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DATE: May 12, 2023

TO: INTERESTED PARTIES

RE: Heartland Corn Products Protein Project Facility Expansion

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 Heartland Corn Products Protein Project Facility Expansion. 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 or the Blue Earth County Library at 100 East Main Street, Mankato, Minnesota. 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
HEARTLAND CORN PRODUCTS PROTEIN
PROJECT FACILITY EXPANSION
CITY OF WINTHROP
SIBLEY COUNTY, MINNESOTA**

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

FINDINGS OF FACT

Pursuant to Minn. ch. 4410, the Minnesota Pollution Control Agency (MPCA) staff prepared and distributed an Environmental Assessment Worksheet (EAW) for the proposed Heartland Corn Products Protein Project Facility Expansion (Project). Based on the MPCA staff technical 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. Heartland Corn Products, Inc., (HCP) an ethanol production facility at 53331 Highway 19 East, Winthrop, Minnesota, proposes to expand their current operations by constructing: 1) a new High Protein Production Unit and its associated equipment to increase production capacity, and 2) an additional rail siding to increase shipping capacity. HCP proposes to increase its currently permitted ethanol production capacity of 155 million gallons per year (MMgpy) by 25 MMgpy, for a total capacity of 180 MMgpy.
2. HCP submitted an Air Emissions Permit amendment (No. 14300014-103) to the MPCA for the Project, which the MPCA deemed complete on January 11, 2022.

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. 15 requires preparation of an EAW for this Project because the Project generates 100,000 tons or more per year of greenhouse gas emissions. Subsequently, an EAW on the Project was prepared by MPCA staff for publication. 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 March 14, 2023, as required by Minn. R. 4410.1500.
 - B. The EAW was available for review on the MPCA website at:
<https://mpca.commentinput.com/comment/search>.
 - C. The MPCA provided a news release to media in Sibley County, Minnesota, and other state-wide interested parties, on March 14, 2023.
5. During the 30-day comment period on the EAW ending on April 13, 2023, the MPCA received a comment from the State Historic Preservation Office.

6. On April 18, 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, and a written response to those comments, are included as Appendix A 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. The types of impacts that may reasonably be expected to occur from the Project include the following:
 - Groundwater impacts related to groundwater appropriation
 - Air quality impacts
 - Greenhouse gas (GHG) emissions
10. With respect to the extent and reversibility of impacts that are reasonably expected to occur from the Project, the MPCA makes the following findings.

Groundwater impacts related to groundwater appropriation

11. The Minnesota Department of Natural Resources (DNR) is the permitting authority for appropriating waters of the state in Minnesota. The DNR Water Appropriation Permit allows for a reasonable use of water if the use does not negatively impact surrounding wells or other water resources.
12. HCP has an existing DNR Water Appropriation Permit (2000-4156) that authorizes withdrawal of up to 355 million gallons per year (MMgpy) from two production wells (well unique #00749817 and 00762208) at a pumping rate not to exceed 700 gallons per minute.
13. HCP has no need to amend its current Water Appropriation Permit for the Project. HCP currently uses approximately 243 MMgpy of groundwater. The additional groundwater needs for the Project (99 MMgpy) will not cause HCP to exceed the currently permitted water appropriation amount.
14. HCP currently appropriates approximately 36 MMgpy from the City of Winthrop. The volume of city water used will not change after completion of the Project. Therefore, no further impacts to the City of Winthrop's water supply, such as changes to the public water supply, are expected.
15. The DNR Water Appropriation Permit balances competing management objectives, including both the development and protection of water resources. Minn. Stat. § 103G.261 establishes domestic water use as the highest priority of the State's water when supplies are limited. If a well interference arises, the DNR has a standard procedure for investigating the matter (Minn. R. 6115.0720). Where adverse well interference impacts on the domestic well are substantiated, the DNR will notify the permit holder of the facts and findings of the complaint evaluation. The permit holder then has 30 days from communication of the substantiation to choose from one of the following three options:
 - 1) Request restrictions to their permit to no longer adversely affect the domestic wells.
 - 2) Negotiate a reasonable agreement with the affected well owner.
 - 3) Request a public hearing.No pumping may commence until a settlement, negotiation, or hearing is satisfied, and the permittee shall be responsible for all costs necessary to provide an adequate supply with the same quality and quantity as prior to the interference.
16. The DNR water appropriation permit will require HCP to address and mitigate any potential groundwater impacts. All potentially significant environmental effects will be addressed and mitigated by DNR's ongoing regulatory authority through its Water Appropriation Permit process.
17. The DNR exercises ongoing regulatory authority and oversight of the permitting of water appropriation for the Project, which the MPCA considered in its EIS-Needs decision per Minn. R. 4410.17400, subp. 17(C). If the DNR determines there is well interference based on concerns or well interference claims, they will be mitigated by DNR, through its water appropriation permit process. The MPCA finds that any groundwater impacts related to water appropriation that may occur from the Project are reversible.
18. The MPCA finds that information presented in the EAW and other information in the environmental review record is adequate to address the concerns regarding groundwater impacts related to water appropriation. The impacts on groundwater related to water appropriation that are reasonably expected to occur from the proposed Project have been considered during the review process and methods to prevent significant adverse impacts have been developed.

19. The MPCA finds that the Project, as proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of groundwater impacts related to water appropriation that are reasonably expected to occur from the Project.

Air quality impacts

20. The operation of the Project will generate air emissions from ethanol and high protein production processes.
21. HCP operates in accordance with requirements listed in the Air Emission Permit No. 14300014-102 (Air Permit) issued by the MPCA on September 14, 2021. This Air Permit requires a major amendment for the Project, which was submitted to the MPCA and deemed complete on January 11, 2022.
22. The Air Permit includes operational and control limits for pollutants generated by HCP including Particulate Matter (PM), PM less than 10 microns in diameter (PM₁₀), PM less than 2.5 microns in diameter (PM_{2.5}), sulfur dioxide (SO₂), oxides of nitrogen (NO_x), carbon monoxide (CO), Volatile Organic Compounds (VOCs), greenhouse gases (GHG) in carbon dioxide equivalents (CO_{2e}), and hazardous air pollutants (HAPs).
23. The Air Permit's required air pollution control equipment used for operations includes baghouses, wet scrubbers, regenerative thermal oxidizers, and flaring.
24. HCP is achieving emission reductions through controls, permit conditions, and limits. This includes conducting regular preventative maintenance and calibration on air pollution control equipment and its monitoring systems. HCP's Air Permit also contains compliance assurance monitoring provisions to ensure proper operation of emission control equipment.
25. HCP conducted refined air dispersion modeling using American Meteorological Society/Environmental Protection Agency Regulatory Model (AERMOD) to estimate criteria air pollutant concentrations from the Project.
26. HCP also conducted an Air Emissions Risk Analysis (AERA), which predicted the hazardous air toxic pollutant emissions from the Project.
27. The results of the refined air dispersion modeling and AERA concluded the Project will not adversely impact air quality. The air emissions from the Project, as proposed, would meet the National Ambient Air Quality Standards (NAAQS) and would not pose any acute inhalation health hazards or any sub-chronic or chronic multi-pathway health hazards to the public. Furthermore, the Project would not pose significant excess lifetime cancer risks to the public. The results presented in the AERA show the health risks and hazards for the Project meet the thresholds set by the Minnesota Department of Health.
28. With respect to the reversibility of air quality impacts that are reasonably expected to occur from the Project, air emissions will continue while the Project remains in operation and would cease only if the Project were to temporarily or permanently close. While in operation, the MPCA expects the Project to meet applicable air quality standards and criteria. If excessive air emissions or violations of the ambient air standards were to occur, air quality impacts are likely to be temporary in nature and because of ongoing regulatory oversight, corrective measures would be implemented. Such measures could include requiring the Project owner or operator to make physical or operational changes to ensure compliance with all applicable requirements.
29. The MPCA finds that information presented in the EAW and other information in the environmental review record is adequate to address the concerns regarding human health impacts related to air

emissions. The human health impacts related to air emissions that are reasonably expected to occur from the proposed Project have been considered during the review process and methods to prevent significant adverse impacts have been developed.

30. 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 human health impacts related to air emissions that are reasonably expected to occur from the Project.

Greenhouse Gas Emissions

31. The MPCA considered GHG emission sources that are within the scope of the Project.
32. The primary GHG emissions from the Project are carbon dioxide (CO₂), Methane (CH₄), and nitrous oxide (N₂O).
33. The Project will directly release GHG emissions, which can widely disperse within the atmosphere, and vary both in terms of their global warming potential and their persistence in the atmosphere.
34. To provide a common unit of measure, the MPCA uses the individual global warming potential of CH₄ and N₂O to convert to carbon dioxide equivalency (CO₂e).
35. Using EPA emission factors, the MPCA estimates that after construction the Project will release 267,364 tons per year of CO₂e annually from mobile and stationary equipment combustion, and on-site electricity and steam production.
36. There are no Minnesota or National Ambient Air Quality Standards for GHGs.
37. 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.
38. The MPCA finds that information presented in the EAW and other information in the environmental review record are adequate to assess potential greenhouse gas emissions impacts that are reasonably expected to occur from the Project.
39. 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

40. 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.
41. 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.

42. The EAW addressed the following areas for cumulative potential effects for the proposed Project:

- Air quality
- Groundwater appropriation
- Surface Water
- Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features)
- Traffic

Air Quality

43. Cumulative potential effects related to air quality were discussed in Part 17 and Part 21.c of the EAW. Findings 20 through 30 are incorporated herein as part of MPCA's cumulative potential effects evaluation for human health impacts related 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.

44. 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, will not pose any acute inhalation health hazards or any sub-chronic or chronic multi-pathway health hazards to the public.

Groundwater Appropriation

45. Cumulative potential effects related to groundwater appropriation were discussed in Part 12.a.iii and Part 21.c of the EAW. Findings 11 through 19 are incorporated herein as part of MPCA's cumulative potential effects evaluation for impacts related to groundwater appropriation, in that the DNR Water Appropriation Permit process evaluates proposed water usage for this Project and nearby ground water usages in the same geographic region.

46. 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 groundwater appropriation based on significant cumulative potential effects because: the Project will comply with the DNR water appropriation permit.

Surface Water

47. Cumulative potential effects related to surface water were discussed and reviewed by the MPCA in Part 12.b.iv and 21.c of the EAW.

48. The rail portion of the Project will permanently fill approximately 0.31 acres of wetlands.

49. HCP is required to obtain a U.S. Army Corps of Engineers Clean Water Act (CWA) Section 404 Permit, and an MPCA CWA Section 401 Water Quality Certification to mitigate permanent impacts to wetlands at a replacement ratio, location, and type acceptable to all regulatory agencies.

50. The CWA Section 404 Permit and Section 401 Water Quality Certification ensure that the activity will comply with the state water quality standards.

51. 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 surface water based on significant cumulative potential effects because: the Project will obtain and comply with a U.S. Army Corps of Engineers CWA Section 404 Permit and an MPCA CWA Section 401 Water Quality Certification.

Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (Rare Features)

52. Cumulative potential effects related to fish, wildlife, plant communities, and sensitive ecological resources (rare features) were discussed and reviewed by the MPCA in Part 14 and 21.c of the EAW.
53. HCP submitted a Natural Heritage Review Request (#2022-00208) on April 15, 2022, (Attachment B to the EAW) through the DNR's Minnesota Conservation Explorer (MCE) to review if any rare plant, animal species, or other significant natural features are known to occur within a one-mile radius of the Project.
54. HCP received an automated response from the DNR on April 15, 2022, (Attachment B to the EAW) indicating that Ecologically Sensitive Areas may be impacted by the Project.
55. The DNR automated response initially determined the rail portion of the Project may result in permanent impacts to the Gaylord-Winthrop railroad Right-of-Way, a Minnesota Biological Survey (MBS) moderate Site of Biodiversity Significance (SOB), DNR Native Plant Communities (NPC) (S1-S3, WPs54b – Wet Prairie (Southern)), and a native prairie.
56. The DNR subsequently determined that based on the current Project footprint, type, location, and duration the identified native plant community does not qualify as a rare natural community or a SOB.
57. 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 fish, wildlife, plant communities, and sensitive ecological resources (rare features) based on significant cumulative potential effects because: the Project will obtain seek the necessary state and federal permits and approvals as determined through the consultation process.

Traffic

58. Cumulative potential effects related to traffic were discussed and reviewed by the MPCA in Part 20 and 21.c of the EAW.
59. The Project is estimated to generate 108 additional truck trips per day on the roadway transportation system and 65 additional rail cars per week on the rail system.
60. Traffic congestion at the Project entrance is reduced by an existing right turn lane and an existing bypass lane on State Highway 19 East.
61. HCP will extend the paved road on the west end of the Project to accommodate additional truck traffic for denaturant receiving, ethanol loadout, and protein/yeast loadout and to mitigate impacts on the regional transportation system.
62. Therefore, the MPCA finds that the Project is not expected to contribute significantly to adverse cumulative potential effects on traffic.

Cumulative Effects – Summary

63. Based on information on the Project obtained from information provided 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.
64. 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

65. 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.

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

High Protein Project

Unit of Government	Permit or Approval Required
U.S. Fish and Wildlife Service	Compliance with the Endangered Species Act
MPCA	Major Air Permit Amendment (14300014-103)
MPCA	Aboveground Storage Tank Permit Modification (TS0054981)
MPCA	Construction Stormwater NPDES/SDS Permit (CSW Permit)
DNR	Construction Dewatering Permit (General Permit 1997-0005)
City of Winthrop	Building Permit

Rail Project

Unit of Government	Permit or Approval Required
U.S. Army Corps of Engineers	Section 404 - Clean Water Act (Joint Permit Application)
State Historic Preservation Office	Compliance with Section 106
U.S. Fish and Wildlife Service	Compliance with Endangered Species Act
MPCA	Construction Stormwater NPDES/SDS Permit (CSW Permit)
MPCA	401 Water Quality Certification
Sibley County Soil and Water Conservation District	Wetland Conservation Act Permit

67. **Endangered Species Act.** The endangered Species Act provides a framework to conserve and protect endangered and threatened species and their habitats.

68. **Air Emission Permit.** HCP must modify its current MPCA Air Emissions Permit before construction of the Project can begin. The Air Emission Permit for the Project would contain operational and emission limits, including requirements for use of control equipment, that would help prevent or minimize the potential for significant environmental effects.

69. **Above Ground Storage Tank Permit Modification.** The Above Ground Storage Tank Permit includes operational limits and construction requirements that would 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.

70. **Construction Stormwater Permit.** The NPDES/SDS Construction Stormwater Permit (CSW permit) is required when a project disturbs one acre or more of soil. The CSW permit requires the use of best management practices to prevent erosion and to keep eroded sediment from leaving the construction site and requires projects that create one acre or more of new impervious surface to

provide permanent treatment of stormwater runoff. The project proposer must have a stormwater pollution prevention plan that provides details of the specific measures to be implemented.

71. **General Permit for Temporary Dewatering.** Approval of dewatering through a DNR Water Appropriation Permit is required when the amount of appropriation exceeds 10,000 gallons per day, or one million gallons per year.
72. **Building Permits.** The Sibley County Building Inspections Department is responsible for administering the Minnesota State Building Code.
73. **Section 404 General Permit.** This general permit provides language describing procedures and permissions regarding excavation in wetlands and placement of excavated materials into the waters of the United States or their associated wetlands.
74. **State Historic Preservation Office.** The SHPO provides concurrence of the historical survey for the proposed project area.
75. **401 Certification.** The Project is subject to the review requirements of the MPCA's Water Quality Certification for the US Army Corps of Engineers Section 404 Wetlands and Section 10 (Rivers and Harbors) Permits and Federal Energy Regulatory Commission licenses to hydropower facilities.
76. **Wetland Conservation Act (WCA) Permit.** HCP will obtain the WCA Permit from the Sibley County Soil and Water Conservation District. The WCA requires anyone proposing to drain, fill, or excavate a wetland first to avoid disturbing the wetland; second, to minimize any unavoidable impacts to the wetland; and, finally, to mitigate or replace any lost wetland acres, functions, and values.
77. 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

78. 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.
79. Although not exhaustive, the MPCA reviewed the following documents as part of the environmental impact analysis for the 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

80. The MPCA also relies on information provided by HCP, persons commenting on the EAW, staff experience, and other available information obtained by staff.
81. 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.
82. 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.
83. The MPCA adopts the rationale stated in the attached Response to Comments (Appendix A) as the basis for response to any issues not specifically addressed in these Findings.

CONCLUSIONS OF LAW

84. 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.
85. The MPCA identified areas for potential significant environmental effects. The Project design and permits ensure HCP will take appropriate mitigation measures to address significant effects. The MPCA expects the Project to comply with all environmental rules, regulations, and standards.
86. 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.
87. An EIS is not required for the proposed Heartland Corn Products Protein Project Facility Expansion.
88. Any Findings that might properly be termed conclusions and any conclusions that might properly be termed Findings are hereby adopted as such.

ORDER

89. The Minnesota Pollution Control Agency determines that there are no potential significant environmental effects reasonably expected to occur from the Heartland Corn Products Protein Project Facility Expansion Project and that there is no need for an Environmental Impact Statement.

Katrina Kessler

Katrina Kessler, Commissioner
Minnesota Pollution Control Agency

May 12, 2023

Date

Minnesota Pollution Control Agency

**Heartland Corn Products Protein Project Facility Expansion
Environmental Assessment Worksheet (EAW)**

LIST OF COMMENT LETTERS RECEIVED

1. Sarah J. Beimers, State Historic Preservation Office. Letter received April 10, 2023.

RESPONSES TO COMMENTS ON THE EAW

1. **Comments by Sarah J. Beimers, State Historic Preservation Office. Letter received April 10, 2023.**

Comment 1-1: Based on our review of the project information, we conclude that there are no properties listed in the National or State Registers of Historic Places, and no known or suspected archaeological properties in the area that will be affected by this project.

April 10, 2023

Karen Kromar
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

RE: EAW – Heartland Corn Products Protein Project Facility Expansion
City Winthrop/ Alfsborg Twp, Sibley County
SHPO Number: 2022-1703

Dear Karen Kromar:

Thank you for providing this office with a copy of the Environmental Assessment Worksheet (EAW) for the above-referenced project.

Based on our review of the project information, we conclude that there are **no properties** listed in the National or State Registers of Historic Places, and no known or suspected archaeological properties in the area that will be affected by this project.

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.

Please contact Kelly Gragg-Johnson, Environmental Review Program Specialist, at 651-201-3285 or kelly.graggjohnson@state.mn.us if you have any questions regarding our review of this project.

Sincerely,



Sarah J. Beimers
Environmental Review Program Manager