



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, MN 55155-4194 | 651-296-6300 | 800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us

May 14, 2009

Mr. Larry Hartman
Minnesota Office of Energy Security
85 7th Place East, Suite 500
St. Paul, MN 55101-2198



RE: EcoHarmony West Wind Project, Fillmore County
Site Permit Application

Dear Mr. Hartman:

Thank you for the opportunity to review and comment on the Site Permit Application for the EcoHarmony West Wind Project in Fillmore County, Minnesota. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, MPCA staff has the following comments on the Environmental Analysis contained within the Site Permit Application.

Section 8.13.3 Mitigative Measures mentions that the project will secure a National Pollutant Discharge Elimination System (NPDES) Permit from the MPCA, which will establish the site specific best management practices (BMPs) to be utilized during construction to protect the soil resources on the sites. It is actually the Stormwater Pollution Prevention Plan (SWPPP), which is required as part of the application for the NPDES Permit and which site owners and their construction operators must jointly create, that lays out the specific BMPs, along with their locations and functions. This serves not only as a protection of soil resources, as mentioned in Section 8.13.3, but as a protection of surface waters from erosion and sedimentation resulting from construction site runoff. This is alluded to but not adequately discussed in **Section 8.15.2 Impacts** (under the main heading **8.15 Surface Water and Floodplain Resources**).

Section 8.15.1 Description of Resources states that “according to the most current (2006) Minnesota Impaired Waters List there are no impaired waters within or adjacent to the project area.” While it is accurate that there are no impaired waters within or adjacent to the project area at this time, you should be consulting and referencing the 2008 Impaired Waters List, which is the most current. Also, it should be noted that new impaired waters are regularly being identified, and the list is updated every two years. Because projects within a mile of, and discharging stormwater to, certain impaired or special waters are subject to additional BMPs, the status of local waters should always be a consideration in construction planning. Information regarding the MPCA’s Construction Stormwater Program can be found on the MPCA’s Web site at: <http://www.pca.state.mn.us/water/stormwater/stormwater-c.html>.

The third paragraph of Section 8.15.3 Mitigative Measures states that turbines will be “setback from any surface waters.” Please note that, in accordance with Minn. R. ch. 6120, a setback of at least 50 feet from all stream and rivers should be maintained at all times.

Mr. Larry Hartman

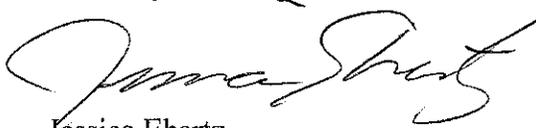
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Questions regarding impaired waters or surface water setback requirements should be directed to Shaina Keseley at 507-206-2622.

We look forward to receiving your responses to our comments. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the project for the purpose of pending or future permit action(s) by the MPCA. Ultimately it is the responsibility of the project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any additional questions, please contact me at 651-757-2328.

Sincerely,



Jessica Ebertz
Planner Principal
Environmental Review and Feedlot Section
Regional Division

JE:mbo

cc: Shaina Keseley, MPCA, Rochester
Craig Affeldt, MPCA, St. Paul