

## Staff Briefing Papers

Meeting Date June 10, 2021 Agenda Item \*3

Company Petroleum Fuels Company

Docket No. **IP-7042/PPL-20-872**

**In the Matter of the Application of Petroleum Fuels Company for a Gas Pipeline Routing Permit for the Pine Bend Pipeline Project in Dakota County**

Issues Should the Commission grant a partial exemption from the pipeline route selection procedures and issue a pipeline route permit for the 5,900-foot long, 4.5-inch diameter high pressure gas pipeline in Inver Grove Heights, Dakota County, along the route identified in Petroleum Fuels Company's December 30, 2020 Application for a Gas Pipeline Route Permit?

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 **Relevant Documents**

**Date**

Petroleum Fuels Company – Application	December 30, 2020
Notice of Comment Period	January 6, 2021
DOC EERA – Comments	January 15, 2021
LIUNA Comments	January 19, 2021
MDNR Comments	January 20, 2021
Petroleum Fuels Company Response to Comments	January 25, 2021

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The attached materials are work papers of the Commission Staff. They are intended for use by the Public Utilities Commission and are based upon information already in the record unless noted otherwise.

 **Relevant Documents**

**Date**

DOC EERA Comments	February 9, 2021
Commission Order Accepting Application	February 23, 2021
Notice of Public Information Meeting	March 9, 2021
Comments – City of Inver Grove Heights	April 14, 2021
MPCA Comments	April 14, 2021
MnDOT Comments	April 16, 2021
Petroleum Fuels Company Proposed Findings of Fact	May 11, 2021
DOC EERA Comments (2 parts)	May 18, 2021

**Attachments**

Staff Proposed changes to permit and findings report  
Proposed Findings of Fact, Conclusions of Law and Recommendations  
Proposed Pipeline Route Permit

## I. Statement of the Issue

Should the Commission grant a partial exemption from the pipeline route selection procedures and issue a pipeline route permit for the 5,900-foot long<sup>1</sup>, 4.5-inch outside diameter high pressure gas pipeline in Inver Grove Heights, Dakota County, along the route identified in Petroleum Fuels Company's December 30, 2020 Application for a Gas Pipeline Route Permit?

## II. Project Description

Petroleum Fuels Company, a subsidiary of PFC Midstream (Petroleum Fuels or PFC) proposed to construct and operate approximately 5,900-foot long<sup>2</sup>, 4.5-inch outside diameter, high pressure gas pipeline to transport gas from a Renewable Natural Gas Processing Facility at the Republic Services Pine Bend Landfill to a delivery point on the Northern States Power Company Minnesota (NSPM) high-pressure gas system. The gas will meet specifications established by NSPM for injection into its system. The project is located in the city of Inver Grove Heights in Dakota County.

The proposed steel pipeline has a 4.5-inch outside diameter (Grade X-52) with a .237-inch wall thickness for line pipe and 0.337- inches for pipe used for directional drilling.

Associated facilities include a meter station and odorizing facility at the south end of the pipeline, within the boundaries of the gas processing facility and pipeline markers installed at various locations (e.g., road crossings). Alternating current and other cathodic protection facilities may be installed at a future date as warranted by a cathodic protection study to be conducted after construction.

The pipeline will operate at a pressure of 670 pounds per square inch gauge (psig). The maximum operating pressure will be 1,440 psig, established by a hydrostatic pressure test to 2,160 psig. The gas to be transported will primarily consist of methane (approximately 98 percent) with a small amount of carbon dioxide and trace amounts of other components.

PFC estimated the total Project cost to be approximately \$1.6 million. The annual operating and maintenance cost for the Project is expected initially to be approximately \$60,000 per year.

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<sup>1</sup> With respect to the difference in the total pipeline route length from 5,600 feet as found in the application, to 5,900 feet as identified in the proposed findings of fact report, the Applicant indicated the difference was identified during a detailed survey of the proposed route conducted at the request of EERA.

### III. Procedural History

On December 30, 2020, Petroleum Fuels Company (PFC or Applicant) filed a Pipeline Routing Permit application under the Partial Exemption Permitting process for the Pine Bend Pipeline Project in Dakota County.

On January 6, 2021, the Commission issued a Notice of Comment Period on the completeness of the application with the initial comment period ending on January 18, 2021 and the reply comment period ending on January 25, 2021.

On January 15, 2021, Department of Commerce Energy Environmental Review and Analysis staff (EERA) filed comments on the application.

On January 19, 2021, Laborers' International Union of North America (LIUNA) filed comments in support of the project.

On January 20, 2021, Minnesota Department of Natural Resources (MDNR) submitted comments.

On January 25, 2021, PFC submitted reply comments.

On February 9, 2021, DOC EERA introduced a sample route permit into the record.

On February 23, 2021, the Commission issued an order accepting the application as complete.

On March 9, 2021, the Commission issued a notice for the public meeting that was held remotely on March 25, 2021.

On March 25, 2021, staff from the Commission and the Department of Commerce Energy Environmental Review and Analysis unit (Department) conducted a virtual public information meeting. No members of the public offered comments or asked questions. Post meeting comments on the application were accepted until April 16, 2021.

On April 14, 2021, City of Inver Grove Heights filed comments and maps identifying some existing infrastructure on their preliminary development plans for the proposed pipeline to consider and avoid during construction.

On April 14, 2021, Minnesota Pollution Control Agency filed a letter indicating they had no concerns with the project at that time, and stated it is the responsibility of the Project to secure any required permits and to comply with any requisite permit conditions.

On April 16, 2021, Minnesota Department of Transportation filed comments indicating that the proposed project did not appear to directly affect the State of Minnesota Trunk Highway System and indicated that PFC may need to apply for oversize/overweight hauling permits during construction of the project.

On May 11, 2021, PFC filed Proposed Findings of Fact, Conclusions and Recommendations.

On May 18, 2021, DOC EERA submitted comments on the Proposed Findings of Fact. The Department also filed a revised proposed route permit for the project.

#### **IV. Statute and Rules**

**Pipeline Route Permit.** Under Minn. Stat. § 216G.02, subd. 2, no person may construct a pipeline without a pipeline routing permit from the Commission unless the pipeline is exempted from the Commission's routing authority under that section. A pipeline requiring a permit may only be constructed on a route designated by the Commission. The operative rules for the review of pipeline route permit applications are found in Minnesota Rules Chapter 7852.

**Pipeline Definition.** Minn. Stat. § 216G.02, subd. 1(2), defines a pipeline as a pipe designed to be operated at a pressure of more than 275 pounds per square inch and to carry a gas. The proposed project would consist of an approximately 1.1-mile long, 4.5-inch outside diameter natural gas pipeline to be operated at a pressure of 670 pounds per square inch gauge and, therefore, would require a pipeline routing permit from the Commission.

**Partial Exemption from Pipeline Route Selection Procedures.** Under Minn. R. 7852.0300, subp. 3, the Commission may exempt a proposed pipeline from part of the pipeline routing permit procedures if the Commission determines that the proposed pipeline will not have a significant impact on humans or the environment. If the Commission does not grant a partial exemption, the applicant may submit an application for a pipeline routing permit under the full route permit process (Minn. R 7852.0800 to 7852.1900).

**Application Content Requirements.** An application for partial exemption from pipeline route selection procedures must comply with the application procedures of Minn. R. 7852.2000 and must contain the information identified in Minn. R. 7852.2100 to 7852.3000.

**Granting Partial Exemption.** Under Minn. R. 7852.0700, in granting a partial exemption from the pipeline route selection procedures, the Commission must determine that the proposed pipeline and associated facilities will not have a significant impact on humans or the environment. The Commission must evaluate the impacts that may be reasonably expected to occur from the proposed pipeline and associated facilities. In determining whether a proposed pipeline and associated facilities qualify for partial exemption and issuance of a pipeline routing permit, the Commission must make specific written findings with respect to the impact of the pipeline and associated facilities on the following:

- human settlement, existence and density of populated areas, existing and planned future land use, and management plans;
- the natural environment, public and designated lands, including but not limited to natural areas, wildlife habitat, water, and recreational lands;
- lands of historical, archaeological, and cultural significance;
- economies within the route, including agricultural, commercial or industrial, forestry, recreational, and mining operations;
- pipeline cost and accessibility;
- use of existing rights-of-way and right-of-way sharing or paralleling;
- natural resources and features;
- the extent to which human or environmental effects are subject to mitigation by regulatory control and by application of the permit conditions contained in part 7852.3400 for pipeline right-of-way preparation, construction, cleanup, and restoration practices;
- cumulative potential effect of related or anticipated future pipeline construction; and
- relevant policies, rules, and regulations of the state and federal agencies and local government land use laws including ordinances adopted under Minn. Stat. § 299J.05, relating to the location, design, construction, or operation of the proposed pipeline and associated facilities.

**Timing.** Under Minn. R. 7852.0600, subp. 1, the Commission shall decide whether to grant or deny the partial exemption within 90 days after Commission acceptance of the partial exemption application.

#### **V. Comments received during public meeting and associated comment period**

No comments were received during the March 25, 2025 public information meeting. Written comments were received following the public meeting from the City of Inver Grove Heights, Minnesota Pollution Control Agency and from Minnesota Department of Transportation. Comments on the route permit application were also received during the application content review period from the Minnesota Department of Natural Resources and from the Laborers' International Union of North America (LIUNA).

In summary, the topics raised by government agencies and the Applicant were as follows:

- The Minnesota Department of Natural Resources (DNR) confirmed the records of a state listed endangered species (Loggerhead shrike) and two species of special concern (lark sparrow and Bell's vireo) within a 1-mile search radius of the Project and noted that, if vegetation clearing of the 50-foot right-of-way will occur during the nesting season (from April through July), then avian surveys may be required, which should be



coordinated with DNR. DNR also recommended the use of BWSR approved native weed-free seed mixes for restoration.

- The Minnesota Pollution Control Agency (MPCA) filed a letter indicating they didn't have any concerns with the project, but indicating it is the responsibility of the Project to secure any required permits and to comply with any requisite permit conditions.
- The Minnesota Department of Transportation (MnDOT) stated that the Project "does not directly affect the State of Minnesota Trunk Highway System," but noting that movement of any oversize/overweight loads related to the Project would require appropriate permits from and coordination with DOT.
- City of Inver Grove Heights submitted comments on the Project to the Public Advisor, in light of preliminary development plans of the City and Dakota County. The City commented that the Project should: (1) avoid a proposed box culvert along the Project route, (2) take into account future City right-of-way needs along the proposed route, and (3) carefully plan and install the Project to avoid slope stability and erosion issues on the steep hill near 11280 Rich Valley Blvd.

The only additional comments received were from LIUNA Minnesota & North Dakota in support of PFC's Application, emphasizing the quality of pipeline construction jobs and the environmental advantages of renewable natural gas as reasons to support this Project.

## **VI. Proposed Findings of Fact proposed by the Applicant and comments by the Department**

### **Petroleum Fuels Company – Proposed Findings of Fact, Conclusions and Recommendations**

On May 11, 2021, PFC filed its Proposed Findings of Fact, Conclusions of Law and Recommendations to facilitate the decision-making process. In total, the filing contains 81 findings of fact, 6 conclusions and two recommendations. The findings identify the parties and participants, procedural summary and comments received, a description of the project, the factors to be considered for a route permit including effects on human settlement and the natural environment, impacts to lands of historical, archaeological and cultural significance, land use economies, pipeline cost, right-of-way sharing and paralleling, cumulative potential effects of related or anticipated future pipeline construction and consideration of other local, state, or federal rules and regulations.

The conclusions stated that the Commission has jurisdiction over the Application, that the project qualifies for review under the partial exemption process, that the Applicant, EERA and the Commission have complied with the procedural requirements for a partial exemption under Minn. R. 7852.0600, that the Commission has considered all pertinent standards and criteria in accordance with Minn. R. 7852.0700, and that the route permit for the new pipeline should be conditioned in a number of respects, including those specified in Minn. R. 7852.3600, the February 10, 2021 EERA Sample Route Permit and the conditions agreed to by the Applicant, including the special permit condition at Section 6.1.

In conclusion, the Applicant recommended the Commission grant PFC a partial exemption from the pipeline route permit selection procedures of Minnesota Rules, Chapter 7852 and that the Commission issue a pipeline routing permit to PFC for construction of an approximately 5,900-foot long, 4.5-inch outside diameter, renewable natural gas transmission pipeline to transport landfill gas extracted from the Republic Services Pine Bend Landfill to a delivery point into the NSPM high-pressure gas system.

### **EERA Comments and Proposed Route Permit**

EERA staff provided comments indicating they reviewed the Proposed Findings of Fact and believe they accurately reflect the record developed in this proceeding and recommended Commission adopt them.

With respect to the February 9, 2021 “Sample Route Permit” file by the Department for public review and comment, based on comments received EERA revised and updated the sample route permit by incorporating a special permit condition at section 6.1 as proposed below to mitigate potential issues identified by the City of Inver Grove Heights in their comments.

#### Section 6.1 City of Inver Grove Heights

The Permittee shall coordinate with the City of Inver Grove Heights to ensure that the pipeline is placed, to the extent practicable, in a manner consistent with the City’s plans for the Veteran’s Memorial Greenway Trail and the potential expansion of Rich Valley Blvd. Further the Permittee shall coordinate with the City regarding slope stability and potential erosion impacts in areas along the pipeline route identified by the City. The Permittee shall file documentation of this coordination and the results of the coordination with the plan and profile for the Project.

Concluding, EERA recommended that the Commission adopt the proposed findings, grant the partial exemption, and issue a Route Permit for the natural gas Pine Bend Pipeline Project in Dakota County to Petroleum Fuels Company.

EERA’s revised Sample Route Permit is attached to these briefing papers showing the proposed changes in red font for easy understanding of the changes made since the February 9 sample permit was introduced.

### **VII. Staff Analysis**

Staff has reviewed the application, comments received, and the record of the public information meeting. Staff agrees with the recommendation of EERA that the Commission should grant the partial exemption and issue a route permit for the Pine Bend Pipeline Project. Further, staff recommends the Commission adopt the Applicant’s proposed findings of fact report, with a few changes highlighted in the attached document.



Staff has not finalized the route permit and will do so, after incorporating the few changes related to total project length and small editorial changes, as part of decision option 2, prior to the Commission issued order.

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## **VIII. Decision Options**

### **1. Partial Exemption and Route Permit**

- a. Grant a partial exemption from the pipeline route selection procedures, adopt the proposed findings of fact, conclusions of law, and recommendation and issue a pipeline route permit as revised and proposed by EERA on May 18, 2021.
- b. Deny a partial exemption from the pipeline route selection procedures and identify the reasons for the denial.
- c. Take some other action deemed more appropriate.

### **2. Administrative Consistency**

- a. Authorize Commission staff to make further refinements to the findings of fact and route permit conditions as necessary to ensure consistency with the record, the language of recently issued permits, and the Commission's decision on this matter.

**Staff Recommendation:** 1a and 2a

## **Route Permit Changes**

Section 1.0 - 5,900 ft not 5,600

Section 2.0 - 5,900 ft not 5,600

Section 3.0 – missing mention of a “The pipeline will then cross Rich Valley Blvd in a southwesterly direction for approximately 120 feet,”

Section 3.2 - Where are the maps mentioned in the last sentence of this section – temporary workspace? Or do they come with the permit?

## **Comments on Findings**

Finding #4. On December 30, 2020, PFC filed a Route Permit Application under the partial exemption procedures (Minn. R. 7852.0600) to construct and operate an approximately 5,960-foot-long, 4.5 inch-outside diameter, high pressure gas pipeline.

Finding 2. ~~Commission and EERA held ais authorized by the Commission to hold public information meetings, to collect and analyze PFC’s Application, and to provide a summary, analysis, and recommendation for the Commission’s review.~~

Finding 22. The Project consists of an approximately 5,960-foot long, 4.5-inch outside diameter, renewable natural gas transmission pipeline. The Project will transport gas from a Renewable Natural Gas Processing Facility to be constructed to process the landfill gas extracted from the Republic Services Pine Bend Landfill to a delivery point into the NSPM high-pressure gas system.

Finding 31

[Correct the numbered list paragraphs to read: H, I, J...](#)

[H. the extent to which human or environmental effects are subject to mitigation by regulatory control and by application of the permit conditions contained in part 7852.3400 for pipeline right-of-way preparation, construction, cleanup, and restoration practices;](#)

[H. cumulative potential effects of related or anticipated future pipeline construction; and](#)

[I. relevant applicable policies, rules, and regulations of other state and federal agencies, and local government land use laws including ordinances adopted under Minnesota Statutes, section 299J.05, relating to the location, design, construction, or operation of the proposed pipeline and associated facilities.](#)

Finding 73. Right-of-way preparation, construction, cleanup, and restoration for the Project have been designed in accordance with the requirements outlined in Minnesota Rule 7852.3600,

| and with the Sample Route Permit ~~issued~~filed by EERA. Those procedures are outlined at pages 8–10 and 26 of the Application and explicitly incorporated into the Sample Route Permit.

**STATE OF MINNESOTA  
MINNESOTA PUBLIC UTILITIES COMMISSION**

In the Matter of the Application of Petroleum  
Fuels Company for a Gas Pipeline Routing  
Permit for the Pine Bend Pipeline Project in  
Dakota County

Docket No. IP-7042/PPL-20-872

**PETROLEUM FUELS COMPANY'S  
PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND ORDER**

**May 11, 2021**

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On Behalf of  
Petroleum Fuels Company

**STATE OF MINNESOTA  
MINNESOTA PUBLIC UTILITIES COMMISSION**

In the Matter of the Application of Petroleum  
Fuels Company for a Gas Pipeline Routing  
Permit for the Pine Bend Pipeline Project in  
Dakota County

Docket No. IP-7042/PPL-20-872

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW,  
AND RECOMMENDATIONS**

A public hearing was held on March 25, 2021 at 6:00 p.m. via a remote-access meeting (WebEx and phone) due to the ongoing COVID-19 pandemic.

Tim Johnston PE, WBS, Brooks Young, Vice-President PFC Midstream and Brian Meloy, Stinson LLP, appeared on behalf of Petroleum Fuels Company (“PFC” or the “Company”) in this matter.

Larry Hartman and Raymond Kirsch, Environmental Review Managers, appeared on behalf of the Department of Commerce, Energy Environmental Review and Analysis (“EERA”).

Cezar Panait, Project Manager, and Michael Kaluzniak, Public Adviser, Minnesota Public Utilities Commission (“Commission”) Staff, appeared on behalf of the Commission.

**STATEMENT OF ISSUES**

1. Has PFC met the criteria for the granting of a Route Permit under the partial exemption pipeline route selection procedures set forth in Minnesota Statutes section 216G.02, subdivision 3 and Minnesota Rule 7852.0700, Subpart 3 for the Pine Bend Pipeline Project in Dakota County (“Project”)?

PFC has met the criteria for the granting of a partial exemption as the Project will not have a significant impact on human or the natural environment. A Route Permit should be issued as specified below.

Based on information in the Route Permit Application for the Project (“Application”) submitted to the Commission and other evidence in the hearing record, the Commission makes the following:

## FINDINGS OF FACT

### **I. PARTIES AND PARTICIPANTS**

1. PFC provides wholesale energy and midstream services to producers and end users of natural gas, natural gas liquids and crude oil. PFC and its affiliate companies own and operate over 800 miles of infrastructure including pipelines and processing facilities, primarily in Texas.

2. EERA is authorized by the Commission to hold public information meetings, to collect and analyze PFC's Application, and to provide a summary, analysis, and recommendation for the Commission's review.

### **II. PROCEDURAL SUMMARY AND COMMENTS**

3. A Certificate of Need is not required for the Project because it is not classified as a large energy facility under Minn. Stat. § 216B.2421, subd. 2 or a large pipeline under Minn. R. 7851.0010 Subp. 13. Therefore the Project is exempt from the Certificate of Need requirements.

4. On December 30, 2020, PFC filed a Route Permit Application under the partial exemption procedures (Minn. R. 7852.0600) to construct and operate an approximately 5,600-foot-long, 4.5 inch-outside diameter, high pressure gas pipeline. The Project will transport gas from a Renewable Natural Gas Processing Facility to be constructed to process the landfill gas extracted from the Republic Services Pine Bend Landfill to a delivery point into the Northern States Power Company Minnesota ("NSPM") high-pressure gas system. The Project is in the City of Inver Grove Heights in Dakota County. The Application was filed pursuant to Minn. Stat. § 216G.02, subd. 3 and Minnesota Rules chapter 7852.

5. On January 6, 2021, the Commission issued a Notice of Comment Period on Completeness of the Application.

6. On January 15, 2021, EERA filed its comments and recommendations regarding the completeness of the Application, noting that the Application was substantially complete but that Figure 10 had been omitted from the Application. EERA recommended that the Application be amended to include Figure 10.

7. On January 19 2021, LIUNA Minnesota & North Dakota filed comments in support of PFC's Application, emphasizing the quality of pipeline construction jobs and the environmental advantages of renewable natural gas as reasons to support this Project.

8. On January 20, 2021, the Minnesota Department of Natural Resources ("DNR") filed comments on the Application, concurring with PFC's Natural Heritage Information System ("NHIS") review. DNR confirmed the records of a state listed endangered species (Loggerhead shrike) and two species of special concern (lark sparrow and Bell's vireo) within a 1-mile search radius of the Project and noted that, if vegetation clearing of the 50-foot right-of-way will occur during the nesting season (from April through July), then avian surveys may be required, which should be coordinated with DNR. DNR also recommended the use of BWSR approved native weed-free seed mixes for restoration.

9. On January 25, 2021 PFC filed brief reply comments. In response to EERA it attached Figure 10 to its reply comments, noting that Figure 10 was inadvertently omitted from the Application. The reply comments also clarified that the Renewable Natural Gas Processing Facility that would process landfill gas to PFC's proposed pipeline for transport ("Processing Facility") should not be considered an "associated facility" of the pipeline because it is (1) owned and operated by a separate entity, FORTISTAR Methane Group, (2) subject to separate state and local permitting, and (3) not part of the Project before the Commission in this proceeding. PFC also responded to DNR's comments, agreeing to adhere to its recommendations regarding timing of tree removal relative to avian nesting season or, if that is not feasible, acknowledging it will work with MDNR to perform a study/survey of those areas to determine if nesting would be impacted by planned activities. PFC indicated it will ensure that only seed mixes meeting the MDNR recommendations are used for the restoration phase of the Project. Finally, PFC acknowledged the comments of LIUNA, thanking it for its support.

10. On February 9, 2021, EERA filed a Sample Route Permit for the Project.

11. On February 10, 2021, PFC filed a letter correcting an administrative error that referenced "Premium Fuels Company" in its January 25, 2021 reply comments, and clarifying that the applicant is Petroleum Fuels Company, a subsidiary of PFC Midstream, a diversified midstream services company involved in the construction and acquisition of natural gas pipelines.

12. On February 18, 2021, PUC Staff filed Staff Briefing Papers addressing whether the Project Application should be deemed complete. PUC Staff recommended that the Application be accepted as complete. It also noted that no disputed issues of fact had been identified and recommended review under the partial exemption procedures.

13. On February 23, 2021, the Commission issued an Order accepting PFC's Application as complete and authorizing review under the partial exemption process for pipeline ("February 23 Order"). In its February 23 Order, the Commission also (1) delegated authority to the Executive Secretary for approval of schedules for reviewing the application and directed staff to consult with the applicant and the EERA to determine the appropriate date and venue for the public meeting, (2) designated Michael Kaluzniak as the public advisor for the project, and (3) approved the estimated \$30,000 budget proposed by EERA for the review process. The Order also adopted and incorporated the January 15, 2021 comments and recommendations of EERA.

14. On March 9, 2021, the Commission issued its Notice of Public Information Meeting to the Project Service List, the agency technical representatives list, local units of government, and the landowner mailing list.

15. On March 16, 2021, PFC submitted confirmation that it provided copies of its Application to affected landowners, agencies, and local units of government in the Project area. In addition, PFC filed (1) an affidavit of publication and copies of the public notice printed in the Pioneer Press as required under Minn. R. 7852.0600, Subp. 2 and Minn. R. 7852.1300 Subp. 2; and (2) confirmation that PFC delivered a copy of its Application to the Inver Glen Library in Inver Grove Heights to be available for public review.

16. Also on March 16, 2021, the Commission filed proof that Notice of the Public Information Meeting had been published in Volume 45, Number 11, of *The EQB Monitor*.

17. On March 25, 2021, pursuant to Minn. R. 7852.0600, Subp. 4, a public information meeting was held at 6:00 p.m. via remote-access meeting, due to the ongoing COVID-19 pandemic. No members of the public provided oral or written comments at the meeting.

18. On April 9, 2021, the City of Inver Grove Heights (“City”) submitted comments on the Project to the Public Advisor, in light of preliminary development plans of the City and Dakota County. The City commented that the Project should: (1) avoid a proposed box culvert along the Project route, (2) take into account future City right-of-way needs along the proposed route, and (3) carefully plan and install the Project to avoid slope stability and erosion issues on the step hill near 11280 Rich Valley Blvd. Those comments were filed on the Project docket on April 12, 2021.

19. On April 13, 2021, the Minnesota Pollution Control Agency (“MPCA”) emailed the Public Advisor, thanking the Commission for the opportunity to review and comment on the Project and stating that after review of the Application it had no comments. That correspondence was filed on the Project docket on April 14, 2021.

20. On April 16, 2021, the Minnesota Department of Transportation (“DOT”) filed comments on the Project stating that the Project “does not directly affect the State of Minnesota Trunk Highway System,” but noting that movement of any oversize/overweight loads related to the Project would require appropriate permits from and coordination with DOT.

21. The comment period on the Application closed April 16, 2021.

### **III. DESCRIPTION OF THE PROJECT**

22. The Project consists of an approximately 5,600-foot long, 4.5-inch outside-diameter, renewable natural gas transmission pipeline. The Project will transport gas from a Renewable Natural Gas Processing Facility to be constructed to process the landfill gas extracted from the Republic Services Pine Bend Landfill to a delivery point into the NSPM high-pressure gas system.<sup>1</sup>

23. The Project is in the City of Inver Grove Heights in Dakota County. The pipeline will begin at a new Renewable Natural Gas facility to be built in the Northwest ¼ of Section 33, Township 27N, Range 22W. The pipeline will proceed north approximately 400 feet, then west approximately west approximately 900 feet, then north for 130 feet, the west again for 540 feet, then northwest for 450 feet to a point on the east side of Rich Valley Blvd. The pipeline will then cross Rich Valley Blvd in a southwesterly direction for approximately 120 feet, and the proceed north-northwest for along the west side of Rich Valley Blvd and Blaine Ave for a distance of 2200 feet, crossing under 110th St E. The pipeline then crosses Blaine Avenue to the northeast and proceeds NNE parallel to an existing pipeline owned by NSPM for a distance of 1170 feet to a

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<sup>1</sup> Application at p. 3–4.



pipeline facility owned by NSPM which is located on the south side of 105th St E approximately 550 feet west of Blaine Ave E (“Project Route”). The pipeline will extend through portions of the NW ¼ of Section 33, the NE ¼ of Section 32 and the SE ¼ of Section 29, all in T27N, R22W. A map of the Project Route is included as Exhibit B to the Application.<sup>2</sup>

24. The Project is designed to meet a Class 2 location designation. Natural gas pipelines are designed to comply with a “class location designation” as required by 49 CFR § 192.5. Class location refers to a regulatory designation for natural gas transmission lines that indicates the level of human population within a certain distance on either side of the pipeline. The class location of a pipeline is a factor in determining the maximum allowable pressure of the pipeline and is based on the number and type of buildings intended for human occupancy that are situated in an area that extends 220 yards on either side of the centerline of any continuous 1.0-mile length of a gas pipeline.<sup>3</sup>

25. The proposed pipeline will have a maximum capacity, with a 10-psi pressure drop, of 4,000 MCFD and no minimum capacity. The design maximum throughput is expected to be 2,850 MCFD.<sup>4</sup>

26. The proposed pipeline will operate at a pressure of 670 pounds per square inch gauge (“psig”). The maximum operating pressure (“MAOP”) will be 1,440 psig, established by a hydrostatic pressure test to 2,160 psig. The gas to be transported will primarily consist of methane (approximately 98 percent) with a small amount of carbon dioxide and trace amounts of other components. The gas will conform to NSPM’s specifications for injection into its system.<sup>5</sup>

27. PFC will install associated facilities as part of the proposed Project, including a meter station and odorizing facility at the south end of the pipeline, within the boundaries of the Processing Facility. Those associated facilities are depicted on Exhibit B to the Application. No above-ground facilities will be constructed along the pipeline right-of-way. Alternating current mitigation and other cathodic protection facilities will be installed at a future date as warranted by a cathodic protection study to be conducted after construction. Pipeline markers will be installed at various locations (e.g., road crossings) in accordance with applicable federal and state regulations.<sup>6</sup> The Processing Facility that would process landfill gas to PFC’s proposed pipeline for transport is not an “associated facility” of the pipeline because it is (1) owned and operated by a separate entity, (2) subject to separate state and local permitting, and (3) not part of the Project before the Commission in this proceeding.<sup>7</sup>

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<sup>2</sup> Application at p. 2; Exhibit B.

<sup>3</sup> Application at p. 4.

<sup>4</sup> Application at p. 5.

<sup>5</sup> Application at p. 5; Exhibit C.

<sup>6</sup> Application at p. 5; Exhibit B.

<sup>7</sup> January 25, 2021 Reply Comments of PFC at pp. 1–2.

28. PFC will obtain a right-of-way in the form of permanent easements for the Project. The entirety of the land crossed by the proposed pipeline is owned by a single private landowner.<sup>8</sup>

29. PFC will begin construction of the Project once the Project receives a Route Permit, submits required compliance filings and is authorized to proceed with construction.

#### **IV. FACTORS FOR A ROUTE PERMIT**

30. Minn. R. 7852.0700 sets forth the criteria that the Commission considers in determining whether a proposed pipeline and associated facilities qualify for partial exemption and issuance of a Route Permit.

31. Minn. R. 7852.0700, Subp. 3 requires that the Commission consider the impact of the pipeline on the following:

- A. human settlement, existence and density of populated areas, existing and planned future land use, and management plans;
- B. the natural environment, public and designated lands, including but not limited to natural areas, wildlife habitat, water, and recreational lands;
- C. lands of historical, archaeological, and cultural significance;
- D. economies within the route, including agricultural, commercial or industrial, forestry, recreational, and mining operations;
- E. pipeline cost and accessibility;
- F. use of existing rights-of-way and right-of-way sharing or paralleling;
- G. natural resources and features;
- H. the extent to which human or environmental effects are subject to mitigation by regulatory control and by application of the permit conditions contained in part 7852.3400 for pipeline right-of-way preparation, construction, cleanup, and restoration practices;
- H. cumulative potential effects of related or anticipated future pipeline construction; and
- I. relevant applicable policies, rules, and regulations of other state and federal agencies, and local government land use laws including ordinances adopted under Minnesota Statutes, section 299J.05, relating to the location, design, construction, or operation of the proposed pipeline and associated facilities.

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<sup>8</sup> Application at p. 24; Figure 8.

32. Furthermore, in deciding whether to grant or deny the partial exemption, the Commission considers any comments that are filed, the record of the public information meeting(s), and the information contained in the application relevant to the criteria for partial exemption in Minn. R. 7852.0700.

**A. Effects on Human Settlement**

33. Minn. R. 7852.0700, Subp. 3(A) states that in determining whether a proposed pipeline and associated facilities qualify for partial exemption and issuance of a Route Permit, the Commission shall consider the impact of the pipeline as it relates to human settlement, the existence and density of populated areas, existing and planned future land use, and management plans.

34. The Dakota County population levels in 2010 and 2019 were 398,552 and 433,302, respectively, with a growth rate of 7.6 percent (as compared to the statewide growth rate of 6.3 percent). Population levels within Inver Grove Heights for years 2010 and 2019 were 33,880 and 35,321, respectively, with a growth rate of 5 percent.<sup>9</sup>

35. The project area includes land that has incurred historic disturbances from vegetation clearing and agricultural practices. The built environment surrounding the Project is primarily agricultural land use, nearby county highways 71 and 32, a few nearby homes and/or small businesses, powerline right-of-way, natural gas pipeline right-of-way, and the nearby railroad and landfill to the east.<sup>10</sup>

36. PFC will construct the pipeline across paved roadways using boring or Horizontal Directional Drilling (“HDD”) methods to avoid disruptions to vehicular traffic and physical impacts on roadbeds. Movement of workers, equipment, and materials from contractor and pipe storage yards to the work sites also could result in short-term impacts on transportation systems. Locations for storage yards have not been identified; PFC will work with local road authorities to identify sites that minimize impacts. Road congestion associated with construction will be minimal and is not expected to be significant.<sup>11</sup>

37. Construction activities and equipment will generate short-term and intermittent noise, up to 90 db(A) at 50 feet from the equipment but further attenuated by increased distance, affecting nearby residences on a short-term basis while construction equipment is operating. The minimum distance from the construction activities to any residences or commercial buildings is 150 feet.<sup>12</sup> Additionally, temporary impacts to the visual environment will occur during construction when residents and travelers view large construction equipment, tree and vegetation clearing, and exposed soil areas. The temporary increase in traffic from construction equipment and employees, potential dust and soil on the roads from construction, and noise levels from

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<sup>9</sup> Application at p. 11.

<sup>10</sup> Application at pp. 11, 13.

<sup>11</sup> Application at p. 20.

<sup>12</sup> Application at p. 20.

construction will result in some increased risk to the public on the roads. Best Management Practices (“BMPs”) will be implemented to minimize noise, and dust and soil on the roads.<sup>13</sup>

38. Land within the construction right-of-way will be impacted during construction. The construction is expected to last about 3 months. The primary permanent impact of construction will be the removal of trees and shrubs from the construction right-of-way. Trees and shrubs within construction areas will regenerate over time. The permanent right-of-way will generally be maintained in an herbaceous land cover. Some of the land cover types in the permanent right-of-way will be permanently altered, whereas others will be only temporarily affected. Pipeline construction will temporarily disturb about 1.84 acres of agricultural lands, or 27 percent of the total land affected. Impacts to agriculture are discussed in the Agriculture Mitigation Plan included in Exhibit D to the Application. Following construction and restoration, agricultural activities will be allowed to resume along the permanent right-of-way, therefore the impacts on the agricultural land use will be temporary.<sup>14</sup>

39. Approximately 1.87 acres of artificial surfaces and associated areas (roads) will be crossed by the Project. Construction will avoid direct impact on roads by using boring or HDD construction methods. Both short-term and long-term impacts on residences may result from construction and operation of the Project. These include temporary disturbances associated with construction, and encumbrance of property for future uses within the permanent right-of-way. Temporary construction impacts on residences and buildings could result from increased noise levels or dust generated by construction equipment and personnel. Every effort will be made to bore or HDD roadways and driveways to minimize construction impacts. New permanent structures will be precluded from the permanent right-of-way during operation of the proposed Project. A total of five properties, both residences and commercial properties, proximate to the proposed Project may be impacted. Those residences and Commercial buildings are shown in Figure 8 to the Application.<sup>15</sup>

40. Dakota County and the City of Inver Grove Heights each have land use plans. The County 2040 Comprehensive Plan was adopted by the County Board on June 18, 2019, with an amendment being adopted in 2020. The City’s plan is currently being revised. Both plans provide the framework for identifying future growth and development within greater County and City limits and including the project area.<sup>16</sup> The Project is not anticipated to impact or be impacted by those land use plans.

41. The Dakota County Planned Use map depicts land within the Project Route as zoned Industrial Open Space and Rural Density Residential. The City of Inver Grove Heights Zoning map depicts land within the Project Route as Zone A – Agricultural. The Minnesota Land Cover Classification System cover types within the Project Route include Planted or Cultivated

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<sup>13</sup> Application at p. 20.

<sup>14</sup> Application at p. 20.

<sup>15</sup> Application at p. 21; Figure 8.

<sup>16</sup> Application at p. 13.

Vegetation, Artificial Surfaces and Associated Areas, Herbaceous, and Woodland. None of the agricultural land crossed by the Project is listed as organic farmland.<sup>17</sup>

42. The principal long-term impact of the pipeline will allow for beneficial use of landfill gas, which will be captured at the nearby Republic Services Pine Bend landfill, treated, and transferred into commercial uses.<sup>18</sup> The Project will not have a significant impact on human settlement.

## **B. Natural Environment**

43. Minn. R. 7852.0700, Subp. 3(B) states that in determining whether a proposed pipeline and associated facilities qualify for partial exemption and issuance of a Route Permit, the Commission shall consider the impact of the pipeline as it relates to the natural environment, public lands, and designated lands, including but not limited to natural areas, wildlife habitat, water, and recreational lands.

44. Minn. R. 7852.0700, Subp. 3(G) states that in determining whether a proposed pipeline and associated facilities qualify for partial exemption and issuance of a Route Permit, the Commission shall consider the impact of the pipeline as it relates to natural resources and features.

### **i. Geology and Soils**

45. Construction of the Project will have minimal to no impact on the geology of the area. Construction of the Project is unlikely to encounter shallow bedrock. Depth to bedrock is mapped as being over 200 feet below ground surface throughout the proposed Project area. Impacts on the underlying bedrock are not anticipated. Karst features are documented within Dakota County, however, the Minnesota Karst Lands map depicts the site is near covered karst, which includes areas underlain by carbonate bedrock but with more than 100 feet of sediment cover. Although near, the site is outside of mapped karst lands, and thus karst (nor sinkholes) is not expected to be encountered during construction.<sup>19</sup>

46. Any impacts on soils resulting from the construction will be temporary, and may include soil compaction, soil erosion, introduction of rock into the topsoil, poor vegetative regrowth following construction, and loss of soil productivity resulting from the mixing of topsoil. PFC will minimize these potential impacts through the implementation of BMPs. Erosion control plans will be developed in compliance with the MPCA Construction Stormwater Discharge Permit. Mitigation measures will include but are not limited to: temporary and permanent erosion controls, topsoil segregation, compaction alleviation, removal of excess rock from topsoil, and restoration of agricultural drainage systems. These measures will address the April 9, 2021 comments of the City related to slope stability and erosion issues on the step hill near 11280 Rich Valley Blvd.<sup>20</sup>

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<sup>17</sup> Application at p. 13.

<sup>18</sup> Application at p. 20.

<sup>19</sup> Application at pp. 13, 21.

<sup>20</sup> Application at pp. 21–22.

47. Following construction, PFC will, to the extent possible, revegetate uncultivated areas disturbed by the Project to their preconstruction condition in accordance with applicable permit requirements and landowner agreements.<sup>21</sup>

ii. Vegetation

48. In most instances, permanent impacts on vegetation will be minimized or completely avoided by locating the anticipated alignment in existing agricultural fields. Permanent impacts on vegetation will mostly be restricted to the woodland edge, volunteer trees, and degraded grassland portions of the anticipated alignment. Permanent impacts on the wooded portion of the anticipated alignment will result from tree clearing and conversion to an open habitat type. The potential for tree clearing impacts has been minimized by locating the anticipated alignment along existing rights-of-way and generally avoiding wooded areas by locating the Project Route south of most of the existing woodland stand. After construction, newly established woody vegetation will be periodically cleared from the permanent right-of-way as part of regular maintenance activities. Because naturally occurring vegetation (native or invasive) in agricultural fields is removed for crop cultivation, there will be no impacts on such vegetation as a result of locating the anticipated alignment in existing agricultural fields. Impacts on naturally occurring vegetation in grassland habitats will be temporary in nature.

49. Consistent with DNR's January 20, 2021 comments and PFC's January 25, 2020 reply comments, PFC will reseed disturbed areas upon completion of construction using BWSR approved, weed-free native seed mixes. If vegetation is disturbed in a wetland or other regulated habitat, then the revegetation seed mix will be approved by the appropriate agency.<sup>22</sup>

iii. Wildlife Habitat

50. Wildlife habitat along the Project Route is divided into three categories: aquatic, woodland, and grassland. These categories are defined by the land cover classifications. Aquatic wildlife habitat consists of the open water and wetland land cover classifications. Woodland wildlife habitat consists of the woodland and shrub land cover classifications. Grassland wildlife habitat consists of the maintained tall grasses, old field and dry tall grasses land cover classifications. Both agricultural land and impervious lands were not included as wildlife habitat as both provide limited habitat for wildlife.<sup>23</sup>

51. Minimal permanent impacts to wildlife habitat will result from tree clearing and the loss of woodland wildlife habitat. Impacts to aquatic and grassland wildlife habitats will be the result of construction activities and temporary in nature. The Project Route does not cross aquatic habitat for fish, mollusks, crayfish, and other aquatic invertebrates. Documentation of fish species within the County is not applicable.<sup>24</sup> The Project will have minimal impact on wildlife habitat.

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<sup>21</sup> Application at pp. 21–22.

<sup>22</sup> Application at p. 22.

<sup>23</sup> Application at p. 15–16; 22.

<sup>24</sup> Application at p. 15–16; 22.

iv. Wildlife and Fisheries

52. Impacts on wildlife and fisheries will be associated with construction activities and mostly temporary in nature. The Project has minimized those impacts by locating the Project Route along existing rights-of-way and/or in agricultural fields. Permanent impacts on wildlife will be associated with limited tree removal. Permanent impacts on wildlife will be restricted to individual members of a species and not cause a trend towards state or federal listing of the species. Impacts on fisheries and other aquatic species will be avoided by using HDD in conjunction with erosion and sediment control BMPs to prevent sediment from reaching waterbodies.<sup>25</sup>

53. The Project will avoid any impacts to any threatened or endangered species. Four federally listed species are documented as occurring in Dakota County: northern long-eared bat, Higgins eye pearlymussel; rusty patched bumble bee, and prairie bush clover. PFC has represented that it will consult with the United States Fish and Wildlife Service on appropriate construction mitigation measures for the species once the Route Permit is issued.<sup>26</sup>

54. The NHIS data contains records of a state listed endangered species (Loggerhead shrike) and two species of special concern (lark sparrow and Bell's vireo) within a 1-mile search radius of the Project.<sup>27</sup> On January 20, 2021, DNR filed comments on the Application, concurring with PFC's NHIS review, noting that, if vegetation clearing of the 50-foot right-of-way will occur during the nesting season (from April through July), avian surveys may be required, which should be coordinated with DNR. On January 25, 2021 PFC filed brief reply comments, agreeing to adhere to DNR's recommendations regarding timing of tree removal relative to avian nesting season or, if that is not feasible, acknowledging it will work with DNR to perform a study/survey of those areas to determine if nesting would be impacted by planned activities.

v. Water Resources

55. No impact to groundwater is anticipated by the Project. The anticipated alignment is in areas classified as having moderate sensitivity to groundwater pollution. Travel times for surface contaminants to reach a drinking water aquifer may range from one week to multiple weeks. Spills or leaks of fuels or hazardous materials associated with construction or maintenance equipment are more likely to impact the groundwater due to these faster travel times. The Project will implement a Spill Prevention, Containment, and Countermeasures Plan to prevent spills and minimize impacts in the event of a spill.<sup>28</sup>

56. No surface waters or wetlands will be impacted. There are no mapped public waters or wetlands within the Project Route. The DNR's public waters inventory indicates that there is one freshwater emergent seasonally flooded wetland located approximately 300 feet north of the route, but it will be avoided. Any wet ditches along and within the county highways ROW will be

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<sup>25</sup> Application at p. 22.

<sup>26</sup> Application at p. 16.

<sup>27</sup> Application at pp. 16–17.

<sup>28</sup> Application at pp. 17, 23.

crossed via HDD, and the HDD stations will be outside of the low wet ditch areas. No Federal, State, and County Recreational Areas Water Resources will be affected by the Project.<sup>29</sup>

vi. Air Quality

57. The Project area is entirely within Dakota County, which is designated as in attainment with National Ambient Air Quality Standards (“NAAQS”). Air quality related to construction activities and pipeline operation will not adversely affect NAAQS attainment.<sup>30</sup>

58. During the construction phase there will be intermittent and scattered exhaust emissions from construction equipment, both on-road and non-road. PFC will mitigate the potential for any windblown fugitive dust emissions generated during excavation, trenching, and other earthmoving operations, by watering exposed soils, especially unpaved driving surfaces, on an as-needed basis. During operation of the pipeline, only minor emissions will occur due to exhaust from vehicles used during occasional routine inspections and maintenance activities. An air quality permit is not required for the Project.<sup>31</sup>

59. The proposed Project will not have significant impact on air quality during construction or operation.

**C. Lands of Historical, Archaeological, and Cultural Significance**

60. Minn. R. 7852.0700, Subp. 3(C) states that in determining whether a proposed pipeline and associated facilities qualify for partial exemption and issuance of a Route Permit, the Commission shall consider the impact of the pipeline as it relates to lands of historical, archaeological, and cultural significance.

61. The Minnesota State Historic Preservation Office (“SHPO”) database search of archaeological and architectural records for the four sections (for which this project is located) was completed. Results of the desktop database search for records within Sections 28, 29, 32,33 T27N, R22W indicated no records within the project site. SHPO database search results were received on October 20, 2020.<sup>32</sup>

62. No impacts to archaeological or historic sites are expected; no sites were identified by the SHPO database search of parcels along the proposed pipeline.

**D. Land Use Economies**

63. Minn. R. 7852.1900, Subp. 3(D) states that in determining whether a proposed pipeline and associated facilities qualify for partial exemption and issuance of a Route Permit, the

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<sup>29</sup> Application at pp. 18, 23; Figure 7.

<sup>30</sup> Application at p. 18.

<sup>31</sup> Application at p. 24.

<sup>32</sup> Application at p. 14.



Commission shall consider the impact of the pipeline as it relates to economies within the route, including agricultural, commercial or industrial, forestry, recreational, and mining operations.

64. Economic benefits to the local economy will be realized during construction resulting from the modest labor workforce. These benefits include material expenditures, workforce lodging, fuel sales, grocery sales and restaurant expenditures. Demand for housing and public services from the non-local workers will be incremental and small. Additional local benefits include easement payments, permit fees, and property tax revenues. Construction will create temporary jobs for both local and non-local workers.<sup>33</sup>

65. Agricultural land will be temporarily impacted by the proposed Project. No organic farms will be crossed. Land along the right-of-way and construction workspace will not be able to be cultivated during construction. PFC has negotiated easements with affected landowners along the anticipated alignment to mitigate any temporary impacts on agricultural production. All agricultural land within the project is owned by one landowner. Following construction, agricultural land can resume cultivation along the right-of-way and no permanent impacts are expected. The draft Agricultural Mitigation Plan is included in Exhibit D to the Application. The proposed Project is not expected to have negative impacts on other portions of the local economy.<sup>34</sup>

#### **E. Pipeline Cost and Accessibility**

66. Minn. R. 7852.1900, Subp. 3(E) states that in determining whether a proposed pipeline and associated facilities qualify for partial exemption and issuance of a Route Permit, the Commission shall consider the impact of the pipeline as it relates to pipeline cost and accessibility.

67. PFC estimates that the total cost of the Project will be approximately \$1.6 million. Operation and maintenance costs for the Project will be nominal for several years, as the pipeline will be new and minimal vegetation maintenance will be required. The annual operating and maintenance cost for the Project is expected initially to be approximately \$60,000 per year. Pipeline access will be required for typical operation and maintenance activities, which will include pipeline patrols, cathodic protection reads, and location requests through Gopher State One-Call system. PFC will use existing roads to access the right-of-way during construction and operation of the pipeline.<sup>35</sup>

68. PFC considered one other route in addition to the Project Route, which is 500 feet greater in length and lies parallel to a 69 KV power line for approximately 2000 feet, requiring installation of additional corrosion mitigation and personnel safety equipment not required for the preferred Project Route.<sup>36</sup>

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<sup>33</sup> Application at p. 24.

<sup>34</sup> Application at p. 24.

<sup>35</sup> Application at p. 25.

<sup>36</sup> Application at p. 11; Exhibit B; Figure 4.

**F. Use of Existing Rights-of-Way and Right-of-Way Sharing or Paralleling**

69. Minn. R. 7852.0700, Subp. 3(F) states that in determining whether a proposed pipeline and associated facilities qualify for partial exemption and issuance of a Route Permit, the Commission shall consider the impact of the pipeline as it relates to the use of existing rights-of-way and right-of-way sharing or paralleling.

70. Existing rights-of-way will be paralleled, but not utilized. The pipeline will be near but not within the existing road and pipeline right-of-way.<sup>37</sup>

**G. Extent Human or Environmental Effects are Subject to Mitigation by Regulatory Control and Permit Conditions**

71. Minn. R. 7852.0700, Subp. 3(H) states that in determining whether a proposed pipeline and associated facilities qualify for partial exemption and issuance of a Route Permit, the Commission shall consider the impact of the pipeline as it relates to the extent to which human or environmental effects are subject to mitigation by regulatory control and by application of the permit conditions contained in part 7852.3600 for pipeline right-of-way preparation, construction, cleanup, and restoration practices.

72. On February 9, 2021, EERA filed a Sample Route Permit for the Project. The Sample Route Permit contains standard compliance filing requirements for the Project, including the Construction Environmental Control Plan (“CECP”). The CECP includes significant mitigation measures against any human or environmental impacts, including requirements for (1) an Agricultural Impact Mitigation Plan, (2) a Vegetation Management Plan, and (3) site sediment and erosion control measures.<sup>38</sup> PFC also has already prepared a Draft Agricultural Impact Mitigation Plan.<sup>39</sup>

73. Right-of-way preparation, construction, cleanup, and restoration for the Project have been designed in accordance with the requirements outlined in Minnesota Rule 7852.3600, and with the Sample Route Permit issued by EERA. Those procedures are outlined at pages 8–10 and 26 of the Application and explicitly incorporated into the Sample Route Permit.

74. The proposed construction and operation methods, along with the regulatory oversight of the Commission through its Route Permit for the Project, as well as requirements of the local, state, and federal agencies listed in Table 10 of the Application, will mitigate the effects of the proposed Project on the human and natural environments.

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<sup>37</sup> Application at pp. 18, 25.

<sup>38</sup> Sample Route Permit at p. 6–9.

<sup>39</sup> Application at p. 26; Exhibit D.

**H. Cumulative Potential Effects of Related or Anticipated Future Pipeline Construction**

75. Minn. R. 7852.1900, Subp. 3(I) states that in determining whether a proposed pipeline and associated facilities qualify for partial exemption and issuance of a Route Permit, the Commission shall consider the impact of the pipeline as it relates to cumulative potential effects of related or anticipated future pipeline construction.

76. The proposed Project has been designed for a maximum design capacity of 4680 MCFD. No future expansion of this capacity is planned. The pipeline will be constructed, and pressure tested for operation at the maximum design capacity. Except for the low pressure pipeline to be constructed by others from the landfill to the gas processing facility, there is no other known pipeline work planned for the area within a mile of the Project.<sup>40</sup>

77. This Project will ultimately have beneficial effects through the production of renewable natural gas from a landfill gas feedstock rather than the landfill gas being combusted in a flare. The project will not have significant cumulative effects.<sup>41</sup>

**I. Other Local, State, or Federal Rules and Regulations**

78. Minn. R. 7852.0700, Subp. 3(J) states that in determining whether a proposed pipeline and associated facilities qualify for partial exemption and issuance of a Route Permit, the Commission shall consider the impact of the pipeline as it relates to the relevant applicable policies, rules, and regulations of other state and federal agencies, and local government land use laws, including ordinances adopted under Minnesota Statutes section 299J.05, relating to the location, design, construction, or operation of the proposed pipeline and associated facilities.

79. A list of known federal, state, and local approvals for construction of the proposed Project is presented in Section 10 of the Application.<sup>42</sup>

80. PFC has committed to working with regulatory agencies with permitting authority over the proposed Project, and will satisfy the permit requirements of those agencies. PFC has acknowledged that compliance with those permits will be a condition of any permit issued by the Commission.<sup>43</sup>

81. PFC has discussed the City of Inver Grove Heights' comments on the Project with EERA, including the City's request that the Project (1) avoid a proposed box culvert along the Project route, (2) take into account future City right-of-way needs along the proposed route, and (3) carefully plan and install the Project to avoid slope stability and erosion issues on the step hill

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<sup>40</sup> Application at p. 25.

<sup>41</sup> Application at p. 25.

<sup>42</sup> Application at p. 28.

<sup>43</sup> Application at p. 25.

near 11280 Rich Valley Blvd. PFC agrees with the addition of the following special permit condition proposed by EERA to address the City's concerns:

Section 6.1 The Permittee shall coordinate with the City of Inver Grove Heights to ensure that the pipeline is placed, to the extent practicable, in a manner consistent with the City's plans for the Veteran's Memorial Greenway Trail and the potential expansion of Rich Valley Blvd. Further the Permittee shall coordinate with the City regarding slope stability and potential erosion impacts in areas along the pipeline route identified by the city. The Permittee shall file documentation of this coordination and the results of the coordination with the plan and profile for the Project.

### **CONCLUSIONS**

1. Any of the foregoing Findings of Fact more properly designated as Conclusions of Law are hereby adopted as such.

2. The Commission has jurisdiction over the Application pursuant to Minn. Stat. § 216G.02.

3. The Project qualifies for review under the partial exemption process of Minnesota Stat. § 216G.02 and Minn. R. 7852.0600.

4. The Applicant, EERA, and the Commission have complied with the procedural requirements for a partial exemption from pipeline route selection procedures as set forth in Minn. R. 7852.0600, including publication of application notice in a newspaper in the county where the pipeline will be located, and mailing the notice and application to required parties, including affected landowners, and holding a public informational meeting and comment period.

5. The Commission has considered all the pertinent standards and criteria in accordance with Minn. R.7852.0700 relative to its determination for a partial exemption from pipeline route selection procedures and issuance of a pipeline routing permit.

6. The Commission concludes that a route permit for the new pipeline should be conditioned in a number of respects, including imposition of those conditions specified in Minn. R. 7852.3600, the Draft Route Permit presented by EERA and conditions agreed to by the Applicant, including the addition of special condition at Section 6.1.

Based on the Findings of Fact and Conclusions contained herein and the entire record of this proceeding, the Minnesota Public Utilities Commission hereby makes the following:

### **ORDER**

The Minnesota Public Utilities Commission hereby grants PFC a partial exemption from the pipeline route selection procedures of Minnesota Rules, Chapter 7852.

The Minnesota Public Utilities Commission hereby issues a pipeline routing permit to PFC for construction of an approximately 5,900-foot long, 4.5-inch outside-diameter, renewable natural gas transmission pipeline from a Renewable Natural Gas Processing Facility to be constructed to

process the landfill gas extracted from the Republic Services Pine Bend Landfill to a delivery point into the NSPM high-pressure gas system. The pipeline routing permit is attached hereto with a map showing the approved route, including the description of the route with a variable width as shown in the map, and the inclusion of conditions and any special conditions.

REVISED EERA Sample Route Permit -May 18, 2021

EERA Sample Route Permit – February 10, 2021

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

ROUTE PERMIT  
FOR

CONSTRUCTION OF A LARGE NATURAL GAS PIPELINE

AND

ASSOCIATED FACILITIES  
IN  
DAKOTA COUNTY

ISSUED TO  
PETROLEUM FUELS COMPANY

PUC DOCKET NO. **IP-7042/PPL-20-872**

In accordance with the requirements of Minnesota Statutes Chapter 216G and Minnesota Rules Chapter 7852 this route permit is hereby issued to:

**PETROLEUM FUELS COMPANY**

Petroleum Fuels Company is authorized by this route permit to construct approximately 5,600-feet of 4.5-inch-outside-diameter steel pipe, natural gas transmission pipeline and associated facilities.

The pipeline and associated facilities shall be built within the route identified in this permit and as portrayed on the official route maps, and in compliance with the conditions specified in this permit.

Approved and adopted this \_\_\_\_ day of \_\_\_\_, 2021

BY ORDER OF THE COMMISSION

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William Seuffert,  
Executive Secretary

REVISED EERA Sample Route Permit -May 18, 2021  
EERA Sample Route Permit – February 10, 2021

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**REVISED EERA Sample Route Permit -May 18, 2021**  
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**FIGURES**

Route Map

**ATTACHMENTS**

Complaint Procedures for Permitted Energy Facilities

Compliance Filing Procedures for Permitted Energy Facilities

## 1.0 ROUTE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this route permit to **Petroleum Fuels Company (“PFC” or “Permittee”)** pursuant to Minnesota Statutes Chapter 216G and Minnesota Rules Chapter 7852. This permit authorizes the permittee to construct Pine Bend Pipeline, a pipeline of approximately 5,600 feet of 4.5-inch-outside-diameter steel pipe, high pressure natural gas transmission pipeline and associated facilities as identified in the attached route permit maps, hereby incorporated into this document.

### 1.1 Pre-emption

Pursuant to Minn. Stat. § 216G.02, Subd. 4, this permit shall be the sole route approval required to be obtained by the Permittee for construction of the pipeline facilities 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.

### 1.2 Definitions

“Construction,” as defined in Minn. R. 7852.0100 Subp. 11 “means any clearing of land, excavation, or other action for the purpose of constructing new pipeline that would adversely affect the natural environment of a pipeline route. Construction does not include changes needed for use of a route for purposes of maintenance, or replacement of an existing pipeline and associated facilities within existing rights-of-way, or for the minor relocation of less than three-quarters of a mile of an existing pipeline or for securing survey or geological data, including necessary borings to ascertain soil conditions.”

“Associated facilities,” as defined in Minn. R. 7852.0100 Subp. 7 “means all parts of those physical facilities through which hazardous liquids or gas moves in transportation, including but not limited to pipe, valves, and other appurtenances connected or attached to pipe, plumbing and compressor units, fabricated assemblies associated with pumping and compressor units, metering and delivery stations, regulations stations, holders, breakout tanks, fabricated assemblies, cathodic protection equipment, telemetering equipment, and communication instrumentation located on the right-of-way.”

## 2.0 PROJECT DESCRIPTION

The Pine Bend Pipeline (Project) is comprised of approximately 5,600 feet of 4.5-inch-outside - diameter steel pipe (0.237-inch wall thickness, X-52) anticipated to be operated at 670 pounds per square inch gauge (psig), with a maximum allowable operating pressures of (MAOP) 1,440 psig.

## 2.1 Associated Facilities

Associated facilities for the Project include a meter station and odorizing facility at the south end of the pipeline, within the boundaries of the gas processing facilities. Alternating current mitigation and other cathodic protection facilities will be installed at a future date as warranted by a cathodic protection study to be conducted after construction. Pipeline markers will be installed at various locations (e.g., road crossings) in accordance with applicable federal and state regulations.

## 2.2 Class Location meter station and odorizing facility a

The pipeline will be designed to a minimum of a Class 2 location. Class location is determined by 49 CFR 192.5.

## 2.3 Project Location

The pipeline will extend through portions of the northwest ¼ of Section 33, the northeast ¼ of Section 32 and the southeast ¼ of Section 29, all in T27N, R22W in the city of Inver Grove Heights in Dakota County, Minnesota, as shown on the map attached to this permit.

## 2.4 Anticipated Project Construction Schedule

The Project will be constructed in the spring of 2021. Construction and improvement must begin within four years after issuance of the permit (Minnesota Rule 7852.3300).

## 3.0 DESIGNATED ROUTE

The route designated by the Commission in this permit is the route described below and shown on the route maps attached to this permit. The route is generally described as follows:

The pipeline will begin at a new Renewable Natural Gas facility to be built in the Northwest ¼ of Section 33, Township 27N, Range 22W, in the city of Inver Grove Heights. The pipeline will proceed north approximately 400 feet then west approximately 900 feet then north for 130 feet, then west again for 540 feet, then northwest for 450 feet to a point on the east side of Rich Valley Blvd. The pipeline will then cross Rich Valley Blvd and then proceed north-northwest along the west side of Rich Valley Blvd and Blaine Avenue for a distance 2,200 feet, crossing under 110<sup>th</sup> St. East. The pipeline then crosses Blaine Avenue to the northeast and proceeds north-northeast parallel to an existing pipeline owned by Northern States Power Minnesota for a

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distance of 1,170 feet to a pipeline facility owned by NSPM which is located on the south side of 105<sup>th</sup> St. East approximately 550 feet west of Blaine Ave East.

The designated route has a width of 200 feet as shown on the attached official route map(s).

The identified route widths will provide the Permittee with flexibility for minor adjustments of the specific alignment or right-of-way to accommodate landowner requests and unforeseen conditions. The final alignment (i.e., permanent and maintained rights-of-way) will be located within this designated route unless otherwise authorized by the Commission.

Any alignment modifications arising from site-specific constraints (e.g. sinkholes and infrastructure) that would result in right-of-way placement outside of this designated route shall be located to have the same or less impacts relative to the criteria in Minn. R. 7852.1900 as the alignment identified in this permit and be specifically identified in and approved as a permit amendment pursuant to Minn. R. 7852.3400.

### 3.1 Permanent Right-of-Way

This Permit authorizes the Permittee to obtain a new permanent right-of-way for the pipeline up to 50-feet in width.

The right-of-way will generally conform to this proposed alignment, except as otherwise provided by this permit. Any alignment modification within this designated route shall be located to have the same or less impacts relative to the criteria in Minn. R. 7852.1900 as this alignment identified in this permit.

### 3.2 Temporary Construction Workspace (Right-of-Way)

Construction will require a 50-foot construction workspace, which includes the 25-foot wide permanent right-of-way (3.2 acres), plus 25-feet of temporary construction workspace (3.2 acres).

The Permittee shall limit temporary right-of-way to construction access needs required outside of the authorized permanent rights-of-way. Temporary right-of-way shall be selected to limit the removal and impacts to vegetation.

The Permittee may obtain extra temporary workspace that is needed at locations where the project will cross features such as waterbodies, roads, railroads, side slopes, other special circumstances and where horizontal directional drilling will be utilized. Extra temporary workspace will be allowed for construction activities including, but not limited to, staging

equipment and stockpiling spoil material to facilitate construction of the pipeline. These dimensions will vary depending on actual site-specific conditions. Extra temporary workspace that may be required outside the approved Route Width are identified on the maps attached to this Route Permit.

### 3.3 Right-of-Way Conformance

This permit anticipates that the right-of-way will generally conform to the alignment identified on the attached route permit maps unless changes are requested by individual landowners and agreed to by the Permittee or for unforeseen conditions that are encountered or are otherwise provided for by this permit.

Any right-of-way modifications within the designated route shall be located so as to have comparable overall impacts relative to the factors in Minn. R. 7852.1900, as does the right-of-way identified in this permit, and shall be specifically identified and documented in and approved as part of the plan and profile required by this permit.

### 3.4 State and Federal Minimum Depth of Cover Requirements

Minn. Stat. § 216G.07, Subd. 1, requires the pipeline trench to be excavated to a depth that sufficiently allows for at least 54 inches (4.5 feet) of backfill from ground surface to the top of pipeline in all areas where the pipeline crosses the right-of-way of any public drainage facility or any county, town, or municipal street or highway and where the pipeline crosses agricultural land. Where the pipeline crosses the right-of-way of any drainage ditch the pipeline shall be installed with a minimum level cover of not less than 54 inches (4.5 feet) below the authorized depth of the ditch, unless waived in the manner provided in Minn. Stat. § 216G.07, Subd. 2 and 3. In agricultural land, the Permittee may seek a depth requirement waiver from the affected landowners to install the pipeline at the same depth as required by U.S. Department of Transportation regulation 49 C.F.R. 192.327.

In all cases, the pipeline trench shall be excavated to a depth that sufficiently allows for at least 36 inches (3 feet) of backfill from ground surface to the top of pipeline.

## **4.0 PRE-CONSTRUCTION COMPLIANCE**

The following identifies Permittee pre-construction filing requirements. Submissions must be made by electronic filing (eFiling).

### 4.1 Permit Distribution to Local Governments and Residents

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The Permittee shall, within 10 days of receipt of the pipeline routing permit from the Commission, send a copy of the permit to the office of each regional development commission of a development region, soil and water conservation district, watershed district, watershed management district, office of the county auditor, and the clerk of each city and township crossed by the designated route.

Within 30 days of permit issuance, the Permittee shall send a printed copy of the permit and the complaint procedures to all affected landowners. In no case shall the affected landowner receive this route permit and complaint procedures less than five days prior to the start of construction on their property. An affected landowner is any landowner or designee that is within or adjacent to the designated pipeline route authorized by this permit.

The Permittee shall provide all affected landowners with information concerning, at a minimum, the initial survey, right-of-way acquisition, right-of-way preparation, construction, and restoration.

As provided by applicable laws and regulations the Permittee shall provide educational materials about the project and any restrictions or dangers associated with the project to affected landowners within the route whose land is crossed by the pipeline and, upon request, to any interested persons.

#### 4.2 Notification

The Permittee shall notify landowners or their designee at least 14 days in advance but not greater than 60 days in advance of entering the property.

#### 4.3 Field Representative

At least 14 days prior to the start of construction and continuously throughout construction and completion of restoration of the areas affected by construction, the Permittee shall designate a field representative responsible for overseeing compliance with the conditions of this Permit during construction of the project. This person (or a designee) 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 14 days prior to commencing construction. The Permittee may change the field representative at any time upon notice to the

Commission by eFiling as well as posting to a project website maintained by the Permittee and by providing a telephone number to affected landowners, residents, local government units and other interested persons that provides current contact information for the field representative.

#### 4.4 Agricultural Monitor and County Inspector Notification Requirements

The Permittee shall at least 14 days prior to the start of construction provide notice to all landowners affected by construction with the name, telephone number and email address of the Agricultural Monitor and County inspector designated by the County, if appointed.

#### 4.5 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 those permits unless those permits conflict with or are preempted by federal or state permits and regulations. The list of the required permits included in the permit application must be updated as necessary. The Permittee shall submit a copy of such permits to the Commission upon request.

#### 4.6 Employee Training and Education of Permit Terms and Conditions

Prior to any construction, the Permittee shall file an affirmative statement with the Commission, certified by a senior company official, that all Permittee personnel, environmental inspectors, and contractor personnel will be informed of the environmental inspector's authority and have been or will be trained on the implementation of environmental mitigation measures in this permit that are appropriate to their jobs before becoming involved with construction and restoration activities associated with the project.

### **5.0 GENERAL CONDITIONS**

The Permittee shall comply with the following conditions during pipeline right-of-way preparation, construction, cleanup, and restoration over the life of this permit.

#### 5.1 Construction Environmental Control Plan

The Permittee shall develop a Construction Environmental Control Plan (CECP) that includes all environmental control plans and special conditions imposed by permits or licenses issued by state or federal agencies related to agency-managed resources. Plans within the CECP shall include, but not be limited to, an Agricultural Impact Mitigation Plan, a Vegetation Management Plan, and a Stormwater Pollution Prevention Plan. The CECP shall be filed with the Commission



as part of the initial Plan and Profile for each segment of the Project. The CECP must include the following items.

- (a) a detailed listing of environmental control plans or other special conditions imposed by permits or licenses issued by state or federal agencies relating to the Project;
- (b) identification of, and contact information for, an Environmental Monitor to oversee the construction process and monitor compliance with features of the CECP;
- (c) a description of the process for reporting on the status of project construction to the Commission; and
- (d) a description of construction management methods, including the tracking of required plan or permit inspection forms.

The Permittee shall comply with all additional conditions that may be added because of permits issued by other agencies or governmental units.

## 5.2 Agricultural Impact Mitigation Plan

The Permittee shall comply with the Agricultural Impact Mitigation Plan (AIMP) prepared for this Project and approved by the Minnesota Department of Agriculture. The Permittee shall distribute the AIMP with the route permit to all affected landowners. The obligation to comply with the AIMP as a condition of this permit shall expire with the termination of Commission jurisdiction over this permit as prescribed by Minn. R. 7852.3900, unless otherwise specified in the AIMP. The Minnesota Department of Agriculture must approve of any amendments to the AIMP. The Permittee shall file the amended AIMP with the Commission within 10 days of Minnesota Department of Agriculture approval.

## 5.3 Vegetation Management Plan

The Permittee must develop a Vegetation Management Plan (VMP). The purpose of the VMP shall be to identify measures to minimize the disturbance and removal of vegetation for the Project, prevent the introduction of noxious weeds and invasive species, and re-vegetate disturbed non-cropland areas with appropriate native species in cooperation with landowners and state, federal, and local resource agencies, in such a way that does not negatively impact the safe and reliable operation of the Project.

#### 5.4 Site Sediment and Erosion Control

The Permittee shall develop a Soil Erosion and Sediment Control Plan prior to construction and submit the Plan to the Commission at least 14 days prior to the start of construction. This Plan may be the same as the Storm Water Pollution Prevention Plan (SWPPP) submitted to the MPCA as part of the National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater Permit application provided it identifies the information in the following paragraph.

The Soil Erosion and Sediment Control Plan shall address what types of erosion control measures will be implemented during each Project phase and shall at a minimum identify: plans for grading, construction, and restoration of the areas affected by construction activities; necessary soil information; detailed design features to maintain downstream water quality; a comprehensive re-vegetation plan to maintain and ensure adequate erosion control and slope stability and to restore the site after temporary activities; and measures to minimize the area of surface disturbance.

Other practices shall include containing excavated material, protecting exposed soil, and stabilizing restored material and removal of silt fences or barriers when the area is stabilized. The plan shall identify methods for disposal or storage of excavated material. Erosion and sedimentation control measures shall be implemented prior to construction and maintained until restoration activities are completed for each phase of the Project. All areas disturbed during construction shall be returned to pre-construction conditions to the extent practicable.

#### 5.5 Construction Practices

The Permittee shall follow those specific construction practices and material specifications described in [Petroleum Fuels Company's application for the Pine Bend Pipeline Project dated December 30, 2020 as subsequently amended on January 25, 2021](#), and the record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail. The Permittee shall comply with the conditions for right-of-way preparation, construction, cleanup, and restoration contained in Minn. R. 7852.3600.

##### 5.5.1 Public Services, Public Utilities, and Existing Easements

During construction, the Permittee shall minimize any disruption to public services or public utilities. To the extent disruptions to public services or public utilities occur these would be temporary, and the Permittee will restore service promptly. Where any impacts to utilities have the potential to occur the Permittee will work with both landowners and local agencies to

determine the most appropriate mitigation measures if not already considered as part of this permit.

The Permittee shall cooperate with all entities that have existing easements or infrastructure within the pipeline route to ensure minimal disturbance to existing or planned developments.

#### 5.5.2 Access to Property for Construction

The Permittee shall obtain all necessary permits authorizing access to public rights-of-way prior to any construction. The Permittee shall obtain approval of the landowners for access to private property prior to any construction. The Permittee shall consult with property owners to identify and address any special problems the landowners may have that are associated with the pipeline prior to any construction.

The Permittee shall work with landowners to provide access to their property, to locate the pipeline on their property to minimize the loss of agricultural land, forest, and wetlands, with due regard for proximity to homes and water supplies, even if the deviations will increase the cost of the pipeline, so long as the landowner's requested relocation does not adversely affect environmentally sensitive areas.

The Permittee shall negotiate agreements with landowners that will give the landowners access to their property; minimize the impact on planned future development of the property; and to assume any additional costs for such development that may be the result of installing roads, driveways and utilities that must cross the right-of-way. The Permittee shall not unreasonably deny a landowner's request to cross the easement to access the landowner's property.

#### 5.5.3 Noise

The Permittee shall comply with noise standards established under Minn. R. 7030.0010 to 7030.0080. Construction and maintenance activities shall be limited to daytime working hours to the extent practicable.

#### 5.5.4 Topsoil Protection

The Permittee shall take precautions to minimize mixing of topsoil and subsoil during excavation of the trench for the pipe unless otherwise negotiated with the affected landowner.

#### 5.5.5 Soil Compaction

Compaction of agricultural lands by the Permittee must be kept to a minimum and mitigated in accordance with the Agricultural Impact Mitigation Plan.

#### 5.5.6 Landscape Preservation

Care shall be used to preserve the natural landscape, minimize tree removal, and prevent any unnecessary destruction of the natural surroundings in the vicinity of all pipeline construction and restoration activities.

#### 5.5.7 Sensitive Areas

The Permittee shall stabilize stream banks and other sensitive areas disturbed by pipeline construction in accordance with the requirements of applicable state or federal permits.

#### 5.5.8 Wetlands and Water Resources

Wetlands and riparian areas shall be accessed using the shortest route possible to minimize travel through wetland areas and prevent unnecessary impacts. No temporary workspace areas shall be placed within or adjacent to wetlands or water resources, as practicable. To minimize impacts, construction in wetland areas shall occur during frozen ground conditions where practicable and shall be according to permit requirements by the applicable permitting authority. 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.

Dewatering during periods of excessive precipitation or in areas where the natural groundwater table intersects the pipeline trench will not be directed into wetlands or water bodies. Dewatering discharges will be directed toward well vegetated upland areas. Should discharge activities need to be directed off the right-of-way landowner consent will be obtained, and locations will be chosen to minimize impacts. All discharge activities will comply with applicable agency permits or approvals.

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.

All requirements of the U.S. Army Corps of Engineers (wetlands under federal jurisdiction), Minnesota Department of Natural Resources (Public Waters/Wetlands), and County (wetlands under the jurisdiction of the Minnesota Wetland Conservation Act) shall be met.

#### 5.5.9 Vegetation Removal and Protection

The Permittee shall clear the permanent right-of-way and temporary right-of-way preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and vegetation in areas such as trail and stream crossings where vegetative screening may minimize aesthetic impacts, to the extent that such actions do not impact the safe operation, maintenance, and inspection of the pipeline and are in compliance with all applicable laws and regulations.

Tree stumps will be removed at the landowner's request or when necessitated due to trench location. Cleared vegetation may be disposed of in a manner authorized by the responsible governmental unit or as agreed to with the landowner, provided disposal complies with local regulations.

#### 5.5.10 Application of Pesticides

The Permittee shall restrict pesticide use to those pesticides and methods of application approved by the Minnesota Department of Agriculture, Minnesota Department of Natural Resources, and the U.S. Environmental Protection Agency. Selective foliage or basal application shall be used when practicable. The Permittee shall contact the landowner or his designee to obtain approval for the use of pesticide prior to any application on their property. The landowner may request that there be no application of pesticides on any part of the right-of-way within the landowner's property. All pesticides shall be applied in a safe and cautious manner so as not to damage crops, orchards, tree farms, or gardens. The Permittee shall provide notice of pesticide application to affected landowners and known beekeepers operating apiaries within three miles of the project site at least 14 days prior to such application.

#### 5.5.11 Invasive Species

The Permittee shall develop an Invasive Species Plan to prevent the introduction of invasive species on lands disturbed by Project construction activities. This requirement may be included as an element of the Soil Erosion and Sediment Control Plan.

#### 5.5.12 Noxious Weeds

The Permittee shall take all reasonable precautions against the spread of noxious weeds during all phases of pipeline construction and restoration of all areas affected by 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.

#### 5.5.13 Roads (Public and Private)

Prior to commencement of construction, the Permittee shall identify all state, county or township roads that will be used for the project and shall notify the state, county, city and township governing body having jurisdiction over the roads to determine if the governmental body needs to inspect the roads prior to use of these roads. The Permittee is responsible for maintenance and repair of roads that will be subject to extra wear and tear due to transportation of equipment and project related materials. The Permittee shall cooperate with state, county city, and township road authorities to develop appropriate signage and traffic management during construction.

Equipment involved in pipeline construction shall be moved into the right-of-way using existing public or private roads unless a temporary road is negotiated with the landowner and approved by the Environmental Monitor.

The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when accessing construction workspace, unless otherwise negotiated with the affected landowner.

#### 5.5.14 Archaeological and Historic Resources

The Permittee shall work with the State Historic Preservation Office (SHPO) and the State Archaeologist prior to commencing construction to determine whether any additional archaeological survey work will be necessary for any part of the proposed Project. The Permittee shall contract with a qualified archaeologist to complete such surveys, and shall submit the results to SHPO, the State Archaeologist and the Commission.

The SHPO and the State Archaeologist will make recommendations for the treatment of any significant archaeological sites which are identified. Any issue in the implementation of these recommendations will be resolved by the Commission in consultation with SHPO and the State Archaeologist.

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 any previously unrecorded archaeological sites are found during construction, the Permittee shall mark and preserve the sites and promptly notify the SHPO, the State Archaeologist, and the Commission of such discovery. The Permittee shall not excavate at such locations until so authorized by the Commission in consultation with the SHPO and the State Archeologist.

If human remains are encountered during construction, the Permittee shall immediately halt construction at that location and promptly notify local law enforcement authorities and the State Archaeologist. Construction at the human remains location shall not proceed until authorized by local law Enforcement authorities or the State Archaeologist.

If any federal funding, permit, or license is involved or required, the Permittee shall complete any Section 106 (36 C.F.R. part 800) review that is necessary by coordinating with the federal agency or federal authority and SHPO as deemed necessary by the federal agency or federal authority.

#### 5.5.15 Livestock

The Permittee shall take precautions to protect livestock during construction and restoration of the areas affected by construction.

#### 5.5.16 Security

The Permittee will install temporary gates or similar barriers, as needed, to prohibit public access to the right-of-way during construction.

#### 5.5.17 Restoration

The Permittee shall restore the right-of-way, temporary work spaces, access roads, and other public or private lands affected by construction of the pipeline to the natural conditions that existed immediately before construction of the pipeline and as required by other federal and state agency permits. Restoration must be compatible with the safe operation, maintenance, and inspection of the pipeline. Within 60 days after completion of all restoration activities the Permittee shall advise the Commission in writing of the completion of such activities.

#### 5.5.18 Cleanup

All waste and scrap that is the product of construction shall be removed from the right-of-way 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 daily.

#### 5.5.19 Pollution and Hazardous Wastes

All appropriate precautions to protect against pollution of the environment must 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 pipeline construction and restoration of the right-of-way.

#### 5.5.20 Damages

The Permittee shall fairly restore or compensate landowners for damage to crops, fences, private roads and lanes, landscaping, drain tile, or other damages sustained during construction.

### 6.0 SPECIAL CONDITIONS

Special conditions shall take precedence over other conditions of this permit should there be a conflict.

#### 6.1 City of Inver Grove Heights

The Permittee shall coordinate with the City of Inver Grove Heights to ensure that the pipeline is placed, to the extent practicable, in a manner consistent with the City's plans for the Veteran's Memorial Greenway Trail and the potential expansion of Rich Valley Blvd. Further the Permittee shall coordinate with the City regarding slope stability and potential erosion impacts in areas along the pipeline route identified by the city. The Permittee shall file documentation of this coordination and the results of the coordination with the plan and profile for the Project.

### 7.0 DELAY IN CONSTRUCTION

If the Permittee has not commenced construction or improvement of the route within four years after the date of issuance of this permit the Commission shall suspend the permit in accordance with Minn. R. 7852.3300. If at the time of suspension, or at a later time, the Permittee decides to construct the pipeline, it shall certify to the Commission that there have been no significant changes in any material aspects of the conditions or circumstances existing when the permit was issued. If the Commission determines that there are no significant changes, it shall reinstate the permit. If the Commission determines that there is a significant change, it may order public information meetings or a new hearing and consider the matter further, or it may require the Permittee to submit a new application.

### 8.0 COMPLAINT PROCEDURES

Complaint procedures shall be in accordance with the requirements of Minn. R. 7852.3700, and as set forth in the complaint procedures attached to this permit.



The Permittee shall notify the Commission of any complaints received during construction pertaining to Minn. R. 7852.3600 that are not resolved within 30 days of the complaint.

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.

## **9.0 PIPELINE SAFETY**

In an emergency, responders will take appropriate actions necessary to address the emergency. Pursuant to Minn. Stat. § 216G.02, Subd. 3(a) the pipeline routing permit may not set safety standards for the construction of the pipeline. This would also apply to operation and maintenance. Therefore, this Pipeline Routing Permit does not address pipeline safety related issues.

## **10.0 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.

### **10.1 Plan and Profile**

At least 14 days before right-of-way preparation for construction begins on any segment or portion of the project, the Permittee shall provide the Commission with a plan and profile of the right-of-way and the specifications and drawings for right-of-way preparation, construction, cleanup, and restoration for the segment of pipeline for which construction is scheduled. The documentation shall include maps depicting the plan and profile including the designated route, right-of-way, and pipeline alignment approved per this permit.

The Permittee may not commence construction until the 14 days has expired or until the Commission has advised the Permittee in writing that it has completed its review of the plan and profile documents and determined that the planned construction is consistent with this permit. If the Permittee intends to make any significant changes in its plan and profile 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.

The Permittee shall also provide the Minnesota Office of Pipeline Safety with the same information provided to the Commission. The Permittee's plan and profile and specifications and

drawings shall become a condition of this permit and shall be complied with by the Permittee in accordance with Minn. R. 7852.3500.

#### 10.2 Status Reports

The Permittee shall report to the Commission on progress during finalization of the route and construction of the pipeline. Reports shall begin with the submittal of the plan and profile for the project and continue until completion of restoration. The Permittee shall report bi-weekly during construction or restoration or monthly during periods where no construction or restoration activity is occurring.

#### 10.3 Notification to Commission

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

#### 10.4 As-Builts

Within 90 days after completion of construction, the Permittee shall submit copies of all final as-built plans and specifications developed during the project.

#### 10.5 GPS Data

Within 90 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 the pipeline and associated facilities.

Compliance with the Gopher State One-Call (Minn. Stat. Ch. 216D) requirements is necessary when an underground portion of the project goes into service.

### **11.0 RIGHT OF ENTRY**

The Permittee shall allow Commission designated representatives to perform the following, upon reasonable notice, upon presentation of credentials and always in compliance with the Permittee's site safety standards:

- a. To enter upon the facilities easement of the property for the purpose of obtaining information, examining records, and conducting surveys or investigations.

- b. To bring such equipment upon the facilities easement of the property as is necessary to conduct such surveys and investigations.
- c. To sample and monitor upon the facilities easement of the property.
- d. To examine and copy any documents pertaining to compliance with the conditions of this permit.

#### **12.0 PERMIT AMENDMENT**

The Permittee may apply to the Commission for an amendment of the route designation or to conditions specified in the permit in accordance with the requirements and procedures of Minn. R. 7852.3400.

#### **13.0 PERMIT MODIFICATION OR SUSPENSION**

If the Commission determines that substantial evidence supports a finding that a violation of the terms or conditions of this pipeline routing permit has occurred or is likely to occur, it may take action to modify or suspend this permit in accordance with Minn. R. 7852.3800. The Commission may at any time re-consider modification or suspension of this permit if the Permittee has undertaken effective measures to correct the violations.

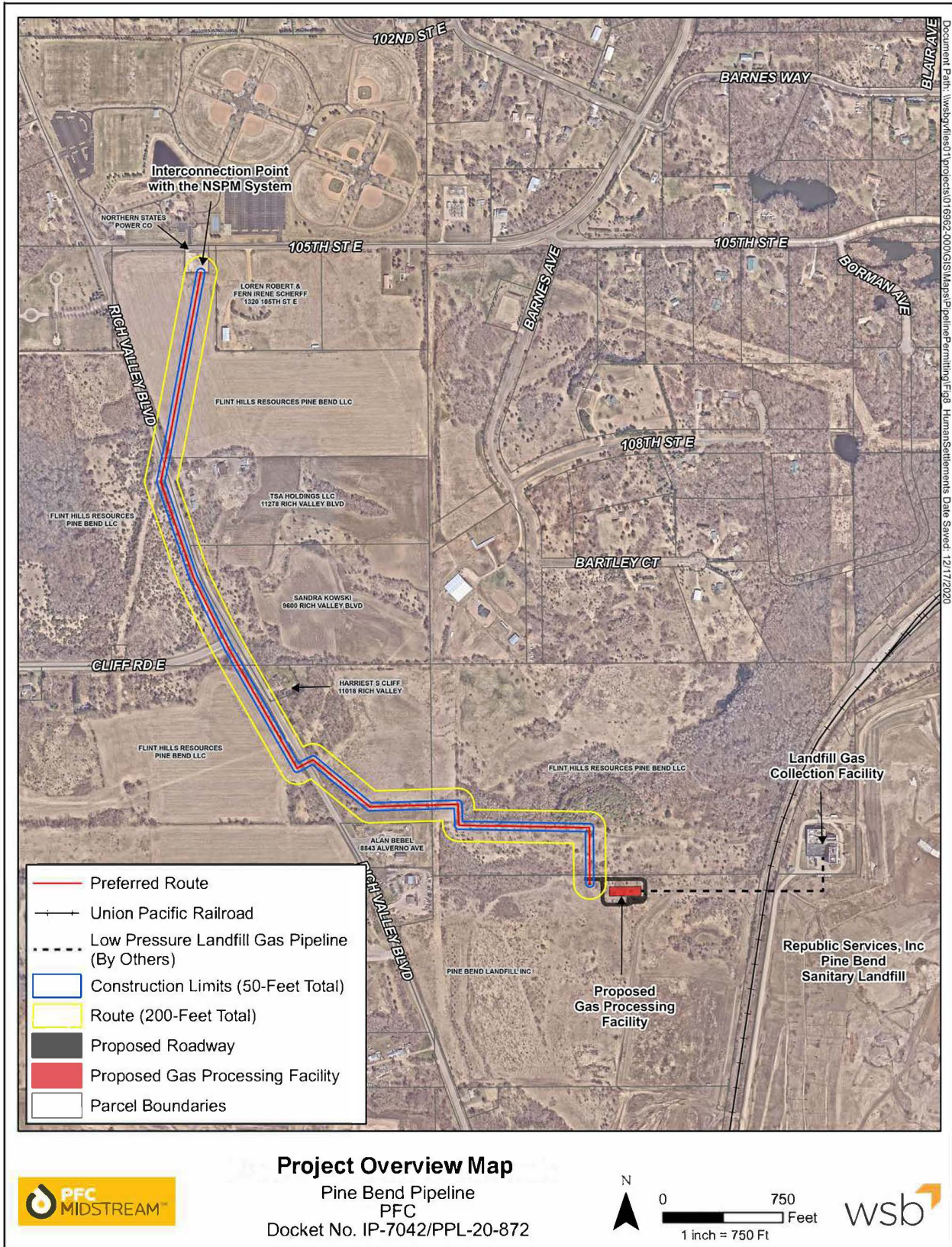
#### **14.0 PIPELINE CONSTRUCTION COMPLETION CERTIFICATE**

In accordance with Minn. R. 7852.3900, the Permittee shall file with the Commission a written certification that the construction and remediation of the permitted pipeline has been completed in compliance with all permit conditions and landowner agreements. The certification shall be considered by the Commission within 60 days of its filing. The Commission shall accept or reject the certification of completion and make a final determination regarding cost or reimbursements due. If the certification is rejected, the Commission shall inform the Permittee in writing which deficiencies, if corrected, will allow the certification to be accepted. When corrections to the deficiencies are completed, the Permittee shall notify the Commission, and the certification shall be reconsidered as soon as possible. After acceptance of the certification, the Commission's jurisdiction over the Permittee's pipeline routing permit shall be terminated.



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ROUTE MAP



**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 permittee 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 unresolved or unsatisfactorily resolved to one or both of the parties.

**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](mailto: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 file by mail or email to:

[Timothy Johnston, P.E.](#)  
[Director of Pipeline Engineering, WSB](#)  
[701 Xenia Avenue South](#)  
[Suite 300](#)  
[Minneapolis, MN 55416](#)  
[tjohnston@wsbeng.com](mailto:tjohnston@wsbeng.com)  
[Tel: 303-842-6972](tel:303-842-6972)

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 Commission energy facility permits.

**B. Scope and Applicability**

This procedure encompasses all known 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



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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.

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**PERMIT COMPLIANCE FILINGS<sup>1</sup>**

PERMITTEE: [Petroleum Fuels Company \(PFC\)](#)  
 PERMIT TYPE: Natural Gas Pipeline Route Permit  
 PROJECT LOCATION: [Dakota](#) County  
 PUC DOCKET NUMBER: [IP-7042/PPL-20-872](#)

Filing Number	Permit Section	Description of Compliance Filing	Due Date
1	4.1	Permit Distribution to Local Governments and Residents	Within 10 days of permit issuance to LGUs, Within 30 days to landowners
2	4.2	Notification	At least 14 days before construction
3	4.3	Field Representative Notification	At least 14 days before construction
4	4.4	Agricultural Monitor & County Inspector Notification Requirements	At least 14 days before construction
5	4.6	Employee Training & Education of Permit Terms and Conditions	Filing of certification prior to any construction
6	5.1	Construction Environmental Control Plan	Filed with Plan and Profile
7	5.2	Agricultural Impact Mitigation Plan	Filed with Plan and Profile
8	5.3	Vegetation Management Plan	Filed with Plan and Profile
9	5.4	Site Sediment and Erosion Control	At least 14 days before construction

<sup>1</sup> 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.

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Filing Number	Permit Section	Description of Compliance Filing	Due Date
10	5.5	Construction Practices	Maintain contact log, file upon request and with As-Builts for each phase
11	5.5.10	Application of Pesticides	At least 14 days prior to application
12	5.5.17	Restoration	Within 60 days after completion
13	8.0	Complaint Procedures	Any unresolved after 30 days to be files with Status Report(s) (see 10.2 below)
14	10.1	Plan and Profile	At least <u>14</u> days before right-of-way preparation. May be done in phases. Copy Minnesota Office of Pipeline Safety
15	10.2	Status Reports	Bi-Weekly during project construction and restoration, otherwise monthly
16	10.3	Notification to Commission	At least 3 days before completion of each phase
17	10.4	As-Builts	Within 90 days after completion of each phase
18	10.5	GPS Data	Within 90 days of completion of each phase
21	14.0	Pipeline Completion Certification	
		Rare Species Survey	If required, within 30 days of completion

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Filing Number	Permit Section	Description of Compliance Filing	Due Date
		Contamination Survey	Before Plan and Profile Submittal (see 10.1 below)