# 6. REGULATORY AND PERMIT REQUIREMENTS

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<tr>
<th>Statute, Regulation, Order</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>Federal Regulations and Permitting</strong></td>
<td></td>
</tr>
<tr>
<td>Acid Rain Permit</td>
<td>Required for utility units exceeding threshold limits specified in regulation cited.</td>
</tr>
<tr>
<td>40 CFR Part 72</td>
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<tr>
<td>American Indian Religious Freedom Act of 1978</td>
<td>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.</td>
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<tr>
<td>42 USC 1996</td>
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<tr>
<td>Antiquities Act</td>
<td>Protects historic and prehistoric ruins, monuments, and objects of antiquity (including paleontological resources) on lands owned or controlled by the Federal government.</td>
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<tr>
<td>16 USC 431 et seq.</td>
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<tr>
<td>Archaeological Resources Protection Act, as amended</td>
<td>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.</td>
</tr>
<tr>
<td>16 USC 470aa et seq.</td>
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<tr>
<td>Clean Air Act, Title I, IV, and V</td>
<td>Establishes NAAQS set by the EPA for certain pervasive pollutants. Applicable Titles:</td>
</tr>
<tr>
<td>40 CFR Parts 50 – 95</td>
<td>- Title I—Air Pollution Prevention and Control. Basis for air quality and emission limitations, PSD permitting program, SIPs, NSPS, and NESHAP.</td>
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<td></td>
<td>- Title IV—Acid Deposition Control. Establishes limitations on SO\textsubscript{2} and NO\textsubscript{x} emissions, permitting requirements, monitoring programs, reporting and record keeping requirements, and compliance plans for emission sources. This Title requires that emissions of SO\textsubscript{2} from utility sources be limited to the amounts of allowances held by the sources.</td>
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<td></td>
<td>- 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.</td>
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</table>
| **Clean Water Act, Title IV** 40 CFR Parts 104 – 140 | 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. Applicable Sections:  
  - 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 stage governments, while EPA retains oversight responsibilities. The state of Minnesota has been delegated NPDES authority and therefore would issue the NPDES permit.  
  - 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. |
<p>| <strong>Determination of No Hazard to Air Navigation</strong> 14 CFR 77.19 | 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. |
| <strong>Emergency Planning and Community Right-to-Know Act of 1986</strong> 42 USC 1101 et seq. | 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. |
| <strong>Endangered Species Act of 1973, as amended</strong> 16 USC 1536 et seq. | Enacted by Public Law 93-205, Endangered Species Act of 1973 (16 USC 1531 et seq.), Section 7, &quot;Interagency Cooperation,&quot; 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. |
| <strong>Exempt Wholesale Generator Status</strong> 15 USC 79z-5a(e) | Exemption of private generation from certain requirements for public utilities. |
| <strong>Farmland Protection Policy Act</strong> 7 USC 4201 et seq. | 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. |
| <strong>Fish and Wildlife Coordination Act</strong> 16 USC 661 et seq. | 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>
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<tr>
<td><strong>Migratory Bird Treaty Act, as amended</strong> 16 USC 703 et seq.</td>
<td>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.</td>
</tr>
<tr>
<td><strong>National Environmental Policy Act (NEPA) of 1969</strong> 42 USC 4371 et seq.</td>
<td>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.</td>
</tr>
<tr>
<td><strong>National Historic Preservation Act of 1966</strong> 16 USC 470 et seq.</td>
<td>Enacted by Public Law 89-665, National Historic Preservation Act of 1966 (16 USC 470 et seq.). 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.</td>
</tr>
</tbody>
</table>
| **Native American Graves Protection and Repatriation Act of 1990** 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:  
  - The establishment of a review committee with monitoring and policymaking responsibilities;  
  - The development of regulations for repatriation, including procedures for identifying lineal descent or cultural affiliation needed for claims;  
  - The oversight of museum programs designed to meet the inventory requirements and deadlines of this law; and  
  - The development of procedures to handle unexpected discoveries of graves or grave goods during activities on Federal or tribal land. |
| **New Source Performance Standards (NSPS)** 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. |
| **Noise Control Act of 1972, as amended** 42 USC 4901 et seq. | 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. |
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<td>Notice to the Federal Aviation Administration</td>
<td>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.</td>
</tr>
</tbody>
</table>
| Occupational Safety and Health Act (OSHA) of 1970, as amended | Compliance with the OSHA would be required according to OSHA standards. Applicable Rules:  
  - OSHA Construction Industry Standards (29 CFR Part 1926) |
| Permanent Exemption for New Facilities | Exemption to allow burning of natural gas and fuel oil for power production. |
| Pollution Prevention Act of 1990 | 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, *Greening the Government through Waste Prevention, Recycling, and Federal Acquisition*, and Executive Order 13148, *Greening the Government through Leadership in Environmental Management*, 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. |
| Prevention of Significant Deterioration (PSD) Permit | 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 SO₂, NOₓ, and CO. A PSD Permit would be issued by the state or local air pollution control agency. |
| Resource Conservation and Recovery Act (RCRA) of 1976 | 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. |
<p>| Rivers and Harbor Act Permit | Permit for structures or work in or affecting navigable waters of the United States. |</p>
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<td><strong>Safe Drinking Water Act</strong>&lt;br&gt;42 USC 300 et seq.</td>
<td>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.</td>
</tr>
<tr>
<td><strong>Sales Tap Approval</strong>&lt;br&gt;18 CFR 157.211</td>
<td>Approval to tap into or modify existing interstate gas pipeline.</td>
</tr>
<tr>
<td><strong>Surface Mining Control and Reclamation Act of 1977</strong>&lt;br&gt;30 CFR Part 700 et seq.</td>
<td>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.</td>
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</tbody>
</table>

**Executive Orders**

- **Executive Order 11988, Floodplain Management**; **Executive Order 11990, Protection of Wetlands**
  - Executive Order 11988, *Floodplain Management*, 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.
  - Executive Order 11990, *Protection of Wetlands*, requires Federal agencies to avoid short- and long-term impacts to wetlands if a practical alternative exists.
  - 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.

- **Executive Order 12856, Right-to-Know Laws and Pollution Prevention Requirements**
  - 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.

- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations**
  - 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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<td><strong>Executive Order 13007, Indian Sacred Sites</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Executive Order 13101, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Executive Order 13112, Invasive Species</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Executive Order 13148, Greening the Government through Leadership in Environmental Management</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Executive Order 13175, Consultation and Coordination with Indian Tribal Governments</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Executive Order 13186, Responsibilities of Federal Agencies to Protect Migratory Birds</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>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.</strong></td>
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<td><strong>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.</strong></td>
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<tr>
<td><strong>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.</strong></td>
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<tr>
<td><strong>Indian Treaties – Chippewa</strong></td>
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<tr>
<td>1826 Fond du Lac</td>
<td>Granted the right to search for and take subsurface minerals.</td>
</tr>
<tr>
<td>1837 Saint Peter River</td>
<td>Ceded land to the U.S. in the vicinity of the St. Croix River in Minnesota.</td>
</tr>
<tr>
<td>1847 Treaty with the Mississippi and Lake Superior Bands</td>
<td>Ceded land to the U.S. that was intended for the Winnebago reservation, but was never developed.</td>
</tr>
<tr>
<td>1847 Treaty with the Pillager Band at Leech Lake</td>
<td>Ceded land to the U.S. that was intended for the Menominee reservation, but was never developed.</td>
</tr>
<tr>
<td>1854 Treaty with the Mississippi and Lake Superior Bands</td>
<td>Created the Grand Portage, Fond du Lac, and Lake Vermillion reservations.</td>
</tr>
<tr>
<td>1855 Treaty with the Mississippi, Pillager, Winibigoshish bands</td>
<td>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.</td>
</tr>
<tr>
<td>1863 Treaty with Pillager, Winibigoshish and Mississippi bands</td>
<td>Created one reservation for all Indians within Minnesota.</td>
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<tr>
<td>1864 Modification to the 1863 Treaty with Pillager, Winibigoshish and Mississippi bands</td>
<td>Reverses many of the reservations established by the 1855 treaty.</td>
</tr>
<tr>
<td>1864 Amendment to the 1863 Treaty with the Red Lake and Pembina Bands</td>
<td>Modified the terms of the 1863 treaty.</td>
</tr>
<tr>
<td>1867 Treaty with the Mississippi Band</td>
<td>Ceded land from the Leech Lake reservation to the U.S. and created the White Earth reservation.</td>
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<tr>
<td><strong>Indian Treaties – Sioux</strong></td>
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<tr>
<td>1805 Zebulon Pike treaty with the Sioux</td>
<td>Ceded most of Minneapolis and St. Paul to the U.S.</td>
</tr>
<tr>
<td>1837 Treaty with the Sioux</td>
<td>Ceded land west of the Mississippi River including Fort Snelling to the U.S.</td>
</tr>
<tr>
<td>1851 Treaty of Traverse des Sioux and the Mendota Treaty</td>
<td>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.</td>
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<tr>
<td>1858 Treaty with the Wahpekeute and Mdewakanton and the 1858 Treaty with the Sisseton-Wahpeton</td>
<td>A reservation was created with the land that the Wahpekeute and Mdewakanton possessed and each head of household was granted 80 acres.</td>
</tr>
<tr>
<td>1858 Treaty with the Yankton</td>
<td>Gave the Indians access to a sacred pipestone quarry.</td>
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</table>

**State Regulations and Permitting**

<table>
<thead>
<tr>
<th>Aboveground Storage Tank Registration</th>
<th>Owners of Aboveground Storage Tanks larger than 110 gallons must notify the Agency.</th>
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</thead>
<tbody>
<tr>
<td>Access Permit</td>
<td>Required whenever there is a request for change in access to or from Mn/DOT ROWs.</td>
</tr>
<tr>
<td>Air Emissions Permit</td>
<td>In most cases, a state construction permit is required for all new sources of air pollutants.</td>
</tr>
<tr>
<td>Air Pollution Episodes Rule</td>
<td>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.</td>
</tr>
<tr>
<td>Certificate of Need</td>
<td>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.</td>
</tr>
<tr>
<td>Construction of Tunnels Under Highways Permit</td>
<td>Utility construction and relocation on trunk highway ROWs.</td>
</tr>
<tr>
<td>Cultural Resources Review</td>
<td>State review required under National Historic Preservation Act.</td>
</tr>
<tr>
<td>Drainage Permit</td>
<td>Permit issued for repairs of utility or rebuilding structure (manholes, catch basins, etc.) that are already in place.</td>
</tr>
<tr>
<td>Easement Across State-Owned Land Managed by the Minnesota Department of Natural Resources</td>
<td>The MNDNR may issue an easement to cross state-owned lands for the purpose of constructing and maintaining roads.</td>
</tr>
<tr>
<td>Electrical Inspection</td>
<td>Conformance with electrical code.</td>
</tr>
<tr>
<td>Environmental Laboratory Certification</td>
<td>Environmental laboratory certification required before data can be submitted in support of permit programs (e.g., as prescribed under NPDES permit program).</td>
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</tbody>
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| **Flammable Liquid Tanks Plan Review**  
Minn. Stat. § 299F.011 | Aboveground Storage Tank Plan Review for flammable and combustible liquids (private motor vehicle fuel dispensing station). |
| **Hazardous Waste Generator License**  
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. |
| **License to Cross Public Lands and Waters**  
Minn. R. ch. 6135 | For installation of utility services (as defined in statute) across MNDNR-administered land and public waters. |
| **Minnesota Building Code**  
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 | • 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).  
• Special Fire Protection Systems—Requires the installation of an automatic fire sprinkler system in most nonresidential buildings, both existing and new.  
• 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.  
• 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.  
• 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.  
• 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.  
• 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.  
• Fire Sprinkler Systems Plan Review—Permit for fire protection system. |
| **Minnesota Endangered Species Law**  
Minn. R. ch. 6134 | Minnesota’s Endangered Species Statue (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. |
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| **Minnesota Standards for Stationary Sources**  
Minn. R. 7011.0150, 7011.0715, and 7011.2300 | • 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.  
• 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%.  
• 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\textsubscript{2} emissions to 0.5 lb/MMBTU heat input unless a higher limit has been established through modeling. |
| **NPDES General Construction Stormwater Permit**  
40 CFR 122.26; Minn. R. 7001.1035 | NPDES permit for stormwater discharge required for construction sites disturbing 1 acre or more of land. |
| **NPDES General Industrial Stormwater Permit**  
Minn. R. 7001.1035 | Permit for stormwater discharges associated with industrial activity. |
| **NPDES/SDS Permit**  
Minn. R. 7001.0020 | Permit required for discharging wastewater to waters of the United States. |
| **Open Burning Permit**  
Minn. Stat. § 88.16 | Registering with local forestry office or fire warden is required in forested counties. |
| **Part 70 Operating Permit**  
Minn. R. 7007.0200 and 7007.0250 | Construction of a major new source meeting specifications in rules must receive an air emissions permit prior to commencement of construction. |
| **Public Water Supply Plan Review**  
Minn. R. ch. 4720 | Required for drinking water systems serving greater than 25 persons. |
| **Public Waters Work Permit (Protected Waters Permit)**  
Minn. R. 6115.0160 – 6115.0280 | Work permit for activities that change or diminish the course, current or cross section of public waters within the state. |
| **Railroad Grade Crossing Operating License**  
Minn. R. 8830.2150 and 8830.9991 | Operating license will be issued upon submittal and approval of railroad grade crossing signal circuit plans. |
| **Route Permit for High Voltage Transmission Lines**  
Minn. R. ch. 4400 | 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. |
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<td><strong>Route Permit For Natural Gas Pipeline</strong></td>
<td>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.$^2$ to carry natural gas are required to obtain a Pipeline Routing Permit from the PUC.</td>
</tr>
<tr>
<td>Minn. R. 4415.0035</td>
<td></td>
</tr>
<tr>
<td><strong>Sanitary Sewer Extension Permit</strong></td>
<td>Required when a project does not meet the MPCA design criteria via the Design Certification for Sanitary Sewer Extension Plans and Specifications Checklist.</td>
</tr>
<tr>
<td>Minn. R. 7001.0020</td>
<td></td>
</tr>
<tr>
<td><strong>Site Permit for Large Electric Generating Power Plant</strong></td>
<td>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.</td>
</tr>
<tr>
<td>Minn. R. ch. 4400</td>
<td></td>
</tr>
<tr>
<td><strong>Solid Waste Storage Permit</strong></td>
<td>Any non-hazardous solid waste generated would require a permit from the MPCA.</td>
</tr>
<tr>
<td>Minn. R. ch. 7001 and 7035</td>
<td></td>
</tr>
<tr>
<td><strong>Underground Storage Tank Registration</strong></td>
<td>Regulated Underground Storage Tank systems must be registered.</td>
</tr>
<tr>
<td>Minn. R. 7150.0120</td>
<td></td>
</tr>
<tr>
<td><strong>Utility Permit on Trunk Highway ROW</strong></td>
<td>Permit required to install or move utilities on highway ROWs.</td>
</tr>
<tr>
<td>Minn. R. 8810.3100 – 8810.3600</td>
<td></td>
</tr>
<tr>
<td><strong>Water Appropriation Permit – Long Term</strong></td>
<td>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.</td>
</tr>
<tr>
<td>(Exceeding two years)</td>
<td>Minn. R. 6115.0600 – 6115.0810; 6115.0010</td>
</tr>
<tr>
<td><strong>Water Appropriation Permit – Temporary</strong></td>
<td>General permit notification form for certain temporary appropriations for construction dewatering, landscaping and hydrostatic testing.</td>
</tr>
<tr>
<td>(1-2 year maximum)</td>
<td>Minn. R. 6115.0600 – 6115.0810; 6115.0010</td>
</tr>
</tbody>
</table>
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
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation
Sokaogon Chippewa (Mole Lake), Community of Wisconsin
Spirit Lake Tribal Council
St. Croix Chippewa Indians of Wisconsin
Turtle Mountain Band of Chippewa
### 8. DISTRIBUTION LIST

#### Elected Officials

<table>
<thead>
<tr>
<th>The Honorable Norm Coleman</th>
<th>The Honorable Amy Klobuchar</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States Senate</td>
<td>United States Senate</td>
</tr>
<tr>
<td>The Honorable James L. Oberstar</td>
<td>The Honorable Tim Pawlenty</td>
</tr>
<tr>
<td>United States House of Representatives</td>
<td>Governor of Minnesota</td>
</tr>
</tbody>
</table>

#### United States Senate and House of Representatives Committees

##### Appropriations Committees

<table>
<thead>
<tr>
<th>The Honorable Byron Dorgan</th>
<th>The Honorable Pete V. Domenici</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman</td>
<td>Ranking Member</td>
</tr>
<tr>
<td>Subcommittee on Energy and Water</td>
<td>Subcommittee on Energy and Water</td>
</tr>
<tr>
<td>Committee on Appropriations</td>
<td>Committee on Appropriations</td>
</tr>
<tr>
<td>United States Senate</td>
<td>United States Senate</td>
</tr>
<tr>
<td>The Honorable Peter J. Visclosky</td>
<td>The Honorable David L. Hobson</td>
</tr>
<tr>
<td>Chairman</td>
<td>Ranking Member</td>
</tr>
<tr>
<td>Subcommittee on Energy and Water Development, and Related Agencies</td>
<td>Subcommittee on Energy and Water Development, and Related Agencies</td>
</tr>
<tr>
<td>Committee on Appropriations</td>
<td>Committee on Appropriations</td>
</tr>
<tr>
<td>United States House of Representatives</td>
<td>United States House of Representatives</td>
</tr>
</tbody>
</table>

##### Authorizing Committees

<table>
<thead>
<tr>
<th>The Honorable Jeff Bingaman</th>
<th>The Honorable Pete V. Domenici</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chairman</td>
<td>Ranking Member</td>
</tr>
<tr>
<td>Committee on Energy and Natural Resources</td>
<td>Committee on Energy and Natural Resources</td>
</tr>
<tr>
<td>United States Senate</td>
<td>United States Senate</td>
</tr>
<tr>
<td>The Honorable Barbara Boxer</td>
<td>The Honorable James M. Inhofe</td>
</tr>
<tr>
<td>Chairman</td>
<td>Ranking Member</td>
</tr>
<tr>
<td>Committee on Environment and Public Works</td>
<td>Committee on Environment and Public Works</td>
</tr>
<tr>
<td>United States Senate</td>
<td>United States Senate</td>
</tr>
<tr>
<td>The Honorable John D. Dingell</td>
<td>The Honorable Joe Barton</td>
</tr>
<tr>
<td>Chairman</td>
<td>Ranking Member</td>
</tr>
<tr>
<td>Committee on Energy and Commerce</td>
<td>Committee on Energy and Commerce</td>
</tr>
<tr>
<td>United States House of Representatives</td>
<td>United States House of Representatives</td>
</tr>
<tr>
<td>The Honorable Bart Gordon</td>
<td>The Honorable Ralph Hall</td>
</tr>
<tr>
<td>Chairman</td>
<td>Ranking Member</td>
</tr>
<tr>
<td>Committee on Science and Technology</td>
<td>Committee on Science and Technology</td>
</tr>
<tr>
<td>United States House of Representatives</td>
<td>United States House of Representatives</td>
</tr>
</tbody>
</table>
Native American Tribal Leaders

Mr. Norman Deschampe  
Tribal Chairman  
Grand Portage Reservation

Mr. Floyd Jourdain  
Chairman  
Red Lake Band of Chippewa

Ms. Karen Diver  
Chairwoman  
Fond du Lac Reservation

Ms. Shannon Blue  
President  
Lower Sioux Community

Mr. Kevin Leecy  
Chairman  
Bois Forte Reservation

Mr. George Goggleye  
Chairman  
Leech Lake Band of Ojibwe

Ms. Melanie Benjamin  
Chief Executive  
Mille Lacs Band of Ojibwe

Ms. Erma Vizenor  
Chairperson  
White Earth Reservation

Federal Agencies

Mr. Don Klima  
Director, Office of Federal Agency Programs  
Advisory Council on Historic Preservation

Ms. Kathleen Prentki  
Energy Program Manager  
Denali Commission

Ms. Andree DuVarney  
National Environmental Coordinator, Natural Resources Conservation Service  
U.S. Department of Agriculture

Frank Monteferrante, Ph.D.  
Intergovernmental Affairs Division  
Economic Development Administration  
U.S. Department of Commerce

Mr. Mark Plank  
Rural Utilities Service  
U.S. Department of Agriculture

Mr. David Reese  
USM/Administrative Services/Safety and Environmental Programs  
Department of Homeland Security

Mr. Richard H. Broun, AICP  
Director, Office of Environment and Energy  
U.S. Department of Housing and Urban Development

Mr. Michael T. Chezik  
Regional Environmental Officer  
U.S. Department of the Interior

Ms. Anne Norton Miller  
Director, Office of Federal Activities  
U.S. Environmental Protection Agency

Mr. Willie R. Taylor  
Director, Office of Environmental Policy and Compliance  
U.S. Department of the Interior

Ms. Camille Mittelholtz  
Environmental Team Leader, P-32  
Office of Transportation Policy  
U.S. Department of Transportation

Ms. Marthea Rountree  
Staff Level Contact  
Office of Federal Activities
<table>
<thead>
<tr>
<th>Name</th>
<th>Title and Organization</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. Ken Westlake</td>
<td>Chief, NEPA Implementation Section, U.S. Environmental Protection Agency</td>
</tr>
<tr>
<td>Mr. Lawrence Rudolph</td>
<td>General Counsel, National Science Foundation</td>
</tr>
<tr>
<td>Mr. Steve Kokkinakis</td>
<td>NOAA Program Planning and Integration, U.S. Department of Commerce</td>
</tr>
<tr>
<td>Mr. John Furry</td>
<td>Office of Water Project Review, Civil Works Policy and Policy Compliance Div.</td>
</tr>
<tr>
<td>Mr. Eric Haukdal</td>
<td>Environmental Quality Program Manager, U.S. Department of Health and Human Services Preservation Officer</td>
</tr>
<tr>
<td>Mr. Robert L. Hill</td>
<td>President, American Association of Blacks in Energy</td>
</tr>
<tr>
<td>Mr. David Goss</td>
<td>Executive Director, American Coal Ash Association</td>
</tr>
<tr>
<td>Mr. Jim Ford</td>
<td>Washington Representative, American Petroleum Institute</td>
</tr>
<tr>
<td>Mr. Richard M. Loughery</td>
<td>Director, Environmental Activities, Edison Electric Institute</td>
</tr>
<tr>
<td>Mr. Fred Krupp</td>
<td>President, National Headquarters, Environmental Defense</td>
</tr>
<tr>
<td>Mr. Tom Goldtooth</td>
<td>Executive Director, Indigenous Environmental Network</td>
</tr>
<tr>
<td>Mr. Fred Skaer</td>
<td>Director, Office of Project Development and Environmental Review, Federal Highway Administration</td>
</tr>
<tr>
<td>Ms. Jeanne Millin</td>
<td>Regional Environmental Officer, Federal Emergency Management Agency, Department of Homeland Security</td>
</tr>
<tr>
<td>Dr. Gene Whitney</td>
<td>Office of Science and Technology Policy, Executive Office of the President</td>
</tr>
<tr>
<td>Mr. Joe Carbone</td>
<td>Forest Service, U.S. Department of Agriculture, Ecosystem Management Coordination</td>
</tr>
<tr>
<td>Ms. Alexandra Newcomer</td>
<td>Federal Railroad Administration, U.S. Department of Transportation</td>
</tr>
<tr>
<td>Mr. Randy Rawson</td>
<td>President, American Boiler Manufacturers Association</td>
</tr>
<tr>
<td>Ms. Pamela A. Lacey</td>
<td>Senior Managing Counsel, American Gas Association</td>
</tr>
<tr>
<td>Ms. Joy Ditto</td>
<td>Government Relations Representative, American Public Power Association</td>
</tr>
<tr>
<td>Ms. Barbara Bauman Tyran</td>
<td>Director, Washington Relations, Electric Power Research Institute</td>
</tr>
<tr>
<td>Mr. Derek Stack</td>
<td>Executive Director, Great Lakes United</td>
</tr>
<tr>
<td>Mr. Robert A. Beck</td>
<td>Executive Vice President, National Coal Council</td>
</tr>
</tbody>
</table>
Ms. Jacqueline Johnson  
Executive Director  
National Congress of American Indians  

Mr. David Brunner  
Director of Special Funds  
National Fish and Wildlife Foundation  

Ms. Moya Phelleps  
Senior Vice President of Administration and Financing  
National Mining Association  

Mr. Rae Cronmiller  
Environmental Counsel  
National Rural Electric Cooperative Association  

Mr. Jim Lyon  
Senior Vice President for Conservation  
National Wildlife Federation  

Mr. Eric Goldstein  
Public Education  
Natural Resources Defense Council  

Mr. David Hawkins  
Director, Climate Center  
Washington Office  
Natural Resources Defense Council  

Dr. Allen Hershkowitz  
Senior Scientist  
New York Urban Program  
Natural Resources Defense Council  

Mr. Thomas Cassidy  
Director of Federal Programs  
The Nature Conservancy  

Mr. Barry K. Worthington  
Executive Director  
United States Energy Association  

Mr. Tom Bancroft  
Vice President of EERD Society  
Ecology and Economics Research Department  
The Wilderness Society  

Mr. Scott C. Yaich, Ph.D.  
Director of Conservation Programs  
Ducks Unlimited, Inc.  

Mr. John Shelk  
President, CEO  
Electric Power Supply Association  

Mr. Erich Pica  
Director of Economic Programs  
Friends of the Earth  

Mr. Steve Moyer  
Vice President for Governmental Affairs  
Trout Unlimited  

Ms. Anna Aurilio  
Director, Washington D.C. Office  
U.S. Public Interest Research Group  

Ms. Alison Horton  
Regional Staff Director, Midwest Office  
Sierra Club  

State Elected Officials  

Senator Ellen R. Anderson  
Representative Tom Anzelc  

Representative David Dill  
Representative Kent Eken  

Senator Dennis R. Frederickson  
Representative Tom Hackbarth  

Representative Bill Hilty  
Representative Margaret Anderson Kelliher  

Senator Larry Pogemiller  
Senator Julie A. Rosen  

Representative Tom Rukavina  
Senator Tom Saxhaug
<table>
<thead>
<tr>
<th>Representative</th>
<th>Senator</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marty Seifert</td>
<td>David H. Senjem</td>
</tr>
<tr>
<td>Yvonne Prettner Solon</td>
<td>David J. Tomassoni</td>
</tr>
<tr>
<td>Torrey Westrom</td>
<td>Anthony Sertich</td>
</tr>
<tr>
<td>Loren Solberg</td>
<td></td>
</tr>
</tbody>
</table>

**Federal Agencies – Regional Offices**

<table>
<thead>
<tr>
<th>Name</th>
<th>Title/Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mr. William Baer</td>
<td>Project Manager, U.S. Army Corps of Engineers</td>
</tr>
<tr>
<td>Mr. Richard R. Hoffmann</td>
<td>Director, Federal Energy Regulatory Commission</td>
</tr>
<tr>
<td>Ms. Tamara Cameron</td>
<td>Air Resource Specialist, U.S. Army Corps of Engineers</td>
</tr>
<tr>
<td>Mr. Trent Wickman, P.E.</td>
<td>Field Supervisor, Superior National Forest</td>
</tr>
<tr>
<td>Mr. James Sanders</td>
<td>Forest Supervisor, Superior National Forest</td>
</tr>
<tr>
<td>Mr. Tony Sullins</td>
<td>Twin Cities Ecological Services Field Office</td>
</tr>
<tr>
<td>Ms. Kelly Urbanek</td>
<td>Field Supervisor, Federal Highway Administration</td>
</tr>
<tr>
<td>Ms. Cheryl Martin</td>
<td>Minnesota Division</td>
</tr>
</tbody>
</table>

**State Agencies (Not including EQB Technical Representative Agencies)**

<table>
<thead>
<tr>
<th>Name</th>
<th>Title/Office</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Adams</td>
<td>Mining Hydrologist, Minnesota Department of Natural Resources</td>
</tr>
<tr>
<td>Shelly Burman</td>
<td>Minnesota Pollution Control Agency</td>
</tr>
<tr>
<td>Marshall Cole</td>
<td>Permit Engineer, Minnesota Pollution Control Agency, Rochester</td>
</tr>
<tr>
<td>Ms. Bonita Eliason</td>
<td>Supervisor, Natural Heritage and Nongame Research Program</td>
</tr>
<tr>
<td>Mr. Dennis Gimmestad</td>
<td>Review and Compliance Officer, Minnesota Historical Society</td>
</tr>
<tr>
<td>Jim Japs</td>
<td>DNR Permit Supervisor, DNR Waters</td>
</tr>
<tr>
<td>Christopher Kavanaugh</td>
<td>Fisheries Biologist, Minnesota Department of Natural Resources</td>
</tr>
<tr>
<td>Katrina Kessler</td>
<td>Commissioner Sandy Layman</td>
</tr>
<tr>
<td>Mike Larson</td>
<td>Iron Range Resources, Iron Range Resources</td>
</tr>
<tr>
<td>Commissioner Sandy Layman</td>
<td>IRR Commissioner</td>
</tr>
</tbody>
</table>
Mike Peloquin
Regional Hydrologist
Minnesota Department of Natural Resources

Richard Sandberg
MPCA Section Lead
Minnesota Pollution Control Agency

Jim Sellner
Senior Engineer
Minnesota Department of Natural Resources

Don Smith
Permit Supervisor
Minnesota Pollution Control Agency

Marty Vadis
Director
Minnesota Department of Natural Resources

Regional and Local Officials and Agencies

Mayor James A. Lawson
Mayor of Taconite

Mike Troumbly
City Clerk, Taconite

Mayor Marlene Pospeck
Mayor of Hoyt Lakes

Commissioner Karen Burthwick
Itasca County Commissioner

Commissioner Lori Dowling
Itasca County Commissioner

Commissioner Rusty Eichorn
Itasca County Commissioner

Commissioner Dennis Fink
St. Louis County Commissioner

Commissioner Mike Forsman
St. Louis County Commissioner

Commissioner Bill Kron
St. Louis County Commissioner

Commissioner Mark Mandich
Itasca County Commissioner

Peter McDermott
President
Itasca Economic Development Corporation

Commissioner Catherine McLynn
Itasca County Commissioner

Commissioner Keith Nelson
St. Louis County Commissioner

Commissioner Steven O’Neil
St. Louis County Commissioner

Commissioner Steve Raukar
St. Louis County Commissioner

Commissioner Peg Sweeney
St. Louis County Commissioner

Native American Tribal Organizations

Mr. Curtis Gagnon
Trust Lands Administrator
Grand Portage Reservation

Ms. Kathryn (Jodi) Beaulieu
Tribal Secretary
Red Lake Band of Chippewa

Mr. Wayne Dupuis
Environmental Program Manager
Fond du Lac Reservation

Ms. Pamela Halverson
Tribal Historic Preservation Officer
Lower Sioux Community
Mr. James Merhar
Chairman
Iron Range Area Council for Native Americans

Ms. Gina Papsodora
Tribal Historic Preservation Officer
Leech Lake Band of Ojibwe

Mr. Mike Triplett
Planner
White Earth Reservation

Mr. Rosemary Berens
Tribal Historic Preservation Officer
Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe

Ms. Natalie Weyaus
Tribal Historic Preservation Officer
Mille Lacs Band of Ojibwe

Mr. David Woodward
Cultural Resource Specialist
1854 Treaty Authority

Regional Nongovernmental Organizations and Governmental Associations

Mr. Christopher Childs
Chair, Clean Air Committee
Sierra Club

Ms. Beth Waterhouse
Interim Executive Director
The Minnesota Project

R.D. Learmont
Coordinator
Western Mesabi Mine Planning Board

Ms. Diana McKeown
Program Director
Clean Water Action Alliance, Midwest Regional Office

Mr. Bob Simonson
Supervisor
Arbo Township

Mr. William Grant
Izaak Walton League of America, Midwest Office

Ms. Erin Jordahl-Redlin
Energy Campaign Coordinator
Clean Water Action Alliance of Minnesota

Ms. Rosie Loeffler-Kemp
Clean Water Action Alliance of Minnesota

Mr. Walt Petrusic
Swan Lake Association

Mr. Kevin Reuther
Minnesota Center for Environmental Advocacy

Libraries

Ms. Amy Dettmer
Reference Librarian
Grand Rapids Area Library

Ms. Nancy Riesgraf
Reference Librarian
Hibbing Public Library

Mr. Patrick Perry
Director
Bovey Public Library

Ms. Sue Sowers
Director
Hoyt Lakes Public Library
Interested Parties

Mr. David Alban
Ms. Linda Castagneri
Ms. Beverly Gustason
Mr. Richard Kirkes
Mr. Matt Niles
Mr. Ronald Rich
Swan Lake Association
Ms. Anne M. Amundson
Julie and Kurt Christopherson
Mr. Rob Hachey
Mr. Mark Kempotich
Ms. Charlotte Neigh
Elanne Palcich
Mr. Tim Sullivan
Ms. Michelle Rann

Mr. Mike Andrews
Ms. Cynthia Driscoll
Mr. David Hudek
Mr. LeRoger Lind
Ms. Carol A. Overland
Overland Law Office
Mr. Ronald Troumbly
Mr. Richard Bradford
Mr. Ronald P. Gustafson
Mr. Ed Hoey
Mr. Doug Learmont
Mr. Earl Orf
Ms. Christel Rowe
Mr. Jack Wopata

State Agencies (EQB Technical Representatives)

Mr. Bob Patton
Mr. Matt Langan
Mr. Jeff Freeman
Mr. Richard Newquist
Department of Agriculture
Department of Natural Resources
Department of Employment and Economic Development
Supervisor

Ms. Karen Hammel
Mr. Jim Haertel
Ms. Larisa Vishkovetsky
Mr. Gerald Larson
Attorney General’s Office
Les Lemm, Board Conservationist
Department of Health
Department of Transportation
9. REFERENCES


Clark, Nancy. 2006. Personal Communication Notes on Correspondence with Local Emergency Responders on Railroad Crossings. Email: November 15, 2006.


Land Management Information Center. 1996. MGC 100 Data Documentation. Land Management Information Center, St. Paul, MN.


9. REFERENCES


Minnesota Department of Natural Resources (MNDNR). 2003. Field Guide to the Native Plant Communities of Minnesota: The Laurentian Mixed Forest Province. (MNDNR Ecological Land Classification Program, Minnesota County Biological Survey and Natural Heritage and Non-Game Research Program).


Minnesota Department of Natural Resources (MNDNR). 2006a. Environmental Impact Statement for the Ispat Inland, East Reserve Project, Figure 24-1. Accessed on June 19, 2006 at


Minnesota Department of Natural Resources (MNDNR) GIS Data Deli. 2006d. LandSat-Based Land Use-Land Cover (Raster) data. Accessed at http://deli.dnr.state.mn.us/data_search.html.


Minnesota Pollution Control Agency (MPCA). 2005. Sources of mercury pollution and the methylmercury contamination of fish in Minnesota.


Minnesota Pollution Control Agency (MPCA). 2006e. *Final MPCA 303(d) List.*


Minnesota State Patrol (MN State Patrol). 2006. Minnesota Weight Laws and Limitations. Commercial Vehicle Enforcement Section of the MN State Patrol, a Division of the Minnesota Department of Public Safety.


Minn. R. 7021.0050. Acid Deposition Control Requirements in Minnesota. Minnesota Rules.


Short Elliott Hendrickson, Inc. (SEH). 2006e. Email correspondence: Improvements to existing CR 7/TH 169 intersection if new CR 7 not build. Correspondence between R. Evans (Excelsior Energy) and Bret Johnson (SEH). Email dated: September 26, 2006.


St. Louis County. 2006. Accident Reports sent via B. Boder (Traffic Engineer) of the Public Works Department at St. Louis County. Mailed November 13, 2006.


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10. LIST OF PREPARERS

U.S. Department of Energy, National Energy Technology Laboratory
Richard Hargis – DOE NEPA Document Manager
George Pukanic – DOE Project Engineer

Minnesota Department of Commerce
William Cole Storm – MDOC State Planning Director

Potomac-Hudson Engineering, Inc.
Joseph A. Grieshaber – Project Manager
M.B.A., Finance
M.S., Biology
B.S., Biology
32 years of experience, including 18 years of environmental management, NEPA documentation, and analysis on projects for Federal agencies.

Frederick J. Carey, P.E. – Principal Engineer
M.S., Environmental Engineering
B.S., Civil Engineering
14 years of experience with NEPA documentation and analysis on projects for Federal agencies.

Maria de la Paz Aviles – Staff Engineer
B.S., Biological Resources Engineering
Four years of experience in environmental compliance auditing and documentation and CAD and GIS support for DOE NEPA documentation.

Anthony Becker – Environmental Scientist
M.S., Biology, William Paterson University
B.S., Biology, Richard Stockton College
Three years of experience in NEPA documentation and analysis and ecological investigations on projects for Federal agencies.

Ray Bowman, P.G. – Senior Environmental Scientist
M.B.A., Management
M.S., Geology
B.S., Geological Science
21 years of experience in geologic and hydrogeologic investigations, and NEPA support for Federal agencies.

Austina Casey – Environmental Scientist
M.S., Environmental Science
B.S., Chemistry
15 years of experience in the application of environmental policy, regulatory compliance, and air quality analysis for NEPA documentation.
Nancy M. Clark, J.D. – Regulatory Specialist  
Juris Doctor  
M.S., Environmental Law  
B.S., Chemical Engineering  
Two years of experience in regulatory compliance and NEPA documentation and analysis on projects for Federal agencies.

A. Brook Crossan, Ph.D., P.E. – Senior Environmental Engineer  
Ph.D., Geophysical Fluid Dynamics  
M.S., Mechanical Engineering  
B.S., Mechanical Engineering  
35 years of experience with NEPA documentation and analysis on projects for Federal agencies.

Michael Dorman – Senior Engineer  
M.S., Environmental Engineering  
B.S., Civil Engineering  
28 years of experience in water quality analysis and evaluations, permitting, NEPA document preparation, and environmental compliance for Federal agencies.

Richard Ellenson – Technical Editor  
B.A., Journalism  
Four years of experience formatting, editing, and writing government publications.

Robert J. Fares – Senior Risk Assessor  
B.A., Biology  
21 years of experience in assessing multimedia exposures and associated risks for chemicals in the vicinity of hazardous waste sites, released from point sources (e.g., stacks, outfalls), contaminants released as nonpoint sources (e.g., vertical and lateral movement of pesticides resulting from different agricultural techniques), and chemicals released from commercially available products and furnishings during use by consumers.

Sarah M. Forbes – Climate Change Specialist  
M.S., Biological Sciences – Plant Community Ecology  
B.S., Biology  
Eight years of experience in the environmental and energy technology fields with a focus on carbon capture and storage.

Lisa Lambrecht – Staff Engineer  
M.B.A., Finance  
B.S., Chemical Engineering  
16 years of experience in environmental and technical consulting in both manufacturing and government areas, including authoring sections in NEPA documentation.

Jamie Martin-McNaughton – Environmental Scientist  
B.S., Geology-Biology  
Five years of geological field work experience, figure generation, and document production.

Robert A. Naumann – Environmental Scientist  
M.S., Environmental Science  
B.S., Natural Resources  
Eight years of experience in NEPA documentation, environmental compliance, wetlands, and forestry.
Cynthia Ong – Staff Engineer
M.S., Environmental Science
B.S., Civil Engineering
Five years of experience in general civil site design work and technical and writing support for DOE NEPA documentation.

Dorothy Peterson, P.E. – Senior Environmental Engineer
M.S., Engineering Management
B.S., Engineering
14 years of environmental experience in the areas of site remediation, pollution prevention, environmental planning, community relations, GIS, and authoring NEPA documents.

Nejma Piagentini – Environmental Scientist
M.S., Biology
B.S., Natural Science
Two years of experience in environmental assessments, NEPA documentation and analysis, and research.

J. Michael Rivera – Wetland Ecologist
B.S., Environmental Planning and Analysis
B.S., Earth Science
13 years of experience providing natural resources and related environmental support.

Eva Santorini – Graphic Designer
B.A., Fine Art, Painting
13 years of experience in publication production including the design, layout, and production of books and publications, a wide variety of marketing and promotional materials, and public outreach/educational materials and websites.

Deborah Shinkle – GIS Specialist
B.A., Environmental Studies
Four years in data analysis and GIS experience on Federal projects.

Liam Sorensen – GIS Specialist
M.S., GIS
B.S., English
Three years of experience in GIS related work; five years of experience in technical writing.

Rachel M. Spangenberg – Senior Scientist
B.S., Biology
19 years of experience in the preparation of NEPA documentation and environmental compliance audits.

Catherine E. Wade – Environmental Scientist
B.S., Environmental Science and Policy – Biodiversity and Conservation Biology
One year of research experience in marine science and field biology.

Brian M. Whipple, P.E. – Senior Engineer
M.S., Information Technology
B.S., Environmental Engineering
13 years of experience in hydrogeological analysis, site characterization, and NEPA documentation and analysis on projects for Federal agencies.
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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.
Organizational Interest:

(a) X Has no past, present, or currently planned organizational interest in the outcome of the project.

(b) Has the following organizational 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.

Other Interest:

(a) X Has no past, present, or currently planned other interest in the outcome of the project.

(b) Has the following other 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.

Certified by:

__________________________
Signature Date

March 15, 2007

Frederick J. Carey, President
Name & Title (Printed)

Potomac-Hudson Engineering, Inc.
Company