

**STATE OF MINNESOTA  
ENVIRONMENTAL QUALITY BOARD**

In the Matter of the Request to Designate a  
Different Responsible Governmental Unit  
for Preparation of an Environmental Assessment  
Worksheet for the Proposed Fairmont Power Plant

FINDINGS OF FACT,  
CONCLUSIONS AND  
ORDER

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The above-captioned matter came before the Minnesota Environmental Quality Board (EQB) at a regular meeting on September 21, 2011, pursuant to request by EQB staff to change the Responsible Governmental Unit (RGU) for purposes of environmental review of a proposed natural gas-fired electrical generation plant from the EQB to the Minnesota Pollution Control Agency (MPCA).

Based upon all of the proceedings herein, the Minnesota Environmental Quality Board makes the following:

**FINDINGS OF FACT**

1. The Southern Minnesota Municipal Power Agency (SMMMPA) proposes to install four new 6,520 kW natural gas fired generating units and associated emission control equipment in a new building to replace 25 MW of older, less efficient steam boiler/turbine generating units.
2. The proposed project is subject to environmental review under Minnesota Rules, part 4410.4300, subpart 3, Electric Generating Facilities, which applies to construction of an electric power generating plant and associated facilities designed for or capable of operating at a capacity of between 25 megawatts and 50 megawatts. This mandatory EAW category designates the EQB as the RGU.
3. Pursuant to Minn. R. 4410.0500, subp. 6, the EQB Board may designate a different RGU for a project if the EQB determines that the designee has greater expertise in analyzing the potential impacts of the project. Any such designation of a new RGU must take place not more than five days after receipt of the completed data portions of the EAW.
4. The completed data portion of the EAW for the project was submitted, but will be withdrawn and resubmitted to the MPCA.
5. On Friday, September 9, 2011, the EQB Executive Director requested via e-mail that the MPCA accept RGU status for the Fairmont Power Plant Project.

6. On Monday, September 12, MPCA, via e-mail, MPCA Commissioner Paul Aasen stated willingness of the MPCA to accept the designation subject to EQB approval.
7. Analysis of the potential environmental impacts of this project is expected to require considerable expertise regarding air quality, and air quality permits are required for this project.
8. The MPCA has resources, expertise, and experience relative to the technical issues likely to be presented by this project, and has greater expertise relative to the analysis of the environmental effects of this project than does the EQB staff. Additionally, the EQB temporarily has limited staff capacity to meet RGU responsibilities.

Based on the foregoing Findings of Fact, the Minnesota Environmental Quality Board makes the following:

### **CONCLUSIONS**

1. Any of the foregoing Findings more properly designated as Conclusions are hereby adopted as such.
2. The Environmental Quality Board has jurisdiction over the subject matter of this proceeding pursuant to Minnesota Statutes chapter 116D and Minnesota Rules, part 4410.0500, subpart 6.
3. This matter is properly before the Board, having been timely filed not later than five working days after receipt of the completed data portions of the EAW.
4. The Minnesota Pollution Control Agency has greater expertise for analyzing the potential environmental impacts of this project than does the staff of the Environmental Quality Board.

Based on the Findings of Fact, Conclusions and the entire record of this proceeding, the Minnesota Environmental Quality Board hereby makes the following:

## **ORDER**

The EQB hereby reassigns the status and responsibilities of Responsible Governmental Unit for the proposed Fairmont Power Plant from the Environmental Quality Board to the Minnesota Pollution Control Agency.

Approved and adopted this 21st day of September 2011.

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David J. Frederickson, Chair  
Minnesota Environmental Quality Board