

## 6. REGULATORY AND PERMIT REQUIREMENTS

Statute, Regulation, Order	Description
<b><i>Federal Regulations and Permitting</i></b>	
<b>Acid Rain Permit</b> 40 CFR Part 72	Required for utility units exceeding threshold limits specified in regulation cited.
<b>American Indian Religious Freedom Act of 1978</b> 42 USC 1996	Ensures the protection of sacred locations and access of Native Americans to those sacred locations and traditional resources that are integral to the practice of their religions.
<b>Antiquities Act</b> 16 USC 431 <i>et seq.</i>	Protects historic and prehistoric ruins, monuments, and objects of antiquity (including paleontological resources) on lands owned or controlled by the Federal government.
<b>Archaeological Resources Protection Act, as amended</b> 16 USC 470aa <i>et seq.</i>	Requires a permit for excavation or removal of archaeological resources from publicly held or Native American lands. Excavations must further archaeological knowledge in the public interest, and the resources removed are to remain the property of the United States. If a resource is found on land owned by a Native American tribe, the tribe must give its consent before a permit is issued, and the permit must contain terms or conditions requested by the tribe.
<b>Clean Air Act, Title I, IV, and V</b> 40 CFR Parts 50 – 95	Establishes NAAQS set by the EPA for certain pervasive pollutants. Applicable Titles: <ul style="list-style-type: none"> <li>• Title I—Air Pollution Prevention and Control. Basis for air quality and emission limitations, PSD permitting program, SIPs, NSPS, and NESHAP.</li> <li>• Title IV—Acid Deposition Control. Establishes limitations on SO<sub>2</sub> and NO<sub>x</sub> emissions, permitting requirements, monitoring programs, reporting and record keeping requirements, and compliance plans for emission sources. This Title requires that emissions of SO<sub>2</sub> from utility sources be limited to the amounts of allowances held by the sources.</li> <li>• Title V—Permitting. Required if the plant falls within 40 CFR 70.3 designations. This Title provides the basis for the Operating Permit Program and establishes permit conditions, including monitoring and analysis, inspections, certification, and reporting. Authority for implementation of the permitting program is delegated to the state of Minnesota.</li> </ul>

Statute, Regulation, Order	Description
<b>Clean Water Act, Title IV</b> 40 CFR Parts 104 – 140	<p>Focuses on improving the quality of water resources by providing a comprehensive framework of standards, technical tools, and financial assistance to address the many causes of pollution and poor water quality, including municipal and industrial wastewater discharges, polluted runoff from urban and rural areas, and habitat destruction.</p> <p>Applicable Sections:</p> <ul style="list-style-type: none"> <li>• Section 402—National Pollutant Discharge Elimination System (NPDES) Permit. Requires sources to obtain permits to discharge effluents and stormwaters to surface waters. The CWA authorizes EPA to delegate permitting, administrative, and enforcement duties to state governments, while EPA retains oversight responsibilities. The state of Minnesota has been delegated NPDES authority and therefore would issue the NPDES permit.</li> <li>• Section 404—Permits for Dredged or Fill Material. Regulates the discharge of dredged or fill material in the jurisdictional wetlands and waters of the United States. The USACE has been delegated the responsibility for authorizing these actions.</li> </ul>
<b>Determination of No Hazard to Air Navigation</b> 14 CFR 77.19	<p>Upon the Proponent’s submission of notice of proposed construction of objects potentially affecting navigable airspace, the FAA must confirm such construction constitutes no hazard to air navigation.</p>
<b>Emergency Planning and Community Right-to-Know Act of 1986</b> 42 USC 1101 <i>et seq.</i>	<p>Requires that inventories of specific chemicals used or stored on site be reported on a periodic basis. The plant would manufacture, process, or otherwise use a number of substances subject to the Act’s reporting requirements, such as some trace amounts of metals and mercury.</p>
<b>Endangered Species Act of 1973, as amended</b> 16 USC 1536 <i>et seq.</i>	<p>Enacted by Public Law 93-205, Endangered Species Act of 1973 (16 USC 1531 <i>et seq.</i>). Section 7, “Interagency Cooperation,” requires any Federal agency authorizing, funding, or carrying out any action to ensure that the action is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of critical habitat of such species. Under Section 7 of the Act, DOE has consulted with the USFWS.</p>
<b>Exempt Wholesale Generator Status</b> 15 USC 79z-5a(e)	<p>Exemption of private generation from certain requirements for public utilities.</p>
<b>Farmland Protection Policy Act</b> 7 USC 4201 <i>et seq.</i>	<p>Directs Federal agencies to identify and quantify adverse impacts of Federal programs on farmlands. The Act’s purpose is to minimize the number of Federal programs that contribute to the unnecessary and irreversible conversion of agricultural land to non-agricultural uses.</p>
<b>Fish and Wildlife Conservation Act of 1980</b> 16 USC 2901 <i>et seq.</i>	<p>Encourages Federal agencies to conserve and promote conservation of non-game fish and wildlife species and their habitats.</p>
<b>Fish and Wildlife Coordination Act</b> 16 USC 661 <i>et seq.</i>	<p>Requires Federal agencies undertaking projects affecting water resources to consult with the USFWS and the state agency responsible for fish and wildlife resources. These agencies are to be sent copies of this DEIS and their comments will be considered.</p>

Statute, Regulation, Order	Description
<b>Migratory Bird Treaty Act, as amended</b> 16 USC 703 <i>et seq.</i>	Protects birds that have common migration patterns between the United States and Canada, Mexico, Japan, and Russia. The Act regulates the take and harvest of migratory birds. The USFWS will review this EIS to determine whether the activities analyzed would comply with the requirements of the Migratory Bird Treaty Act.
<b>National Environmental Policy Act (NEPA) of 1969</b> 42 USC 4371 <i>et seq.</i>	This EIS is being prepared to comply with NEPA, the Federal law that requires agencies of the Federal government to study the possible environmental impacts of major Federal actions significantly affecting the quality of the human environment.
<b>National Historic Preservation Act of 1966</b> 16 USC 470 <i>et seq.</i>	Enacted by Public Law 89-665, National Historic Preservation Act of 1966 (16 USC 470 <i>et seq.</i> ). Under Section 106, the head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or Federally assisted undertaking in any state and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of the Act a reasonable opportunity to comment with regard to such undertaking.
<b>Native American Graves Protection and Repatriation Act of 1990</b> 25 USC 3001	Directs the Secretary of the Interior to guide the repatriation of Federal archaeological collections and collections that are culturally affiliated with Native American tribes and held by museums that receive Federal funding. Major actions to be taken under this law include: <ul style="list-style-type: none"> <li>• The establishment of a review committee with monitoring and policymaking responsibilities;</li> <li>• The development of regulations for repatriation, including procedures for identifying lineal descent or cultural affiliation needed for claims;</li> <li>• The oversight of museum programs designed to meet the inventory requirements and deadlines of this law; and</li> <li>• The development of procedures to handle unexpected discoveries of graves or grave goods during activities on Federal or tribal land.</li> </ul>
<b>New Source Performance Standards (NSPS)</b> 40 CFR Part 60	The NSPS are technology-based standards applicable to new and modified stationary sources of regulated air emissions. Where the NAAQS emphasize air quality in general, the NSPS focus on particular sources of approximately 70 industrial source categories or sub-categories of sources (e.g., fossil fuel-fired generators, grain elevators, steam generating units) that are designated by size as well as type of process.
<b>Noise Control Act of 1972, as amended</b> 42 USC 4901 <i>et seq.</i>	Directs Federal agencies to carry out programs in their jurisdictions “to the fullest extent within their authority” and in a manner that furthers a national policy of promoting an environment free from noise that jeopardizes health and welfare.

Statute, Regulation, Order	Description
<b>Notice to the Federal Aviation Administration</b> 14 CFR Part 77	The FAA must be notified if any structures more than 200 ft. high would be constructed at the proposed site pursuant to 14 CFR Part 77. The FAA would then determine if the structures would or would not be an obstruction to air navigation.
<b>Occupational Safety and Health Act (OSHA) of 1970, as amended</b> 29 USC §651 <i>et seq.</i>	Compliance with the OSHA would be required according to OSHA standards. Applicable Rules: <ul style="list-style-type: none"> <li>• OSHA General Industry Standards (29 CFR Part 1910)</li> <li>• OSHA Construction Industry Standards (29 CFR Part 1926)</li> </ul>
<b>Permanent Exemption for New Facilities</b> 10 CFR Part 503	Exemption to allow burning of natural gas and fuel oil for power production.
<b>Pollution Prevention Act of 1990</b> 42 USC 13101 <i>et seq.</i>	Establishes a national policy for waste management and pollution control that focuses first on source reduction, and then on environmentally safe waste recycling, treatment, and disposal. Executive Order 13101, <i>Greening the Government through Waste Prevention, Recycling, and Federal Acquisition</i> , and Executive Order 13148, <i>Greening the Government through Leadership in Environmental Management</i> , provide guidance to agencies to implement the Pollution Prevention Act. DOE requires specific goals to reduce the generation of waste. DOE would implement a pollution prevention plan by incorporating such waste-reducing activities as ordering construction materials in correct sizes and numbers, resulting in very small amounts of waste; and implementing best management practices to reduce the volume of waste generated and reuse waste wherever possible.
<b>Prevention of Significant Deterioration (PSD) Permit</b> 40 CFR 52.21	Required if the plant would have the potential to emit 100 tons per year or more of a pollutant subject to regulation under the CAA. Regulated pollutants include SO <sub>2</sub> , NO <sub>x</sub> , and CO. A PSD Permit would be issued by the state or local air pollution control agency.
<b>Resource Conservation and Recovery Act (RCRA) of 1976</b> 40 CFR Parts 239 – 299	Regulates the treatment, storage, and disposal of hazardous wastes. Project participants would be required to identify any residues that require management as hazardous waste under RCRA (40 CFR Part 261). For some waste streams, this includes testing waste samples using the toxic characteristic leaching procedure or other procedures that measure hazardous waste characteristics. Applicable Title: Title II—Solid Waste Disposal (known as the Solid Waste Disposal Act), regulates the disposal of solid wastes. Title II, Subtitle C—Hazardous Waste Management, provides for a regulatory system to ensure the environmentally sound management of hazardous wastes from the point of origin to the point of final disposal. Title II, Subtitle D—State or Regional Solid Waste Plans.
<b>Rivers and Harbor Act Permit</b> 33 CFR Part 322	Permit for structures or work in or affecting navigable waters of the United States.

Statute, Regulation, Order	Description
<b>Safe Drinking Water Act</b> 42 USC 300 <i>et seq.</i>	Gives EPA the responsibility and authority to regulate public drinking water supplies by establishing drinking water standards, delegating authority for enforcement of drinking water standards to the states, and protecting aquifers from hazards such as injection of wastes and other materials into wells. The Minnesota Department of Health is the state agency responsible for enforcement. EPA regulations for this program are codified at 40 CFR Part 141, and Minnesota rules for this program are codified at Minn. R. ch. 4720.
<b>Sales Tap Approval</b> 18 CFR 157.211	Approval to tap into or modify existing interstate gas pipeline.
<b>Surface Mining Control and Reclamation Act of 1977</b> 30 CFR Part 700 <i>et seq.</i>	Provides for the Federal regulation of surface coal mining operations and the acquisition and reclamation of abandoned mines. Title IV of the Surface Mining Control and Reclamation Act is designed to help reclaim and restore abandoned coal mine areas throughout the country.
<b>Executive Orders</b>	
<b>Executive Order 11988, Floodplain Management ; Executive Order 11990, Protection of Wetlands</b>	<ul style="list-style-type: none"> <li>• Executive Order 11988, <i>Floodplain Management</i>, directs Federal agencies to establish procedures to ensure that they consider potential effects of flood hazards and floodplain management for any action undertaken. Agencies are to avoid impacts to floodplains to the extent practical.</li> <li>• Executive Order 11990, <i>Protection of Wetlands</i>, requires Federal agencies to avoid short- and long-term impacts to wetlands if a practical alternative exists.</li> <li>• DOE regulation 10 CFR Part 1022 establishes procedures for compliance with these Executive Orders. Where no practical alternatives exist to development in floodplain and wetlands, DOE is required to prepare a floodplain and wetlands assessment discussing the effects on the floodplain and wetlands, and consideration of alternatives. In addition, these regulations require DOE to design or modify its actions to minimize potential damage in floodplains or harm to wetlands. DOE is also required to provide opportunity for public review of any plans or proposals for actions in floodplains and new construction in wetlands. A statement of findings from the assessment will be incorporated into the Final EIS.</li> </ul>
<b>Executive Order 12856, Right-to-Know Laws and Pollution Prevention Requirements</b>	Directs Federal agencies to reduce and report toxic chemicals entering any waste stream, improve emergency planning, response, and accident notification, and encourage the use of clean technologies and testing of innovative prevention technologies. In addition, this Order states that Federal agencies are persons for purposes of the Emergency Planning and Community Right-to-Know Act, which requires agencies to meet the requirements of the Act.
<b>Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations</b>	Requires Federal agencies to identify and address, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.

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<b>Executive Order 13007, <i>Indian Sacred Sites</i></b>	Directs Federal agencies, to the extent permitted by law and not inconsistent with agency missions, to avoid adverse effects to sacred sites and to provide access to those sites to Native Americans for religious practices. This Order directs agencies to plan projects to provide protection of and access to sacred sites to the extent compatible with the project.
<b>Executive Order 13101, <i>Greening the Government through Waste Prevention, Recycling, and Federal Acquisition</i></b>	Directs Federal agencies to incorporate waste prevention and recycling in each agency's daily operations and work to increase and expand markets for recovered materials through preference and demand for environmentally preferable products and services.
<b>Executive Order 13112, <i>Invasive Species</i></b>	Directs Federal agencies to prevent the introduction of or to monitor and control invasive (non-native) species, to provide for restoration of native species, to conduct research, to promote educational activities, and to exercise care in taking actions that could promote the introduction or spread of invasive species.
<b>Executive Order 13148, <i>Greening the Government through Leadership in Environmental Management</i></b>	Makes the head of each Federal agency responsible for ensuring that all necessary actions are taken to integrate environmental accountability into agency day-to-day decision-making and long-term planning across all agency missions, activities, and functions.
<b>Executive Order 13175, <i>Consultation and Coordination with Indian Tribal Governments</i></b>	Directs Federal agencies to establish regular and meaningful consultation and collaboration with tribal governments in the development of Federal policies that have tribal implications, to strengthen United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates on tribal governments.
<b>Executive Order 13186, <i>Responsibilities of Federal Agencies to Protect Migratory Birds</i></b>	<p>Requires Federal agencies to avoid or minimize the negative impacts of their actions on migratory birds, and to take active steps to protect birds and their habitats.</p> <ul style="list-style-type: none"> <li>• Directs each Federal agency taking actions having or likely to have a negative impact on migratory bird populations to work with the USFWS to develop an agreement to conserve those birds.</li> <li>• Directs agencies to avoid or minimize impacts to migratory bird populations, take reasonable steps that include restoring and enhancing habitat, prevent or abate pollution affecting birds, and incorporate migratory bird conservation into agency planning processes whenever possible.</li> <li>• Requires environmental analyses of Federal actions to evaluate effects of those actions on migratory birds, to control the spread and establishment in the wild of exotic animals and plants that could harm migratory birds and their habitats, and either to provide advance notice of actions that could result in the take of migratory birds or to report annually to the USFWS on the numbers of each species taken during the conduct of agency actions.</li> </ul>

<b>Statute, Regulation, Order</b>	<b>Description</b>
<b><i>Indian Treaties – Chippewa</i></b>	
<b>1826 Fond du Lac</b>	Granted the right to search for and take subsurface minerals.
<b>1837 Saint Peter River</b>	Ceded land to the U.S. in the vicinity of the St. Croix River in Minnesota.
<b>1847 Treaty with the Mississippi and Lake Superior Bands</b>	Ceded land to the U.S. that was intended for the Winnebago reservation, but was never developed.
<b>1847 Treaty with the Pillager Band at Leech Lake</b>	Ceded land to the U.S. that was intended for the Menominee reservation, but was never developed.
<b>1854 Treaty with the Mississippi and Lake Superior Bands</b>	Created the Grand Portage, Fond du Lac, and Lake Vermillion reservations.
<b>1855 Treaty with the Mississippi, Pillager, Winibigoshish bands</b>	Ceded land to the U.S. in return for reservation to be established in traditional habitation areas such as Leech and Cass Lake, Winibigoshish, Mille Lacs, Sand Lake, Rice Lake, Gull Lake, Rabbit Lake, and Lake Pokegama.
<b>1863 Treaty with Pillager, Winibigoshish and Mississippi bands</b>	Created one reservation for all Indians within Minnesota.
<b>1864 Modification to the 1863 Treaty with Pillager, Winibigoshish and Mississippi bands</b>	Reverses many of the reservations established by the 1855 treaty.
<b>1863 Treaty with the Red Lake and Pembina Bands</b>	Ceded land to the U.S. in exchange for 160 acres for men and a 640-acre reservation for chief "Red Bear," on the north side of the Pembina River.
<b>1864 Amendment to the 1863 Treaty with the Red Lake and Pembina Bands</b>	Modified the terms of the 1863 treaty.
<b>1867 Treaty with the Mississippi Band</b>	Ceded land from the Leech Lake reservation to the U.S. and created the White Earth reservation.
<b><i>Indian Treaties – Sioux</i></b>	
<b>1805 Zebulon Pike treaty with the Sioux</b>	Ceded most of Minneapolis and St. Paul to the U.S.
<b>1837 Treaty with the Sioux</b>	Ceded land west of the Mississippi River including Fort Snelling to the U.S.
<b>1851 Treaty of Traverse des Sioux and the Mendota Treaty</b>	Ceded all Sioux land in Minnesota (and Iowa) to the U.S. and created a reservation on the north and south sides of the Minnesota River.

Statute, Regulation, Order	Description
<b>1858 Treaty with the Wahpekeute and Mdewakanton and the 1858 Treaty with the Sisseton-Wahpeton</b>	A reservation was created with the land that the Wahpekeute and Mdewakanton possessed and each head of household was granted 80 acres.
<b>1858 Treaty with the Yankton</b>	Gave the Indians access to a sacred pipestone quarry.
<b>State Regulations and Permitting</b>	
<b>Aboveground Storage Tank Registration</b> Minn. R. ch. 7001 and 7151	Owners of Aboveground Storage Tanks larger than 110 gallons must notify the Agency.
<b>Access Permit</b> Minn. R. 8810.0050	Required whenever there is a request for change in access to or from Mn/DOT ROWs.
<b>Air Emissions Permit</b> Minn. R. ch. 7007	In most cases, a state construction permit is required for all new sources of air pollutants.
<b>Air Pollution Episodes Rule</b> Minn. R. 7009.1000 – 7009.1110	Requires the preparation of an emergency action plan to be implemented in the event that the Commissioner of the MPCA makes an air pollution episode declaration. Requirements under this rule would be considered mitigation measures to reduce emissions from the Mesaba IGCC Power Plant sources.
<b>Certificate of Need</b> Minn. R. ch. 7829, 7849, 7851, 7853, and 7855	The Minnesota PUC requires a description of the proposed energy facility and its probable location, an indication of forecast information upon which the alleged need is based, a discussion of possible alternatives and why they were rejected, and environmental information related to construction and operation of the proposed facility.
<b>Construction of Tunnels Under Highways Permit</b> Minn. R. 8810.3200 – 8810.3600	Utility construction and relocation on trunk highway ROWs.
<b>Cultural Resources Review</b> 36 CFR Part 800	State review required under National Historic Preservation Act.
<b>Drainage Permit</b> Minn. R. 8810.3200 – 8810.3600	Permit issued for repairs of utility or rebuilding structure (manholes, catch basins, etc.) that are already in place.
<b>Easement Across State-Owned Land Managed by the Minnesota Department of Natural Resources</b> Minn. Stat. § 84.63 and § 84.631	The MNDNR may issue an easement to cross state-owned lands for the purpose of constructing and maintaining roads.
<b>Electrical Inspection</b> Minn. R. ch. 3800	Conformance with electrical code.
<b>Environmental Laboratory Certification</b> Minn. R. 4740.2010 – 4740.2120	Environmental laboratory certification required before data can be submitted in support of permit programs (e.g., as prescribed under NPDES permit program).

Statute, Regulation, Order	Description
<b>Flammable Liquid Tanks Plan Review</b> Minn. Stat. § 299F.011	Aboveground Storage Tank Plan Review for flammable and combustible liquids (private motor vehicle fuel dispensing station).
<b>Hazardous Waste Generator License</b> Minn. R. 7045.0225	Any business that generates more than 10 gallons of hazardous waste in a calendar year must be licensed and pay an annual fee.
<b>License to Cross Public Lands and Waters</b> Minn. R. ch. 6135	For installation of utility services (as defined in statute) across MNDNR-administered land and public waters.
<b>Minnesota Building Code</b> Minn. R. ch. 1305 Minn. R. ch. 1306 Minn. R. ch. 1315 Minn. R. ch. 1346 Minn. R. ch. 4715 Minn. R. ch. 5225 and 5230 Minn. R. ch. 7510 Minn. R. ch. 7512	<ul style="list-style-type: none"> <li>• International Building Code—Covers the construction of all buildings except detached one- and two-family dwellings and multiple single-family dwellings not more than three stories high (townhouses). Regulations include weather-resistance, ventilation, sanitation, fire-safety, structural integrity, user safeguards, etc. Minnesota's nonresidential code is published by the International Code Council (ICC).</li> <li>• Special Fire Protection Systems—Requires the installation of an automatic fire sprinkler system in most nonresidential buildings, both existing and new.</li> <li>• National Electric Code—Adopts a national standard for the installation of electrical wiring, apparatus, and equipment for electric light, heat, power, technology circuits and systems, and alarm and communication systems, as published by the National Fire Protection Association.</li> <li>• Minnesota Mechanical Code—Governs the installation and maintenance of heating, ventilating, cooling, and refrigeration systems. Regulated subjects include furnaces, ductwork, hot water heat, commercial kitchen ventilation, gas piping, exhaust ventilation, etc.</li> <li>• Minnesota Plumbing Code—Governs the installation of plumbing systems in new buildings, additions to buildings, and buildings undergoing alterations. Regulated subjects include water supply piping, waste and vent piping, roof drain piping, backflow protection, plumbing fixtures, etc.</li> <li>• Minnesota Boilers and High Pressure Piping—Governs the design, installation, alteration, repair, removal, operation, and maintenance of various types of boilers and high pressure piping equipment.</li> <li>• Minnesota State Fire Code—Addresses conditions hazardous to life and property from fire, explosion, hazardous material storage, handling, or use, and use and occupancy of buildings and structures.</li> <li>• Fire Sprinkler Systems Plan Review—Permit for fire protection system.</li> </ul>
<b>Minnesota Endangered Species Law</b> Minn. R. ch. 6134	Minnesota's Endangered Species Statute (Minn. Stat. § 84.0895) requires the MNDNR to adopt rules designating species meeting the statutory definitions of endangered, threatened, or species of special concern. The resulting list of Endangered, Threatened, and Special Concern Species is codified as Minn. R. ch. 6134.

Statute, Regulation, Order	Description
<p><b>Minnesota Standards for Stationary Sources</b>            Minn. R. 7011.0150, 7011.0715, and 7011.2300</p>	<ul style="list-style-type: none"> <li>• Control of Fugitive Particulate Matter—Prohibits the release of “avoidable amounts” of particulate matter. Facilities are required to take reasonable precautions to prevent the discharge of visible fugitive emissions beyond the property line.</li> <li>• Standards of Performance for Post-1969 Industrial Process Equipment—Applies to the Mesaba IGCC Power Plant’s coal, petroleum coke, and slag handling equipment that would generate particulate matter emissions. Since the Mesaba IGCC Power Plant is located outside of Minneapolis, St. Paul, and Duluth, and is located more than one quarter mile away from any residence or public roadway, the required control equipment standard to be applied is 85%.</li> <li>• Standards of Performance for Stationary Internal Combustion Engines—Limits visible emissions from emergency fire water pumps and emergency generators to 20% opacity and limits SO<sub>2</sub> emissions to 0.5 lb/MMBTU heat input unless a higher limit has been established through modeling.</li> </ul>
<p><b>NPDES General Construction Stormwater Permit</b>            40 CFR 122.26; Minn. R. 7001.1035</p>	<p>NPDES permit for stormwater discharge required for construction sites disturbing 1 acre or more of land.</p>
<p><b>NPDES General Industrial Stormwater Permit</b>            Minn. R. 7001.1035</p>	<p>Permit for stormwater discharges associated with industrial activity.</p>
<p><b>NPDES/SDS Permit</b>            Minn. R. 7001.0020</p>	<p>Permit required for discharging wastewater to waters of the United States.</p>
<p><b>Open Burning Permit</b>            Minn. Stat. § 88.16</p>	<p>Registering with local forestry office or fire warden is required in forested counties.</p>
<p><b>Part 70 Operating Permit</b>            Minn. R. 7007.0200 and 7007.0250</p>	<p>Construction of a major new source meeting specifications in rules must receive an air emissions permit prior to commencement of construction.</p>
<p><b>Public Water Supply Plan Review</b>            Minn. R. ch. 4720</p>	<p>Required for drinking water systems serving greater than 25 persons.</p>
<p><b>Public Waters Work Permit (Protected Waters Permit)</b>            Minn. R. 6115.0160 – 6115.0280</p>	<p>Work permit for activities that change or diminish the course, current or cross section of public waters within the state.</p>
<p><b>Railroad Grade Crossing Operating License</b>            Minn. R. 8830.2150 and 8830.9991</p>	<p>Operating license will be issued upon submittal and approval of railroad grade crossing signal circuit plans.</p>
<p><b>Route Permit for High Voltage Transmission Lines</b>            Minn. R. ch. 4400</p>	<p>Any proposed power line over 100 kV must obtain a route permit from the PUC, although an applicant has the option to seek local approval for power lines under 200 kV and certain other lines specified in Minn. Stat. § 216E.05.</p>

Statute, Regulation, Order	Description
<b>Route Permit For Natural Gas Pipeline</b> Minn. R. 4415.0035	Pipelines with a nominal diameter of 6 in. or more designed to transport hazardous liquids and pipelines designed to be operated at pressure of more than 275 lbs. per in. <sup>2</sup> to carry natural gas are required to obtain a Pipeline Routing Permit from the PUC.
<b>Sanitary Sewer Extension Permit</b> Minn. R. 7001.0020	Required when a project does not meet the MPCA design criteria via the Design Certification for Sanitary Sewer Extension Plans and Specifications Checklist.
<b>Site Permit for Large Electric Generating Power Plant</b> Minn. R. ch. 4400	Any proposed power plant over 50 MW must obtain a site permit from the PUC, although an applicant has the option too seek local approval for power plants under 80 MW and natural-gas-fired peaking plants.
<b>Solid Waste Storage Permit</b> Minn. R. ch. 7001 and 7035	Any non-hazardous solid waste generated would require a permit from the MPCA.
<b>Underground Storage Tank Registration</b> Minn. R. 7150.0120	Regulated Underground Storage Tank systems must be registered.
<b>Utility Permit on Trunk Highway ROW</b> Minn. R. 8810.3100 – 8810.3600	Permit required to install or move utilities on highway ROWs.
<b>Water Appropriation Permit – Long Term (Exceeding two years)</b> Minn. R. 6115.0600 – 6115.0810; 6115.0010	Permit required to appropriate waters of the state (ground or surface). All active water appropriation permit holders are required to measure monthly water use with an approved measuring device to an accuracy of 10 percent and report water use yearly. Permit holders receive water use reporting forms each year to report their water use.
<b>Water Appropriation Permit – Temporary (1-2 year maximum)</b> Minn. R. 6115.0600 – 6115.0810; 6115.0010	General permit notification form for certain temporary appropriations for construction dewatering, landscaping and hydrostatic testing.

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## **7. AGENCIES AND TRIBES CONTACTED**

### **Federal Agencies**

Federal Energy Regulatory Commission  
Division of Gas – Environment & Engineering  
U.S. Army Corps of Engineers  
St. Paul District  
U.S. Department of Agriculture – Forest Service  
Superior National Forest  
U.S. Department of the Interior  
Fish and Wildlife Service – Twin Cities Field Office  
National Park Service  
Bureau of Indian Affairs  
U.S. Department of Transportation – Federal Highway Administration  
Minnesota Division  
U.S. Environmental Protection Agency – Region 5  
Water Division

### **Minnesota Agencies**

Minnesota Department of Natural Resources  
Natural Heritage and Nongame Research Program  
Minnesota Department of Transportation  
District 1 – Duluth  
Minnesota Historical Society  
Minnesota State Historic Preservation Office  
Minnesota Indian Affairs Council

### **Native American Tribes in Minnesota**

Bois Forte Reservation  
Fond du Lac Reservation  
Grand Portage Reservation  
Leech Lake Reservation  
Lower Sioux Community  
Mille Lacs Band of Ojibwe  
Minnesota Chippewa Tribe  
Prairie Island Indian Community  
Red Lake Band of Chippewa  
Shakopee Mdewakanton Dakota Community  
Upper Sioux Community  
White Earth Reservation  
Iron Range Council for Native Americans  
1854 Authority

**Native American Tribes Located Outside Minnesota**

Bad River Band of Lake Superior Chippewa  
Flandreau Santee Sioux  
Keweenaw Bay Indian Community  
Lac Courte Oreilles Band of Lake Superior, Chippewa Indians of Wisconsin  
Lac du Flambeau Band of Lake Superior, Chippewa Indians of Wisconsin  
Lac Vieux Desert Band of Lake Superior, Chippewa Indians  
Red Cliff Band of Lake Superior, Chippewa Indians  
Santee Sioux Nation  
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**Disclosure Statement**  
Environmental Impact Statement  
Mesaba Energy Project  
DOE / EIS-0382

CEQ Regulations at 40 CFR 1506.5(c), which have been adopted by the DOE (10 CFR 1021), require contractors who will prepare an EIS to execute a disclosure specifying that they have no financial or other interest in the outcome of the project. The term “financial interest or other interest in the outcome of the project” for the purposes of this disclosure is defined in the March 23, 1981, guidance “Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations,” 46 FR 18026-18038 at question 17a and b.

“Financial interest or other interest in the outcome of the project” includes “any financial benefit such as a promise of future construction or design work in the project, as well as indirect benefits the contractor is aware of (e.g., if the project would aid proposals sponsored by the firm’s other clients).” See 46 FR 18026-18031.

In accordance with these requirements, the entity signing below hereby certifies as follows: (check either (a) or (b) and list items being disclosed if (b) is checked).

Financial Interest:

- (a)     X     Has no past, present, or currently planned financial interest in the outcome of the project.
  
- (b)             Has the following financial interest in the outcome of the project and hereby agrees to mitigate to the extent necessary to preclude a conflict prior to award of this contract:
  - 1.
  - 2.
  - 3.

Contractual Interest:

- (a)     X     Has no past, present, or currently planned contractual interest in the outcome of the project.
  
- (b)             Has the following contractual interest in the outcome of the project and hereby agrees to mitigate to the extent necessary to preclude a conflict prior to award of this contract:
  - 1.
  - 2.
  - 3.

