

September 24, 2003

The Honorable Allan W. Klein  
Administrative Law Judge  
Office of Administrative Hearings  
100 Washington Square, Suite 1700  
Minneapolis, Minnesota 55401-2138

Re: Amendment of Environmental Quality Board Rules, parts 4410.7010 - 7070  
OAH Docket No. 6-2901-15394-1

Dear Judge Klein:

At the rulemaking hearing in this matter on September 4, 2003, you announced that the record would remain open for the receipt of written comments until September 24, 2003. The Environmental Quality Board staff has considered the comments that were made at the hearing, and the written comments that have been received from the Sierra Club and the Minnesota Center for Environmental Advocacy since the hearing, and has prepared a response to these comments.

There are two documents enclosed with this letter:

1. Response of Environmental Quality Board staff to public comments.
2. Final Version of the Proposed Rules Supported by EQB staff.

The first document contains a response to the oral comments received at the hearing and to the written comments that were recently submitted. In those instances where the staff does not support a particular change suggested by a commenter, we explain our rationale for not recommending the change. In those instances where the staff supports changes in the proposed language, that is explained as well.

The second document shows the rules with all the changes the staff supports. Nearly all of these changes were included in the document the staff introduced at the hearing – Exhibit 50 – showing various changes supported by the staff. These changes were explained in a separate document marked Exhibit 51, and the staff continues to rely on the rationale included in that document to support the changes.

There are several technical amendments that have been included in this rulemaking proceeding. These technical amendments are found in parts 4400.1700 and 4400.2750 and parts 4410.0200, 4410.3100, 4410.4800, 4410.4400, and 4410.5200. No person has commented on these minor changes, and although the staff does not show these changes in the enclosed document, these changes are recommended for adoption also.

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Additional written comments may be filed with your office before the close of the record on September 24 that I have not received yet. EQB staff will review these comments and submit any response we deem necessary by October 1, 2003.

We will post these comments on our webpage today or tomorrow. In addition, I will e-mail these comments to those persons on the distribution list for this proceeding, which includes nearly everybody who commented at the hearing.

Thank you very much for your consideration of our recommendations. EQB staff believes that the Statement of Need and Reasonableness and the written comments submitted by the staff and others during the course of this proceeding support the adoption of the rules in the form recommended by the staff.

Sincerely,

Alan R. Mitchell  
Manager, Energy Facility Permitting