

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

Beverly Jones Heydinger
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Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of the Application of
Mankato Energy Center II, LLC for a Site
Permit for the 345 MW Expansion of the
Mankato Energy Center

ISSUE DATE: June 23, 2016

DOCKET NO. IP-6949/GS-15-620

ORDER ISSUING SITE PERMIT
WITH CONDITIONS

PROCEDURAL HISTORY

I. Initial Filings and Order

On August 15, 2015, Mankato Energy Center II, LLC (Applicant) filed an application to expand the existing Mankato Energy Center, a 375 megawatt (MW) dual fuel combined-cycle generating facility located in Mankato, by adding a combustion turbine generator, a heat recovery steam generator, and associated equipment (the project). After the expansion, the facility would have two combustion turbine generators, and two heat recovery steam generators.

The expansion of the facility would allow for the production of an additional 345 MW of electrical power. The project is expected to be operational by June 1, 2019, and is estimated to cost between \$220 and \$300 million dollars. The facility, including the associated land, is owned by Mankato Energy Center I, LLC, and is operated by Calpine Operating Service Company. All Mankato Energy Center legal entities are wholly owned indirect subsidiaries of Calpine Corporation.

On October 14, 2015, the Commission found the application complete and authorized review of the application under the alternative permitting process set forth in Minn. Stat. § 216E.04 and Minn. R. 7850.2800-.3900. The Commission referred the matter to the Office of Administrative Hearings (OAH) to preside over the public hearing and prepare a summary report of comments received.

II. Environmental Assessment Scoping Decision

On October 13, 2015, a public information and environmental assessment scoping meeting was held in Mankato.

On October 29, 2015, the Minnesota Department of Commerce, Energy Environmental Review and Analysis unit (EERA) published a summary of public comments on the scope of the environmental assessment. Two agency comment letters were received. The Minnesota

Historical Society stated that no properties listed on the National or State Registries of Historical Places, and no known or suspected archeological properties in the area would be affected by the project. The Minnesota Department of Transportation stated that the additions to the Mankato Energy Center from the expansion will not impact the state trunk highway system.

On November 4, 2015, EERA issued a scoping decision identifying topics to be addressed in an environmental assessment of the project, including the project's potential impacts and measures to mitigate those impacts, and a discussion of human and environmental resources potentially impacted by the proposed project.

On February 18, 2016, the EERA issued an environmental assessment analyzing the project's potential impacts and a Site Permit Template. No alternative sites were proposed in the environmental assessment.

III. Public Comments

On March 7, 2016, Administrative Law Judge (ALJ) James E. LaFave held a public hearing on the site permit application in Mankato. Fifteen members of the public attended, and three persons asked questions or provided comments.

After the hearing, the record remained open until March 18 to allow interested persons to submit written comments. Two entities submitted written comments. The Minnesota Pollution Control Agency stated it had no comments at this time. The Applicant stated it agreed with the environmental analysis, and requested that the generic Site Permit Template attached to the Environmental Assessment be modified at Section 4.2.4, Noise, to allow for night-time construction activity so as to complete the project on time.

Two public comments were submitted regarding the project, questioning the need for the project in light of the state's renewable energy goals and mandates; raising concerns over water usage and loss, use of union labor, and the prevailing wage of construction workers; and questioning the project's timeline.

On March 21, the Commission issued a summary of the comments received via mail or the Commission's SpeakUp webpage during the public hearing comment period. There were no public or agency comments received.

Applicant filed proposed findings of fact (proposed findings) on April 15, and a revised version on April 22. On May 6, the EERA proposed revisions to applicant's proposed findings of fact and conclusions of law

FINDINGS AND CONCLUSIONS

I. Summary of Commission Action

In this order the Commission takes the following actions:

- Approves and adopts the findings of fact for the expansion of the Mankato Energy Center
- Finds that the environmental assessment and the record address the issues identified in the environmental assessment scoping decision
- Issues a site permit to Applicant for the Mankato Energy Center with conditions

II. Proposed Project

Applicant proposed to expand the existing Mankato Energy Center by adding a combustion turbine generator, a heat recovery steam generator, and associated equipment. The expansion would increase integrated combined-cycle generating and peaking capacity by adding one natural gas-fired combustion turbine generator, a heat recovery steam generator, and related ancillary equipment, for a total increase of 345 MW. The project will be constructed within the existing center's 25-acre footprint.

The initial phase of the Mankato Energy Center facility was constructed to accommodate an expansion. Existing infrastructure of the initial phase will be used for the project. The project will primarily use natural gas as a fuel source. The expansion will allow for the production of an additional 345 MW of electrical power, for a combined capacity of 720 MW. The project is anticipated to be operational by June 1, 2019.

III. Environmental Assessment

Applications to the Commission for a site permit are subject to environmental review conducted by the EERA. Projects such as the Mankato Energy Center, proceeding under the alternative review process, require the preparation of an environmental assessment.¹

At the time of a final decision on a site permit application, the Commission must determine whether the environmental assessment and the record created at the public hearing address the issues identified in the scoping decision.²

The EERA's scoping decision states that the environmental assessment will identify topics to be addressed in the environmental assessment, including a discussion of the project's potential impacts and measures to mitigate those impacts. The environmental assessment addressed each of these topics. In particular, it describes the project, and addresses the issues raised in the scoping decision.

Having examined the environmental assessment and the record in this case, the Commission finds that the environmental assessment and the record created at the public hearing address the issues identified in the scoping decision.

¹ Minn. Stat. § 216E.04, subd. 5.

² Minn. R. 7850.3900, subp. 2.

IV. Legal Standard

In Minnesota, no person may construct a large electric power generating plant without a site permit.³ A large electric power generating plant is defined as electric power generating equipment and associated facilities designed for and capable of operating at a capacity of 50,000 kilowatts (kW) or more. The proposed project will have the capacity to generate 345 MW and requires a site permit from the Commission.

The Commission's site permit determinations are guided by Minnesota's goals to conserve resources, and minimize human and environmental impacts while ensuring electric power system reliability and integrity. Minn. Stat. § 216E.03, subd. 7(b) identifies considerations the Commission must take into account when evaluating sites for electric power generating plants.

Under Minn. Stat. § 216E.03, subd. 7, the Commission must be guided by the following responsibilities, procedures, and considerations when evaluating a site for electric power generating plants:

- (1) evaluation of research and investigations relating to the effects on land, water and air resources of large electric power generating plants and the effects of water and air discharges and electric and magnetic fields resulting from such facilities on public health and welfare, vegetation, animals, materials and aesthetic values, including baseline studies, predictive modeling, and evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;
- (2) environmental evaluation of sites and routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;
- (3) evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;
- (4) evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;
- (5) analysis of the direct and indirect economic impact of proposed sites including, but not limited to, productive agricultural land lost or impaired;
- (6) evaluation of adverse direct and indirect environmental effects that cannot be avoided should the proposed site be accepted;
- (7) evaluation of alternatives to the applicant's proposed site proposed pursuant to subdivision 1 and 2;

³ Minn. Stat. § 216E.03, subd. 1.

- 8) evaluation of potential routes that would use or parallel existing railroad and highway rights-of-way;
- (9) evaluation of governmental survey lines and other natural division lines of agricultural land so as to minimize interference with agricultural operations;
- (10) evaluation of future needs for additional high-voltage transmission lines in the same general area as any proposed route, and the advisability of ordering the construction of structures capable of expansion in transmission capacity through multiple circuiting or design modifications;
- (11) evaluation of irreversible and irretrievable commitments of resources should the proposed site be approved; and
- (12) when appropriate, consideration of problems raised by other state and federal agencies and local entities.

In addition, the Commission is governed by Minn. R. 7850.4100, which mandates consideration of the following factors when determining whether to issue a site permit for a large electric power generating plant:

- A. effects on human settlement, including, but not limited to, displacement, noise, aesthetics, cultural values, recreation, and public services;
- B. effects on public health and safety;
- C. effects on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;
- D. effects on archaeological and historic resources;
- E. effects on the natural environment, including effects on air and water quality resources and flora and fauna;
- F. effects on rare and unique natural resources;
- G. application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity;
- H. use or paralleling of existing rights-of-way, survey lines, natural division lines, and agricultural field boundaries;
- I. use of existing large electric power generating plant sites;
- J. use of existing transportation, pipeline, and electrical transmission systems or rights-of-way;

- K. electrical system reliability;
- L. costs of constructing, operating, and maintaining the facility which are dependent on design and route;
- M. adverse human and natural environmental effects which cannot be avoided; and
- N. irreversible and irretrievable commitments of resources.

V. Recommendations of the Parties

A. Applicant

Applicant submitted proposed findings of fact on April 15 and revised proposed findings on April 22. The findings recommend (in part) that the Commission:

- Find that the applicable statutory and rule requirements for the project have been met
- Find that the record for the project satisfies the site permit factors
- Issue a site permit to Applicant for the proposed project
- Include or consider amending the Site Permit Template to include the following changes to the Template:
 1. Permit Condition 4.2.4, Noise – Applicant requested that the Commission allow construction during non-daytime hours in accordance with applicable state and local noise regulations;
 2. Permit Condition 4.2.6, Soil and Sediment Control – Applicant stated that only disturbed areas outside the project boundary would be returned to pre-construction conditions;
 3. Permit Condition 8.3, Notification to Commission – Applicant stated that it would provide the required notifications to the Commission when 1) the facility is declared commercially available, and 2) when the construction contractor turns over control of the expansion project to Applicant.

B. EERA

On May 6, the Department filed comments responding to public comments, and recommending a number of revisions to Applicant’s proposed findings. EERA also recommended that the Commission adopt the change to permit condition 4.2.4 Noise, proposed by Applicant, to allow for daytime and nighttime construction activities at the project site, provided that all activities are in compliance with Minnesota noise standards.⁴ EERA stated that it believes the other template amendment proposals raised by Applicant are interpretations of the site permit language and do not require permit modifications.

⁴ Applicant’s proposed Site Permit. Section 6, § 4.2.4.

EERA also recommended adding a finding that Applicant had failed to make the required early public notice of the project expansion, as required under Minn. Stat. § 216E.03, subd. 4, and Minn. R. 7850.2100, subp. 2. EERA also stated that the Applicant had already taken remedial action since that time addressing the notice issue. That action is adequate for the reasons set forth below.

C. Notice Issue and Remedy

During EERA's review of the site permit record, the agency found that Applicant had failed to provide adequate notice of the filing of its application when it was first submitted. The Applicant failed to provide notice to the appropriate persons and failed to publish the notice in a legal newspaper in each affected county as required by Minn. Stat. § 216E.03, subd. 4, and Minn. R. 7850.2100, subp. 2 and 3.

Applicant filed comments on the early public notice issue on May 5. Applicant proposed to take the following actions to remedy the notice requirements:

- Create a notice outlining the issue with appropriate regulatory references,
- Issue the notice to required persons outlined in Minn. R. 7850.2100,
- Publish the notice in a local newspaper, and
- Establish an additional 10-day comment period.

Applicant asked that the Commission confirm that Mankato Energy Center II has met the statutory and rule provisions regarding notice.

No public comments were received in response to the notice.

The Commission is satisfied that the Applicant has taken appropriate steps to remedy the missing notice and the public has had adequate opportunity to comment in response to the notice received. The Commission will, however, add one additional finding addressing the notice issue, and take the further action set forth below:

The Applicant did not provide the notice of application submitted within the 15-day time limit prescribed under Minn. R. 7850.2100, subp. 2. Upon recognizing the oversight the Applicant, on May 5, 2016, issued a Notice of Site Permit Proceedings and Additional Comment Period in accordance with the rule requirements. Although not required by rule, the notice provided for a 10-day period within which parties could provide comment on the expansion project to ensure adequate opportunity to participate in the project record. No additional comments were received during the 10-day comment period.

VI. Commission Action

Having carefully examined the record, the Commission finds that the Mankato Energy Center Project satisfies the siting criteria in Minn. Stat. § 216E.03 and Minn. R. 7850.4100 and is consistent with the state policy set forth in Minn. Stat. § 216E.02 to locate large electric power facilities in an orderly manner compatible with environmental preservation and efficient use of resources.

The Applicant's proposed findings, as revised by the EERA and Commission staff, contain some 160 findings and conclusions supporting granting a site permit for the project. All findings are supported by citations to the record evidence. As recommended by the EERA, the Commission will adopt only one of Applicant's proposed conditions – the proposed condition 4.2.4, which allows for construction outside of daytime working hours. The Commission agrees with the EERA that the other proposed conditions are not necessary, as they are essentially interpretations of the site permit language. The Commission will, however, impose one further requirement on Applicant to be included in the site permit to address the late notice issue, as set forth below:

Within 90 days of the issuance of the site permit, Mankato Energy Center II shall meet with Blue Earth County and the City of Mankato to discuss planned nighttime construction activities in this docket. Within 60 days of the meeting(s), Mankato Energy Center II shall file a compliance filing with a summary of whether the county or city had any concerns with the nighttime construction activities, and if so, what construction considerations were agreed upon.

The Commission finds this reasonable, considering that Applicant still will be required to comply with state noise standards.

The proposed findings describe the procedural history of the case, including comments received from government agencies and the public. The proposed site permit addresses each of the required factors in Minn. R. 7850 satisfactorily.

For all these reasons the Commission will issue the attached site permit for the Mankato Energy Center II with appropriate conditions to Applicant.

ORDER

1. The Commission approves and adopts the proposed findings for the Mankato Energy expansion project in the form attached (Attachment A).
2. The Commission finds that the environmental assessment and the record address the issues identified in the environmental assessment scoping decision.
3. The Commission hereby issues the attached site permit to Applicant with appropriate conditions (Attachment B).

4. Applicant shall meet, within 90 days of the issuance of the site permit, with Blue Earth County and the City of Mankato to discuss planned nighttime construction activities in this docket. Within 60 days of the meeting(s), Applicant shall file a compliance filing with a summary of whether the county or city had any concerns with the nighttime construction activities, and if so, what construction considerations were agreed upon.
5. This order shall become effective immediately.

BY ORDER OF THE COMMISSION



Daniel P. Wolf
Executive Secretary



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IN THE MATTER OF THE APPLICATION
FOR A SITE PERMIT FOR THE EXPANSION
OF THE MANKATO ENERGY CENTER

DOCKET NO. IP-6949/GS-15-620

MINNESOTA PUBLIC UTILITIES COMMISSION
FINDINGS OF FACT AND CONCLUSIONS OF LAW

STATEMENT OF ISSUE

Has the Applicant satisfied the factors set forth in Minnesota Statutes Section 216E.04 and Minnesota Rules Chapter 7850 for a Site Permit for a 345 megawatt (“MW”) expansion of the Mankato Energy Center (the “Expansion Project”)¹ in Mankato, Blue Earth County, Minnesota?

SUMMARY OF CONCLUSIONS

Specific details regarding the proposed construction and operation of the Expansion Project were presented within the Site Permit Application² and additional subsequent submittals provided by the Applicant. The Expansion Project was further analyzed within an Environmental Assessment (EA)³ by the Department of Commerce for the Commission that evaluated the Expansion Project. Based on information submitted by the Applicant and in the EA, potential impacts of the Project are anticipated to be minimal.⁴

The Commission concludes that the Applicant has satisfied the criteria set forth in Minnesota law for a Site Permit.

Based on information in the Application, the EA, testimony at the public hearing, written comments, and exhibits received in this proceeding, the Commission makes the following:

FINDINGS OF FACT

I. Applicant

1. Mankato Energy Center II, LLC (MEC II) is the Applicant requesting the Site Permit for the Expansion Project.⁵ The existing facility, including the associated land, is owned by Mankato Energy Center I, LLC (MEC I) and is operated by Calpine Operating Services Company, Inc. (COSCI).⁶

¹ See Exhibit 2 (Site Permit Application) at 1-1. See Relevant Document and Exhibit List (Mar. 17, 2016) (eDockets No. 20163-119205-01).

² Exhibit 2.

³ Exhibit 12 (Environmental Assessment, (EA))

⁴ *Id.* at 52.

⁵ Exhibit 2 at 2-1.

⁶ *Id.*

2. All entities are wholly owned indirect subsidiaries of Calpine Corporation (Calpine).^{7, 8}
3. Calpine owns and operates a fleet of gas-fired and geothermal power plants in North America, with a portfolio of 84 power plants located throughout the U.S. and Canada with a combined total of more than 27,000 MW of electric generating capacity.⁹

II. Description of the Proposed Project

4. MEC II proposes to expand the existing Mankato Energy Center, which is a 375 Megawatt (MW) dual fuel combined-cycle generating facility¹⁰ located in the City of Mankato in Blue Earth County, Minnesota (Existing Facility).
5. The expansion involves the planned completion of the Existing Facility, through the addition of one natural gas-fired combustion turbine generator (CTG), an additional heat recovery steam generator (HRSG)¹¹, and related ancillary equipment (the Expansion Project).
6. The Expansion Project will result in an additional 345 MW¹² of integrated combined-cycle and peaking capacity, as measured under winter conditions.
7. The Expansion Project will be fueled by natural gas from an existing local pipeline.¹³ The Expansion Project will continue to receive service water from the Mankato municipal water supply system, and cooling water from the Mankato Waste Water Treatment Plant (WWTP).¹⁴
8. The Combined Facility is anticipated to be complete and operational by June 1, 2019.¹⁵
9. The Combined Facility will have a combined capacity of 720 MW, consisting of approximately 580 MW of baseload and 140 MW of peaking capacity at winter conditions.¹⁶
10. The current construction costs for the Expansion Project are estimated to be between \$220 and \$300 million.¹⁷ This range will continue to fluctuate until the project's

⁷ *Id.*

⁸ MEC I is the permit holder for the Existing Facility. MEC II will be the permit holder for the proposed Expansion Project.

⁹ Exhibit 2 at 2-1.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Exhibit 12 at 16.

¹⁴ *Id.*

¹⁵ Summary of Public Testimony at 5 (April 13, 2016) (eDockets No. 20164-120013-01).

¹⁶ Exhibit 2 at 2-5.

¹⁷ Exhibit 12 at 19.

commercial operation date has been determined and definitive documentation has been executed.¹⁸

11. The Expansion Project is anticipated to have a useful life of at least 30 years.¹⁹ Annual operating costs during the life of the Expansion Project are expected to be below those of a new combined cycle plant because of the operating synergies with the Existing Facility.²⁰
12. Annual project operating costs are expected to be between \$3.5 and \$5 million.²¹ This range will continue to fluctuate until the project's commercial operation date has been determined and definitive documentation has been executed.²² Operating costs include labor, materials, management, and all applicable taxes paid to the appropriate jurisdictions.²³
13. Minn. Stat. § 216B.243 generally requires a Certificate of Need (CON) to construct a generation facility with a total capacity of 50 MW or more; a CON is not required if the facility is selected in a bidding process established by the Commission (Minnesota Statute § 216B.2422, Subd. 5(b)).²⁴ The Expansion Project was selected in such a process by the Commission.²⁵ Accordingly, the Expansion Project is exempt from the CON process.²⁶
14. The Existing Facility is located in Blue Earth County within the municipal limits of the City of Mankato, with the address 1 Fazio Lane.²⁷ The Existing Facility is located east of U.S. Highway 169, north of U.S. Highway 14, and west of County Road 5 (3rd Avenue).²⁸
15. The Existing Facility site is approximately 25 acres in size and within an area zoned Class 3A – Commercial/Industrial/Public Use.²⁹
16. The Expansion Project will be located, constructed, and operated within the Existing Facility site.³⁰

¹⁸ *Id.*

¹⁹ Exhibit 2 at 2-11.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ Exhibit 2 at 1-1.

²⁵ Commission Order Approving Power Purchase Agreement with Calpine, Approving Power Purchase Agreement with Geronimo, and Approving Price Terms with Xcel, Docket No. E-002/CN-12-1240 (February 5, 2015) (eDockets No. 20152-107070-01) [hereinafter Commission PPA Order].

²⁶ Exhibit 12 at 5.

²⁷ Exhibit 2 at 2-3.

²⁸ *Id.*

²⁹ Exhibit 2 at 4-1.

³⁰ Exhibit 2 at 2-3.

III. Procedural Background

17. On September 16, 2004, the Mankato Energy Center received a Site Permit to construct a primarily natural gas fired, combined cycle electric generating facility in Blue Earth County, Minnesota.³¹ The facility was permitted to consist of two combined-cycle power trains, one steam generator and other ancillary equipment. Each combined cycle power train includes one combustion turbine generator and one heat recovery steam generator.³²
18. The Mankato Energy Center was constructed and commenced operations with only one combined cycle power train.³³
19. On February 5, 2015, the Minnesota Public Utilities Commission ("Commission") issued an Order in Docket No. E002/CN-12-1240 approving a draft power purchase agreement ("PPA") between MEC II and Northern States Power Company, dba, Xcel Energy ("NSP") pursuant to which NSP would purchase energy and capacity from a planned expansion of the Mankato Energy Center.³⁴
20. On May 6, 2015, the PPA was subsequently executed by MEC II and NSP and submitted as part of a compliance filing with the Commission.³⁵
21. On June 29, 2015, notification of the Applicant's intent to submit the Site Permit Application under the alternative site permitting process was provided to the Commission.³⁶
22. On August 8, 2015, the Application for a Site Permit was submitted to the Commission by the Applicant.³⁷
23. On August 10, 2015, the Commission provided notice of a public comment period regarding Site Permit Application completeness.³⁸
24. On August 24, 2015 the Commission received comments on Site Permit Application completeness from the Department of Commerce, Energy Environmental Review and Analysis ("DOC EERA") unit.³⁹ The DOC EERA recommended that the Commission accept the application for the Project as complete. Additionally, DOC EERA staff recommended that the Commission take no action on an advisory task force.⁴⁰

³¹ Exhibit 2 at 2-1.

³² *Id.*

³³ *Id.*

³⁴ Exhibit 2 at 1-1; see also Commission PPA Order.

³⁵ Exhibit 2 at 1-1; see also Power Purchase Agreement Between Northern States Power Company and Mankato Energy Center II, LLC (May 6, 2015) (eDockets No. 20155-110185-04).

³⁶ Exhibit 1.

³⁷ Exhibit 2.

³⁸ Exhibit 3.

³⁹ Exhibit 4.

⁴⁰ *Id.*

25. On September 18, 2015, the Commission issued a Public Information and Scoping Meeting notice.⁴¹
26. On October 5, 2015, the Applicant submitted an Affidavit of Publication from Blue Earth County showing that the meeting notice for the October Public Information and Scoping Meeting had been published in the newspaper titled "The Free Press and the Land".⁴²
27. On October 13, 2015, a Public Information and Scoping meeting was held at the County Inn & Suites in Mankato, Minnesota. Commission and DOC EERA staff were present to answer questions and gather comments from the public regarding the Expansion Project.⁴³ The Applicant was also present at the meeting.⁴⁴ Three members of the public attended the meeting but had only informal comments.⁴⁵ There were no formal comments presented by the public at the meeting.⁴⁶
28. On October 14, 2015, the Commission issued an Order Finding the Site Permit Application complete, requesting a summary report and granting a variance to extend the time period of Minn. R. 7850.3700, subp. 3, to extend the 10-day time limit for the Department of Commerce to issue its scoping decision.⁴⁷
29. On October 27, 2015, the Minnesota Department of Transportation ("MnDOT") submitted comments to the DOC EERA regarding the project noting that the current design would not impact the state trunk highway system and requesting notification if design changes occur that could impact MnDOT right-of-way in the area.⁴⁸ MnDOT also requested that the Applicant coordinate with MnDOT when planning hauling routes for oversized loads.⁴⁹
30. On October 29, 2015, the DOC EERA published a summary of comments on the scope of the Environmental Assessment (EA) for the Expansion Project.⁵⁰ Comments were received from the Minnesota State Historic Preservation Office ("SHPO"), noting that no archaeological or historic resources would be impacted by the project; comments were also received from MnDOT, as described above.⁵¹ In addition, comments were also received from one citizen expressing support for the Expansion Project and its location.⁵²

⁴¹ Exhibit 6.

⁴² Exhibit 7.

⁴³ Exhibit 6.

⁴⁴ Exhibit 8.

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ Exhibit 5.

⁴⁸ MnDOT Comment Letter (Oct. 27, 2015) (eDockets No. 201510-115129-01).

⁴⁹ *Id.*

⁵⁰ Exhibit 8.

⁵¹ *Id.*

⁵² *Id.*

31. On November 4, 2015, the DOC EERA issued an environmental assessment scoping decision for the Expansion Project.⁵³ No alternative sites were included in the scope of the EA.⁵⁴
32. On November 5, 2015, the DOC EERA issued notice of the environmental assessment scoping decision for the Expansion Project.⁵⁵
33. On January 27, 2016, the DOC EERA filed their Requests to Applicant for Additional Project Information and Applicant Responses.⁵⁶
34. On February 8, 2016, the Commission issued a Notice of Public Hearing for the Site Permit Application⁵⁷ and provided the generic template for large electric power generating plant site permits.⁵⁸
35. On February 9, 2016, the Commission submitted a request for state agency participation in Record Development and Public hearings regarding the Expansion Project.⁵⁹
36. On February 16, 2016, the Applicant submitted an Affidavit of Publication from Blue Earth County showing that the February public hearing notice had been published in the newspaper titled "The Free Press and the Land".⁶⁰
37. On February 18, 2016, the DOC EERA issued the EA for the Expansion Project.⁶¹ DOC EERA subsequently issued a Notice of Availability for the EA, stating that the DOC EERA had issued the EA for the Expansion Project, making it available for public review and comment.⁶²
38. On February 29, 2016, Notice of Availability of the EA was published in the Environmental Quality Board (EQB) Monitor.⁶³
39. Copies of the EA were distributed to public agencies with authority to permit or approve the Expansion Project.⁶⁴
40. On March 7, 2016, a Public Hearing was held at the County Inn and Suites in Mankato, Minnesota and was held before Administrative Law Judge James LaFave.⁶⁵

⁵³ Exhibit 9.

⁵⁴ *Id.*

⁵⁵ Exhibit 10.

⁵⁶ Exhibit 11.

⁵⁷ Exhibit 17.

⁵⁸ Exhibit 16.

⁵⁹ Request for State Agency Participation (Feb. 9, 2016) (eDockets No. 20162-118097-01).

⁶⁰ Affidavit of Publication (Feb. 16, 2016) (eDockets No. 20162-118323-01).

⁶¹ Exhibit 12.

⁶² Exhibit 13.

⁶³ Exhibit 15.

⁶⁴ Exhibit 14.

Staff from the Commission and the DOC EERA were present as well as the Applicant. Information related to the Site Permit process, the EA and the Expansion Project were briefly provided by Mr. Ray Kirsch of the DOC EERA, Ms. Tricia DeBleeckere of the Commission and by Mr. John Flumerfelt on behalf of the Applicant.⁶⁶ There were three members of the public that provided verbal comments and questions at the hearing. Responses to the verbal questions and comments from the public were provided during the hearing from the Applicant, Commission staff, and DOC EERA staff⁶⁷.

41. On March 17, 2016, the Office of Administrative Hearings published the March 7 public hearing sign in sheets and transcripts.⁶⁸
42. On March 18, 2016, the Applicant submitted a comment letter on the Environmental Assessment prepared for the Project.⁶⁹
43. On March 21, 2016, the Commission issued a summary of the comments received via mail or the Commission's SpeakUp webpage during the public hearing comment period. The summary stated that there were no public or agency comments received.⁷⁰
44. On March 31, 2016, the Minnesota Pollution Control Agency ("MPCA") filed a letter with the Commission regarding comments on the Environmental Assessment prepared for the Project. The MPCA indicated that they had no comments on the EA or the Expansion Project at that time.⁷¹
45. No other public comments were received during the public hearing comment period.

IV. Public and Agency Participation

46. For projects seeking a Site Permit under the alternative permitting process, the DOC EERA prepares an EA for the Commission containing information on the human and environmental impacts of the proposed project.⁷² The EA is the only State environmental review document required to be prepared for the Project.⁷³
47. The scoping process is the first step in developing an EA. The DOC EERA is required to "provide the public with an opportunity to participate in the development of the

⁶⁵ Summary of Public Testimony (April 13, 2016) (eDockets No. 20164-120013-01).

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ March 7 Public Hearing Sign-in Sheets (Mar. 17, 2016) (eDockets No. 20163-119205-02); March 7 Public Hearing Transcript (Mar. 17, 2016) (eDockets No. 20163-119204-01).

⁶⁹ Calpine Comments (Mar. 18, 2016) (eDockets No. 20163-119274-01).

⁷⁰ Summary of Comments (Mar. 21, 2016) (eDockets No. 20163-119292-01).

⁷¹ MPCA Comments (Mar. 31, 2016) (eDocket No. 20163-119582-01).

⁷² Minn. Stat. § 216E.04, Subd. 5.

⁷³ *Id.*

scope of the environmental assessment by holding a public meeting and by soliciting public comments.”⁷⁴

48. The Commission published a notice of a Public Information and Scoping Meeting for the preparation of the EA for the Expansion Project on September 18, 2015.⁷⁵ The Public Information and Scoping Meeting was held on October 13, 2015.⁷⁶ There were no oral comments submitted during the public meeting.⁷⁷ There was one written comment letter provided by the public related to the scoping of the EA.⁷⁸ The letter expressed support of the Expansion Project, stating the Existing Facility was sited in a good location within an industrial area and the facility is a good clean source of reliable energy.⁷⁹
49. There were two agency comment letters related to the Scoping of the EA submitted to the DOC EERA. One letter was submitted by the State Historic Preservation Office (SHPO)⁸⁰ and the other letter was submitted by the Minnesota Department of Transportation (MnDOT).⁸¹ The letter from SHPO stated that there are no historic properties listed on the State or Federal Register that would be impacted by the Expansion Project and that there are no known archeological properties in the area that would be impacted.⁸² The letter from MnDOT stated that the Applicant will need to coordinate with MnDOT as necessary for transportation and delivery of large, oversized loads and equipment during the construction of the Expansion Project to ensure impacts to roadways and transportation construction projects do not occur.⁸³ The MnDOT letter further stated that in the event that the construction of the Expansion Project impacts MnDOT right-of-way, the Applicant should notify MnDOT and coordinate with them in the planning of such activities that could impact road right-of-way.⁸⁴
50. The Commission published a notice of a Public Hearing and the opportunity for comment on the EA for the Expansion Project on February 8, 2016.⁸⁵ The DOC EERA staff published the EA and made it available for review and comment on February 18, 2016.^{86, 87} The Public Hearing was held before Administrative Law Judge James

⁷⁴ Minnesota Rules 7850.3700, subp. 2A.

⁷⁵ Exhibit 6.

⁷⁶ Exhibit 8.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ MnDOT Comment Letter (October 27, 2015) (eDockets Number 201510-115129-01).

⁸² Exhibit 8.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ Exhibit 17.

⁸⁶ Exhibit 12.

⁸⁷ Exhibit 13.

LaFave on March 7, 2016.⁸⁸ At the hearing there were verbal comments submitted by three members of the public.⁸⁹

51. Mr. Drew Campbell, a commissioner for Blue Earth County, asked several questions related to the need for the Expansion Project and how it would fit into the existing mandates in Minnesota for renewable energy.⁹⁰ Comments and questions from Mr. Campbell were addressed by a combination of the Applicant, DOC EERA staff and Commission staff.⁹¹ Mr. Campbell also asked about the increased water need for the Expansion Project.⁹² This question was answered by DOC EERA staff who indicated that the water would continue to come from the Mankato Wastewater Treatment Plant and that this item is addressed within the EA.⁹³ Mr. Campbell also asked if there would be prevailing wages paid to workers for the construction of the Expansion Project.⁹⁴ The Applicant indicated that it had not conducted outreach for construction jobs but that it was sure that the answer would be "yes."⁹⁵
52. Mr. Cameron Rather asked questions related to the pipeline and gas usage for the Existing Facility and the Expansion Project, wanting to know if sufficient gas supply is available and who is responsible for providing the natural gas to operate the facility.⁹⁶ These questions were addressed by Mr. John Flumerfelt from the Applicant who explained the infrastructure needed to deliver the natural gas required for the Expansion Project is already in place and that Xcel Energy is responsible for ensuring there is sufficient gas quantity available and Xcel is further responsible for delivering the natural gas to the lateral pipeline that serves the facility.⁹⁷
53. Mr. Randy Westman asked a question related to the timing for start of construction for the Expansion Project.⁹⁸ This question was answered by Mrs. Heidi Whidden from the Applicant who stated that the current schedule is for construction of the Expansion Project to begin in the fourth quarter of 2016.⁹⁹
54. There were no letters submitted by the public commenting on the EA.¹⁰⁰ There was one letter submitted by a state agency, the Minnesota Pollution Control Agency

⁸⁸ Summary of Public Testimony (April 13, 2016) (eDockets Number 20164-120013-01).

⁸⁹ *Id.*

⁹⁰ *Id.* at 4.

⁹¹ *Id.*

⁹² *Id.*

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ *Id.*

⁹⁶ *Id.* at 5.

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ Summary of Comments (Mar. 21, 2016) (eDockets No. 20163-119292-01).

(MPCA).¹⁰¹ The MPCA letter stated that they had no comments on the EA for the Expansion Project.¹⁰²

55. The Applicant submitted a comment letter on the EA for the Expansion Project.¹⁰³ The letter from the Applicant stated agreement with the analysis and conclusions in the EA and provided clarifying information related to the topics of impervious surface, wetlands, and construction practices related to stormwater control.¹⁰⁴ The Applicant stated that construction of the project should not be limited to daytime hours by Minnesota noise standards, but instead should be allowed to proceed during daytime and nighttime hours while meeting Minnesota noise standards.¹⁰⁵

V. Factors for Site Permit

56. Minnesota Statutes Chapter 216E (2015) requires a site permit for the proposed Project.¹⁰⁶
57. Minn. Stat. § 216E.09¹⁰⁷ provides that site permits issued by the Commission “shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.”
58. The Power Plant Siting Act (“PPSA”), Minnesota Statutes Chapter 216E, requires that “it to be the policy of the state to locate large electric power facilities in an orderly manner compatible with environmental preservation and the efficient use of resources. In accordance with this policy the commission shall choose locations that minimize adverse human and environmental impact while insuring continuing electric power system reliability and integrity and insuring that electric energy needs are met and fulfilled in an orderly and timely fashion.”¹⁰⁸
59. Under the Minn. Stat. § 216E.03, Subd. 7, the Commission must be guided by the following responsibilities, procedures, and considerations:
- (1) evaluation of research and investigations relating to the effects on land, water and air resources of large electric power generating plants and high-voltage transmission lines and the effects of water and air discharges and electric and magnetic fields resulting from such facilities on public health and welfare, vegetation, animals, materials and aesthetic values, including baseline studies, predictive modeling, and evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;

¹⁰¹ MPCA Comments (March 31, 2016) (eDockets Number 20163-119582-01).

¹⁰² *Id.*

¹⁰³ Calpine Comments (March 18, 2016) (eDockets Number 20163-119274-01)

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ Minn. Stat. § 216E.

¹⁰⁷ Minn. Stat. § 216E.09.

¹⁰⁸ Minn. Stat. § 216E.02, Subd. 1.

- (2) environmental evaluation of sites and routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;
 - (3) evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;
 - (4) evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;
 - (5) analysis of the direct and indirect economic impact of proposed sites and routes including, but not limited to, productive agricultural land lost or impaired;
 - (6) evaluation of adverse direct and indirect environmental effects that cannot be avoided should the proposed site and route be accepted;
 - (7) evaluation of alternatives to the applicant's proposed site or route proposed pursuant to subdivision 1 and 2;
 - 8) evaluation of potential routes that would use or parallel existing railroad and highway rights-of-way;
 - (9) evaluation of governmental survey lines and other natural division lines of agricultural land so as to minimize interference with agricultural operations;
 - (10) evaluation of future needs for additional high-voltage transmission lines in the same general area as any proposed route, and the advisability of ordering the construction of structures capable of expansion in transmission capacity through multiple circuiting or design modifications;
 - (11) evaluation of irreversible and irretrievable commitments of resources should the proposed site or route be approved; and
 - (12) when appropriate, consideration of problems raised by other state and federal agencies and local entities.
60. In addition, the Commission is governed by Minnesota Rules 7850.4100, which mandates consideration of the following factors when determining whether to issue a site permit for a large electric power generating plant:
- A. effects on human settlement, including, but not limited to, displacement, noise, aesthetics, cultural values, recreation, and public services;
 - B. effects on public health and safety;
 - C. effects on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;
 - D. effects on archaeological and historic resources;
 - E. effects on the natural environment, including effects on air and water quality resources and flora and fauna;
 - F. effects on rare and unique natural resources;
 - G. application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity;

- H. use or paralleling of existing rights-of-way, survey lines, natural division lines, and agricultural field boundaries;
- I. use of existing large electric power generating plant sites;
- J. use of existing transportation, pipeline, and electrical transmission systems or rights-of-way;
- K. electrical system reliability;
- L. costs of constructing, operating, and maintaining the facility which are dependent on design and route;
- M. adverse human and natural environmental effects which cannot be avoided; and
- N. irreversible and irretrievable commitments of resources.

VI. Application of Siting Factors

A. Environmental Setting

61. The Combined Facility, which is the Existing Facility plus the Expansion Project, is located within an industrial area in the City of Mankato.¹⁰⁹ Adjacent properties consist of numerous industrial and manufacturing facilities including Xcel Energy's Wilmarth Generating Plant and electrical substation, a waste processing company, auto salvage yards, scrap metal operations, a construction company, a U.S. Postal Service mail processing facility, and a household hazardous waste collection site.¹¹⁰ There are numerous railroad tracks and spur lines in the area as well as overhead electrical transmission lines.¹¹¹ Previously there was a single residential dwelling located approximately 2,000 feet north of the fence line of the Existing Facility, however this property is now vacant.¹¹² The nearest residential areas of Mankato lie more than one-half mile to the south on the other side of U.S. Highway 14.¹¹³
62. The Minnesota River is located approximately 1,800 feet west of the Existing Facility.¹¹⁴ The river and adjacent wooded river bottoms provide wildlife habitat as well as recreational opportunities in the form of boating, fishing, and hunting.¹¹⁵ There are also trails, parks, and other recreational facilities in the general area.¹¹⁶ A large drainage ditch is located along the east side of the site, which flows in a north/northwesterly direction to the Minnesota River.¹¹⁷ The Minnesota River valley extends approximately one mile to the east of the site at which point steep bluffs rising 150 feet dominate the landscape.¹¹⁸ Outlying rural areas to the north and east of the site in Lime Township consist predominately of agricultural and conservation lands.¹¹⁹

¹⁰⁹ Exhibit 2 at 4-1.

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ *Id.*

¹¹⁹ *Id.*

B. Required Permits and Approvals

The table below lists the permits identified as needed for the Expansion Project.¹²⁰

Table 1: List of Expansion Project Permits

Unit of Government	Type of Approval	Regulated Activity	Status
Federal			
FAA	Notice of Proposed Stack Construction	Stack height greater than 200 feet above ground level	To be provided, if needed. Stack anticipated to be less than 200 feet.
U.S. EPA	Acid Rain Permit	Title IV Acid Rain Certificate of Representation for the discharge of sulfur oxides	To be obtained
	Risk Management Plan/Process Safety Management (RMP/PSM)	Risk management plan is required for facilities possessing more than threshold quantities of regulated chemicals (e.g., anhydrous ammonia)	To be updated
	Conditionally Exempt Small Quantity Generator	Hazardous waste generation	The facility has an existing Hazardous Waste Generation license and will amend as necessary.
Federal Energy Regulatory Commission (FERC)	Exempt Wholesale Generator Self-Certification;	Provide documentation to FERC that entity is operating a power generating facility and selling electric energy at wholesale;	To be obtained
	Market-based Rate Authorization	Authorization to sell electric power at Market Based rates; granted to Exempt Wholesale Generators.	To be obtained
U.S. Fish and Wildlife Service	EPA Consultation with U.S. Fish and Wildlife Service for Threatened and Endangered Species	Demonstrate that project development does not have the potential to disturb a listed species and/or provide mitigation for impacts	Consultation pending – submitted to U.S. EPA on June-15-2015
State of Minnesota			
MISO	Approval as a Network Resource for Xcel	Generator interconnection and transmission access	To be amended

¹²⁰ Exhibit 2 at 11-1; see also Exhibit 12 at 8-10.

Unit of Government	Type of Approval	Regulated Activity	Status
PUC	Power Plant Siting Permit	Review of potential human and environmental impacts associated with the siting of a large electric power generating plant. Qualifies for alternative review process for facilities fueled by natural gas	Pending – Permit application submitted Aug-5-2015
SHPO	Cultural Resources Review	Review of agency records for the presence of archeological, historical, or architectural resources at or near the site that may be affected by the project	Completed - Received comment letter dated Apr-2-2015
MDNR	Minnesota Natural Heritage Database Review	Review of the Minnesota Natural Heritage Information System database for the presence of any rare plant communities or animal species, unique resources, or other significant natural features at or near the site that may be affected by the project	Completed - Received comment letter dated May-19-2015
MPCA	NPDES/SDS General Stormwater Discharge Permit (MN R100001) for Construction Activities	Stormwater discharges associated with construction activities disturbing one or more acres of land	To be submitted
	NPDES/SDS General Stormwater Discharge Permit (MNR0534NJ) for Industrial Activities	Stormwater discharges associated with industrial activities at the Facility. Coverage under the permit requires preparation of a Stormwater Pollution Prevention Plan	Will be revised as necessary
	Air Emission Facility Permit (Combined Construction and Title V Operating)	Air emissions - permitting requirements associated with federal PSD new source review and NSPS requirements, and other applicable state/federal requirements	Amendment Pending – Permit application Submitted Nov-3-2015
	Hazardous Waste Generator License	Hazardous waste generation	The facility has an existing EPA notice of Hazardous Waste Generation and will amend as necessary.
	Spill Prevention, Control and Countermeasure Plan	Aboveground storage of greater than 1,320 gallons of fuel oil; no changes as a result of Expansion Project	Update as needed
	Storage Tank Registration and Permitting	Anyone wishing to operate a new or existing regulated storage tank must register that tank with MPCA. Regulated storage tanks are those that are not otherwise exempt and that contain a regulated substance	To be obtained if needed for new tanks

Unit of Government	Type of Approval	Regulated Activity	Status
MnDOT	Facility Response Plan	Applicable for facilities that have oil storage greater than or equal to 42,000 gallons that transfers oil over water to/from vessels or has total oil storage greater than or equal to 1 million gallons and meets selected conditions	The facility has an existing plan that meets FRP requirements. To be amended as needed
	Special Hauling Permit (Oversize/Overweight)	For delivery of oversize and/or super loads of construction equipment and others to the property	To be obtained if needed
	Highway Occupancy Permits	MnDOT regulates and/or gives approval for the use and occupancy of highway right of way by utility facilities or private lines	To be obtained if needed
Local			
City of Mankato	Conditional Use Permit	Electric generating facility within areas zoned M-2, Heavy Industrial District	To be amended
	Building Permit	Site grading, development, construction, and occupancy approval	To be obtained
	Connections to municipal sewer and water as well as gray water from Waste Water Treatment Plant	Obtain approvals from City	To be amended
	Wetland No-Loss Application	Submit to City	Submitted as part of original construction, will update if needed.
Other			
Utilities	Utility Connection Permits and Approvals	Connections of Expansion Project related equipment to necessary utilities (e.g., water, wastewater, gas pipelines, transmission lines, telecommunications)	To be obtained as needed

C. Displacement

63. The project site is zoned for industrial use.¹²¹ The Expansion Project will take place within the fence line of the Existing Facility.¹²² The Expansion Project will secure additional lands for temporary construction laydown space, which will be leased from a nearby property owner and may be located on either vacant industrial lands or

¹²¹ Exhibit 2 at 4-1.

¹²² *Id.*

agricultural lands.¹²³ There will be no physical displacement of land owners or residents as a result of the Expansion Project.¹²⁴

D. Noise

64. The City of Mankato does not have a noise ordinance but relies on the State's noise standards for local control of noise problems.¹²⁵
65. Noise will be generated during construction of the Expansion Project as well as during normal operation of the Combined Facility.¹²⁶ The Applicant indicated that construction noise impacts will be mitigated by controlling the extent and duration of noise generating activities and limiting the duration of the overall construction period.¹²⁷ Noise impacts due to construction of the project are anticipated to be minimal.¹²⁸
66. The major components of the Expansion Project that will contribute to noise generated during the operation of the Combined Facility include the cooling tower cells, the CTGs, electrical transformers and HRSGs.¹²⁹ Modeling conducted by the Applicant indicates that the noise levels with the Expansion Project will be within state noise standards for industrial properties.¹³⁰
67. Noise impacts from operation of the Expansion Project are anticipated to be minimal and within state noise standards.¹³¹ Operation of the Combined Facility will increase noise levels in the project area.¹³² Even though noise levels are within state standards, persons near the plant – e.g., persons in or near the industrial area in which the Combined Facility is located – would likely notice an increase in noise levels.¹³³ Operational noise impacts will be mitigated, to a great extent, by the location of the Combined Facility (away from persons and residential receptors) and by the fact that impacts will be incremental.¹³⁴

E. Aesthetics

¹²³ *Id.*

¹²⁴ Exhibit 12 at 29.

¹²⁵ Exhibit 2 at 4-2.

¹²⁶ Exhibit 12 at 28.

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ Exhibit 2 at 4-2.

¹³⁰ Exhibit 12 at 29.

¹³¹ *Id.*

¹³² *Id.*

¹³³ *Id.*

¹³⁴ *Id.*

68. The Combined Facility is located in an industrial area on the north edge of Mankato.¹³⁵ The Existing Facility site is already established and the Expansion Project will occur within the Existing Facility's footprint.¹³⁶
69. The tallest structure at the Existing Facility is the CTG stack, which is just under 200 feet tall.¹³⁷ All other structures at the Existing Facility are shorter than the CTG stacks, and range from 30 to 120 feet in height.¹³⁸ The building that will contain the new CTG and HRSG units will be similar in appearance and height compared to the existing buildings.¹³⁹ The tallest structure installed as a result of the Expansion Project will be a second CTG stack, approximately 200 feet in height.¹⁴⁰
70. The CTG stacks are most visible from the west end of Summit Avenue and possibly visible from the Minnesota River.¹⁴¹ Due to the existing topography, finished grades at the landfill, a dense grove of mature trees located around the perimeter of the site, and the distance away from adjacent roadways, most of the other structures at the Combined Facility will not be visible to the general public.¹⁴²
71. Visible water vapor plumes from the CTG stacks and from the cooling tower may occur under certain meteorological conditions.¹⁴³ The length and persistence of these visible plumes are influenced by prevailing weather conditions such as temperature, relative humidity, and wind speed. On most days of the year, however, visible steam or vapor plumes, if present, disperse and evaporate after traveling only a moderate distance aloft.¹⁴⁴
72. The Combined Facility must apply Best Available Control Technology (BACT) for visibility-related pollutants.¹⁴⁵ Nitrogen oxide emissions are and will continue to be continuously monitored to ensure compliance with BACT-related emission limits.¹⁴⁶ Accordingly, emissions from the Combined Facility are not expected to have a significant impact on local visibility.¹⁴⁷
73. Lighting at the Combined Facility will be provided for security and plant operational purposes.¹⁴⁸ Lighting will be expanded in the same manner for the newly installed

¹³⁵ Exhibit 2 at 4-4.

¹³⁶ *Id.*

¹³⁷ Exhibit 12 at 26.

¹³⁸ *Id.*

¹³⁹ *Id.*

¹⁴⁰ *Id.*

¹⁴¹ Exhibit 2 at 4-4.

¹⁴² Exhibit 2 at 4-4 to 4-5; Exhibit 12 at 26.

¹⁴³ Exhibit 12 at 26.

¹⁴⁴ Exhibit 12 at 26 and 38.

¹⁴⁵ Exhibit 2 at 4-5.

¹⁴⁶ *Id.*

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

equipment.¹⁴⁹ No additional aesthetic impacts from lighting are anticipated from the Expansion Project.¹⁵⁰

74. Aesthetic impacts due to the Expansion Project are anticipated to be incremental and minimal.¹⁵¹

F. Socioeconomic Impacts

75. The construction of the Expansion Project and the operation of the Combined Facility will provide economic benefits to the local community resulting from the construction and continued operation of the facility and through the purchase of local goods and services.¹⁵² Some of the economic benefits include the following:
- a. Construction of the Expansion Project is estimated to exceed \$200 million and will employ as many as 250 construction workers at peak construction periods.¹⁵³ These jobs (include welders, pipefitters, iron workers, millwrights, carpenters, electricians, and other trades) will benefit the local economy during the construction phase.¹⁵⁴ Construction is estimated to take 24 to 27 months to complete.¹⁵⁵
 - b. Once in operation, the Combined Facility anticipates hiring two additional employees, for a total of approximately 19 full time employees and indirect jobs to the area in the form of local support services.¹⁵⁶
 - c. The state of Minnesota and Blue Earth County will receive tax revenue from the construction of the project as well as continue to receive income taxes from permanent full-time employees operating the Combined Facility.¹⁵⁷
 - d. MEC I and MEC II will remain an active member of the local community, participating in charitable events, community service organizations, and outreach programs.¹⁵⁸
76. Adverse economic impacts are anticipated to be minimal.¹⁵⁹ Disruptions to local businesses due to construction of the Project are anticipated to be minimal.¹⁶⁰

G. Cultural Values

77. Cultural values in the project area are informed by history and heritage, by the work and recreation of residents, and by geographical features.¹⁶¹ The cities of Mankato

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ Exhibit 12 at 25-27.

¹⁵² Exhibit 12 at 29.

¹⁵³ *Id.*

¹⁵⁴ *Id.*

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ Exhibit 2 at 4-6.

¹⁵⁸ *Id.*

¹⁵⁹ Exhibit 12 at 30.

¹⁶⁰ *Id.*

¹⁶¹ Exhibit 12 at 30.

and North Mankato have become a regional center for commerce, education, health care, and industry.¹⁶² The City of Mankato, and the project area generally, host multiple cultural events each year.¹⁶³

78. No impacts to cultural values are anticipated as a result of the Project.¹⁶⁴ The project will not adversely impact the heritage, work, or recreation of residents in the project area that underlie the community's cultural values.¹⁶⁵

H. Recreation

79. There are no designated recreational facilities located on or immediately adjacent to the Existing Facility site.¹⁶⁶
80. Although there are recreational facilities in the vicinity of the Project, construction and operation of the Combined Facility will not directly impact existing public land, trails, parks, or other areas used for recreation.¹⁶⁷ Neither the Expansion Project nor the Combined Facility would result in impacts to recreation.¹⁶⁸

I. Public Services

81. The existing public roadway network and site access road are adequate to serve the Combined Facility.¹⁶⁹ No public transportation improvements will be required for construction or operation of the Project.¹⁷⁰
82. The Mankato Municipal Airport, located approximately 3.7 miles to the northeast in Lime Township, is the closest active airport to the site; impacts to this airport are not anticipated as a result of the Project.¹⁷¹
83. Water and sewer services are provided to the Existing Facility by the City of Mankato.¹⁷² The City supplies both domestic water and service water and receives domestic wastewater discharges. The Combined Facility will continue to operate and utilize gray water for cooling water in the same manner as current conditions after the Expansion Project is constructed with the exception of the increased volume of water required at the Combined Facility.¹⁷³

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ Exhibit 12 at 41-42.

¹⁶⁷ *Id.*

¹⁶⁸ *Id.*

¹⁶⁹ Exhibit 12 at 30-32.

¹⁷⁰ *Id.*

¹⁷¹ *Id.*

¹⁷² *Id.*

¹⁷³ Exhibit 2 at 3-2.

84. Service and domestic water is supplied to the Existing Facility by the City of Mankato through a lateral service line connection to the municipal water supply system. The City of Mankato municipal water supply system will continue to provide service water to the Combined Facility.¹⁷⁴
85. The City of Mankato Wastewater Treatment Plant (WWTP) provides grey water that is used as cooling water at the Existing Facility.¹⁷⁵ The Expansion Project will increase the use of grey water from the City of Mankato.¹⁷⁶ The Applicant will work with the Mankato WWTP to upgrade existing pumps or install new pumps to supply the additional grey water needed for the Expansion Project.¹⁷⁷
86. The Combined Facility will continue to operate under an existing contract with the Mankato WWTP for cooling water that allows for a maximum water usage of 6.2 million gallons per day, however actual historic usage has been significantly less than the maximum potential use since the facility is not in continuous operation.¹⁷⁸
87. There are water storage facilities on site that serve the Existing Facility, such as serviced and demineralized water storage tanks and there are additions that are being explored as part of the Expansion Project.¹⁷⁹ No additional improvements to water utilities are anticipated for the construction of the Expansion Project or operation of the Combined Facility.¹⁸⁰
88. Local waste haulers are privately contracted with to properly collect and dispose of all liquid and solid wastes generated at the Existing Facility.¹⁸¹ No additional municipal services would be required with the Expansion Project.¹⁸²
89. Electrical service in the project area is provided by Xcel Energy and regional electric cooperatives.¹⁸³ Electrical power produced by the Expansion Project may be used in the project area or distributed to other areas through the electric transmission system.¹⁸⁴ No adverse impacts to electrical service are anticipated as a result of the Project.¹⁸⁵
90. Natural gas service for the facility is provided by CenterPoint Energy.¹⁸⁶ The Project will utilize an existing natural gas pipeline that is sized to support the Project.¹⁸⁷ No

¹⁷⁴ Exhibit 2 at 3-3.

¹⁷⁵ Exhibit 12 at 31-32.

¹⁷⁶ *Id.*

¹⁷⁷ *Id.*

¹⁷⁸ Exhibit 2 at 2-8.

¹⁷⁹ Exhibit 2 at 4-8.

¹⁸⁰ *Id.*

¹⁸¹ *Id.*

¹⁸² *Id.*

¹⁸³ Exhibit 12 at 32.

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

new gas pipeline will be required for the Project.¹⁸⁸ No adverse impacts to natural gas service are anticipated as a result of the Project.¹⁸⁹

91. The City of Mankato provides fire and police protection and rescue services.¹⁹⁰ The Existing Facility is equipped with a security system and fire suppression system.¹⁹¹ The Combined Facility is not anticipated to affect the existing capabilities of the City's fire and police departments.¹⁹²

J. Effects on Human Health

i. Air Emissions

92. The Existing Facility (MEC I) is currently subject to state and federal Prevention of Significant Deterioration (PSD) requirements because the facility qualifies as a major stationary source under PSD rules.¹⁹³ The Existing Facility potential emissions of particulate matter (PM), PM less than 10 microns (PM₁₀), PM less than 2.5 microns (PM_{2.5}), sulfur dioxide (SO₂), nitrogen oxides (NO_x), volatile organic compounds (VOC), and carbon monoxide (CO) are greater than the PSD major source threshold of 100 tons/yr.¹⁹⁴ The Existing Facility potential greenhouse gas (GHG) emissions are greater than the PSD major source threshold of 100,000 tons/yr.¹⁹⁵
93. The Applicant must obtain a PSD permit from the MPCA to operate the Expansion Project.¹⁹⁶ This permit requires the application of Best Available Control Technology (BACT) to control emissions from the Combined Facility.¹⁹⁷ The Expansion Project will satisfy BACT requirements by utilizing the following emissions control strategies¹⁹⁸:
- Firing primarily natural gas in the turbines to minimize NO_x, sulfur dioxide and particulate emissions.
 - Using dry low NO_x (DLN) combustors while firing natural gas to minimize the formation of oxides of nitrogen in the combustion turbine.
 - Using selective catalytic reduction (SCR) to reduce oxides of nitrogen emissions in the combustion turbine exhaust gas.
 - Using catalytic oxidation to reduce CO, VOC, and organic air pollutant emissions from the combined cycle system exhaust gas.

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

¹⁸⁹ *Id.*

¹⁹⁰ Exhibit 2 at 4-8.

¹⁹¹ *Id.*

¹⁹² *Id.*

¹⁹³ Exhibit 2 at 5-1; Exhibit 12 at 33-35.

¹⁹⁴ Exhibit 2 at 5-1.

¹⁹⁵ *Id.*

¹⁹⁶ Exhibit 12 at 33-35; Exhibit 2 at 11-1 to 11-2.

¹⁹⁷ Exhibit 12 at 38.

¹⁹⁸ *Id.*

- e. Limiting operation of the emergency generator and fire pump, as practicable, to less than 100 hours per year.
 - f. Using high efficiency mist eliminators to reduce cooling tower drift to minimize particulate emissions.
94. An air permit (PSD permit) application for the Expansion Project was submitted to the MPCA in November 2015.¹⁹⁹ Combustion-related emissions from the Expansion Project of PM, CO, NO_x, VOC and GHG are of primary interest because these pollutants are emitted in quantities that exceed the threshold triggering PSD review.²⁰⁰
95. Air modeling conducted by the Applicant indicated that emissions from the Project will not cause a violation of national ambient air quality standards and will not increase pollutants in the project area beyond the allowable PSD increment.²⁰¹ Impacts to public health resulting from the Project's impact on ambient air quality are anticipated to be minimal and within all state and federal standards.²⁰²
96. Compliance by the Combined Facility with emissions permit limits will be monitored by means of a Continuous Emission Monitoring Systems (CEMS) and demonstrated by periodic stack emissions tests or by monitoring fuel specifications.²⁰³ The Expansion Project will be installing CEMS to measure CO and NO_x emissions in the Expansion Project's exhaust.²⁰⁴ Stack testing or fuel monitoring will be required for the other pollutants as specified by the MPCA in the Expansion Project's air permit.²⁰⁵ The Existing Facility is equipped with CEMS and has completed required testing.²⁰⁶
97. The Applicant submitted an Air Emissions Risk Analysis (AERA) in accordance with MPCA technical guidance (*Facility Air Emissions Risk Analysis Guidance*; Version 1.0; September 2003) as part of its November 2015 air permit application.²⁰⁷ The results of the AERA indicated that potential health risks to residents in the project area due to potential air emissions are within state guidelines and are minimal.²⁰⁸
98. The accumulation of greenhouse gases in the atmosphere and associated warming of the planet is leading to a variety of adverse human and environmental impacts, including more severe droughts and floods, more heat related illnesses, and a decrease in food security.²⁰⁹ Though a variety of gases contribute to the greenhouse effect, the most prominent greenhouse gas is carbon dioxide.²¹⁰

¹⁹⁹ Exhibit 12, Appendix E.

²⁰⁰ Exhibit 12 at 34-35 (Table 5).

²⁰¹ Exhibit 12 at 34.

²⁰² *Id.*

²⁰³ Exhibit 2 at 5-4.

²⁰⁴ *Id.*

²⁰⁵ *Id.*

²⁰⁶ *Id.*

²⁰⁷ Exhibit 12 at 35-36.

²⁰⁸ *Id.*

²⁰⁹ Exhibit 12 at 36-37.

²¹⁰ *Id.*

99. The Expansion Project has the potential to increase emissions of greenhouse gases (carbon dioxide equivalents, CO₂e) by approximately 1.5 million tons annually.²¹¹ The Combined Facility would have the potential to emit approximately 3 million ton CO₂e annually.²¹²
100. Between 2005 and 2012 Minnesota greenhouse gas emissions declined by 11 million tons CO₂e, or approximately seven percent.²¹³ During this period, emissions from the electric utility sector declined by approximately 17 percent.²¹⁴ This decline was due to utilities switching to less greenhouse gas intensive fuels, such as natural gas, and the increased use of renewable energy sources.²¹⁵
101. Though the Expansion Project will increase greenhouse gas emissions at the facility itself, the Project will displace more greenhouse gas intensive fuels and facilitate additional wind and solar generation, resulting in reduced greenhouse gas emissions in Minnesota.²¹⁶ Though the displacement of more greenhouse gas intensive fuels and the addition of wind and solar power generation depend on a variety of actions by multiple actors, trends in electric utility emissions from 2005 to 2012 indicate that these activities will occur.²¹⁷ Thus, the Project is anticipated to reduce greenhouse gas emissions in Minnesota overall and may reduce potential human and environmental impacts associated with global warming.²¹⁸

ii. Water Emissions

102. Wastewater from power systems at the Combined Facility will be collected and treated and then discharged to the Mankato WWTP.²¹⁹ The Mankato WWTP, after further treatment of the wastewater, will discharge it into the Minnesota River in accordance with the WWTP's permits.²²⁰ Discharges of wastewater are not anticipated to change as a result of the Expansion Project and are not anticipated to adversely impact public health.²²¹
103. Domestic wastewater from the Combined Facility will be discharged to the Mankato sanitary sewer system.²²² This discharge will be monitored by the city and is subject to pollutant discharge limits.²²³ No changes are anticipated in the handling of

²¹¹ *Id.*

²¹² *Id.*

²¹³ *Id.*

²¹⁴ *Id.*

²¹⁵ *Id.*

²¹⁶ *Id.*

²¹⁷ *Id.*

²¹⁸ *Id.*

²¹⁹ Exhibit 12 at 39-40.

²²⁰ *Id.*

²²¹ *Id.*

²²² *Id.*

²²³ *Id.*

domestic wastewater as a result of the Expansion Project and no impacts to the Mankato sanitary sewer system or public health are anticipated.²²⁴

104. Stormwater from the power production areas at the Combined Facility will be treated to separate oil and water – oil will be shipped off-site for disposal; water will be recycled as cooling water makeup.²²⁵ Stormwater from non-power production areas will be routed to an existing stormwater basin.²²⁶ Stormwater flows from this basin through a drainage ditch to the Minnesota River; discharges are regulated by a national pollutant discharge elimination system / sanitary disposal system (NPDES/SDS) permit.²²⁷ No changes in stormwater handling are anticipated as a result of the expansion project; no public health impacts are anticipated as a result of stormwater from the project.²²⁸

iii. Water Vapor Plumes

105. Water vapor plumes from the stacks and from the cooling towers of the Combined Facility will have the potential to impair visibility and/or create icy areas on nearby roadways.²²⁹ The plumes rising from the HRSG stacks should dissipate well before reaching ground level.²³⁰ The cooling towers are designed to incorporate high efficiency drift eliminators to minimize fogging and icing potential from the plant.²³¹ Summit Avenue and 3rd Avenue, the nearest adjacent roadways, are at least 800 feet away from the cooling towers.²³² The Existing Facility has not received any complaints concerning plumes from the facility and additional plumage is anticipated to be minimal.²³³ Because plumes are anticipated to dissipate before reaching roadways, potential impacts to public health and safety due to water vapor plumes are anticipated to be minimal.²³⁴

iv. Fire and Electrocutation

106. Power generation equipment at the Combined Facility will have the potential to adversely impact public health by means of fire or electrocution.²³⁵ Because of systems and controls in place at the Existing Facility, because access to the Existing Facility is controlled, and because the facility is relatively distant from populated

²²⁴ *Id.*

²²⁵ *Id.*

²²⁶ *Id.*

²²⁷ *Id.*

²²⁸ *Id.*

²²⁹ Exhibit 12 at 38-39.

²³⁰ *Id.*

²³¹ *Id.*

²³² *Id.*

²³³ *Id.*

²³⁴ *Id.*

²³⁵ Exhibit 12 at 40.

areas (approximately one-half mile), the risk to public health and safety from fire and electrocution is anticipated to be minimal.²³⁶

K. Effects on Land Based Economics

i. Agriculture

107. The Expansion Project will be located within the fence line of the Existing Facility.²³⁷ Additional land outside the fence line of the Existing Facility will be secured to serve as temporary construction laydown space and parking areas.²³⁸ The estimated construction time frame for the Expansion Project is approximately 24 to 27 months, which means the temporary construction laydown space, if located on agricultural land, would be used for two growing seasons.²³⁹ The amount of land needed for temporary construction space is less than 15 acres.²⁴⁰ This temporary use of agricultural lands for construction laydown space would only result in a very minor decrease in agricultural production for a limited time.²⁴¹ The Combined Facility would not result in permanent impacts to agricultural lands or crop production.²⁴²

ii. Forestry

108. The Expansion Project will be located within the fence line of the Existing Facility which is a developed site and will not result in the loss of trees or clearing of forest lands.²⁴³ There will be no adverse effects to the forestry economy as a result of the Combined Facility.²⁴⁴

iii. Tourism

109. The Combined Facility site is located in an existing industrial area and is not located on or near local tourist attractions.²⁴⁵ Construction of the Expansion Project will take place within the fence line of the Existing Facility.²⁴⁶ There will be no adverse effects to the tourism economy from the Combined Facility.²⁴⁷

iv. Mining

²³⁶ *Id.*

²³⁷ Exhibit 2 at 6-1; Exhibit 12 at 41.

²³⁸ *Id.*

²³⁹ *Id.*

²⁴⁰ *Id.*

²⁴¹ *Id.*

²⁴² *Id.*

²⁴³ *Id.*

²⁴⁴ *Id.*

²⁴⁵ Exhibit 2 at 6-2; Exhibit 12 at 41-42.

²⁴⁶ *Id.*

²⁴⁷ *Id.*

110. There will be no adverse effects to the mining economy from the Expansion Project.²⁴⁸ The Existing Facility site is a former limestone quarry that has been mined to completion and the Expansion Project will be located within the Existing Facility boundaries.²⁴⁹

L. Effects on Archaeological and Historic Resources

111. Information was requested from the State Historic Preservation Office (SHPO) about possible archeological, historical, or architectural resources located on or near the Expansion Project site.²⁵⁰ A response letter dated April 2, 2015 was received from SHPO indicating that no known or suspected archeological resources are present in the area that would be affected by the Expansion Project.²⁵¹ Further, SHPO indicated in its scoping comments that there are no archaeological or historic resources in the project area that would be affected by the Expansion Project.²⁵² Accordingly, and due to the disturbed nature of the site from the previous construction activity for the Existing Facility, construction of the Expansion Project and operation of the Combined Facility will have no impact on archeological, historical, or architectural resources.²⁵³

M. Effects on the Natural Environment

i. Air Quality

112. The construction of the Expansion Project and operation of the Combined Facility are not anticipated to result in changes to air quality that would impact plants, animals or soils.²⁵⁴ The Combined Facility must comply with applicable air emission standards in order to obtain an air permit from the MPCA.²⁵⁵ These standards are protective of public health and welfare, including the welfare of plants and animals.²⁵⁶

ii. Land

113. The Existing Facility site is approximately 25 acres in size and is located within an area currently zoned as Class 3A – Commercial/Industrial/Public Utility.²⁵⁷ The construction of the Expansion Project will take place within the fence line of the Existing Facility on property fully owned by MEC I.²⁵⁸

²⁴⁸ *Id.*

²⁴⁹ *Id.*

²⁵⁰ Exhibit 2, Appendix B.

²⁵¹ *Id.*

²⁵² Exhibit 8.

²⁵³ Exhibit 12 at 42.

²⁵⁴ *Id.*

²⁵⁵ *Id.*

²⁵⁶ *Id.*

²⁵⁷ Exhibit 2 at 8-1.

²⁵⁸ *Id.*

114. The Existing Facility currently contains one CTG, one HRSG with natural gas-fired duct burners, one steam turbine generator with an associated heat rejection system, and various associated machinery and equipment required for operation of the power plant.²⁵⁹ An outside storage area containing sanitary and storm sewer pipe and miscellaneous construction material is located on the east side of the site.²⁶⁰ The Expansion Project will add one natural gas-fired CTG, an additional HRSG, and related ancillary equipment (e.g., four additional cooling tower cells and one emergency generator).²⁶¹
115. The Existing Facility site has been previously disturbed during facility construction and prior to that, by activities associated with past gravel and limestone mining activities and the nearby demolition landfill.²⁶² The disturbance for the construction of the Expansion Project will take place entirely within the boundaries of the Existing Facility site.²⁶³ The construction of the Expansion Project or operation of the Combined Facility will not result in significant changes in land cover or land use at the facility.²⁶⁴
116. The Applicant may secure land to use as temporary construction laydown space or parking areas.²⁶⁵ The execution of the options to utilize these parcels would ultimately be decided by the contractor selected for the Expansion Project.²⁶⁶ Utilization of these adjacent properties as temporary construction space would not alter their use classification.²⁶⁷ The existing wooded areas located along the east and south sides of the site will remain in place with only minimal potential disturbance by the Expansion Project.²⁶⁸ These wooded areas will continue to serve as a buffer and visual barrier between the site and adjacent properties.²⁶⁹
117. MEC I conducted a Phase I Environmental Site Assessment (ESA) and a limited Phase II investigation as part of the original construction to determine the potential for environmental liabilities associated with the site and adjacent properties.²⁷⁰ The Phase II study included a subsurface investigation that involved soil and groundwater sampling at five locations.²⁷¹ Based on the results presented in the Phase II report, it was determined that no environmental hazards were evident at the site due to past

²⁵⁹ *Id.*

²⁶⁰ *Id.*

²⁶¹ *Id.*

²⁶² *Id.*

²⁶³ *Id.*

²⁶⁴ *Id.*

²⁶⁵ *Id.*

²⁶⁶ *Id.*

²⁶⁷ *Id.*

²⁶⁸ *Id.*

²⁶⁹ *Id.*

²⁷⁰ Exhibit 2 at 8-2.

²⁷¹ *Id.*

land use that would require further action.²⁷² The Expansion Project will be constructed within the areas originally investigated by the Phase I and Phase II ESA reports and no further ESA investigations are needed to support this construction.²⁷³

118. Ground elevation at the Existing Facility is relatively constant with a base elevation of 800 feet mean sea level (MSL).²⁷⁴ The main area that differs from the base elevation is the existing stormwater pond in the northeast corner of the site with a bottom elevation of 784 feet MSL.²⁷⁵ The site previously had more variation in elevation prior to construction of the Existing Facility, which included significant earth moving as part of the cut and fill balance to bring the site to a level grade.²⁷⁶ Now that the site is flat and level, significant earth moving activities will not be needed for the construction the Expansion Project.²⁷⁷

1. Subsurface Investigations

119. Soil borings were collected as part of the construction of the Existing Facility.²⁷⁸ The information from the soil borings was used to aid in the design of the building and equipment foundations of the Existing Facility and also identified the depth to ground water which was approximately 20 feet below surface.²⁷⁹ There were recent soil borings conducted in 2015 to investigate and confirm the soil conditions at the site.²⁸⁰ The soil boring information will be used to aide in the design of the new features of the Expansion Project and to determine construction conditions and methods.²⁸¹

iii. Water Resources

1. Floodplains

120. Federal Emergency Management Agency (FEMA) mapping done for Blue Earth County and the City of Mankato indicates that the Combined Facility is not located within the 100-year floodplain.²⁸² The Expansion Project will be constructed at existing grade and will not result in undue risk of flooding or impacts to the 100-year floodplain.²⁸³

2. Shoreland Protection Areas

²⁷² *Id.*

²⁷³ *Id.*

²⁷⁴ *Id.*

²⁷⁵ *Id.*

²⁷⁶ *Id.*

²⁷⁷ *Id.*

²⁷⁸ *Id.*

²⁷⁹ *Id.*

²⁸⁰ *Id.*

²⁸¹ *Id.*

²⁸² Exhibit 12 at 46.

²⁸³ *Id.*

121. The Existing Facility meets the Blue Earth County Shoreland Ordinance setback requirements for the stream east of the facility fence line.²⁸⁴ The Expansion Project occurs within the fence line boundary, and will not encroach on the setbacks for the creek shoreland zone.²⁸⁵ There are no anticipated impacts to shoreland protection areas.²⁸⁶

3. Wetlands

122. There are no wetlands within the fence line of Existing Facility; no impacts to wetlands are anticipated as a result of the expansion Project.²⁸⁷

4. Groundwater

123. The Expansion Project does not require groundwater wells to be installed on site to serve the Combined Facility.²⁸⁸ Groundwater at the site is hydrologically connected to surface waters; thus, pollutants in surface waters could affect groundwater.²⁸⁹ Impacts to surface waters due to emissions of potential pollutants are anticipated to be minimal; thus, no adverse impacts to groundwater are anticipated as a result of the Project.²⁹⁰

5. Stormwater Runoff and Management

124. The Expansion Project will be constructed entirely within the fence line of the Existing Facility and as a result all disturbances associated with the construction will be on the current site.²⁹¹ A little less than four acres of the Existing Facility site is expected to be disturbed for construction of the Expansion Project.²⁹² After completion of construction, all stormwater runoff from the Combined Facility will be directed to the existing stormwater pond.²⁹³ The Expansion Project will not result in an increase in impervious surface within the Existing Facility boundaries.²⁹⁴
125. The existing stormwater pond was originally designed and constructed to treat runoff from the entire Combined Facility and will provide settling capacity and discharge rate control prior to discharging into the nearby drainage ditch.²⁹⁵ The stormwater pond and outlet have been designed to meet the City of Mankato's requirements for

²⁸⁴ Exhibit 2 at 8-3.

²⁸⁵ *Id.*

²⁸⁶ *Id.*

²⁸⁷ Exhibit 12 at 48.

²⁸⁸ Exhibit 12 at 46-48.

²⁸⁹ *Id.*

²⁹⁰ *Id.*

²⁹¹ Exhibit 2 at 8-4.

²⁹² *Id.*

²⁹³ *Id.*

²⁹⁴ *Id.*

²⁹⁵ *Id.*

water retention areas for new development projects that create new impervious surfaces of one acre or greater.²⁹⁶ Due to the nature of the existing permeable soils and underlying bedrock material, the stormwater pond functions similar to an infiltration basin, retaining water for short periods of time and thus providing additional stormwater treatment and further reducing runoff volumes and peak discharge rates.²⁹⁷

126. The Combined Facility will continue to be properly maintained and good site housekeeping practices will be utilized to keep all road surfaces clean, reducing solids loading in stormwater runoff.²⁹⁸ Landscaped areas and natural vegetation buffer strips along the perimeter of the Combined Facility, which have low runoff potential, provide further treatment of stormwater runoff by filtering out nutrients and suspended solids and promoting infiltration into underlying permeable soils.²⁹⁹ The eastern one-third of the Existing Facility site (approximately eight acres) that contains the stormwater pond and wooded areas will not be disturbed by the construction of the Expansion Project.³⁰⁰
127. Stormwater runoff that comes into contact with the outdoor steam generator step-up transformer pad, combustion turbine pads, and other process areas where there is potential for pollutant contamination by oils and other chemicals from pumps and motors, will be confined within curbed areas and drain to two area sump pump systems.³⁰¹ The collected stormwater will be routed to an oil/water separator and water will be recycled into the cooling tower make-up water system.³⁰² Oil removed through the separation process and related materials will be properly managed and disposed of offsite in accordance with applicable local, state, and federal requirements.³⁰³
128. The proposed best management practices (BMPs) described above that will be implemented at the Combined Facility have proven to be effective methods of treating stormwater runoff and are management techniques typically recommended by the MPCA, watershed management organizations, and other water management and planning agencies.³⁰⁴ As a result, stormwater runoff from the Combined Facility will not adversely affect the flow rates or water quality in downstream receiving waters.³⁰⁵

6. Storm Water Pollution Prevention Plan

²⁹⁶ *Id.*

²⁹⁷ *Id.*

²⁹⁸ Exhibit 2 at 8-5.

²⁹⁹ *Id.*

³⁰⁰ *Id.*

³⁰¹ Exhibit 2 at 8-4 to 8-5.

³⁰² *Id.*

³⁰³ Exhibit 2 at 8-5; Exhibit 12 at 45.

³⁰⁴ Exhibit 2 at 8-5.

³⁰⁵ *Id.*

129. The existing industrial Stormwater Pollution Prevention Plan (SWPPP) will be updated for the Combined Facility in compliance with coverage under Minnesota NPDES General Stormwater Discharge Permit MN R050000 for industrial activities.³⁰⁶

7. Erosion and Sediment Control

130. Since construction of the Expansion Project will disturb more than one acre of land (a little less than four acres of the site will be disturbed), a permit application for coverage under Minnesota NPDES General Stormwater Discharge Permit (MN R100001) for construction activities is required and will be submitted to the MPCA prior to construction.³⁰⁷ The permit application will certify that temporary and permanent erosion and sediment control plans have been prepared and implemented to prevent soil particles from being transported offsite.³⁰⁸ The existing stormwater pond is designed in accordance with the criteria set forth in the General Permit for sedimentation/infiltration basins.³⁰⁹ The pond will be available to serve as a temporary sediment basin during construction.³¹⁰
131. The Applicant will ensure that adequate measures are taken to minimize soil erosion and sedimentation on the site.³¹¹ Temporary erosion and sediment control measures will be maintained during construction and will remain in place until the Expansion Project has been completed.³¹² The site will be stabilized and vegetation will be reestablished as needed, which is expected to be limited based on the very small amount of vegetated areas that may be disturbed.³¹³ In addition to the stormwater pond, control measures such as silt fence, staked hay bales, sediment filters and traps, erosion control matting, mulching, and crushed rock pads will also be used where applicable, specifically between the construction areas and the wooded eastern one-third of the site that will not be disturbed by construction.³¹⁴ The total disturbed areas from construction will be minimal; however, as needed, all disturbed areas of the site will be seeded and mulched as soon as practical where applicable.³¹⁵

8. Wastewater Discharges

132. The Combined Facility will continue to manage wastewater in the same manner as existing conditions and will not add or change wastewater flow pathways or discharge points.³¹⁶ The Expansion Project will increase the use of grey water from the City of Mankato WTP; the Applicant will install upgrades as required at the

³⁰⁶ Exhibit 2 at 8-5.

³⁰⁷ *Id.*

³⁰⁸ *Id.*

³⁰⁹ *Id.*

³¹⁰ *Id.*

³¹¹ Exhibit 2 at 8-6.

³¹² *Id.*

³¹³ *Id.*

³¹⁴ *Id.*

³¹⁵ *Id.*

³¹⁶ *Id.*

WWTP to accommodate the Expansion Project.³¹⁷ The handling of additional process wastewater at the Combined Facility is not anticipated to impact surface waters.³¹⁸

9. Evaporative Loss of Cooling Water

133. When running at full power the Existing Facility has the potential to evaporate 3.48 million gallons per day (MGD) from the plant's cooling towers; with the Expansion Project, the plant will have the potential to evaporate 6.06 MGD.³¹⁹
134. Because the plant does not run continuously, but rather only when needed by the electrical transmission grid, average daily water evaporation is approximately one-tenth that of maximum potential evaporation.³²⁰ On average, the Existing Facility evaporates 0.34 MGD; with the Expansion Project, the plant will evaporate, on average, approximately 0.47 MGD.³²¹
135. The wastewater used for cooling at the plant, were it not lost to evaporation, would be discharged by the Mankato WWTP to the Minnesota River.³²² The Mankato WWTP treats and discharges, on average, approximately 7.0 MGD.³²³ Thus, evaporation from the plant, with the Expansion Project, will remove approximately 6.7 percent of the WWTP's average discharge to the Minnesota River.³²⁴
136. Potential impacts of evaporative loss of cooling water are anticipated to be minimal.³²⁵ Cooling water used at the plant is wastewater that has already provided ecosystem services to plants and animals.³²⁶ Further, the evaporative loss is not anticipated to impact the Minnesota River or the habitat it provides for plants and animals, as the evaporative loss is insignificant compared with the flow volume of the Minnesota River.³²⁷

iv. Biological Resources

1. Vegetation

137. The Expansion Project will include the construction of additional power generating equipment and buildings within the fence line of the Existing Facility.³²⁸ There is no vegetation within the fence line and thus there will be no clearing of vegetation for

³¹⁷ *Id.*

³¹⁸ *Id.*

³¹⁹ Exhibit 12 at 43-45.

³²⁰ *Id.*

³²¹ *Id.*

³²² *Id.*

³²³ *Id.*

³²⁴ *Id.*

³²⁵ *Id.*

³²⁶ *Id.*

³²⁷ *Id.*

³²⁸ Exhibit 2 at 8-7.

the Expansion Project within the fence line.³²⁹ The materials for the construction of the Expansion Project will be transported to the site on existing roads and construction activity will occur on land that is currently disturbed.³³⁰ The Expansion Project will require the temporary use of approximately 15 acres for construction laydown and parking.³³¹ This will be agricultural land or industrial land.³³² In sum, impacts to vegetation as a result of the Expansion Project are anticipated to be minimal.³³³

2. Wildlife and Wildlife Habitat

138. The Existing Facility is a developed industrial property that does not provide habitat for wildlife and is located adjacent to other industrial properties.³³⁴ There is wildlife habitat in the vicinity of the Expansion Project but this habitat will not be impacted.³³⁵ There are no anticipated impacts to wildlife or wildlife habitat.³³⁶

3. Sensitive Species and Habitats

139. There are some sensitive species and habitats in the vicinity of the Expansion Project, mainly associated with the areas along and within the Minnesota River.³³⁷ The Minnesota River and adjacent habitats will not be impacted or disturbed by the Expansion Project.³³⁸ There are no anticipated impacts to sensitive species and habitats.³³⁹

N. Rare and Unique Natural Resources

140. A review of natural resource databases indicated that there are several rare and unique natural resources in the vicinity of the Expansion Project but that these resources would not be impacted by its construction or the operation of the Combined Facility.³⁴⁰ There are no anticipated impacts to rare and unique natural resources as a result of the Expansion Project.³⁴¹
141. The U.S. Fish and Wildlife Service listed the Northern Long-eared Bat (*Myotis septentrionalis*) as threatened under the Endangered Species Act and implemented an interim 4(d) rule effective May 4, 2015, which generally prohibits purposeful

³²⁹ *Id.*

³³⁰ *Id.*

³³¹ *Id.*

³³² *Id.*

³³³ Exhibit 2 at 8-7; Exhibit 12 at 48.

³³⁴ Exhibit 2 at 8-7.

³³⁵ *Id.*

³³⁶ *Id.*

³³⁷ Exhibit 2 at 8-8.

³³⁸ *Id.*

³³⁹ *Id.*

³⁴⁰ Exhibit 12 at 49-50.

³⁴¹ *Id.*

taking of northern long-eared bats throughout the species' range.³⁴² The bats hibernate in caves and mines during the winter and roost in trees during the summer.³⁴³ There will be very limited clearing of trees (less than one acre) during the construction of the Expansion Project.³⁴⁴ Therefore no impacts to the northern long-eared bat are anticipated.³⁴⁵

O. Applicability of Design Options

142. The Expansion Project will take place within the existing MEC site and involves the planned completion of the facility through the addition of a new additional power train.³⁴⁶ The additional power train will allow the Combined Facility to operate in a 2 x 1 configuration with two combined cycle turbines providing steam to one steam turbine.³⁴⁷ The Existing Facility was designed and constructed to accommodate the Expansion Project.³⁴⁸
143. Use of the existing MEC site for the Expansion Project is a design option that maximizes energy efficiencies and mitigates adverse environmental impacts.³⁴⁹

P. Use or Paralleling of Existing Rights-of-way

144. The Expansion Project will be constructed within the existing MEC site.³⁵⁰ The Applicant will secure temporary construction and laydown space from local property owners.³⁵¹ No additional land or right-of-way will be needed for the construction or operation of the Expansion Project.³⁵²
145. The use or paralleling of existing rights-of-way is not required for the Expansion Project.³⁵³

Q. Use of Existing Large Electric Power Generating Plant Sites

146. The Expansion Project will be constructed within the existing MEC site which is a large electric power generating plant site.³⁵⁴

R. Electrical System Reliability

³⁴² Exhibit 2 at 9-1.

³⁴³ *Id.*

³⁴⁴ *Id.*

³⁴⁵ *Id.*

³⁴⁶ Exhibit 2 at 2-1 to 2-2.

³⁴⁷ *Id.*

³⁴⁸ *Id.*

³⁴⁹ Exhibit 12 at 53.

³⁵⁰ Exhibit 2 at 2-1.

³⁵¹ Exhibit 2 at 2-3.

³⁵² *Id.*

³⁵³ Exhibit 12 at 51.

³⁵⁴ Exhibit 2 at 2-1.

147. The Expansion Project will ensure reliable electrical power for projected electrical needs within the state.³⁵⁵ The Expansion Project was selected by the Commission in a competitive resource acquisition process to meet these projected electrical needs.³⁵⁶

S. Adverse Human and Environmental Effects Which Cannot be Avoided

148. The Expansion Project will create unavoidable human and environmental impacts including: the use of natural gas, a limited carbon feedstock; air emissions; greenhouse gas emissions; aesthetic impacts; and temporary construction impacts.³⁵⁷

T. Irreversible and Irretrievable Commitment of Resources

149. The commitment of land for the Expansion Project is likely an irreversible commitment of resources.³⁵⁸
150. The commitments of steel, carbon, and concrete for the Expansion Project, as well as labor and fiscal resources, are irretrievable, though it is possible that the steel used for the Project could be recycled at some point in the future.³⁵⁹

VII. Notice

151. Minnesota statutes and rules require the Applicant to provide appropriate notice to the Commission, public, and local governments before and during the Site permit Application process.³⁶⁰
152. The Applicant provided notice to the Commission, public and local governments in satisfaction of Minnesota statutes and rules.³⁶¹
153. The Applicant did not provide the notice of application submittal within the 15-day time limit prescribed under Minnesota Rule 7850.2100, subpart 2. Upon recognizing the oversight the Applicant, on May 5, 2016, issued a Notice of Site Permit Proceedings and Additional Comment Period in accordance with the rule requirements. Although not required by rule, the notice provided for a 10-day period within which parties could provide comment on the Expansion project to ensure

³⁵⁵ Exhibit 12 at 53.

³⁵⁶ Exhibit 12 at 1 and 5.

³⁵⁷ Exhibit 12 at 53-54.

³⁵⁸ *Id.* at 54.

³⁵⁹ *Id.*

³⁶⁰ Minnesota Statute 216E.04, Subd. 4; Minnesota Rules 7850.2100, Subp.2 and Subp.4; Minnesota Rules 7850.2800, Subp. 2.

³⁶¹ Exhibit 1; Exhibit 7.

adequate opportunity to participate in the project record. No additional comments were received during the 10-day comment period.³⁶²

154. Minnesota statutes and rules require the Commission and DOC EERA to provide notice to the public throughout the Site Permit process.³⁶³
155. The Commission and DOC EERA provided notice in satisfaction of Minnesota statutes and rules.³⁶⁴

VIII. Completeness of the EA

156. The Commission is required to determine the completeness of the EA.³⁶⁵ An EA is complete if it and the record address the issues and alternatives identified in the Scoping Decision.³⁶⁶
157. The evidence on the record demonstrates that the EA prepared by the DOC EERA is complete because the EA and the record address the issues identified in the Scoping Decision.³⁶⁷

IX. Site Permit Conditions

158. The EA prepared to evaluate the Expansion Project included the Commission's Generic Site Permit Template.³⁶⁸ The Site Permit Template contains proposed permit conditions applicable to the construction and operation of the Expansion Project including proposed mitigation measures.³⁶⁹
159. The Applicant commented on the proposed permit conditions in the Site Permit Template.³⁷⁰ The Applicant noted that permit condition 4.2.4 of the Site Permit Template requires that the Project be constructed only during daytime hours to ensure compliance with Minnesota noise standards.³⁷¹ The Applicant indicated that in order to meet the project's commercial operation date, continuous 24 hour activity may be required at the Project site to complete construction, system commissioning and operation preparation activities.³⁷² The Applicant requested that permit condition 4.2.4 be revised to allow for 24 hour activity at the Project site and

³⁶² See Docket IP6949/GS-15-620 Document ID: 20165-121277-01, 20165-121072-01, 20165-121062-01, and 20165-121071-01

³⁶³ Minnesota Statute 216E.04, Subd. 6; Minnesota Rules 7850.3300; Minnesota Rules 7850.3500; Minnesota Rules 7850.3700.

³⁶⁴ Exhibit 3; Exhibit 6; Exhibit 10; Exhibit 13; Exhibit 14; Exhibit 15; Exhibits 17 and 18.

³⁶⁵ Minnesota Rules 7850.3900, Subp. 2.

³⁶⁶ *Id.*

³⁶⁷ Exhibit 9; Exhibit 12.

³⁶⁸ Exhibit 12 at Appendix B.

³⁶⁹ *Id.*

³⁷⁰ Calpine Comments (March 18, 2016) (eDockets Number 20163-119274-01)

³⁷¹ *Id.*

³⁷² *Id.*

indicated that all such activity would be in compliance with Minnesota noise standards.³⁷³

160. Minnesota state noise standards allow for and provide permissible noise levels for daytime and nighttime activities.³⁷⁴

Conclusions

1. The Commission has jurisdiction over the Site Permit Application submitted by MEC II for the Mankato Energy Center Expansion Project pursuant to Minn. Stat. § 216E.04.
2. The Project was selected by the Commission is a competitive resource acquisition process established by the Commission and is exempt from Certificate of Need requirements.
3. MEC II has substantially complied with the procedural requirements of Minn. Stat. § 216E and Minn. R. 7850.
4. The Commission has complied with all procedural requirements required by Minn. Stat. § 216E and Minn. R. 7850.
5. The DOC-EERA has complied with all procedural requirements and conducted an appropriate environmental analysis of the Project for purposes of this proceeding in accordance with Minn. Stat. § 216E.04, Subd. 5.
6. The EA satisfies Minn. R. 7850.3700. Specifically, the EA and the record address the issues and alternatives identified in the Scoping Decision to a reasonable extent considering the availability of information, including the items required by Minn. R. 7850.3700, Subp. 4, and was prepared in compliance with the procedures in Minn. R. 7850.3700.
7. A Public hearing was conducted near the proposed site for the Project. Proper notice of the public hearing was provided, and members of the public were given the opportunity to speak at the hearing and also to submit written comments.
8. The evidence on the record demonstrates that the Site Permit Template contains mitigation measures and other reasonable conditions which should be incorporated into the final Site Permit for the Project.
9. It is appropriate for section 4.2.4 of the Site Permit Template to be revised to allow for daytime and nighttime construction activities at the Project site, provided that all activities are in compliance with Minnesota noise standards:

Noises created by construction and routine maintenance activities shall not exceed Minnesota noise level standards, as these standards are defined in Minn. R. Chapter 7030.

³⁷³ *Id.*

³⁷⁴ Ex. 12 at 27-28; see Minnesota Rule 7030.0040.

10. Due to the notice failure, and the requested modification to the site permit condition regarding nighttime noise, it is reasonable to require the Applicant to meet with local governmental representatives regarding nighttime construction activities, as noted in section 5.1 of the Site Permit.
11. The Project satisfies the site permit criteria for a large electric power generating plant in Minn. Stat. § 216E.03 and Minn. R. 7850, and meets all other legal requirements.

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

SITE PERMIT FOR A
LARGE ELECTRIC POWER GENERATING PLANT AND ASSOCIATED FACILITIES

IN
BLUE EARTH COUNTY

ISSUED TO
MANKATO ENERGY CENTER II, LLC

PUC DOCKET NO. IP6949/GS-15-620

In accordance with the requirements of Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850 this site permit is hereby issued to:

MANKATO ENERGY CENTER II, LLC

The Permittee is authorized by this site permit to construct and operate the 345 megawatt expansion of the existing Mankato Energy Center by the addition of a combustion turbine generator, a heat recovery steam generator, and associated equipment.

The large electric power generating plant and associated facilities shall be built within the site identified in this permit and as portrayed in the official site map(s) and in compliance with the conditions specified in this permit.

Approved and adopted this 23rd day of June 2016

BY ORDER OF THE COMMISSION



Daniel P. Wolf,
Executive Secretary

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FIGURES

Official Site Map

ATTACHMENTS

Complaint Procedures for a Large Electric Generating Plant
Compliance Filing Procedures for Permitted Energy Facilities

1.0 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Mankato Energy Center II, LLC (MEC II or Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This permit authorizes Mankato Energy Center II, LLC to construct and operate the 345 megawatt (MW) expansion of the existing Mankato Energy Center, and as identified in the attached site permit map(s), hereby incorporated into this document.

1.1 Pre-emption

Pursuant to Minn. Stat. § 216E.10, this site permit shall be the sole site approval required for the construction of the large electric power generating plant (LEPGP) and associated facilities. This permit shall supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government.

2.0 PROJECT DESCRIPTION

MEC II will expand the existing Mankato Energy Center (MEC) by adding a combustion turbine generator (CTG), a heat recovery steam generator (HRSG), and associated equipment. The existing MEC facility has one CTG, one HRSG, and a steam turbine. After the expansion the facility will have two CTGs and two HRSGs. The two HRSGs will drive the existing and sole steam turbine. The project will use natural gas as a fuel source. The expansion of the MEC will allow for the production of an additional 345 MW of electrical power.

Existing infrastructure installed for the MEC (electrical transmission, gas pipeline, and water service) will be used for the project.

2.1 Project Location

The project is located in Lime Township, Blue Earth County, Minnesota..

2.2 Associated Facilities

3.0 DESIGNATED SITE

The site designated by the Commission in this permit is the site described below and shown on the site permit maps attached to this permit.

The facility modifications are wholly contained within the existing project site and the expansion facility equipment is shown on the attached site permit map. The layout represents the approximate location of the expanded LEPGP and associated facilities and seeks to minimize the overall potential human and environmental impacts of the project, which were evaluated during the permitting process. Any modifications to the facility depicted in the anticipated layout shall be done in such a manner as to have comparable overall human and environmental impacts and shall be specifically identified in the site plan pursuant to Section 8.3.

4.0 GENERAL CONDITIONS

The Permittee shall comply with the following conditions during construction and operation of the LEPGP and associated facilities over the life of this permit.

4.1 Notification

Within 14 days of issuance of this permit, the Permittee shall send a copy of the permit to any regional development commission, county, city, and township in which any part of the site is located.

The Permittee shall provide all affected landowners with a copy of this permit and, as a separate information piece, the complaint procedures at the time of the first contact with the affected landowners after issuance of this permit. The Permittee shall contact landowners prior to entering the property or conducting maintenance within the site, unless otherwise negotiated with the affected landowner.

4.2 Construction and Operation Practices

The Permittee shall follow those specific construction practices, operation practices, and material specifications described in Mankato Energy Center II, LLC's August 5, 2015 Site Permit Application for a site permit for the Mankato Energy Center Expansion Project, and the record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail.

4.2.1 Field Representative

The Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this permit during construction of the project. This person shall be accessible by telephone or other means during normal business hours throughout site preparation, construction, cleanup, and restoration.

The Permittee shall file with the Commission the name, address, email, phone number, and emergency phone number of the field representative 14 days prior to commencing construction. The Permittee shall provide the field representative's contact information to affected landowners, residents, local government units and other interested persons. The Permittee may change the site manager at any time upon notice to the Commission, affected landowners, residents, local government units and other interested persons.

4.2.2 Employee Training and Education of Permit Terms and Conditions

The Permittee shall inform all employees, contractors, and other persons involved in the construction and ongoing operation of the facility of the terms and conditions of this permit.

4.2.3 Temporary Work Space

Temporary work space and equipment staging areas shall be selected to limit the removal and impacts to vegetation. Temporary work space shall not be sited in wetlands or native prairie as defined in sections 4.2.8 and 4.2.9. Temporary work space shall be sited to comply with standards for development of the shorelands of public waters as defined in Section 4.2.8. Temporary easements outside of the authorized site boundary will be obtained from affected landowners through rental agreements and are not provided for in this permit.

4.2.4 Noise

Construction and routine maintenance activities shall be conducted in accordance with Minn. R. 7030.0010 to 7030.0080.

4.2.5 Aesthetics

The Permittee shall consider input pertaining to visual impacts from landowners or land management agencies prior to final location of structures with the potential for visual disturbance. To minimize aesthetic impacts, the Permittee shall preserve the natural landscape, minimize vegetation removal, and prevent any unnecessary destruction of the natural surroundings in the vicinity of the Project during construction and maintenance.

4.2.6 Soil Erosion and Sediment Control

The Permittee shall implement those erosion prevention and sediment control practices recommended by the Minnesota Pollution Control Agency (MPCA) Construction Stormwater Program.

The Permittee shall implement reasonable measures to minimize erosion and sedimentation during construction and shall employ perimeter sediment controls, protect exposed soil by promptly planting, seeding, using erosion control blankets and turf reinforcement mats, stabilizing slopes, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking. Contours shall be graded as required so that all surfaces provide for proper drainage, blend with the natural terrain, and are left in a condition that will facilitate re-vegetation and prevent erosion. All areas disturbed during construction of the facilities shall be returned to pre-construction conditions as practicable.

In accordance with the MPCA requirements, Permittee shall obtain a National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater permit from the MPCA.

4.2.7 Public Lands

In no case shall the LEPGP or associated facilities including foundations, access roads, underground cable, and transformers, be located in the public lands identified in Minn. R. 7850.4400, subp. 1, or in federal waterfowl production areas. The LEPGP and associated facilities shall not be located in the public lands identified in Minn. R. 7850.4400, subp. 3, unless there is no feasible and prudent alternative.

4.2.8 Wetlands and Shoreland

The LEPGP and associated facilities, including access roads, underground cables, and transformers shall not be placed in public waters and public waters wetlands, as shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources (DNR) and the United States Army Corps of Engineers (USACE), and local units of government as implementers of the Minnesota Wetlands Conservation Act. The generating plant and associated facilities including foundations, access roads, underground cables, and transformers, shall be located in compliance with the standards

for development of the shorelands of public waters as identified in Minn. R. 6120.3300, and as adopted, Minn. R. 6120.2800, unless there is no feasible and prudent alternative.

Construction in wetland areas shall occur during frozen ground conditions to minimize impacts. When construction during winter is not possible, wooden or composite mats shall be used to protect wetland vegetation. Soil excavated from the wetlands and riparian areas shall be contained and not placed back into the wetland or riparian area. Wetlands and riparian areas shall be accessed using the shortest route possible in order to minimize travel through wetland areas and prevent unnecessary impacts.

Wetland and water resource areas disturbed by construction activities shall be restored to pre-construction conditions. Restoration of the wetlands will be performed by Permittee in accordance with the requirements of applicable state and federal permits or laws and landowner agreements.

4.2.9 Native Prairie

The Permittee shall prepare a prairie protection and management plan in consultation with the DNR if native prairie, as defined in Minn. Stat. § 84.02, subd. 5, is identified within the site boundary. The Permittee shall file the plan 30 days prior to submitting the site plan required by Section 8.3 of this permit. The plan shall address steps that will be taken to avoid impacts to native prairie and mitigation to unavoidable impacts to native prairie by restoration or management of other native prairie areas that are in degraded condition, by conveyance of conservation easements, or by other means agreed to by the Permittee, DNR and the Commission.

The LEPGP and associated facilities including foundations, access roads, collector and feeder lines, underground cables, and transformers shall not be placed in native prairie unless addressed in a prairie protection and management plan and shall not be located in areas enrolled in the Native Prairie Bank Program. Construction activities, as defined in Minn. Stat. § 216E.01, shall not impact native prairie unless addressed in a prairie protection and management plan.

4.2.10 Vegetation Management

The Permittee shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation and maintenance of the project.

The Permittee shall minimize the number of trees to be removed in selecting the site layout specifically preserving to the maximum extent practicable windbreaks,

shelterbelts, living snow fences, and vegetation, to the extent that such actions do not violate sound engineering principles.

4.2.11 Invasive Species

The Permittee shall employ best management practices to avoid the potential spread of invasive species on lands disturbed by project construction activities.

4.2.12 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of construction. When utilizing seed to establish temporary and permanent vegetative cover on exposed soil the Permittee shall select site appropriate seed certified to be free of noxious weeds. To the extent possible, the Permittee shall use native seed mixes. The Permittee shall consult with landowners on the selection and use of seed for replanting.

4.2.13 Roads

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city or township roads that will be used during the construction phase of the project. Where practical, existing roadways shall be used for all activities associated with construction of the facility. Oversize or overweight loads associated with the facility shall not be hauled across public roads without required permits and approvals. The Permittee shall, prior to the use of such roads, make satisfactory arrangements with the appropriate state, county, and city governmental bodies having jurisdiction over the roads to be used for construction, for repair and maintenance of those roads that will be subject to extra wear and tear due to transportation of equipment and materials. The Permittee shall notify the Commission of such arrangements upon request of the Commission.

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.

4.2.14 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to identified archaeological and historic resources when constructing the facility. If required by the State Historic Preservation Office (SHPO), the Permittee shall conduct a survey of the project site. If a

survey is required, the results shall be submitted to the Commission with the site plan pursuant to Section 8.3.

In the event that a resource is encountered, the Permittee shall contact and consult with SHPO and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize project impacts on the resource consistent with SHPO and State Archaeologist requirements.

Prior to construction, workers shall be trained about the need to avoid cultural properties, how to identify cultural properties, and procedures to follow if undocumented cultural properties, including gravesites, are found during construction. If human remains are encountered during construction, the Permittee shall immediately halt construction and promptly notify local law enforcement and the State Archaeologist. Construction at such location shall not proceed until authorized by local law enforcement or the State Archaeologist.

4.2.15 Interference with Communication Devices

If interference with radio or television, satellite, wireless internet, GPS-based agriculture navigation systems or other communication devices is caused by the presence or operation of the project, the Permittee shall take whatever action is feasible to restore or provide reception equivalent to reception levels in the immediate area just prior to the construction of the project.

4.2.16 Restoration

The Permittee shall restore the areas affected by construction of the facility to the condition that existed immediately before construction began to the extent possible. The time period to complete restoration may be no longer than 12 months after completion of the construction, unless otherwise negotiated with the affected landowner. Restoration shall be compatible with the safe operation, maintenance and inspection of the project. Within 60 days after completion of all restoration activities, the Permittee shall advise the Commission in writing of the completion of such activities.

4.2.17 Cleanup

All waste and scrap that is the product of construction shall be removed from the site and all premises on which construction activities were conducted and properly disposed of upon completion of each task. Personal litter, including bottles, cans, and paper from construction activities shall be removed on a daily basis.

4.2.18 Pollution and Hazardous Wastes

All appropriate precautions to protect against pollution of the environment shall be taken by the Permittee. The Permittee shall be responsible for compliance with all laws applicable to the generation, storage, transportation, clean up and disposal of all wastes generated during construction and restoration of the site.

4.2.19 Damages

The Permittee shall promptly repair or fairly compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damages sustained during construction and operation unless otherwise negotiated with the affected landowner.

4.2.20 Public Safety

The Permittee shall provide educational materials to landowners adjacent to the site and, upon request, to interested persons about the project and any restrictions or dangers associated with the project. The Permittee shall also provide any necessary safety measures such as warning signs and gates for traffic control or to restrict public access. The Permittee shall submit the location of all underground facilities, as defined in Minn. Stat. § 216D.01, subd. 11, to Gopher State One Call following the completion of construction at the site.

4.2.21 Site Identification

The site shall be marked with a visible identification number and or street address.

4.3 Other Requirements

4.3.1 Safety Codes and Design Requirements

The LEPGP and associated facilities shall be designed to meet or exceed all relevant local and state codes, Institute of Electrical and Electronics Engineers, Inc. (IEEE) standards, the National Electric Safety Code (NESC), and North American Electric Reliability Corporation (NERC) requirements.

4.3.2 Other Permits and Regulations

The Permittee shall comply with all applicable state rules and statutes. The Permittee shall obtain all required permits for the project and comply with the conditions of these permits. The Permittee shall submit a copy of such permits to the Commission upon request.

5.0 SPECIAL CONDITIONS

5.1 Meeting with Local Representatives Regarding Nighttime Construction

Within 90 days of the issuance of the Site Permit the Permittee shall meet with Blue Earth County and the City of Mankato to discuss planned nighttime noise construction activities. Within 60 days of the meetings, the Permittee shall file a compliance filing with a summary of whether the county or city had any concerns with the nighttime construction activities, and if so, what construction considerations were agreed upon.

6.0 DELAY IN CONSTRUCTION

If the Permittee has not commenced construction or improvement of the site within four years after the date of issuance of this permit the Permittee shall file a report on the failure to construct and the Commission shall consider suspension of the permit in accordance with Minn. R. 7850.4700.

7.0 COMPLAINT PROCEDURES

Prior to the start of construction, the Permittee shall submit to the Commission the procedures that will be used to receive and respond to complaints. The procedures shall be in accordance with the requirements of Minn. R. 7829.1500 or Minn. R. 7829.1700, and as set forth in the complaint procedures attached to this permit.

Upon request, the Permittee shall assist the Commission with the disposition of unresolved or longstanding complaints. This assistance shall include, but is not limited to, the submittal of complaint correspondence and complaint resolution efforts.

8.0 COMPLIANCE REQUIREMENTS

Failure to timely and properly make compliance filings required by this permit is a failure to comply with the conditions of this permit. Compliance filings must be electronically filed with the Commission.

8.1 Site Plan

At least 30 days prior to commencing construction, the Permittee shall provide the Commission with a site plan that includes specifications and drawings for site preparation and grading; specifications and locations of structures to be constructed including all electrical equipment, pollution control equipment, fencing, roads, and other associated facilities; and procedures for cleanup and restoration. The documentation shall include maps depicting the site boundary and layout in relation to that approved by this permit.

The Permittee may not commence construction until the 30 days has expired or until the Commission has advised the Permittee in writing that it has completed its review of the documents and determined that the planned construction is consistent with this permit. If the Permittee intends to make any significant changes to its site plan or the specifications and drawings after submission to the Commission, the Permittee shall notify the Commission at least five days before implementing the changes. No changes shall be made that would be in violation of any of the terms of this permit.

8.2 Periodic Status Reports

The Permittee shall report to the Commission on progress regarding site construction. The Permittee need not report more frequently than monthly. Reports shall begin with the submittal of the site plan for the project and continue until completion of construction or restoration, whichever is later.

8.3 Notification to Commission

At least ten days before the facility is to be placed into service, the Permittee shall notify the Commission of the date on which the facility will be placed into service and the date on which construction was complete.

8.4 As-Builts

Within 60 days after completion of construction, the Permittee shall submit copies of all final as-built plans and specifications developed during the project.

8.5 GPS Data

Within 60 days after completion of construction, the Permittee shall submit to the Commission, in the format requested by the Commission, geo-spatial information (e.g., ArcGIS compatible

map files, GPS coordinates, associated database of characteristics) for all structures associated with the generating system.

8.6 Emergency Response

The Permittee shall prepare an Emergency Response Plan in consultation with the emergency responders having jurisdiction over the facility prior to project construction. The Permittee shall submit a copy of the plan, along with any comments from emergency responders, to the Commission at least 30 days prior to construction. The Permittee shall provide as a compliance filing confirmation that the Emergency Response Plan was provided to the emergency responders and Public Safety Answering Points (PSAP) with jurisdiction over the facility prior to commencement of construction. The Permittee shall obtain and register the facility address or other location indicators acceptable to the emergency responders and PSAP having jurisdiction over the facility.

9.0 COMMISSION AUTHORITY AFTER PERMIT ISSUANCE

9.1 Final Boundaries

After completion of construction the Commission may determine the need to adjust the final site boundaries required for the project. This permit may be modified, after notice and opportunity for public hearing, to represent the actual site boundary required by the Permittee to operate the project authorized by this permit.

9.2 Expansion of Site Boundaries

No expansion of the site boundary described in this permit shall be authorized without the approval of the Commission. The Permittee may submit to the Commission a request for a change in the boundary of the site for the project. The Commission will respond to the requested change in accordance with applicable statutes and rules.

9.3 Modification of Conditions

After notice and opportunity for hearing this permit may be modified or amended for cause, including but not limited to the following:

- (a) violation of any condition in this permit;
- (b) endangerment of human health or the environment by operation of the Project; or
- (c) existence of other grounds established by rule.

9.4 More Stringent Rules

The issuance of this permit does not prevent the future adoption by the Commission of rules or orders more stringent than those now in existence and does not prevent the enforcement of these more stringent rules and orders against the Permittee.

10.0 PERMIT AMENDMENT

This permit may be amended at any time by the Commission. Any person may request an amendment of the conditions of this permit by submitting a request to the Commission in writing describing the amendment sought and the reasons for the amendment. The Commission will mail notice of receipt of the request to the Permittee. The Commission may amend the conditions after affording the Permittee and interested persons such process as is required.

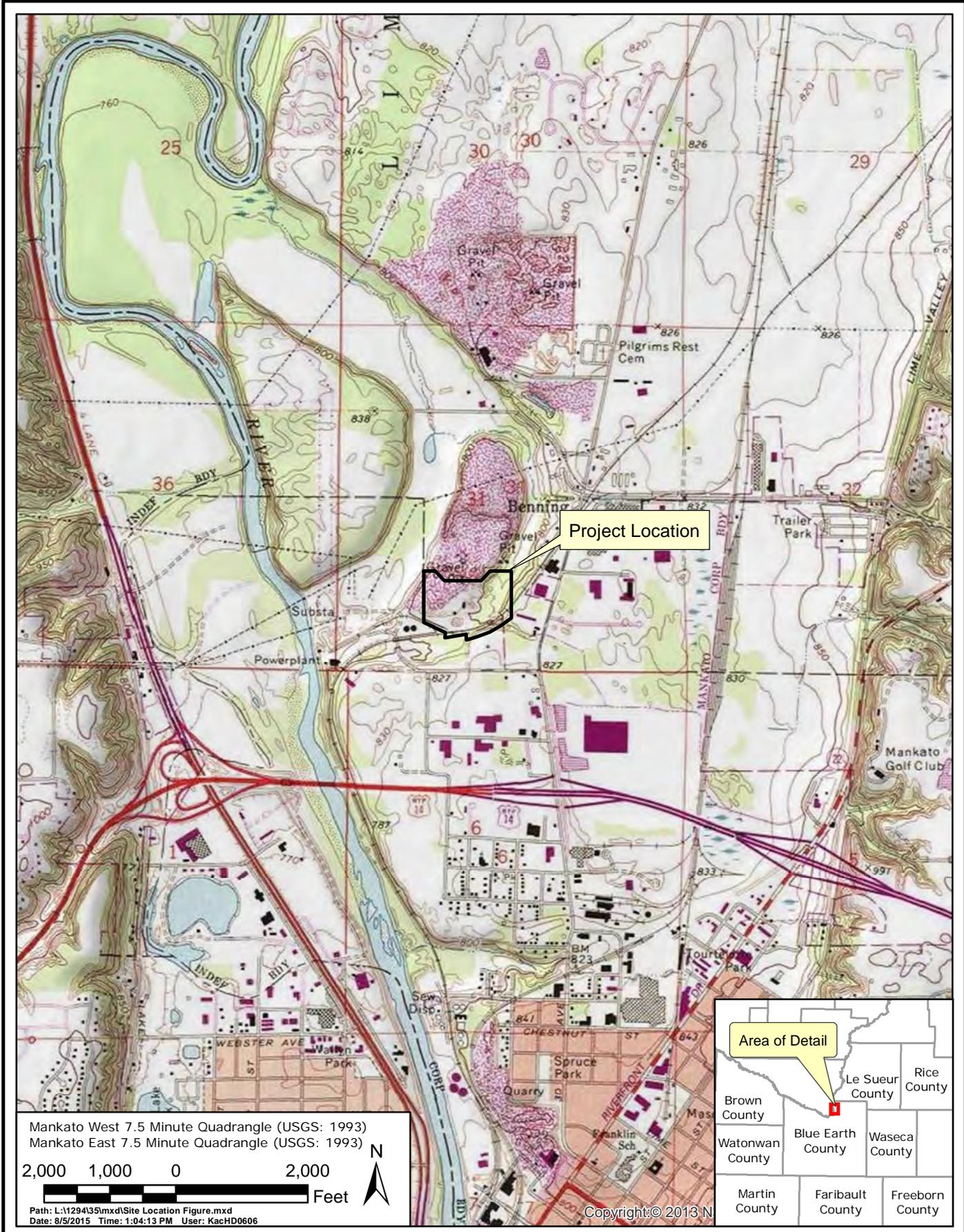
11.0 TRANSFER OF PERMIT

The Permittee may request at any time that the Commission transfer this permit to another person or entity. The Permittee shall provide the name and description of the person or entity to whom the permit is requested to be transferred, the reasons for the transfer, a description of the facilities affected, and the proposed effective date of the transfer.

The person to whom the permit is to be transferred shall provide the Commission with such information as the Commission shall require to determine whether the new Permittee can comply with the conditions of the permit. The Commission may authorize transfer of the permit after affording the Permittee, the new Permittee, and interested persons such process as is required.

12.0 REVOCATION OR SUSPENSION OF THE PERMIT

The Commission may initiate action to revoke or suspend this permit at any time. The Commission shall act in accordance with the requirements of Minn. R. 7850.5100, to revoke or suspend the permit.

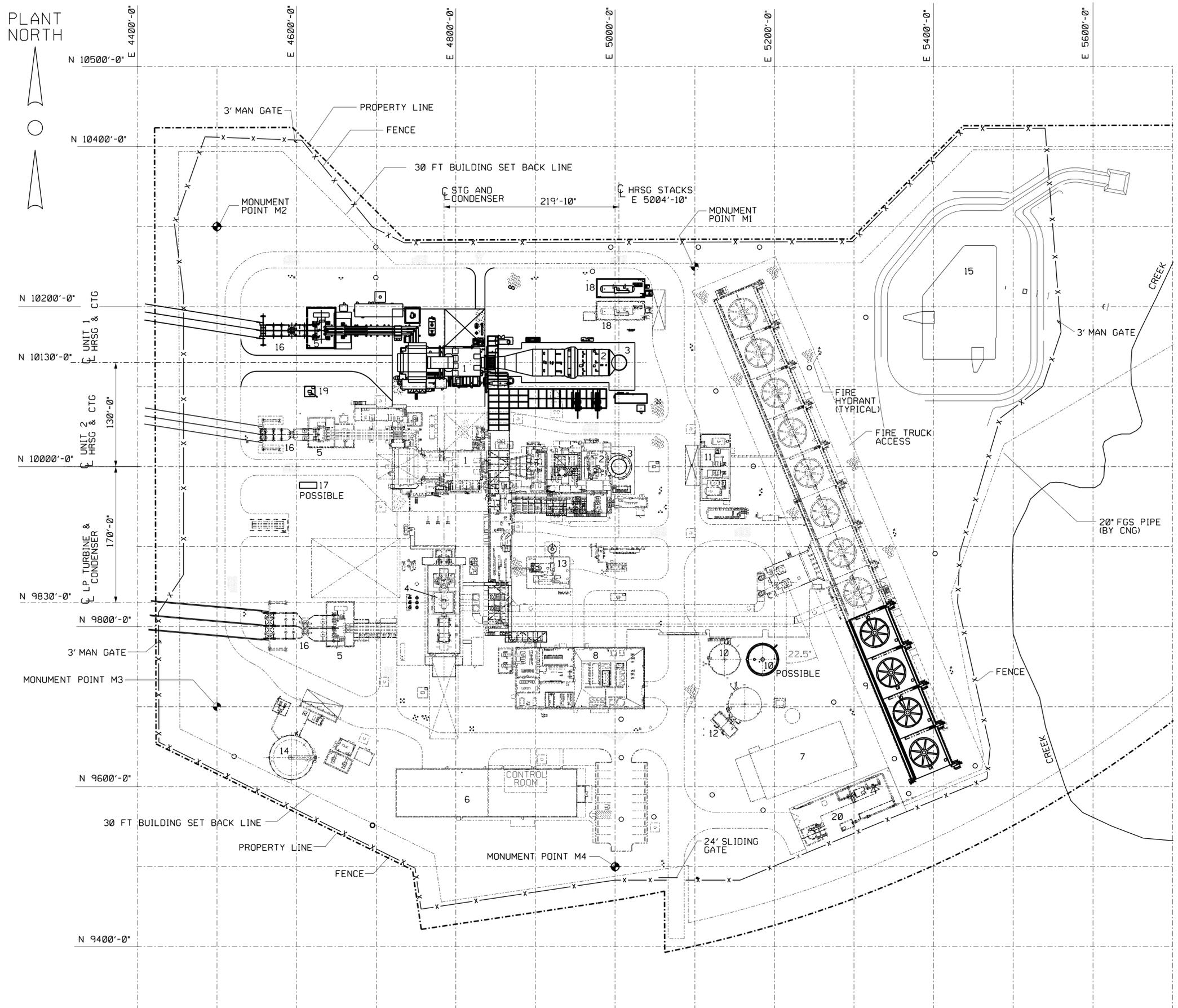


MANKATO ENERGY CENTER
 Site Location Map



AUG 2015
 Figure 1

PLANT NORTH



LEGEND

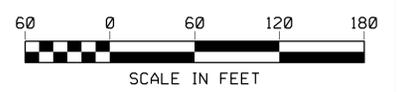
1. COMBUSTION TURBINE
2. HRSG
3. HRSG STACK
4. STEAM TURBINE
5. GENERATOR STEP-UP TRANSFORMER
6. ADMIN/MAINTENANCE/WAREHOUSE/CONTROL ROOM BLDG
7. EXISTING WAREHOUSE BLDG
8. WATER TREATMENT EQUIPMENT AREA
9. COOLING TOWER
10. DEMIN WATER STORAGE TANK (POSSIBLE SECOND TANK)
11. COOLING TOWER CHEMICAL FEED ENCLOSURE
12. FIRE PUMP SKID ENCLOSURE
13. AUXILIARY BOILER
14. FUEL OIL STORAGE TANK
15. SEDIMENT POND / STORMWATER BASIN
16. SWITCHYARD EQUIPMENT
17. BACKUP DIESEL GENERATOR (POSSIBLE)
18. ANHYDROUS AMMONIA TANK
19. OIL / WATER SUMP & PUMPS
20. FUEL GAS YARD AREA

LEGEND:

- GRAVEL
- ASPHALT
- CONCRETE
- ELECTRICAL MANHOLE
- STORM WATER CATCH BASIN

MONUMENT POINTS:	PLANT COORDINATES:	BLUE EARTH COUNTY COORDINATES:
M1	N.10250'-0", E.5100'-0"	FOR TRANSLATION BETWEEN PLANT COORDINATES & BLUE EARTH COUNTY COORDINATES SEE DRAWING MK-GEN-DE-C1-0001
M2	N.10300'-0", E.4500'-0"	
M3	N.9700'-0", E.4500'-0"	
M4	N.9500'-0", E.5000'-0"	

General Arrangement Site Plan Figure 4



REV	DATE	DESCRIPTION	DRAWN	CHECKED	DESIGNED	APPROVED	DATE
B	05/12/15	ISSUED FOR PERMITTING	SRK	PP	SRK	PP	JS
A	05/04/15	ISSUED FOR PERMITTING	SRK	PP	SRK	PP	JS

PRELIMINARY STATUS		DATE	INFORMATION ONLY - NOT TO BE USED FOR CONSTRUCTION
LDE P PHIAMBOLIS		05/04/15	
APPROVED STATUS		DATE	REPRESENTS REVIEWED AND APPROVED DESIGN. ANY PORTION MARKED "HOLD" RETAINS PRELIMINARY STATUS.
LDE		/ /	
ORIGINATING PERSONNEL	PROFESSIONAL ENGINEER'S SEAL		
SRK			
LEAD DESIGNER			
SR KLINE ENGINEER/TECH SPECIALIST			
P PHIAMBOLIS PROJECT ENGINEERING MANAGER			
J SENTHILVEL	ORIGINALLY PREPARED UNDER THE RESPONSIBLE SUPERVISION OF PE: _____ STATE: _____ DATE: _____		



Mankato Energy Center
Mankato, Minnesota

GENERAL ARRANGEMENT
SITE PLAN

SCALE	1" = 60'
DWG. NO.	MK-GEN-DE-G01-0002
SHEET NO.	01
REVISION	B

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of reporting and resolving complaints received by the permittee concerning permit conditions for site preparation, construction, cleanup, restoration, operation, and maintenance.

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

The procedures shall be used for all complaints received by the permittee and all complaints received by the Minnesota Public Utilities Commission (Commission) under Minn. R. 7829.1500 or Minn. R. 7829.1700 relevant to this permit.

D. Definitions

Complaint: A verbal or written statement presented to the permittees by a person expressing dissatisfaction or concern regarding site preparation, cleanup or restoration or other route and associated facilities permit conditions. Complaints do not include requests, inquiries, questions or general comments.

Substantial Complaint: A written complaint alleging a violation of a specific permit condition that, if substantiated, could result in permit modification or suspension pursuant to the applicable regulations.

Unresolved Complaint: A complaint which, despite the good faith efforts of the permittee and a person, remains to both or one of the parties unresolved or unsatisfactorily resolved.

Person: An individual, partnership, joint venture, private or public corporation, association, firm, public service company, cooperative, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

E. Complaint Documentation and Processing

1. The permittee shall designate an individual to summarize complaints for the Commission. This person's name, phone number and email address shall accompany all complaint submittals.
2. A person presenting the complaint should to the extent possible, include the following information in their communications:
 - a. name, address, phone number, and email address;
 - b. date of complaint;
 - c. tract or parcel number; and
 - d. whether the complaint relates to a permit matter or a compliance issue.
3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:
 - a. docket number and project name;
 - b. name of complainant, address, phone number and email address;
 - c. precise description of property or parcel number;
 - d. name of permittee representative receiving complaint and date of receipt;
 - e. nature of complaint and the applicable permit condition(s);
 - f. activities undertaken to resolve the complaint; and
 - g. final disposition of the complaint.

F. Reporting Requirements

The permittee shall commence complaint reporting at the beginning of project construction and continue through the term of the permit. The permittee shall report all complaints to the Commission according to the following schedule:

Immediate Reports: All substantial complaints shall be reported to the Commission the same day received, or on the following working day for complaints received after working hours. Such reports are to be directed to the Commission's Consumer Affairs Office at 1-800-657-3782 (voice messages are acceptable) or consumer.puc@state.mn.us. For e-mail reporting, the email subject line should read "PUC EFP Complaint" and include the appropriate project docket number.

Monthly Reports: During project construction and restoration, a summary of all complaints, including substantial complaints received or resolved during the preceding month, shall be filed by the 15th of each month to Daniel P. Wolf, Executive Secretary, Public Utilities Commission, using the eDockets system. The eDockets system is located at:
<https://www.edockets.state.mn.us/EFiling/home.jsp>

If no complaints were received during the preceding month, the permittee shall file a summary indicating that no complaints were received.

G. Complaints Received by the Commission

Complaints received directly by the Commission from aggrieved persons regarding site preparation, construction, cleanup, restoration, operation and maintenance shall be promptly sent to the permittee.

H. Commission Process for Unresolved Complaints

Commission staff shall perform an initial evaluation of unresolved complaints submitted to the Commission. Complaints raising substantial permit issues shall be processed and resolved by the Commission. Staff shall notify the permittee and appropriate persons if it determines that the complaint is a substantial complaint. With respect to such complaints, each party shall submit a written summary of its position to the Commission no later than ten days after receipt of the staff notification. The complaint will be presented to the Commission for a decision as soon as practicable.

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may be filed by mail or email to:

Heidi Whidden
Director, Environmental Services
717 Texas Avenue; Suite 1000
Houston, TX 77002
713-570-4829
Heidi.Whidden@Calpine.com

This information shall be maintained current by informing the Commission of any changes as they become effective.

**MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE FOR
PERMITTED ENERGY FACILITIES**

A. Purpose

To establish a uniform and timely method of submitting information required by the Commission energy facility permits.

B. Scope and Applicability

This procedure encompasses all compliance filings required by permit.

C. Definitions

Compliance Filing: A filing of information to the Commission, where the information is required by a Commission site or route permit.

D. Responsibilities

1. The permittee shall file all compliance filings with Daniel P. Wolf, Executive Secretary, Public Utilities Commission, through the eDockets system. The eDockets system is located at: <https://www.edockets.state.mn.us/EFiling/home.jsp>

General instructions are provided on the eDockets website. Permittees must register on the website to file documents.

2. All filings must have a cover sheet that includes:
 - a. Date
 - b. Name of submitter/permittee
 - c. Type of permit (site or route)
 - d. Project location
 - e. Project docket number
 - f. Permit section under which the filing is made
 - g. Short description of the filing

3. Filings that are graphic intensive (e.g., maps, engineered drawings) must, in addition to being electronically filed, be submitted as paper copies and on CD. Paper copies and CDs should be sent to: 1) Daniel P. Wolf, Executive Secretary, Minnesota Public Utilities Commission, 121 7th Place East, Suite 350, St. Paul, MN 55101-2147, and 2) Department of Commerce, Energy Environmental Review and Analysis, 85 7th Place East, Suite 500, St. Paul, MN 55101-2198.

The Commission may request a paper copy of any electronically filed document.

PERMIT COMPLIANCE FILINGS¹

PERMITTEE: Mankato Energy Center II, LLC
 PERMIT TYPE: LEPGP Site Permit
 PROJECT LOCATION: Blue Earth County, Mankato
 PUC DOCKET NUMBER: IP6949/GS-15-620

Filing Number	Permit Section	Description of Compliance Filing	Due Date
	4.1	Provide copy of Site Permit to RDCs, counties, cities, townships, and landowners.	Within 14 days of permit issuance
	4.2.1	Field Representative	14 days prior to commencing construction
	4.2.9	Prairie Protection and Management Plan	30 days prior to submitting site plan, if required
	4.2.14	Historic and Cultural Resource Survey	14 days prior to pre-construction meeting, if required
	4.2.16	Site Restoration Report	60 days after completion of all restoration activities
	5.1	Meeting with Local Representatives Regarding Nighttime Construction	Meet within 90 days of Site Permit issuance. File meeting summary within 60 days of meeting.
	6.0	Failure to Construct	Four years after permit issuance, as necessary
	7.0	Complaint Procedures	Prior to the start of construction
	8.1	Site Plan	30 days prior to commencing construction

¹ This compilation of permit compliance filings is provided for the convenience of the permittee and the Commission. It is not a substitute for the permit; the language of the permit controls.

Filing Number	Permit Section	Description of Compliance Filing	Due Date
	8.2	Status Reports	Monthly
	8.3	Notice of Operation and Completion of Construction	Ten days prior to commercial operation
	8.4	As-Builts	60 days after construction is complete
	8.5	GPS Data	60 days after construction is complete
	8.6	Emergency Response Plan	14 days prior to pre-construction meeting
	Complaint Reporting	Monthly Complaint Reports	Monthly during project construction and restoration
	Complaint Reporting	Immediate Complaint Reports	By the following day throughout the life of the permit