

From: [Janezich, Craig \(PUC\)](#)
To: [Staff, CAO \(PUC\)](#)
Subject: FW: MPCA Comment letter Gopher State Solar - EA
Date: Monday, April 21, 2025 11:20:02 AM
Attachments: [20250418_CommentLetter_GopherStateSolar.pdf](#)
[Outlook-5wdjmm2o.png](#)

Please file this to 24-106

From: Swanson, Regina (MPCA) <Regina.Swanson@state.mn.us>
Sent: Friday, April 18, 2025 3:44 PM
To: Janezich, Craig (PUC) <craig.janezich@state.mn.us>
Cc: Green, Chris (MPCA) <chris.green@state.mn.us>; Card, Dan (MPCA) <dan.card@state.mn.us>; Wilde, William (MPCA) <william.wilde@state.mn.us>; MacLean, Scott (MPCA) <scott.maclea@state.mn.us>; Peterson, Nicole (She/Her/Hers) (MPCA) <Nicole.Peterson@state.mn.us>; Dickerson, Lauren (She/Her/Hers) (MPCA) <Lauren.Dickerson@state.mn.us>; Eyoh, Innocent (MPCA) <innocent.eyoh@state.mn.us>; deAlwis, Deepa (She/Her/Hers) (MPCA) <deepa.dealwis@state.mn.us>
Subject: MPCA Comment letter Gopher State Solar - EA

Greetings,

Please view the attached document for the Minnesota Pollution Control Agency's comment letter for the project referenced above. If you have any questions, please reach out to Chris Green. Thank you.

Regina Swanson

Office Administrative Specialist Senior

Business Systems 1 – Environmental Analysis & Outcomes

520 Lafayette Road North – 4th Floor

Saint Paul, Minnesota 55155

651-757-2098



Our mission is to protect and improve the environment and human health.

NOTICE: This email (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521. This email may be confidential and may be legally privileged. If you are not the intended recipient, you are hereby notified that any retention, dissemination, distribution, or copying of this communication is strictly prohibited. Please reply back to the sender that you have received this message in error, then delete it. Thank you

April 18, 2025

VIA EMAIL

Craig Janezich, Commission Representative
Public Utilities Commission
121 Seventh Place East, Suite 350
Saint Paul, Minnesota 55101-2147
craig.janezich@state.mn.us

RE: Gopher State Solar Project – Environmental Assessment

Dear: Craig Janezich

Thank you for the opportunity to review and comment on the Environmental Assessment (EA) for the Gopher State Solar project (Project) located in Renville County, Minnesota. The Project consists of Gopher State Solar, LLC (Gopher State Solar) constructing, owning and operating an up to 200-megawatt solar energy generating system and associated facilities in Renville County, Minnesota. Gopher State Solar must obtain a site permit from the Minnesota Public Utilities Commission before it can construct the proposed Gopher State Solar Project. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

401 Certification

Table 6. Potential downstream permits:

- This section indicates that a Clean Water Act (CWA) Section 404 Permit from the U.S. Army Corps of Engineers (USACE) for project related wetland impacts may be necessary; hence MPCA Section 401 Water Quality Certification with conditions, waiver or denial must also be obtained as part of the permitting process. You can find additional information about the MPCA's 401 Certification process at: <https://www.pca.state.mn.us/business-with-us/clean-water-act-section-401-water-quality-certifications>. If any of the USACE permitting vehicles are required, the 401 Water Quality Certification must also be included and becomes an enforceable component of the associated federal license or permit, issued under either Section 404 of the CWA or Section 10 of the Rivers and Harbors Act.

Natural resources (Section 4.7):

- The EA should clarify that if the USACE Section 404 Permit or the Section 10 Permit is required and in accordance with Minnesota Statutes, the Project should include the MPCA as a regulator of all surface waters as defined by Minn. Stat. § 115.01, subd. 22 Water of the state. Even though there may be surface waters that are determined to be USACE non-jurisdictional or exempt from the Wetland Conservation Act (WCA), all surface waters are regulated by the MPCA; and any surface water impact needs to be described in the application and may require mitigation. If a USACE Section 404 Permit is required, the 401 Water Quality Certification is also required. The applicant must follow the 401 Certification process:

- An Antidegradation Assessment (anti-deg) must be submitted in accordance with water quality standards Minn. R. 7050.0265 and 7050.0285.
- The 401 program cannot authorize a certification with conditions, waiver or a denial until a signed and complete Record of Decision/Findings of Fact (ROD/FOF) is received.
- The applicant must request and complete a pre-filing meeting.
- A reasonable period-of-time (RPOT) will be issued after a complete anti-deg is submitted.
- The MPCA 401 program will complete an internal triage meeting to determine if this Project should be certified with conditions, waiver or denial.

In addition, the request for certification does need to include the nine elements outlined in federal rule at 40 C.F.R. § 121.5(b), below:

1. Identify the project proponent(s) and point of contact.
2. Identify the proposed project.
3. Identify the applicable federal license or permit.
4. Identify the location and nature of any potential discharge that may result from the proposed project and the location of receiving waters.
5. Include a description of any methods and means proposed to monitor the discharge and the equipment or measures planned to treat, control or manage the discharge.
6. Include a list of all other federal, interstate, tribal, state, territorial or local agency authorizations required for the proposed project, including all approvals or denials already received.
7. Include documentation that a pre-filing meeting request was submitted to the certifying authority at least 30-days prior to submitting the certification request.

We appreciate the opportunity to review this Project. Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit actions by the MPCA. Ultimately, it is the responsibility of the Project Proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this EA, please contact me by email at chris.green@state.mn.us or by telephone at 507-476-4258.

Sincerely,

Chris Green

This document has been electronically signed.

Chris Green, Project Manager

Environmental Review Unit

Resource Management and Assistance Division

CG:rs

Attachment

cc: Dan Card, MPCA
William Wilde, MPCA
Scott Maclean, MPCA
cc continued next page

Craig Janezich

Page 3

April 18, 2025

Nicole Peterson, MPCA

Lauren Dickerson, MPCA

Innocent Eyoh, MPCA

Deepa deAlwis, MPCA