the specific disposal locations have not been identified for the industrial wastes that will be produced. The wastes that will be generated are typically accepted at landfills that accept industrial wastes or at MSW landfills, a recycling center, or a waste to energy facility. It is anticipated that prior to shipment to a waste disposal facility, the waste acceptance criteria of the identified facility will be followed including any testing or waste characterization requirements of that facility's industrial waste management plan.

Comment 2-5: PFAS/PFOS: Are PFAS or PFOS found in any of your discharges to surface, ground or wastewater as a result of the plant processes? PFAS/PFOS are a family of chemicals of concern both at the federal and state level, and much regulatory consideration is now afforded this factor.

Response: PFAS or PFOS products will not be used in the soybean handling or processing operations. The fire suppression system is water based, not aqueous film-forming foam [AFFF], which commonly contains PFAS. Foam based release of PFAS and PFOS chemicals to the ground, groundwater or surface water is not anticipated. The City of Crookston will require Epitome Energy to install an automatic wastewater sampler at a point immediately prior to discharge into the City of Crookston's sanitary sewer system. The City of Crookston will establish appropriate limits for the wastewater discharge to ensure Epitome Energy, LLC has adequately treated the discharged water to enter the City of Crookston's sanitary system.

It is expected that as PFAS regulations develop, the wastewater discharge from the Epitome facility will be subject to any applicable PFAS effluent limits and regulations that are adopted on a state or federal level. MPCA has adopted a PFAS Blueprint to address the widespread presence of these chemicals across Minnesota. MPCA is currently implementing a statewide PFAS monitoring plan, which the City of Crookston's wastewater treatment plant is included as one of 91 municipal wastewater treatment plants to participate in MPCA's current statewide PFAS' monitoring plan.

Comment 2-6: Baghouse Disposal. The EAW (Pg 25) mentions the use of multiple baghouse and cyclone systems for the plant. These systems usually have filters that must be periodically replaced. However, the EAW does not address the volume, character, frequency or management of these baghouse wastes.

Response: The baghouse bags are periodically laundered at an industrial laundry facility to prolong their useful life. After several years of use the bags may need to be replaced and the spent bags are recycled, used as biofuel, or landfilled. The cages have a long life and can be recycled at any metal recycling center if they do wear out. Generally, cyclones have no waste from the use of consumables since they have no socks, bags, or other similar materials.

Comment 2-7: Spoiled Bean/Sweepings. The EAW (Pg 2) does not contemplate or address the expected volumes of spoiled beans and sweepings associated with this 42M bushel/yr plant (or 1.13M tons/yr). The EAW does not indicate any plans for the management of this waste stream.

Response: The amount of spoiled soybean waste is anticipated to be minimal. Epitome anticipates that spoiled beans/sweepings will either be landfilled or composted at a licensed solid waste facility.

Comment 2-8: Railcar Cleaning. The EAW is heavily dependent upon rail service for storage and shipment. There is no mention of plant activities related to rail cars except with regard to loading them for shipment. Does Epitome conduct any rail car maintenance, repair, cleaning or prep work (cleaning, sweeping, washing) to allow for movement of product via rail and meet market specification? If so, please describe how the wastes associated with that activity managed.

Response: Railcar cleaning is not anticipated to occur on-site. Railcars are often dedicated to the products that they carry and if the service is not changed, the railcars do not get cleaned between loads. Railcars get yearly maintenance performed by a third party at the third party's facility. Cars are sent out to the third party for their routine cleaning and maintenance on a rotating schedule. During the routine maintenance activity, the cars get cleaned as part of the maintenance schedule.

Comment 2-9: Railway-associated spills. The EAW (Pg 14) states that spills of vegetable oil & hexane at the rail and truck loading areas will be contained and collected in trench drains which will pump free-liquid to 200 gallon totes for disposal. It goes on to state that roofs will be installed over the trench drains to keep stormwater out of the drains. This plan does not state if the load-out areas and trenches are impermeable concrete or are a less impervious surface like Class 5 or engineered clay liner. Likewise, a roof may not adequately prevent precipitation (rain or snow) from entering this system – especially during winter when blowing snow and ice will accumulate. Ensuring a hazardous substance such as Hexane does not reach surface or groundwater is critical.

Response: Epitome acknowledges that groundwater protection is critical. Spill prevention control and counter measures will be implemented at the Project to protect the groundwater from spills associated with the transfer of materials throughout the Project. Load out activities will be on pervious surfaces and the collection trenches, pipes, and tanks will be constructed of impervious materials compatible with the materials being transferred. The final site design will incorporate grading of the loadout and transfer areas to direct stormwater runoff and snowmelt away from the covered loadout area and prevent it from entering the system. Snow clearing will be performed as necessary to keep the loadout areas free of accumulating snow and ice.

Comment 2-10: Roadway abandonment. The EAW (Pg 3) states that the roadway along South Front St needs to be abandoned in order to gain rail access. This is a key part of the plant's operations as described in the EAW. The MPCA and Epitome represent no agreement on this topic has been reached with the City. Why is there no such agreement – contingent upon favorable EAW declaration – in place prior to the EAW comment period? Failure to get that approval would substantially impact many other areas of the EAW.

Response: Page 3 of the EAW states that "Epitome has requested that the section of Front Street right of way adjacent to the railyard be vacated..." Abandonment of Front Street is not a requirement to gain rail access. The request to vacate is based on safety concerns and will be evaluated through the City of Crookston's Conditional Use Permitting process and developer's agreement. If Front

Street is not abandoned, the service tracks will cross Front Street to access the Project's rail yard and will not substantially impact other areas of the EAW.

Comment 2-11: Railway or Truck. The EAW (Pg 29) states Epitome anticipates sending the majority of product (meal, hulls and oil) by rail, with "some" potentially by truck. The EAW (Pg 33) later gives a breakdown of "some" potential by truck – with 32% of meal and 50% of hulls to be shipped by truck. That converts to 65-70 truckloads daily of meal and hulls. The statement on Pg 29 is misleading. There are a significant number of loads planned to be hauled by truck, not 'potentially some' as stated.

Response: The breakdown of 32% meal and 50% hull shipped by truck was developed to represent a reasonable analysis of traffic generation rates. An estimated 38 truckloads (76 truck trips) will be generated daily from hauling 32% meal and 50% hulls by truck. These 76 daily trips were accounted for in the estimated total daily traffic generated presented on page 33 of the EAW. Whether or not this many loads will be hauled by truck will depend upon the end markets for the hulls and meal.

Comment 2-12: Railway for Local Markets. The EAW stated (Pg 3) that these byproducts (meal and hulls) are intended to be used as local livestock feed. However, the EAW (Pg 29) anticipates a majority of product (meal and hulls) would be shipped by rail, with some potentially by truck. This is inconsistent. Products intended for local markets are not usually shipped by rail. Is there a local market for these products, or is the rail transfer anticipating non-local market needs? Do the traffic counts used in the EAW align with the clarification of this inconsistency?

Response: The statement on page three should be revised to say "Additionally, Epitome will sell the soybean meal and soybean bean hulls as animal feed." To clarify, it is anticipated that there will be a local market for a portion of these products and that local market will be served by truck. Potential additional markets have been identified that would be served by rail. No contracts have been signed or developed. The EAW analyzed a reasonable estimate of product shipped by truck and by rail. The traffic counts presented in the EAW align with the estimate of 32% meal and 50% hulls shipped by truck to local markets.

Comment 2-13: Ditch abandonment. The EAW (Pg 12) states the R-O-W for the county ditch needs to be abandoned by the County, but to our knowledge there has been no communication with the ditch authority/County on this matter. Polk County Highway Dept. is the Ditch Authority, and Polk County Treasurer Dept. would be the entity to handle any abandonment proceedings. Epitome is encouraged to contact those entities related to ditch matters.

Response: The EAW states, "A ditch CD 62) along the southside of Ingersoll Ave is part of the Polk County Ditch System, Establishment of the ditch was in 1949 before annexation of the property to the south into the City. Polk County has not abandoned the segment of the ditch that runs through the City, so it is still under Polk County ditch authority." This statement was based on communications with Jody Beauchane, Polk County Emergency Management, Ag & Drainage Inspector during development of the EAW. The EAW does not state, nor does the project require that the R-O-W for the county ditch to be abandoned. County Ditch 62 runs along the south side of Ingersoll Avenue. The property that the Epitome project will be built on does not extend to Ingersoll Avenue. No work in the ditch is proposed as part of the Project.

Comment 2-14: Improvements not labeled. On the site layout on Figure 3, many structures/improvements were not labeled, including what appeared to be one large structure. It would be helpful to label all figures shown on site plans and drawings relative to the project.

Response: A revised Concept Site Plan is attached with additional labels. This is a concept site plan and final engineering design may result in some adjustments to building and structure locations. The revised Concept Site Plan is Appendix 1 to this document.

Comment 2-15: Sound buffer berms. The EAW (Pg 8) proposes to construct a berm to provide sound buffer to those residences along South Front Street. Figure 3 shows the location of the proposed berm. No such buffer is planned to be erected for those homes directly north of the project on Ingersoll Ave. It would seem this may be a point of contention with those residents on Ingersoll Ave.

Response: The berm was placed adjacent to the resident along Front Street because his property is adjacent to the railyard and the berm will provide visual screening as well as reduce sound energy levels at this closest residence. Final site design and the city permitting process can address the need for additional berms along Ingersoll.

Comment 2-16: Service Area Inconsistency. The EAW (Pg 4) states there is no soybean processing facility within 100 miles and states its service area is an 11-county region of MN and 12 counties in ND. However, Epitome states (Pg 8) that nearly 100% of the traffic using Epitome will come from the west and leave from the west. This is inconsistent. Crookston is in west Polk County – 20 miles from ND. There are only 2 MN counties north (and not east) of Polk, and 3 MN counties to the south (and not east) of Polk, that are within a 100-mile radius. To serve an 11-county region of MN, most of the MN area is east of Epitome. If the beans are from farms located to the east of the Plant, they will drive through those residential areas when coming/going from the Plant.

Response: It is more accurate to say that it is anticipated that most beans will generally come into the Project from the west. Beans coming from the east may utilize the State and County Highway System (State Highway 2 a Principal Arterial and CSAH 9 Fairfax Avenue a Major Collector) passing through industrial and residential zoning districts.

Comment 2-17: Traffic: Traffic counts – average and peak – seem to be ‘normalized’ over a week time-period. There is extensive traffic from MN 9, TH 75, local county roads and Ingersoll Ave during harvest season due to American Crystal Sugar and other elevators in the area. The Polk County Transfer Station (waste transfer) is located on Ingersoll Ave, attracting many garbage, roll-off and transfer trailer trucks and several hundred personal vehicles per day. Other high-traffic uses are also located nearby, such as multiple implement dealerships, manufacturing plants, etc. Ingersoll Ave is also heavily used by people trying to bypass the Crookston downtown area – connecting MN 9 / TH 75 to US 2. The Ingersoll Ave/ MN 9 & TH 75 intersection is uncontrolled and turn lanes may not accommodate the number of vehicles waiting to turn at peak times. It’s unknown what traffic impacts the Ag Innovation Campus currently under construction will have on the roadway system. Peak traffic counts during harvest, and peak operational hours during business days should be looked at for traffic flow/safety concerns.

Response: Ingersoll Avenue is a local road with the purpose of providing access to local businesses within this industrially zoned district. Ingersoll Ave. has an ADT of 1359 (2021), based on MNDOT’s Traffic Mapping Application. With the addition of traffic from the Project, the AADT of Ingersoll will be below 2,000 AADT and the capacity of the roadway is considered adequate. Traffic flow

and safety were considered in designing the traffic patterns for the Project including incoming beans entering from the south, exiting to the north, and extending Agriculture Road to provide access to the Project rather than direct access onto Ingersoll.

Comment 2-18: Agricultural Road & Ingersoll Ave intersection. The EAW (Pg 34) lists traffic counts on Ingersoll Ave and nearly 100% of traffic leaving Epitome (and Ag Innovation Campus) will be from Agricultural Road. It concludes that “the capacity of the roadway system is adequate”. Later in the same section it states, “with the construction of the new access road, the Project will eliminate potential access conflicts onto Ingersoll with no anticipation of cumulate potential effect.” What roadway authority has made these proclamations?

Response: The new Agriculture Road access was designed by the City of Crookston anticipating traffic from both the Ag Innovation campus and Epitome. The City of Crookston designed and constructed Agricultural Road to provide a single point of access onto Ingersoll Avenue, eliminating the potential conflict of two closely spaced direct access points onto Ingersoll from each facility as originally planned.

Comment 2-19: Boiler feedwater: The EAW (Pg 17) lists water supplies for the Epitome boilers to generate process steam to be entirely from two sources: (1) excess process water from American Crystal Sugar, and (2) the City of Crookston’s grey-water ponds. In Polk’s experience boiler feedwater quality is crucial to boiler maintenance and operations and to ensure reliable steam quality and quantity. A boiler feedwater treatment regimen is required to do so. Has Epitome conducted analysis on these two (dissimilar) feedwater supplies to ensure they are sufficient? Should they not be sufficient, boiler water would need be from either on-site wells and/or City of Crookston water supply – both of which would impact the EAW in other areas.

Response: Epitome has conducted analysis of both feedwater streams and has designed a boiler feedwater treatment regime as part of process design work.

Comment 2-20: Polk County does not believe an EIS is needed to get these answers, but answers should be provided. The process to obtain those answers, or the answers themselves, may prompt a more in-depth look at some of these topics. Some of these answers may indicate to entities with jurisdiction that improvements may be required to infrastructure to accommodate this project and support current activities.

Response: Comment noted. The MPCA Commissioner, following the criteria in Minn. R. 4410.1700, subp.7, will determine the need for an EIS after carefully reviewing all information in the EAW and in the public comments. The MPCA Commissioner will develop Findings of Fact and Conclusions of Law to support either a positive declaration on the need for an EIS, or a negative declaration on the need for an EIS.

MPCA is required by Minn. R. 4410.1700, subp. 4 to “include specific responses to all substantive and timely comments on the EAW.” Minn. R. 4410.1700, subp. 2(A) states “If the RGU determines that information necessary to a reasoned decision about the potential for, or significance of, one or more possible environmental impacts is lacking, but could be reasonably obtained, the RGU shall either:

- a. make a positive declaration and include within the scope of the EIS appropriate studies to obtain the lacking information; or
- b. postpone the decision on the need for an EIS, for not more than 30 days or such other period of time as agreed upon by the RGU and proposer, in order to obtain the lacking

information. If the RGU postpones the decision, it shall provide written notice of its action, including a brief description of the lacking information, within five days to the project proposer, the EQB staff, and any person who submitted substantive comments on the EAW.”

3. Comments by Charles Reynolds, City of Crookston. Letter received August 18, 2022.

Comment 3-1: The water and wastewater use demand set forth in the EAW reflect the Crookston City staff's most recent conversation with Dennis Egan. The City of Crookston will require Epitome Energy, LLC install an automatic wastewater sampler at a point immediately prior to the Epitome Energy, LLC service entering the City of Crookston's sanitary watermain. The City of Crookston will need to establish appropriate limits for Epitome Energy, LLC wastewater discharge in order to ensure Epitome Energy, LLC has adequately treated the discharged water to enter the City of Crookston's sanitary system and that adequate treatment has been achieved.

Response: Comment noted. Epitome agrees with the above understanding of the City of Crookston's requirements with respect to water and wastewater use and discharge.

Comment 3-2: The MPCA EAW Study references items identified in item #8. In addition to the items identified, a City of Crookston variance permit will be required with respect to dimensions that deviate from ordinance height of buildings/structures or deviation in dimensional setbacks from lines.

Response: Epitome acknowledges that in addition to the permits listed in section 8, a variance permit will be required to deviate from ordinance standards with respect to building/structure heights and/or setbacks from property lines.

Comment 3-3: The City of Crookston code and ordinances for the potential Epitome Energy, LLC project must be followed. These include but are not limited to: Minnesota building codes, fire codes, zoning, and parking codes.

Response: Comment noted. Epitome anticipates that the project design must comply with the City of Crookston's code and ordinances, including those noted in the comment.

Comment 3-4: All of the provisions of the City of Crookston Charter will necessarily be consulted and must be complied with as they relate to the Epitome Energy, LLC proposed project including but not limited to vacation of streets.

Response: Comment noted. Epitome understands that all the provisions of the City of Crookston Charter must be complied with including but not limited to vacation of streets.

4. Comments by Sarah J. Beimers, Minnesota State Historic Preservation Office. Letter received August 17, 2022.

Comment 4-1: Due to the nature and location of the proposed project, we recommend that a Phase I archaeological survey be completed. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation and should include an evaluation of National Register eligibility for any properties that are identified. For a list of consultants who have expressed an interest in undertaking such surveys, please visit the website preservationdirectory.mnhs.org, and select "Archaeologists" in the "Search by Specialties" box.

Response: Epitome has agreed to contract with a consultant to prepare a Phase 1 Archeological survey and submit it to the SHPO for review prior to conducting any ground disturbing activities at the Site.

Comment 4-2: We will reconsider the need for survey if the project area can be documented as previously surveyed or disturbed. Any previous survey work must meet contemporary standards. Note: plowed areas and right-of-way are not automatically considered disturbed. Archaeological sites can remain intact beneath the plow zone and in undisturbed portions of the right-of-way.

Response: Comment noted.

Comment 4-3: Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36 CFR § 800. If this project is considered for federal financial assistance, or requires a federal permit or license, then review and consultation with our office will need to be initiated by the lead federal agency. Be advised that comments and recommendations provided by our office for this state-level review may differ from findings and determinations made by the federal agency as part of review and consultation under Section 106.

Response: The MPCA notes the comment; no response to this comment is necessary.

5. Comments by Jon Mason, Minnesota Department of Transportation. Letter received August 15, 2022.

Comment 4-1: EAW Item #8 indicates a driveway/access permit is to be submitted to MnDOT. The EAW does not indicate a new access to U.S. Highway 75 is proposed as part of this project. A MnDOT driveway/access permit is not required unless a new driveway/access is being requested.

Response: The access MnDOT access permit should be removed from the list of permits needed. It was inadvertently left in the Table from a preliminary design that accessed US Highway 75. No new access to US Highway 75 is proposed as part of the Project.

Comment 4-2: MnDOT recommends the Responsible Government Unit or Local Land Use Jurisdiction require the project proposer to construct a northbound right-turn-lane at the U.S. Highway 75/290th Street intersection.

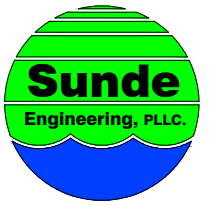
Response: The construction of a northbound right turn lane will be considered during the local permitting process with the City of Crookston.

Comment 4-3: The property abuts MnDOT right of way and a permit from MnDOT is required to perform any work in the State Trunk Highway right of way.

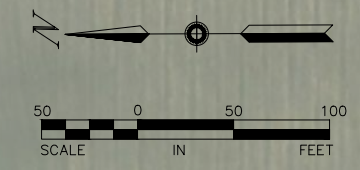
Response: Comment noted. If final site design requires any work in the MnDOT right of way a permit from MnDOT will be obtained prior to conducting the work.

Comment 4-4: MnDOT permits are not required at this time, but the following permit comments are in-effect: There shall be no net increase in storm water runoff to the State Trunk Highway right of way from said property. Computations of all storm water directed toward the right of way shall be provided to MnDOT.

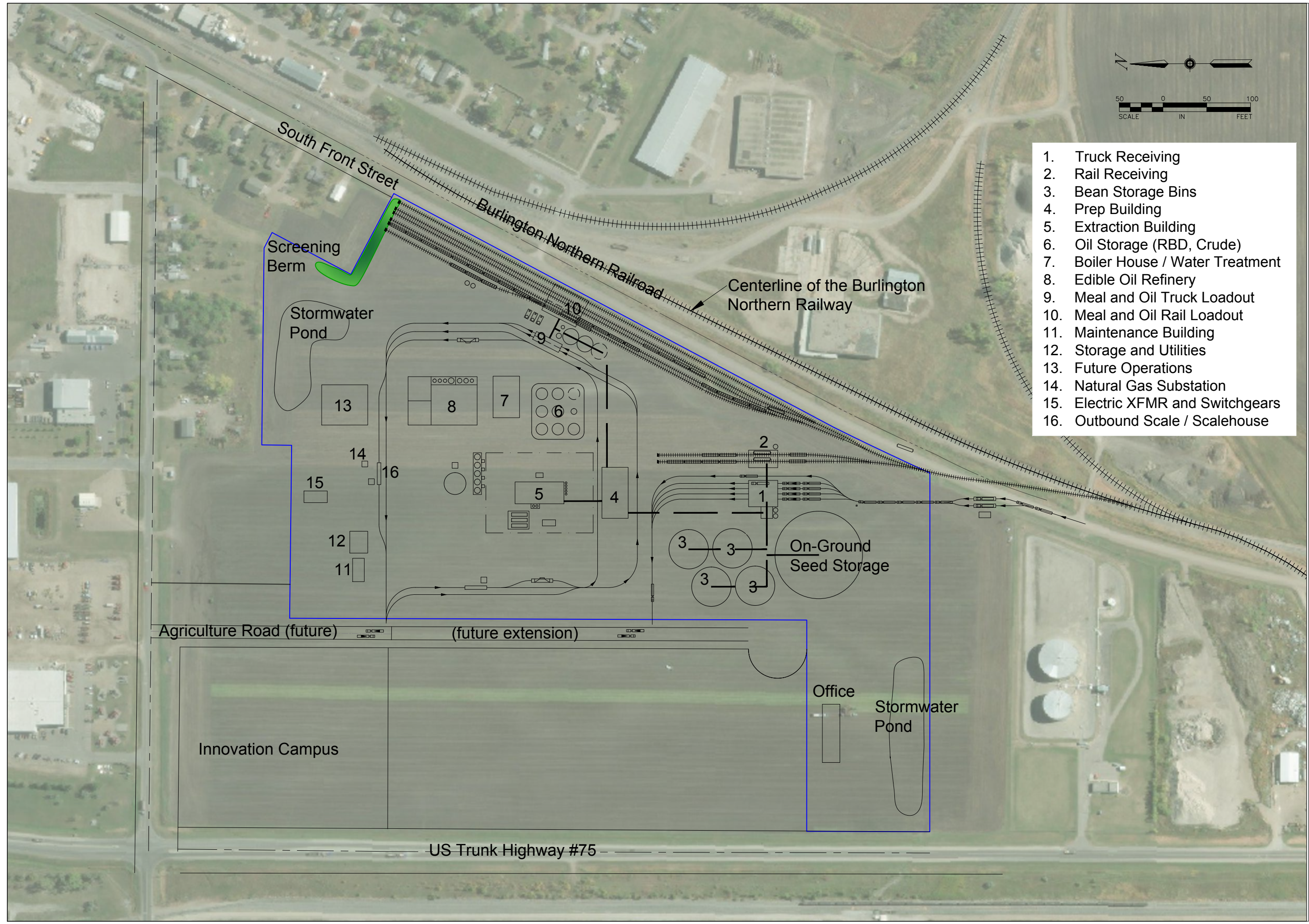
Response: Comment noted. Final design will include stormwater management and computations of all stormwater directed to the MnDOT right of way will be provided to MnDOT.



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13. Future Operations
14. Natural Gas Substation
15. Electric XFMR and Switchgears
16. Outbound Scale / Scalehouse



Epitome Energy
2021 EAW

DATE	REVISION
5/18/2022	REVISE RAILYARD
9/01/2022	ADD BUILDING LABELS

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

Kirsten Pauly
KIRSTEN PAULY
DATE: 09/01/2022 REG. NO.: 21842

INFORMATION:

PROJECT NO.: _____

DRAWN BY: _____

CHECKED BY: _____

APPROVED BY: _____

SCALE: _____

DATE: _____

DESCRIPTION: _____

Concept Site Plan

SHEET NO: _____