



17845 East Highway 10 • P.O. Box 800 • Elk River, Minnesota 55330-0800 • 763-441-3121 • Fax 763-241-2366

VIA EMAIL

October 22, 2002

The Honorable Kathleen Sheehy
Administrative Law Judge
Office of Administrative Hearings
100 Washington Square, Suite 1700
Minneapolis, MN 55401-2138

Re: Amendment of Environmental Quality Board Power Plant Siting Rules – Chapter 4400
Rebuttal Comments
OAH Docket No. 58-2901-15022-1

Dear Judge Sheehy:

Great River Energy wishes to enter rebuttal comments into the matter of the Environmental Quality Board Power Plant Siting Rules (Minn. Rules Chapter 4400). These comments are supplemental to those submitted by Lindquist & Vennum P.L.L.P on behalf of the Minnesota Transmission Owners, of which Great River Energy is a member.

The Sierra Club has commented that, “there should be no provision in these Rules that eliminates local review of projects [Proposed Rule 4400.0650 Subpart 4].” In the Environmental Quality Board’s (EQB’s) “Response of EQB Staff to Comments”, October 22, 2002, the EQB proposes to delete the provision. In support it states, “If a person should propose to modify an existing facility in a way that is exempt from the requirement to obtain a site or route permit from the EQB, the local unit of government can determine, with input from the project proposer and concerned citizens, whether a local permit is required. By deleting this provision from the rules, the question of a need for a local permit can be decided by local officials at the time a modification is proposed. Since local units of government only have jurisdiction over certain, smaller projects, modifications to the larger facilities that do not fall under local jurisdiction would be exempt from local review.”

Great River Energy believes that the proposed exemption (Proposed Rule 4400.0650 Subpart 4) should be retained as proposed. One intent of the 2001 revisions to the Power Plant Siting Act was to expedite the environmental review of smaller projects. By giving the local units of government the opportunity to open a project that the State has determined to be minor will make the review process highly uncertain and slow. Retaining the exemption clearly states the legislation’s intent to simplify the process for minor projects.

Great River Energy appreciates the opportunity to submit these comments.

Sincerely,

GREAT RIVER ENERGY

Mark Strohfus
Environmental Policy Analyst