



Environmental Assessment Worksheets

Comments due on September 19, 2001

Lyon County Landfill Expansion Project

Description: Lyon County proposes to expand its existing landfill by constructing three additional lined, mixed municipal solid waste disposal cells (cells 6A, 7A and B, 8A and B). The cells would be designed to hold approximately 840,000 cubic yards of additional waste within the county's existing permitted solid waste landfill site. The new cells would be constructed with composite liners, leachate collection systems, engineered final covers and passive gas extraction systems. The proposed expansion is expected to provide capacity until the year 2009.

A copy of the Environmental Assessment Worksheet will be posted on the MPCA web site, at the following:
<http://www.pca.state.mn.us/news/eaw/index.html>

RGU: Minnesota Pollution Control Agency

Contact: Contact: Kevin J. Kain, Project Manager, Metro District, Operations and Planning Section, MPCA, 520 Lafayette Rd. N., St. Paul, MN 55155; 651-296-7432

ABOUT THE EQB MONITOR

The *EQB Monitor* is a biweekly publication of the Environmental Quality Board that lists descriptions and deadlines for Environmental Assessment Worksheets, Environmental Impact Statements and other notices.

The *EQB Monitor* is also posted on the Environmental Quality Board home page at www.mnplan.state.mn.us

Vol. 25, No. 17

Next issue: September 3, 2001
Submittal deadline: August 27, 2001

Koch Materials Company, Marshall Tank Farm Expansion

Description: Koch Materials Company proposes to construct two new storage tanks at its facility in Marshall, Minnesota. Each tank would have a capacity of 100,000 barrels (4.2 million gallons) and would be used to store asphalt cement. The two tanks are to be constructed on the east side of the existing Koch Materials Company facility.

A copy of the Environmental Assessment Worksheet will be posted on the MPCA web site, at the following:
<http://www.pca.state.mn.us/news/eaw/index.html>

RGU: Minnesota Pollution Control Agency

Contact: Contact: Barbara Conti, Project Manager, Metro District, Operations and Planning Section, MPCA, 520 Lafayette Rd. N., St. Paul, MN 55155; 651-296-6703

Duluth/North Shore Sewer Project, St. Louis and Lake Counties

Description: The Duluth/North Shore Sanitary District and the Knife River/Larsmont Sanitary District are proposing to construct sewer extension projects, in phases, along the North Shore of Lake Superior in St. Louis County and Lake County, respectively. The new trunk sewer line would extend from an existing gravity sewer of the Western Lake Superior Sanitary Sewer District system, located near the Lester River in Duluth, to a new pumping station to be constructed at the existing Knife River wastewater treatment facility. The new trunk sewer would be constructed within existing right-of-way of Scenic Highway 61 and the North Shore Scenic Railroad. The sewer service area would be bounded by the U.S. Highway 61 rural expressway on the north, the Lake Superior shoreline on the south, and the eastern limit of the Knife River collection system.

A copy of the Environmental Assessment Worksheet will be posted on the MPCA web site, at the following:
<http://www.pca.state.mn.us/news/eaw/index.html>

RGU: Minnesota Pollution Control Agency

Contact: Contact: Craig Affeldt, Project Manager, Metro District, Operations and Planning Section, MPCA, 520 Lafayette Rd. N., St. Paul, MN 55155; 651-296-6062.

Bauerly Bros. Inc., Olson Site, Temporary Hot Mix Asphalt Production Site

Description: The placement of a temporary hot mix asphalt production site for approximately 25-40 working days (depending on weather and project size) annually, between the months of May and November for the construction of state, county, township, city and other local road projects, at an existing gravel mining site.

RGU: Meeker County Zoning

Contact: John Boe, Zoning Administrator, 325 North Sibley, Litchfield, MN 55355; 320-693-5290

Kaul Sand and Gravel

Description: Mr. And Mrs. Art Kaul propose to extract sand and gravel on approximately 70 acres of unplatted land lying in part of the west 1/2 of the southwest 1/4 of section 29 in Oronoco Township. The sand and gravel material will be excavated through the use of the backhoe. The site is currently zoned Agricultural/Resource Commercial, and is currently used as pasture and/or cropland. Upon completion of the mining operation the property will be reclaimed as pasture and/or cropland.

RGU: Olmsted County Board of Commissioners

Contact: Gregory Wise, Planner, 2122 Campus Dr. SE., Suite 100 Rochester, MN 55904; 507-285-8232

Henry Estates

Description: A 202 acre project consisting of 139 acres of residential, 10 acres of B2 and 7 acres of industrial development containing of 264 single-family homes, 5 lots of medium density residential, 6 lots of commercial and 26 acres of parkland. Existing land use is agricultural. Municipal sewer and water will serve the site.

RGU: City of Dover

Contact: Roger Ihrke, Mayor, City of Dover, 218 North Chatfield St., PO Box 116, Dover, MN 55929

Petitions Filed

The following petitions have been filed with the EQB requesting preparation of an EAW. The EQB has assigned the indicated unit of governments to review these petitions and decide on the need for an EAW.

- Shoumaker Pond Development, City of Ham Lake
- Cottage Grove Drive and Eagle Crest Development, City of Woodbury

EAW Need Decisions

The noted responsible governmental unit has made a decision regarding the need for an EAW in response to a citizen petition.

- City of Ramsey, The Ponds subdivision, project withdrawn
- Waseca County Planning and Zoning Office, Drummer Silage Stacking Facility, project withdrawn
- Rice Creek Watershed District, Mounds View-Highway 10 Regional Pond (Greenfield Pond), EAW ordered

EIS Need Decisions

The responsible governmental units have determined the following projects do not require preparation of an EIS. The dates given are, respectively, the date of the determination and the date the EAW notice was published in the *EQB Monitor*.

- Sherburne County Board of Commissioners, Oaks of Blue Hill, August 7, 2001 (June 11, 2001)
- Sherburne County Board of Commissioners, Harrison Hills, August 7, 2001 (June 11, 2001)
- Lakeville City Council, Timbercrest at Lakeville, July 30, 2001 (June 25, 2001)
- Minnesota Pollution Control Agency, Long Prairie Wastewater Treatment Facility Improvements, July 27, 2001 (June 11, 2001)
- Department of Natural Resources, Buffalo River State Park Dam Modification and Swim Pond Reconstruction, August 2, 2001 (June 25, 2001)
- St. Cloud City Council, Proposed Airport Industrial Business Park Project, August 6, 2001 (June 11, 2001)

- Department of Transportation, Improvements to Minnesota Trunk Highway 47 in Anoka and Isanti Counties, August 10, 2001 (November 13, 2000)
- City of Hanover, Bridges at Hanover/Crow River Crossing-Sanitary Sewer and Watermain, August 7, 2001 (June 25, 2001)

Joint Federal/State Supplement Draft EIS Available

Expansion of Flying Cloud Airport

Description: The Metropolitan Airports Commission (MAC) proposes to extend the primary runway 9R/27L from 3,900 to 5,000 feet, extend the parallel runway 9L/27R from 3,600 to 3,900 feet, develop a new south building area on the airport, acquire land and make other related improvements at Flying Cloud Airport (FCM).

A Draft Environmental Impact Statement for the proposed expansion of FCM was distributed on January 7, 2000 for review and comment. A public hearing was held on February 9, 2000 and the comment period ended on February 21, 2000. There have since been changes to the alternatives presented in the DEIS and new information was obtained that changes the analysis of some of the environmental impacts presented in the DEIS. The Federal Aviation Administration (FAA) and the MAC have jointly prepared a Supplement DEIS (SDEIS), which presents the substantive changes to the DEIS.

The SDEIS includes a Draft General Conformity Determination on carbon monoxide emissions from the proposed action. This draft determination of general conformity with the Minnesota State Implementation Plan (SIP) is for public and agency review and comment, in accordance with 40 CFR Part 51, Subpart W and Section 176 (c) of the Clean Air Act Amendments of 1990. FAA proposes to demonstrate that the planned development at FCM conforms to the goals of the SIP and meets the requirements of the General Conformity Rule. This action is based on the results of the air quality impact analysis conducted in the Environmental Impact Statement for this project.

The FAA is responsible for assuring the SDEIS and Draft General Conformity Determination comply with all applicable federal requirements and the MAC is responsible for assuring the SDEIS complies with all applicable state requirements. The Minnesota Environmental Quality Board (EQB) will make the determination of adequacy on the Final EIS for the state, while the FAA findings on the federal actions will be made in its Record of Decision.

A public hearing will be held on the SDEIS at 7:00 p.m. on Wednesday, September 19, 2001 in the auditorium of the Hennepin Technical College, 9200 Flying Cloud Drive, Eden Prairie, Minnesota. FAA and MAC staff will be available in conjunction with the hearing to discuss project-related material between 5:30 and 7:00 p.m. outside the auditorium.

Written comments on the SDEIS and Draft General Conformity Determination will be accepted until the close of business on October 2, 2001 and should be sent to Mark Ryan at the address below.

RGU: Metropolitan Airports Commission

Contact: Mark Ryan, MAC, 6040 28th Ave. S., Minneapolis, MN 55450; 612-726-8129; fax: 612-794-4407; email: mryan@mspmac.org

The Draft EIS is available for review at the following locations:

- Eden Prairie Library, 479 Prairie Center Drive
- Oxboro Public Library, 8801 Portland Avenue South
- Chanhassen Public Library, 690 Coulter Drive
- City Halls of Bloomington, Chanhassen, Eden Prairie and Shakopee

Copies also available upon request.

Notice of Application for Exemption from the Provisions of the Power Plant Siting Act for the Fibrominn Biomass Power Plant in Benson, MN

On July 31, 2001, Fibrominn LLC and the City of Benson, MN filed an application with the Environmental Quality Board for exemption from the siting requirements of the Power Plant Siting Act, Minnesota Statutes 116C.51-.69, for a proposed 55 megawatt electric power plant. The plant will be fueled primarily with poultry litter but will also utilize other vegetative biomass fuels. Fifty megawatts of capacity will be purchased by Xcel Energy under a long-term power purchase agreement. Ash from the plant will be sold as a fertilizer or for other end markets. The plant will be located on an 84 acre site within an established industrial park on the northwest edge of Benson. The plant is expected to have an annual, online availability of over 90%. It is expected to use over 700,000 tons of biomass per year.

The project qualifies under Minnesota Statute to be considered for an exemption from the full siting requirements

of the Power Plant Siting Act, if the Board determines that the “proposed site will not have a significant human and environmental impact”. If the Board determines that the project will not have a significant human or environmental impact, the Board may grant the exemption with “any appropriate conditions” (Minn. Stat. 116C.57, Subd. 5a, Minn. R. 4400.3910 subp. 7). If the exemption is granted, the applicants must comply with all other applicable state and local regulations.

This application will be reviewed under Minn. Stat. § 116C.57, Subd. 5a and Minn. R. 4400.3910. Copies of the application can be reviewed at the city offices and public library of Benson. The application can also be reviewed at the Swift County office, the Regional Development Library at the Montevideo/Chippewa County Library in Montevideo, MN and at the EQB offices in St Paul. Please send any comments to John P. Hynes, MEQB, 300 Centennial, 658 Cedar St., St. Paul, MN 55155 by September 28, 2001.

Generic Environmental Impact Statement on Animal Agriculture- Public Review Draft Now Available

The Environmental Quality Board has released a Draft of the GEIS on Animal Agriculture for public review. The document may be found at the EQB/ Minnesota Planning website at www.mnplan.state.mn.us/eqb/geis/. Written comments will be received through September 14, and should be submitted to: MN Planning, Animal Agriculture GEIS, 658 Cedar St., Room 300, St. Paul, MN 55155,

Fax: 651/296-3698, Attn: Animal Agriculture GEIS; E-mail: johnson@mnplan.state.mn.us

The public may also comment by attending one of the following public comment meetings in August and September:

- Thursday, August 23, 1:00 – 4:00 p.m., St. Paul, State Office Building, 100 Constitution Ave., Hearing Room 5
- Tuesday, August 28, 6:30 – 9:30 p.m., Marshall, Southwest State University, 1501 State Street, Student Center West
- Wednesday, August 29, 6:30 – 9:30 p.m., Fergus Falls, Community College, 1414 College Way
- Thursday, August 30, 6:30 – 9:30 p.m., Thief River Falls, Best Western, 1060 Hwy. 32 South, Conference Rooms A and B
- Tuesday, September 4, 6:30 – 9:30 p.m., Rochester, Holiday Inn South, 1630 South Broadway, Patio Room
- Wednesday, September 5, 6:30 – 9:30 p.m., Mankato, Holiday Inn Downtown, 101 East Main St., Hughes meeting room
- Thursday, September 6, 6:30 – 9:30 p.m., St. Cloud, Holiday Inn & Suites, 75 South 37th Avenue
- Monday, September 10, 6:30 – 9:30 p.m., St. Paul, Earle Brown Center, U of M St. Paul Campus, Room 135

The release of the Draft GEIS is the culmination of three years of effort by the EQB, various consultants, and a 24-member Citizens Advisory Committee. The GEIS is a comprehensive statewide study reviewing the economic, environmental and social impacts related to the changing livestock industry in Minnesota, and includes a set of consensus recommendations developed by the Citizens Advisory Committee.

After the comment period, the EQB and the advisory committee will review all comments and revise the GEIS in their light. The EQB is scheduled to approve the Final in December. The final GEIS will ultimately be used to shape future policy decisions.

Notice

The Minnesota DNR Division of Enforcement, will be conducting an additional, open-ended sign up period, for the purpose of providing matching grant funding to outdoor shooting ranges open to the public throughout Minnesota. Funding has been provided by the legislature or groups meeting specific criteria, which are then invited to participate in a Legislative Commission on Minnesota's Resources - funded range improvement project. Each participating group will be required to provide an equal amount of matching funds to develop or renovate their facilities, with a focus on addressing public safety, access and environmental concerns such as sound abatement and lead contamination.

Applications are available and questions answered regarding these projects by the Minnesota DNR's Division of Enforcement. Electronic copies of all forms and information may be obtained on-line at www.dnr.mn.state.us. Queries about the LCMR project or this message may be directed to: Chuck Niska, Shooting Range Coordinator, DNR, Division of Enforcement, Safety Training Unit, Camp Ripley, Nelson Hall, 15011 State Highway 115, Little Falls, MN 56345; 320-616-2513(DNR Camp Ripley) or 651-485-6445(Cell phone)

AUAR Available

Charlson/Brown/Standal properties Residential/Office Development

Description: The development proposal consists of a 318-acre development in Eden Prairie, Hennepin County, Minnesota. Located directly south of the Flying Cloud Airport, the development will consist of residential, church and office uses.

RGU: City of Eden Prairie

Contact: Michael Franzen, City Planner, 8080 Mitchell Rd., Eden Prairie, MN 55344; 952-949-8487

Adoption of Final AUAR

The City of Minneapolis has completed the Alternative Urban Areawide Review for the Southeast Minneapolis Industrial/Bridal Veil area, and the Refined Master Plan for the SEMI area. On July 19, 2001, the Minneapolis City Council and Mayor concluded the AUAR was consistent with the requirements of the Minnesota Environmental Policy Act and Minnesota Rules Chapter 4410 (last revised 10/12/99), and approved the AUAR and the Refined Master Plan. Related documents can be obtained by contacting: J. Michael Orange, City Planner, 210 City Hall, 350 S. Fifth St., Minneapolis, MN 55415-1385; 612-673-2347; TDD 612-673-2157; Fax 612-673-2728; email: michael.orange@ci.minneapolis.mn.us

Suspension of the Grade A Dairy Farm Permit of Clearview Account

There will be a public hearing on the above matter beginning on Thursday, August 30, 2001, at 10:00 a.m., in the Sibley County Courthouse, Courtroom 2, Gaylord, Minnesota. This hearing is authorized pursuant to Minn. R. 1530.0750 and the 1999 Grade A Pasteurized Milk Ordinance, Sections 3 and 5 ("PMO").

The issues to be considered at this hearing are whether Clearview Account is in violation of the PMO and those sections of Minnesota Rule chapter 1525 as specified in the Minnesota Department of Agriculture's ("MDA") July 31, 2001 Grade A Farm Inspection Report issued after its inspection of Clearview Account's Fillmore Trust Milkshed.

The hearing will be conducted by Administrative Law Judge George A. Beck of the Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138; telephone: (612) 341-7601. He will conduct the hearing according to Minn. Stat. ch. 14 and the rules of the Office of Administrative Hearings, Minn. R. 1400.5100-1400.8400, which provide generally for the procedural rights of parties, and which are available from the Minnesota Bookstore, 117 University Avenue, St. Paul, Minnesota 55155; telephone (651) 297-3000.

Parties to the hearing must file notices of appearance within 20 days of the date of service of this notice. Others wishing to be parties may petition to intervene under Minn. R. 140.6200. The parties should bring to the hearing all documents, records, and witnesses they need to support their position. Subpoenas may be available to compel the attendance of witnesses or the production of documents. Such subpoenas may be used pursuant to the procedures listed in Minn. R. 1400.7000. After the hearing, the Administrative Law Judge will issue findings of fact, conclusions and recommendations to the Commissioner of Agriculture who will then issue a final decision, which is subject to appeal to the Minnesota Court of Appeals.

The person to contact to discuss informal disposition of the case pursuant to Minn. R. 1400.5900, or discovery procedures pursuant to Minn. R. 1400.6700 and Minn. R. 1400.6800 is Joan M. Eichhorst, Assistant Attorney General, Suite 900, NCL Tower, 445 Minnesota Street, St. Paul, Minnesota 55101-2127, telephone 651 296-0697.

All parties have the right to be represented by themselves, by legal counsel, or by a person of their choice if not otherwise prohibited as the unauthorized practice of law.

All persons who are affected by the project will have an opportunity to testify and introduce exhibits, whether parties or not.

If non-public data is admitted into evidence, it may become public unless a party objects and asks for relief under Minnesota Statute 14.60, subd. 2.

The failure of a party to appear at the hearing may result in issues set out herein deemed proved. The possible result is that the restoration would remain in effect.

Notice of Certificate of Need Application

Lakehead Pipeline Company, Limited Partnership for a Certificate of Need for a Large Petroleum Pipeline Facility

On March 26, 2001, Lakehead Pipeline Company, Limited Partnership (Lakehead or the Company) indicated its intent to seek a certificate of need application for approval to construct a large petroleum pipeline facility in northwestern Minnesota. In anticipation of that filing, Lakehead sought an exemption from certain application requirements pursuant to Minnesota Rules part 7853.0200, subpart 8. The Commission granted the exemption. In the Matter of Lakehead Pipe Line Company Request for an Exemption from Filing Certain Information for New Pipeline, Docket Number PL-9/CN-01-398 Order (April 20, 2001).

On July 17, 2001, Lakehead submitted its certificate of need application, initiating this docket. This project fit the definition of "large energy facility" pursuant to Minnesota Statute 216B.2421, subd. 2 (c). Lakehead is required to obtain a certificate of need before siting or building a large energy facility, under Minnesota Statute 216B.243.

On July 18, 2001, the Commission issued its Notice of Comment Period on the Completeness of Lakehead's Certificate of Need Application, which provided a July 24, 2001 deadline for filing written comments on the completeness of Lakehead's application.

On July 24, 2001, the Minnesota Department of Commerce filed comments stating that based on its review, and consistent with the Commission-authorized exemption, Lakehead had met the filing requirements for completeness.

The Commission met on July 31, 2001 to consider the matter.

Minnesota Statute 216B.243, subd. 4 encourages public participation in certificate of need proceedings. The statute requires at least one hearing to obtain public opinion on the application and requires the Commission to designate an employee to facilitate citizen participation in the hearing process.

The Commission has designated statistical analyst David L. Jacobson to facilitate and coordinate public participation in this proceeding. He may be reached by telephone at 651-297-4562 or fax 651-297-7073. Address is 121 7th Place East, Suite 350, St. Paul, MN 55101-2147.

Members of the public need not become formal parties to participate in the hearing process. They are encouraged to attend the public hearing(s) and to submit testimony and

exhibits. Persons who cannot attend the public hearing(s) and wish to comment may submit written comments to the Administrative Law Judge. The Commission will require the Company to publish notice and evidentiary hearings in relevant newspapers to encourage public participation.

A prehearing conference will be held on Wednesday, August 29 at 9:30 a.m. in the Small Hearing Room, Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147.

All parties and persons intending to intervene should attend the conference, prepared to discuss time frames and scheduling. Other matters which may be discussed include the scope of the hearing, the locations and dates of hearings, discovery procedures, and similar issues.



First Class
U.S. Postage
PAID
Permit No. 171
St. Paul, MN

Vol. 25 No. 18

Upon request, the *EQB Monitor* will be made available in an alternative format, such as Braille, large print or audio tape. For TTY, contact Minnesota Relay Service at 800-627-3529 and ask for Minnesota Planning. For information or additional copies of the *EQB Monitor*, contact:

Minnesota Environmental Quality Board
300 Centennial, 658 Cedar St.
St. Paul, MN 55155-1388

Phone: 800-657-3794 or 651-296-2603

Fax: 651-296-3698

E-mail: eqbmonitor@mnplan.state.mn.us
