Minnesota Public Utilities Commission
Staff Briefing Papers

Meeting Date: **September 8, 2016** ..... **Agenda Item # *2**

Company:	Northern States Power Company
Docket No.	E002/GS-15-834
	In the Matter of the Application of Northern States Power Company for a Site Permit for the 215 MW Black Dog Unit 6 Project in Burnsville, Minnesota
Issue(s):	Should the Commission approve the proposed findings of fact? Should the Commission find that the Environmental Assessment and the record on this project adequately address the issues identified in the Scoping Decision? Should the Commission issue a site permit for the proposed natural gas electric generating facility?
Staff:	Cezar Panait .....(651) 201-2207

Relevant Documents

NSP - Site Permit Application ..... October 15, 2015
DOC EERA Environmental Assessment ..... May 26, 2016
NSP – Findings of Fact (Proposed) ..... July 22, 2016
ALJ Summary Report ..... August 2, 2016
DOC EERA – Comments and Recommendation ..... August 15, 2016

Attachments

1 – Proposed Findings of Fact
2 – Proposed Site Permit

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

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I. Statement of the Issue

Should the Commission approve the proposed findings of fact? Should the Commission find that the Environmental Assessment and the record on this project adequately address the issues identified in the Scoping Decision? Should the Commission issue a site permit for the proposed natural gas electric generating facility?

II. Project Description

Northern States Power proposed to construct a 215 MW (Summer Capacity) simple-cycle natural gas-fired combustion turbine unit (Unit 6) and associated facilities at the existing Black Dog Generating Station in the city of Burnsville, Minnesota. Unit 6 will increase the generating facility's overall electric generating capacity to 498 MW (Summer Capacity). Its service life is expected to exceed 35 years.

The applicant proposed to use existing infrastructure at the generating plant to the greatest extent practicable. This includes the existing powerhouse building, the existing 115 kV substation and transmission system infrastructure to interconnect the new combustion turbine generator to the bulk transmission system. Unit 6 will be fueled entirely by natural gas. Improvements to natural gas infrastructure and any associated approvals are the responsibility of the gas supplier and are not a part of this proceeding.

The existing Black Dog Power Generating Station was initially developed as a coal and gas-fired generation station beginning in the 1950s as four small coal units. All four coal-fired units have been shut down. The oldest two coal units were removed in 2002 and replaced with a natural gas-fired combustion cycle unit (Unit 5). Units 3 and 4 were retired in April 2015 and some of its structures and equipment will be removed to make room for the construction of Unit 6. The project is anticipated to be operational by March 2018 and the estimated project cost is approximately $100 million dollars.

III. Regulatory Review Process

In accordance with Minnesota Rule 7850.1300, subpart 1, "No person may construct a large electric generating plant without a site permit from the commission. A large electric power generating plant may be constructed only on a site approved by the commission."

Minnesota Rule 7850.1000, subpart 11, defines a large electric power generating plant as:

> "Large electric power generating plant" or "LEPGP" means electric power generating equipment and associated facilities designed for or capable of operation at a capacity of 50,000 kilowatts or more. Associated facilities include, but are not limited to, coal piles, cooling towers, ash containment, fuel tanks, water and wastewater treatment systems, and roads.

The site permit application has been reviewed under the alternative permitting process (Minnesota Rules 7850.2800-7850.3900) of the Power Plant Siting Act (Minnesota Statutes Chapter 216E.04). The alternative permitting process is generally designed for smaller, less controversial projects than those reviewed under the full permitting procedures. The alternative review process, unlike the full permitting process, does not require an applicant to propose an alternative site, but it does require the applicant to disclose alternative sites that were examined and rejected, including an explanation of why they were rejected.

Under the alternative process, Commission staff, in coordination with Department of Commerce Energy Environmental Review and Analysis division (EERA) staff hold a public information and environmental assessment (EA) scoping meeting. The EERA then develops the scope of the environmental assessment, conducts an analysis and prepares the environmental document.

After the release of the EA, the Office of Administrative Hearings (OAH) holds a public hearing on behalf of the Commission. In this docket, the Commission requested a summary report from the OAH – which included only a summary of public comments provided at the hearing and during the subsequent comment period – no findings or recommendations are made by the Administrative Law Judge (ALJ).[1]

A. Notification, Application and Acceptance

On September 16, 2015 the Applicant submitted a letter to the Commission providing notice of its intent to submit a Site Permit Application under the Alternative Permitting Process set forth in Minnesota Rules 7850.2800-7850.3900. On October 15, 2015, the Applicant filed a Site Permit Application for the Unit 6 Project. The Commission issued the *Order Accepting Application Complete, Requesting Summary Report, and Granting Variance* on December 10, 2015 (Completeness Order).

B. Public Information and Environmental Assessment Scoping Meeting

[1] Minn. Stat. § 216B.243 generally requires a Certificate of Need (CON) to construct a generation facility with a total capacity of 50 MW or more; a CON is not required if the facility is selected in a bidding process established by the Commission (Minnesota Statute § 216B.2422, Subd. 5(b)). The Black Dog Project was selected in such a process by the Commission. Accordingly, the Expansion Project is exempt from the CON process.

A Public Information and EA Scoping meeting was held on January 28, 2016, in Burnsville, Minnesota, in accordance with Minnesota Rules 7850.3700. Three members of the public attended the public meeting. Commission and EERA staff received informal comments and questions regarding the Unit 6 Project, but no formal oral comments were provided as part of the meeting.

During the subsequent open comment period, written comments were received from the Minnesota Department of Transportation (MnDOT) requesting coordination of oversize loads to the proposed site, if impacts to road usage are anticipated to occur. The Minnesota Department of Natural Resources (MnDNR) provided comments regarding the peregrine falcon nest box mounted on the Unit 3/4 smokestack and recommended Xcel Energy coordinate with United States Fish and Wildlife Service (USFWS) regarding the removal of the falcon nest. The Minnesota State Historic Preservation Office filed comments stating that there were no properties listed in the National or State Registers of Historic Places and no known or suspected archaeological properties in the area that will be affected by this project.

The scoping decision was issued on February 3, 2016 and the EA itself was filed with the PUC and made available on May 26, 2016.

C. Public Hearing

Pursuant to the Commission's December 2015 Completeness Order, the OAH appointed the Honorable James E. LaFave to preside over the public hearing held in Burnsville, Minnesota on June 16, 2016. The hearing provided an opportunity for members of the public to ask questions or comment on the proposed project verbally and/or to submit question/comments in writing. Approximately five members of the public attended the public hearing, three of which spoke.

The ALJ filed a Summary of Public Comments on August 2, 2016. The main issues or concerns discussed at the public hearing included: technical aspects of the project (old versus new smokestacks), planned expansions at the Black Dog Generating Station that would support future renewable resources, the compliance of the project with the Lower Minnesota River Watershed District (LMRWD) requirements, and the use of union organized labor during construction, such as the International Brotherhood of Electrical Workers (IBEW).

Two members of the public submitted comments to the ALJ during the written comment period, which closed on June 30, 2016. The first comment, from a resident of Burnsville, indicated he has lived near the plant since 1984 and characterized Xcel as a "good neighbor and a very efficient utility". He wrote expressing his support for the project. The LMRWD representative, who also attended the public meeting in January but did not speak at the time, requested an opportunity to

review and comment on the project's construction stormwater pollution prevention plan, and the need to analyze the potential direct and indirect impacts to the Black Dog Fen. The Watershed District's representative further requested an opportunity to review and comment on the MnDNR Temporary Groundwater Appropriation Permit Application.[2]

Written comments were also received from state and local governmental units. The City of Burnsville submitted a letter supporting the Project, specifically regarding the benefits of moving from coal-based power generation to natural gas-based power generation. Also, the Minnesota Pollution Control Agency (MPCA) stated that the Minnesota River is listed as Impaired Waters. As a result, the project will require additional increased stormwater treatment during construction and increased permanent treatment post-construction. The Metropolitan Council (Met-Council) also commented on the Project, stating that the EA did not raise major issues of consistency with Met-Council policies. The Met-Council also described the multi-use recreational trail currently being constructed on the site, as part of the Minnesota River Greenway Regional Trail.

Lastly, Xcel submitted comments regarding the EA, stating that the EA is a thorough and accurate summary of the potential environmental impacts of the project. The EA concluded that impacts from the project will range from minimal, to negligible, to no impact.

D. Standards for Permit Issuance

The Power Plant Siting Act sets standards and criteria to be used and the factors to be considered in determining whether to issue a site permit for a large electric power generating plant (Minnesota Statute § 216E and Minnesota Rules 7850.4100). The law also allows the Commission to place conditions on site permits (Minnesota Statute § 216E.04, Subd. 9(a) and Minnesota Rule 7850.4600).

IV. Participant Recommendations

A. Xcel Energy

As requested by Commission and DOC EERA staff, Xcel Energy submitted proposed Findings of Fact into the record on July 22, 2016. The proposed Findings of Fact concluded (in part) that the Commission should: 1) find that the applicable statutory and rule requirements have been met, 2) find the environmental assessment prepared for the project satisfies Minn. Rule 7850.3700 and addresses the issues identified in the Scoping Decision, and 3) issue a site permit to the Applicants for the proposed project.

[2] These issues were responded to by the DOC EERA staff in its August 15, 2016 comments (discussed below) and where appropriate, incorporated into the Finding of Fact for this project at Finding 126a.

B. Department of Commerce Energy Environmental Review and Analysis

EERA staff provided comments to address corrections and other comments received on the EA prepared for the project. EERA also responded to the Applicant's Proposed Findings and suggested permit revisions.

Environmental Assessment

EERA staff provided responses regarding specific comments and questions that it received from MPCA, the Met-Council, the Applicant, and the LMRWD.
EERA staff also provided some specific corrections to certain EA sections, mostly in response to some technical clarifications received from the Applicant such as the maximum winter generating capacity of the plant which will be 229 MW versus the 215 MW summer capacity. DOC EERA noted that none of the project-specific EA clarifications change the analysis in the EA; therefore, DOC EERA concluded that an EA Amendment would not be required.

EERA Suggested Findings of Fact

EERA staff reviewed the Applicant's proposed Finding of Fact and provided revisions, clarifications, and additional findings as outlined in their August 15, 2016 comments.

Proposed Permit Conditions

EERA recommended including two special permit conditions as detailed below:

Coordination
As a part of its comments, the Lower Minnesota Watershed District requested the opportunity to review and comment on the SWPPP. The applicant indicated that should a SWPPP be required for the proposed project, a draft version can be shared with the District. Therefore, EERA staff recommended a permit condition requiring that if an SWPPP is required for the Project, the Applicant shall share a draft version of the Plan with the District.

Peregrine Falcons
Per a request from the MnDNR, EERA staff recommended a permit condition requiring that should peregrine falcons show signs of stress during project construction or display other erratic flying behavior, the Applicant shall contact the MnDNR Nongame Program Region Specialist.

V. Staff Discussion

Staff concludes that the alternative permitting process has been conducted in accordance with Minnesota Rules 7850.2800 to 7850.3900, that the EA (and the record) evaluated the required issues as outlined in the scope, and that the record supports issuing a permit with conditions.

A. Findings of Fact

Staff has included the proposed Findings of Fact as an attachment to this briefing paper. Staff largely agrees with the EERA's recommendations and made only minor modifications to the EERA's suggested findings in developing the Proposed Findings for this Project. The modifications made by Staff were administrative in nature, clarifying, or additive, but did not change the conclusions drawn. The proposed Finding of Fact summarize that the permitting process has been conducted in accordance with Minnesota Rules Chapter 7850, that possible impacts and potential mitigation measures have been identified and are reasonable and conclude that a site permit should be granted.

B. Site Permit

Staff has included a proposed Site Permit as an attachment to this briefing paper. Staff has incorporated EERA's proposed special permit conditions as reasonable requirements for this project.

VI. Commission Decision Alternatives

A. Findings of Fact

1. Approve the proposed Findings of Fact for the Black Dog Unit 6 Project.
2. Amend the Findings of Fact as deemed appropriate.
3. Take some other action.

B. Environmental Assessment

1. Find that the environmental assessment and the record address the issues identified in the environmental assessment scoping decision;
2. Find the environmental assessment is inadequate, and request a supplement.
3. Take some other action.

C. Site Permit

1. Issue the proposed site permit with appropriate conditions to Xcel Energy.
2. Modify the proposed site permit and issue to Xcel Energy.
3. Take some other action.

D. Administrative or Consistency Authorization

1. Allow Commission staff to make modifications to the proposed Findings of Fact or the proposed Site Permit, as necessary, to ensure consistency and/or to allow for administrative corrections following the Commission's oral decision on this matter.

Staff recommends: A1, B1, C1, and D1

Attachment 1

PUC Docket No. E002/GS-15-834

STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION

In the Matter of the Application of Northern States Power Company for a Site Permit for the 215 MW Black Dog Unit 6 Project in Burnsville, Minnesota

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Attachment 1

PUC Docket No. E002/GS-15-834

STATE OF MINNESOTA
PUBLIC UTILITIES COMMISSION

In the Matter of the Application of Northern States Power Company for a Site Permit for the 215 MW Black Dog Unit 6 Project in Burnsville, Minnesota

FINDINGS OF FACT AND CONCLUSIONS

STATEMENT OF ISSUE

Has Northern States Power Company – Minnesota (NSPM or the Applicant) satisfied the factors set forth in Minn. Stat. § 216E.04 and Minn. Rules Chapter 7850 for a site permit for a 215 megawatt (MW) simple cycle natural gas-fired combustion turbine unit (Black Dog Unit 6) at its existing Black Dog Generating Station (Generating Station) in the city of Burnsville, Dakota County, Minnesota?

Does the environmental assessment (EA) prepared under Minn. Rule 7850.3700 and the record created at the public hearing address the issues identified in the scoping decision?

SUMMARY OF CONCLUSIONS

Specific details regarding the proposed construction and operation of the Black Dog Unit 6 Project (Project) were presented in the Site Permit Application filed on October 15, 2015,[1] and in additional documents submitted by the Applicant.[2] The Project was analyzed within an environmental assessment (EA) prepared by the Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA).[3] Based on the analysis within the EA, potential impacts of the Project are anticipated to be minimal.[4]

The Commission concludes that the record demonstrates the Applicant has complied with the requirements of Minn. Stat. § 216E and Minn. Rule 7850 for a large electric power

[1] Ex. 2, (Application).
[2] Ex. 3, (Heritage Review); Ex. 6, (Reply Comments).
[3] Ex. 17, (EA).
[4] Ex. 17, at pages 74 -76 (EA).

generating plant.

Based on the record created in this proceeding, the Commission makes the following:

FINDINGS OF FACT

I. Applicant

1. Xcel Energy, doing business as NSPM, is the Applicant requesting the site permit for the Black Dog Unit 6 Project.[5] The Black Dog Generating Station, including the associated land, is owned and operated by NSPM.[6]

2. Xcel Energy is a public utility that generates, transmits, distributes and sells electrical power to about 1.5 million customers within service territories located in parts of Minnesota, South Dakota and North Dakota.[7]

II. Description of the Proposed Project

3. NSPM proposes to construct a 215 MW (summer capacity) simple-cycle natural gas-fired combustion turbine and associated facilities at its existing Black Dog Generating Station in the city of Burnsville, Dakota County, Minnesota.[8]

4. The Project is designed to provide 115 kilovolt (kV) electrical power supply to the Twin Cities metropolitan area using existing transmission infrastructure to serve existing distribution substations.[9]

5. The Project will be constructed within an existing powerhouse building.[10] Several Project components will be located outside or attached directly to the powerhouse building.[11]

6. The Project is anticipated to begin commercial operation in March 2018.[12]

7. The construction cost for the Project is estimated to be $100 million.[13]

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[5] Ex. 17, at page 2 (EA); *see also* Ex. 2, at page 9 (Application).
[6] Ex. 17, at page 18 (EA); *see also* Ex. 2, at page 9 (Application).
[7] Ex. 2, at page 9 (Application).
[8] Ex. 17, at page 3 (EA); *see also* Ex. 2, at page 2 (Application).
[9] Ex. 17, at page 3 (EA); *see also* Ex. 2, at page 3 (Application).
[10] Ex. 17, at page 18 (EA); *see also* Ex. 2, at page 15 (Application).
[11] Ex. 17, at pages 19 – 21 (EA); *see also* Ex. 2, at page 15 (Application).
[12] Ex. 2, at page 10 (Application).
[13] Ex. 2, at pages 24, 25 (EA); *see also* Ex. 2, at page 10 (Application).

8. The service life of the Project is expected to exceed 35 years.[14]

9. The Project will be fueled solely by natural gas.[15] As a result, the Project will increase natural gas needs at the Generating Station.[16] A new natural gas pipeline will need to be constructed to increase natural gas supplies to the Generating Station.[17] The gas supplier will be responsible for obtaining necessary permits and approvals to construct the pipeline.[18] The pipeline project will undergo a separate environmental review process.[19]

10. Minn. Stat. § 216B.243 generally requires a Certificate of Need (CON) to construct a generation facility with a total capacity of 50 MW or more.[20] A CON is not required if the facility is selected in a competitive resource acquisition bidding process established by the Commission under Minnesota Stat. § 216B.2422, Subd. 5(b).[21]

11. The Project was selected in a competitive resource acquisition bidding process (Docket No. E002/CN-12-1240) established by the Commission; therefore, a CON is not required for the Project.[22]

III. Procedural History

12. On September 16, 2015, the Applicant filed notice of intent to apply for a site permit under Minn. Rules 7850.2800 – 7850.3900 for the Project.[23]

13. On October 15, 2015, the Applicant filed its site permit application with the Commission under the alternative review process.[24]

14. On October 22, 2015, the Applicant filed a letter that provided the results of the Natural Heritage Information System query conducted by the Minnesota Department of Natural Resources (DNR).[25]

15. On October 23, 2015, the Commission issued a notice for a comment period regarding whether the application contained the information required under Minn. Rules

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[14] Ex. 17, at page 3 (EA).
[15] Ex. 17, at page 21 (EA); *see also* Ex. 2, at page 15 (Application).
[16] Ex. 17, at page 21 (EA).
[17] Ex. 17, at page 21 (EA).
[18] Ex. 17, at page 21 (EA); *see also* Ex. 2, at page 15 (Application).
[19] Ex. 17, at pages 21, 22 (EA); *see also* Ex. 2, at page 11 (Application).
[20] Ex. 17, at page 6 (EA).
[21] Ex. 17, at page 7 (EA).
[22] Ex. 17, at page 7 (EA); *see also* Ex. 2, at page 10 (Application).
[23] Ex. 1, (Notice of Intent to File).
[24] Ex. 2, (Application).
[25] Ex. 3, (Heritage Review).

7850.1900, whether there are any contested issues of fact, and whether there are any other related issues or concerns.[26]

16. On November 2, 2015, the Applicant filed a notice to landowners adjacent to the Project regarding the site permit application.[27]

17. On November 6, 2015 the Minnesota Department of Commerce, Energy Environmental Review and Analysis (EERA) unit, submitted comments on the completeness of the site permit application.[28] The EERA recommended that the Commission accept the application for the Project as substantially complete, with the understanding that the Applicant will provide supplemental information, and that the Commission take no action on an advisory task force.[29]

18. On November 10, 2015 the Applicant filed an affidavit of a mailing to adjacent landowners and an affidavit of a public notice in the "Burnsville This Week" and "Minneapolis Star Tribune" newspapers regarding the Black Dog Unit 6 Project site permit application.[30]

19. On November 13, 2015, the Applicant filed reply comments providing additional information as suggested by the EERA in their November 6 comments.[31] The supplemental information included a listing of the equipment and associated facilities anticipated to be covered by the site permit, clarification regarding project construction and scheduled maintenance, and a listing of any unavoidable Project impacts.[32]

20. On November 18, 2015, the EERA filed a letter in response to the Applicant's reply comments, which stated that the supplemental information provided was consistent with their expectations.[33]

21. On November 20, 2015, the Commission issued a notice that the site permit application would be heard at a Commission meeting on December 3, 2015.[34]

22. On November 24, 2015, the Commission filed briefing papers regarding

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[26] Ex. 21, (Notice of Comment Period); Ex. 22, (Notice of Comment Period – Certificate of Service and Service Lists).
[27] Ex. 4, (Notice of Site Permit Application).
[28] Ex. 12, (Comments and Recommendations on Application Completeness).
[29] Ex. 12, (Comments and Recommendations on Application Completeness).
[30] Ex. 5, (Affidavit of Application).
[31] Ex. 6, (Reply Comments).
[32] Ex. 6, (Reply Comments).
[33] Ex. 13, (Reply Comments – Letter).
[34] Ex. 24, (Notice of Commission Meeting); Ex. 25, (Notice of Commission Meeting – Certificate of Service and Service List).

completeness of the site permit application.[35]

23. On December 3, 2016, the Commission considered the completeness of the site permit application at its regular agenda meeting.[36]

24. On December 10, 2015, the Commission issued an Order that found the site permit application complete and requested that an Administrative Law Judge (ALJ) be appointed to preside over a public hearing as well as prepare a summary report of the comments received at the public hearing and during the subsequent public comment period.[37]

25. On January 6, 2016, the Commission issued a notice regarding a Public Information and Scoping meeting to be held at the Burnsville City Hall on January 28, 2016.[38]

26. On January 28, 2016 a Public Information and Scoping meeting was held at Burnsville City Hall.[39] Commission staff presented information about the site permit application process; EERA staff discussed the EA scoping process and solicited public comment; a representative of the Applicant presented information about the Project; and all were available to answer questions.[40]

27. On February 17, 2016, the Applicant filed an affidavit of publication that a notice of the scoping meeting to be held on January 28, 2016 was published in the "Burnsville/Eagan Sun This Week" on January 15, 2016.[41]

28. On February 18, 2016, the EERA filed a summary of the scoping meeting held on January 28, 2016.[42]

29. On February 25, 2016, the EERA filed its scoping decision regarding the issues that would be addressed and the information that would be provided in the EA for the Project.[43]

30. On February 25, 2016, the EERA filed notice of its EA scoping decision.[44]

31. On May 26, 2016, the EERA published the EA and subsequent notice of

[35] Ex. 26, (Briefing Papers).
[36] Ex. 32, (Minutes – December 3, 2015, Agenda Meeting).
[37] Ex. 27, (Order Finding Application Complete, Requesting Summary Report, and Granting Variance).
[38] Ex. 29, (Notice of Public Information and Environmental Assessment Scoping Meeting).
[39] Ex. 31, (Meeting Presentation); Ex. 14, (Public Meeting Summary).
[40] Ex. 31, (Meeting Presentation); Ex. 14, (Public Meeting Summary).
[41] Ex. 7, (Affidavit of Publication).
[42] Ex. 14, (Public Meeting Summary).
[43] Ex. 15, (Environmental Assessment Scoping Decision).
[44] Ex. 16, (Notice of Environmental Assessment Scoping Decision).

availability.[45]

32. On June 3, 2016, the Commission filed a notice of a public hearing regarding the Project to be held on June 16, 2016 at the Burnsville City Hall. [46]

33. On June 7, 2016, the Commission filed its verification that a notice of the public hearing to be held on June 16, 2016 was sent to local units of government by U.S. certified mail.[47]

34. On June 16, 2016, the EERA filed verification that availability of the EA was published in the Environmental Quality Board Monitor on June 6, 2016.[48]

35. On June 16, 2016, a public hearing was conducted by ALJ James LaFave. Information related to the site permit process, the EA, and the Project was provided by Mr. Cezar Panait on behalf of the Commission. Mr. Andrew Levi, on behalf of the EERA, and Mr. Mark Danberg, on behalf of the Applicant, were available to answer questions.[49]

36. On June 30, 2016, the Court Reporter filed sign-up sheets and a transcript of the public hearing.[50]

37. On July 15, 2016, Xcel Energy filed an affidavit verifying that a notice of the public meeting on June 16, 2016, was published June 10, 2016, in the Burnsville/Eagan Sun This Week.[51]

38. On August 2, 2016, ALJ LaFave filed a report summarizing public comments received at the public hearing.[52]

IV. Public and Agency Participation

39. On December 2, 2015, the U.S. Army Corps of Engineers filed a letter regarding the possible need for a Clean Water Act permit if the Project involves the discharge of dredge or

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[45] Ex. 17, (Environmental Assessment); Ex. 18, (Notice of Environmental Assessment); Ex. 19, (Affidavit of Publication); Ex. 20, (Certificate of Mailing).
[46] Ex. 33, (Notice of Public Hearing); Ex. 34, (Notice of Public Hearing – Certificate of Service and Service Lists).
[47] Ex. 35, (LGU Certified Mail).
[48] EERA (June 16, 2016) *EQB Monitor Notice*, eDockets No. 20166-122313-01.
[49] Court Reporter (June 30, 2016) *Transcripts – Public Hearing June 16, 2016*, eDockets No. 20166-122844-01.
[50] Court Reporter (June 30, 2016) *Transcripts – Public Hearing June 16, 2016*, eDockets No. 20166-122844-01; Court Reporter (June 30, 2016) *Public Hearing Sign-in Sheets – June 16, 2016*, eDockets No. 20166-122845-01.
[51] Applicant (July 15, 2016) *Affidavit of Publication – June 16, 2016, Public Hearing*, eDockets No. 20167-123338-01.
[52] Office of Administrative Hearings (August 2, 2016) *Order*, eDockets No. 20168-123875-01.

fill material into the waters of the United States.[53]

40. On January 28, 2016, a Public Information and Scoping meeting was held at Burnsville City Hall.[54] No public comments were received.[55]

41. On February 10, 2016, the Minnesota Department of Transportation filed scoping comments regarding highway-related considerations including possible oversize or overweight hauling of equipment.[56]

42. On February 11, 2016, the DNR filed scoping comments regarding an active peregrine falcon nest box.[57]

43. On May 3, 2016, the EERA filed a letter dated November 24, 2015, from the Minnesota Historical Society, State Historical Preservation Office (SHPO) regarding its review of the Project, which concluded there are no properties listed in the National or State Registers of Historic Places and no known or suspected archaeological properties in the area that will be affected by the Project.[58]

44. On June 16, 2016, a public hearing was conducted by Administrative Law Judge (ALJ) James LaFave.[59] Three persons provided comment.[60]

45. Mr. James Swanson asked whether Xcel planned to use the current chimney or build a new chimney, and whether sufficient room for expansion exists.[61]

46. Ms. Yvonne Shirk inquired about the construction permitting process with the City of Burnsville due to concerns regarding compliance with the Watershed District.[62]

47. Mr. James Samuelson, representing the International Brotherhood of Electrical Workers (IBEW) Local 160, supported construction of the Project.[63]

48. On June 29, 2016, the city of Burnsville filed comments regarding the Project that stated the city believes the Project is beneficial to the residents of Burnsville and the region, as

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[53] Ex. 8, (Letter – Comments on Black Dog 6).
[54] Ex. 14, (Meeting Summary).
[55] Ex. 14, (Meeting Summary).
[56] Ex. 12, (Comments).
[57] Ex. 11, (Comments).
[58] Ex. 9, (Comments).
[59] Court Reporter (June 30, 2016) *Transcripts – Public Hearing June 16, 2016*, eDockets No. 20166-122844-01.
[60] Court Reporter (June 30, 2016) *Public Hearing Sign-in Sheets – June 16, 2016*, eDockets No. 20166-122845-01.
[61] Office of Administrative Hearings (August 2, 2016) *Order*, eDockets No. 20168-123875-01.
[62] Office of Administrative Hearings (August 2, 2016) *Order*, eDockets No. 20168-123875-01.
[63] Office of Administrative Hearings (August 2, 2016) *Order*, eDockets No. 20168-123875-01.

well as ratepayers.[64]

49. On June 30, 2016, Xcel Energy filed comments regarding the EA prepared for the Project indicating it found the assessment to be a thorough and accurate summary of the potential environmental impacts of the Project.[65] Xcel Energy indicated it intends to implement the mitigation measures deemed necessary and to comply with all permits and licenses that are required following issuance of the Site Permit, which were identified in the EA.[66]

50. On June 30, 2016, the Minnesota Pollution Control Agency (MPCA) filed comments regarding the Project that indicated that the Minnesota River is listed as an impaired waters that will dictate increased stormwater treatment during construction and required increased permanent treatment post-construction.[67] The MPCA also indicated it is the responsibility of the Project sponsor to secure any required permits and comply with any requisite permit conditions.[68]

51. On July 5, 2016, Commission staff filed comments from one citizen and the Lower Minnesota River Watershed District received from its SpeakUp! online commenting tool.[69]

52. Mr. William Harrison indicated support for the Project.[70]

53. The Lower Minnesota River Watershed District requested the opportunity to review and comment on the Construction Stormwater Pollution Prevention Plan (SWPPP) should a plan be required.[71] Additionally, the District asked how groundwater appropriation permit No. 1961-0271—independently and in concert with other groundwater appropriation permits in the area—directly or indirectly impact the Black Dog Fen.[72]

54. On July 11, 2016, Commission staff filed comments submitted June 30, 2016, by the Metropolitan Council, which stated an environmental impact statement for regional purposes was not required for the Project, and provided clarification regarding a regional trail.[73]

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[64] City of Burnsville (June 29, 2016) *City of Burnsville Comments – June 27, 2016*, eDockets No. 20166-122745-01.
[65] Applicant (June 30, 2016) *EA Comments*, eDockets No. 20166-122838-01.
[66] Applicant (June 30, 2016) *EA Comments*, eDockets No. 20166-122838-01.
[67] MPCA (June 30, 2016) *Black Dog Unit 6 Comment*, eDockets No. 20166-122852-01.
[68] MPCA (June 30, 2016) *Black Dog Unit 6 Comment*, eDockets No. 20166-122852-01.
[69] PUC (July 5, 2016) *Public Comment*, eDockets No. 20167-123007-01.
[70] PUC (July 5, 2016) *Public Comment*, eDockets No. 20167-123007-01.
[71] PUC (July 5, 2016) *Public Comment*, eDockets No. 20167-123007-01.
[72] PUC (July 5, 2016) *Public Comment*, eDockets No. 20167-123007-01.
[73] Metropolitan Council (July 11, 2016) *Metropolitan Council Comments – June 30, 2016*, eDockets No. 20167-123150-01.

V. Factors for a Site Permit

55. Minn. Stat. § 216E requires that a site permit be obtained from the Commission in order to construct the proposed Project.[74]

56. Minn. Stat. § 216E.10, Subd. 1, provides that site permits issued by the Commission shall "supersede and preempt all zoning, building, or land use rules, regulations, or ordinances promulgated by regional, county, local and special purpose government."[75] Though zoning and land use rules are superseded, the Commission's site permit decision must be guided, in part, by impacts to local zoning and land use in accordance with the legislative goal to minimize human settlement and other land use conflicts.[76]

57. Minn. Stat. § 216E.02, Subd. 1, declares it to be policy of the State of Minnesota "to locate large electric power facilities in an orderly manner compatible with environmental preservation and the efficient use of resources. In accordance with this policy the [C]omission shall choose locations that minimize adverse human and environmental impact while insuring continuing electric power system reliability and integrity and insuring that electric energy needs are met and fulfilled in an orderly and timely fashion." [77]

58. Minn. Stat. § 216E.03, subdivision 7(b), states the 12 considerations the Commission must address when making a site permit application decision.[78] These considerations are expanded upon by Minn. Rule 7850.4100, which identifies 14 factors the Commission must consider.[79] The EA addressed each of these factors.[80]

59. Under Minn. Stat. § 216E.03, Subd. 7(b), the 12 considerations are as follows:

(1) evaluation of research and investigations relating to the effects on land, water and air resources of large electric power generating plants and high-voltage transmission lines and the effects of water and air discharges and electric and magnetic fields resulting from such facilities on public health and welfare, vegetation, animals, materials and aesthetic values, including baseline studies, predictive modeling, and evaluation of new or improved methods for minimizing adverse impacts of water and air discharges and other matters pertaining to the effects of power plants on the water and air environment;

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[74] Minn. Stat. 216E.03, Subd. 1.
[75] Minn. Stat. 216E.10, Subd. 1.
[76] Ex. 17, at page 11 (EA).
[77] Minn. Stat. 216E.02, Subd. 1.
[78] Minn. Stat. 216E.03, Subd. 7(b).
[79] Minn. R. 7850.4100.
[80] *See generally* Ex. 17, (EA).

(2) environmental evaluation of sites and routes proposed for future development and expansion and their relationship to the land, water, air and human resources of the state;

(3) evaluation of the effects of new electric power generation and transmission technologies and systems related to power plants designed to minimize adverse environmental effects;

(4) evaluation of the potential for beneficial uses of waste energy from proposed large electric power generating plants;

(5) analysis of the direct and indirect economic impact of proposed sites and routes including, but not limited to, productive agricultural land lost or impaired;

(6) evaluation of adverse direct and indirect environmental effects that cannot be avoided should the proposed site and route be accepted;

(7) evaluation of alternatives to the applicant's proposed site or route proposed pursuant to subdivision 1 and 2;

(8) evaluation of potential routes that would use or parallel existing railroad and highway rights-of-way;

(9) evaluation of governmental survey lines and other natural division lines of agricultural land so as to minimize interference with agricultural operations;

(10) evaluation of future needs for additional high-voltage transmission lines in the same general area as any proposed route, and the advisability of ordering the construction of structures capable of expansion in transmission capacity through multiple circuiting or design modifications;

(11) evaluation of irreversible and irretrievable commitments of resources should the proposed site or route be approved; and

(12) when appropriate, consideration of problems raised by other state and federal agencies and local entities.[81]

60. Under Minn. Rules 7850.4100, the 14 factors that the Commission shall consider are further clarified as follows:

[81] Minn. Stat. 216E.03, Subd. 7(b).

A. effects on human settlement, including, but not limited to, displacement, noise, aesthetics, cultural values, recreation, and public services;

B. effects on public health and safety;

C. effects on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;

D. effects on archaeological and historic resources;

E. effects on the natural environment, including effects on air and water quality resources and flora and fauna;

F. effects on rare and unique natural resources;

G. application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity;

H. use or paralleling of existing rights-of-way, survey lines, natural division lines, and agricultural field boundaries;

I. use of existing large electric power generating plant sites;

J. use of existing transportation, pipeline, and electrical transmission systems or rights-of-way;

K. electrical system reliability;

L. costs of constructing, operating, and maintaining the facility which are dependent on design and route;

M. adverse human and natural environmental effects which cannot be avoided; and

N. irreversible and irretrievable commitments of resources.[82]

VI. Application of Siting Factors

[82] Minn. R. 7850.4100.

A. Environmental Setting

61. The existing generating Station is within the Minnesota River Valley.[83] The river valley within the vicinity of the proposed project contains wetlands and floodplain forests of maple, cottonwood, and ash.[84] The Black Dog Power Station is located on a natural isthmus with open, grassed areas and pockets of forested areas between Black Dog Lake and the Minnesota River.[85] The generating Station covers about 80 acres within a 1,900 acre facility boundary owned by the Applicant.[86] Of this amount, about 500 acres is covered by Black Dog Lake.[87] The remaining acres are managed as part of the Minnesota Valley National Wildlife Refuge under a long-term lease agreement with the U.S. Fish & Wildlife Service.[88] The generating Station is located in the city of Burnsville, Minnesota, within the Minneapolis–St. Paul–Bloomington metropolitan statistical area. Approximately 3,524,583 people live in this urbanized environment that covers approximately 8,120 square miles.[89]

B. Impacts to Human Settlement

1. Aesthetics

62. The majority of the Project will be located within the existing powerhouse building.[90] The air inlet filter, main transformer, auxiliary transformer, exhaust stack, and fin fan cooler will be located outside either attached to the building or within a short distance.[91]

63. The powerhouse is part of the existing generating Station, which is surrounded by wildlife and recreational areas, as well as roads, railway, and extensive electrical transmission infrastructure.[92] Residents on nearby bluffs overlook the Project.[93]

64. Aesthetics impacts are anticipated to be long-term and minimal.[94] Impacts are of a relatively small size compared to the generating Station as a whole.[95] The presence of the existing generating Station prevents the occurrence of a natural view.[96] The introduction of a

[83] Ex. 17, at page 30 (EA).
[84] Ex. 17, at pages 30, 31 (EA).
[85] Ex. 17, at page 31 (EA).
[86] Ex. 17, at pages 31, 32 (EA).
[87] Ex. 17, at page 32 (EA).
[88] Ex. 17, at page 32 (EA).
[89] Ex. 17, at page 32 (EA).
[90] Ex. 17, at page 18 (EA).
[91] Ex. 17, at pages 20, 21 (EA).
[92] Ex. 17, at page 33 (EA).
[93] Ex. 17, at page 33 (EA).
[94] Ex. 17, at page 35 (EA).
[95] Ex. 17, at page 35 (EA).
[96] Ex. 17, at page 35 (EA).

second exhaust stack protruding from the roof of the powerhouse will increase aesthetic impacts; however, this increase will be incremental and minimal.[97] The Unit 6 exhaust stack will be shorter than the Unit 5/2 stack and, unlike the Unit 5/2 stack, is not expected to create a water vapor plume.[98] The proposed project is not anticipated to be visible from I-35W or MN-77.[99]

65. Direct aesthetic impacts can cause indirect impacts to property values and recreational opportunities, because direct aesthetic impacts are anticipated to be minimal, indirect impacts are anticipated to be negligible.[100]

66. Potential impacts to aesthetics can be minimized by choosing sites that are, to the extent practicable, consistent with the existing view shed or reduce viewer exposure.[101] Constructing Black Dog Unit 6 within an existing powerhouse building is consistent with these measures.[102] No mitigation is proposed.[103]

2. Cultural Values

67. Cultural values are learned community beliefs and attitudes.[104] Impacts to cultural resources are not anticipated.[105] The proposed project will not interfere with the work or leisure pursuits of residents in a way that interferes with their cultural values.[106] No mitigation is proposed.[107]

3. Displacement

68. Displacement is the forced removal of a residence or building to facilitate the construction and operation of the Project.[108] The Applicant owns the proposed site location; therefore displacement will not occur.[109] No mitigation is proposed.[110]

4. Floodplain

[97] Ex. 17, at page 35 (EA).
[98] Ex. 17, at page 35 (EA).
[99] Ex. 17, at page 35 (EA).
[100] Ex. 17, at page 35 (EA).
[101] Ex. 17, at page 35 (EA).
[102] Ex. 17, at page 35 (EA).
[103] Ex. 17, at page 35 (EA).
[104] Ex. 17, at page 35 (EA).
[105] Ex. 17, at page 36 (EA).
[106] Ex. 17, at page 36 (EA).
[107] Ex. 17, at page 36 (EA).
[108] Ex. 17, at page 36 (EA).
[109] Ex. 17, at page 36 (EA).
[110] Ex. 17, at page 36 (EA).

69. The proposed project is located in an area subject to inundation by the 1-percent-annual-chance flood event.[111] All outdoor equipment, including the equipment fin fan cooler and on-site natural gas pipeline, will be located above 720 feet mean sea level, which exceeds the 100-year flood level (715 feet mean sea level).[112] The remaining facilities will be within or upon the existing powerhouse. Construction activities will not result in placement of fill or alterations to the floodplain.[113]

70. Impacts to the 100-year floodplain are not anticipated.[114] No mitigation is proposed.[115]

C. Zoning and Land Use

71. Land use is the use of land by humans, such as residential uses, and often refers to zoning.[116] Zoning is a regulatory tool used by local governments to promote or restrict certain land uses within specific geographic areas.[117]

72. A site permit from the Commission supersedes local zoning, building, or land use rules.[118]

73. The Project is located in an area of Burnsville zoned as Conservancy District.[119] Utility uses and the expansion of nonconforming existing uses may be allowed.[120] A conditional use permit is required for a structure that exceeds 35 feet in height. The exhaust stack will be 200 feet tall.[121]

74. The Project is within the Shoreland Overlay District and the Floodway District.[122] General setback requirements for sewered properties within the Shoreland Overlay District are 50 feet from the ordinary high water mark to the closest point of the structure.[123] The powerhouse building is approximately 200-feet from Black Dog Lake.[124] The fin fan cooler is

[111] Ex. 17, at page 36 (EA).
[112] Ex. 17, at page 36 (EA).
[113] Ex. 17, at page 36 (EA).
[114] Ex. 17, at page 36 (EA).
[115] Ex. 17, at page 36 (EA).
[116] Ex. 17, at page 36 (EA).
[117] Ex. 17, at pages 36, 37 (EA).
[118] Ex. 17, at page 37 (EA).
[119] Ex. 17, at page 37 (EA).
[120] Ex. 17, at page 37 (EA).
[121] Ex. 17, at page 37 (EA).
[122] Ex. 17, at page 37 (EA).
[123] Ex. 17, at page 37 (EA).
[124] Ex. 17, at page 37 (EA).

also expected to exceed the 50 foot setback.[125]

75. The Project will be constructed within an existing powerhouse building.[126] Outdoor construction activities will be limited to industrial areas on the site location.[127] On-site staging and storage of equipment will also be limited to these areas.[128] Unique resources will not be impacted.[129]

76. Direct impacts are anticipated to be long-term and of a small size.[130] The overall impact intensity level is anticipated to be minimal.[131] No mitigation is proposed.[132]

D. Noise

77. Noise can be defined as an undesired sound.[133] The Project is located in an urban area.[134] Ambient noise levels in these locations are generally between 45 and 55 decibels during daytime hours, and vary throughout the day due to vehicle traffic, emergency vehicle sirens, or passing aircraft, and other factors.[135]

78. Several residences are within 1,600 feet of the site location.[136] The closest residence to the existing powerhouse is about 1,850 feet to the south of the proposed fin fan cooler location.[137]

79. The majority of construction will occur inside the existing powerhouse.[138] Outdoor construction activities will include installation of the fin fan cooler, step-up transformer, exhaust stack, and on-site natural gas pipeline.[139] Noise from heavy equipment, such as, cranes and excavating equipment, and increased vehicle traffic will occur during daytime hours.[140]

80. Noise impacts related to construction will be intermittent and short-term.[141] The

[125] Ex. 17, at page 37 (EA).
[126] Ex. 17, at page 37 (EA).
[127] Ex. 17, at page 37 (EA).
[128] Ex. 17, at page 37 (EA).
[129] Ex. 17, at page 37 (EA).
[130] Ex. 17, at page 37 (EA).
[131] Ex. 17, at page 37 (EA).
[132] Ex. 17, at page 37 (EA).
[133] Ex. 17, at page 38 (EA).
[134] Ex. 17, at page 32 (EA).
[135] Ex. 17, at page 38 (EA).
[136] Ex. 17, at page 39 (EA).
[137] Ex. 17, at page 39 (EA).
[138] Ex. 17, at page 39 (EA).
[139] Ex. 17, at page 39 (EA).
[140] Ex. 17, at page 39 (EA).
[141] Ex. 17, at page 39 (EA).

size of the impact will vary depending upon the distance between the source and the receptor.[142] The overall impact intensity level is expected to be minimal.[143] These impacts may or may not surpass MPCA noise standards.[144] Impacts are unavoidable, but can be minimized.[145] Commission site permits require that construction be limited to daytime hours.[146]

81. The Project will produce noise during operation.[147] The turbine will be located within the existing powerhouse.[148] Noise impacts from the Unit 6 turbine are expected to be similar or less than noise associated with coal-fired generation.[149] Noise from the fin fan cooler will not exceed ambient noise levels at 1,600 feet from the source.[150]

82. Operational noise impacts are mitigated by locating the turbine within an existing powerhouse.[151] Noise impacts are also mitigated by the fact that a coal-fired generating Station had been in operation for over 50 years at this location, including rail shipments of coal, and resident expectations regarding ambient noise levels are established and include electric power generating equipment.[152]

E. Property Values

83. Potential impacts to property values are not anticipated.[153] The Project will be constructed within an existing powerhouse building, which is located inside an existing generating Station boundary.[154] Aesthetic impacts are anticipated to be minimal; health related impacts are not anticipated.[155] No mitigation is proposed.[156]

F. Recreation

84. Black Dog Park, operated by the city of Burnsville, is located about 1,900 feet from the existing powerhouse.[157] The Black Dog Preserve Unit of the Minnesota Valley National

[142] Ex. 17, at page 39 (EA).
[143] Ex. 17, at page 39 (EA).
[144] Ex. 17, at page 39 (EA).
[145] Ex. 17, at page 39 (EA).
[146] Ex. 17, at page 40 (EA).
[147] Ex. 17, at page 40 (EA).
[148] Ex. 17, at page 40 (EA).
[149] Ex. 17, at page 40 (EA).
[150] Ex. 17, at page 40 (EA).
[151] Ex. 17, at page 40 (EA).
[152] Ex. 17, at page 40 (EA).
[153] Ex. 17, at page 40 (EA).
[154] Ex. 17, at page 40 (EA).
[155] Ex. 17, at page 40 (EA).
[156] Ex. 17, at page 40 (EA).
[157] Ex. 17, at page 41 (EA).

Wildlife Refuge is located on about 1,250 acres on land owned by the Applicant and leased to the Minnesota Valley National Wildlife Refuge.[158] The Black Dog Greenway is a paved, multi-use recreational trail that is expected to be completed in the fall of 2016.[159]

85. Impacts to recreation are anticipated to be minimal.[160] The proposed project will result in minimal aesthetic impacts,[161] and construction activities will be limited to previously impacted industrial areas on-site.[162] No mitigation is proposed.[163]

G. Socioeconomics

86. The Project may take up to 24 months to construct (including commission and start-up).[164] High-skilled workers including pipefitters, iron workers, millwrights, boilermakers, carpenters, electricians and other trades will be employed.[165] Once constructed, the proposed project will require workers for normal operations and routine maintenance activities.[166]

87. Short-term, positive impacts are associated with project construction.[167] Nearby communities and businesses can expect a short-term increase in revenues, for example, food and fuel purchases.[168] Construction will not disrupt these communities and businesses.[169] Construction will provide employment for high-skilled workers.[170] The applicant indicates that some materials may be purchased locally.[171] Long-term, positive impacts are associated with wages and increased tax revenues.[172]

88. Adverse impacts are not expected.[173] The proposed project will not displace minority or low-income populations.[174] No mitigation is proposed.[175]

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158 Ex. 17, at page 41 (EA).
159 Ex. 17, at page 41 (EA).
160 Ex. 17, at page 42 (EA).
161 Ex. 17, at page 35 (EA).
162 Ex. 17, at page 42 (EA).
163 Ex. 17, at page 42 (EA).
164 Ex. 17, at page 43 (EA); *see also* Ex. 2, at page 16 (Application).
165 Ex. 17, at page 43 (EA).
166 Ex. 17, at page 43 (EA).
167 Ex. 17, at page 44 (EA).
168 Ex. 17, at page 44 (EA).
169 Ex. 17, at page 44 (EA).
170 Ex. 17, at page 44 (EA).
171 Ex. 17, at page 44 (EA).
172 Ex. 17, at page 44 (EA).
173 Ex. 17, at page 44 (EA).
174 Ex. 17, at page 44 (EA).
175 Ex. 17, at page 44 (EA).

H. Human Health and Safety

89. Like any large construction project, there are risks associated to workers and visitors associated construction related activities.[176]

90. The Applicant is bound by federal and state Occupational Safety and Health Administration requirements for worker safety, and follows internal site safety requirements.[177] Visitors will only be allowed onsite with an escort and may be restricted from entering certain areas.[178] With the use of standard construction practices, potential impacts to worker and visitor safety are not anticipated.[179] No additional mitigation is proposed.[180]

91. The Project will combust natural gas at high pressure and temperature, and convert this heat energy to electrical power.[181] There is an associated risk of fire or explosion and a risk of electrocution.[182]

92. Potential impacts to human health and safety from fire and electrocution are anticipated to be minimal.[183] Impacts will be minimized by the use of safety systems and controls at the generating Station.[184] Access is controlled and the generating Station is relatively distant (three-tenths of one mile) from the closest residence.[185] No mitigation is proposed.[186]

93. Voltage on a conductor creates an electric field that surrounds and extends from the wire.[187] Current moving through a conductor creates a magnetic field that surrounds and extends from the wire.[188] Similar to electric fields, the strength of a magnetic field decreases rapidly as the distance from the source increases; however, unlike electric fields, magnetic fields are not easily shielded or weakened by objects or materials.[189]

94. The Project will not result in the construction and operation of new transmission lines.[190] Impacts related to electric magnetic fields and electronic interference are not

[176] Ex. 17, at page 44 (EA).
[177] Ex. 17, at page 44 (EA).
[178] Ex. 17, at page 45 (EA).
[179] Ex. 17, at page 45 (EA).
[180] Ex. 17, at page 45 (EA).
[181] Ex. 17, at page 45 (EA).
[182] Ex. 17, at page 45 (EA).
[183] Ex. 17, at page 45 (EA).
[184] Ex. 17, at page 45 (EA).
[185] Ex. 17, at page 45 (EA).
[186] Ex. 17, at page 45 (EA).
[187] Ex. 17, at page 46 (EA).
[188] Ex. 17, at page 46 (EA).
[189] Ex. 17, at page 46 (EA).
[190] Ex. 17, at page 46 (EA).

anticipated.[191] No mitigation is proposed.[192]

I. Public Services/Utilities

95. Two access roads will service the Project.[193] These roads are private roads owned and maintained by the Applicant.[194]

96. Impacts to highways and local roads during construction will be short-term and intermittent.[195] Long-term impacts will not occur.[196] Overall impacts are expected to be minimal.[197] Traffic delays along Black Dog Road may occur due to material delivery and worker transportation but these impacts will not impact local traffic.[198] The Project will not impact a state trunk highway.[199]

97. Impacts to roads and vehicular traffic can be mitigated through coordination with appropriate state and local authorities, for example, obtaining all necessary load permits and following all permit stipulations.[200] MnDOT requested that the Applicant coordinate with the Department to ensure highway construction activities are incorporated into oversized and/or overweight route planning.[201]

98. Impacts to water utilities are not anticipated.[202] The generating Station utilizes an on-site well for domestic water uses.[203] Domestic wastewater/sanitary sewage flows to a lift station that ties into the Metropolitan Council Environmental Services main sewer line, and from there to the Seneca Wastewater Treatment Plant.[204] Construction of the proposed project will not result in an increase to sanitary sewer flows beyond current levels.[205] No mitigation is proposed.[206]

99. No impacts to electrical services are anticipated.[207] The Project will provide

[191] Ex. 17, at page 46 (EA).
[192] Ex. 17, at page 46 (EA).
[193] Ex. 17, at page 48 (EA).
[194] Ex. 17, at pages 47, 48 (EA).
[195] Ex. 17, at page 48 (EA).
[196] Ex. 17, at page 48 (EA).
[197] Ex. 17, at page 48 (EA).
[198] Ex. 17, at page 48 (EA).
[199] Ex. 17, at page 48 (EA).
[200] Ex. 17, at page 48 (EA).
[201] Ex. 17, at page 48 (EA).
[202] Ex. 17, at page 48 (EA).
[203] Ex. 17, at page 48 (EA).
[204] Ex. 17, at page 49 (EA).
[205] Ex. 17, at page 49, 50 (EA).
[206] Ex. 17, at page 50 (EA).
[207] Ex. 17, at page 50 (EA).

additional electrical generation for the existing 115 kV transmission system in Twin Cities Metropolitan Area.[208] Electrical power will be used in the project area or elsewhere in the region.[209] No mitigation is proposed.[210]

100. No impacts to natural gas service in the Project area will occur.[211] The Project will use a dedicated natural gas source.[212] No mitigation is proposed.[213]

J. Land-Based Economies

101. Impacts to land-based economies is not anticipated.[214] Agricultural, forestry and mining operations do not occur on the site location.[215] The proposed project is located in an industrial area and will not preclude public recreational activities; therefore, impacts to tourism-type activities is not anticipated.[216] No mitigation is proposed.[217]

K. Archeological and Historic Resources

102. There are one archeological site and two historic properties within one mile of the Project.[218] The archeological site was destroyed in the 1960s.[219] The existing powerhouse building and a railway meet the eligibility requirements to be listed on the National Register of Historic Places.[220] The powerhouse is not eligible; however, the Union Pacific Railroad is potentially eligible for designation.[221]

103. Impacts to archaeological or historic resources are not anticipated.[222] The Project will not impact the eligibility of the Union Pacific Railroad.[223] No mitigation is proposed.[224]

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[208] Ex. 17, at page 50 (EA).
[209] Ex. 17, at page 50 (EA).
[210] Ex. 17, at page 50 (EA).
[211] Ex. 17, at page 50 (EA).
[212] Ex. 17, at page 50 (EA).
[213] Ex. 17, at page 50 (EA).
[214] Ex. 17, at page 50 (EA).
[215] Ex. 17, at page 50 (EA).
[216] Ex. 17, at page 50 (EA).
[217] Ex. 17, at page 50 (EA).
[218] Ex. 17, at page 50 (EA).
[219] Ex. 17, at pages 50, 51 (EA).
[220] Ex. 17, at page 51 (EA).
[221] Ex. 17, at page 51 (EA).
[222] Ex. 17, at page 51 (EA).
[223] Ex. 17, at page 51 (EA); *see also* Ex. 2, at page 42 (Application).
[224] Ex. 17, at page 51 (EA).

L. Air Quality

104. The Project will be fueled entirely by natural gas.[225] The combustion of natural gas will emit combustion by-products that have the potential to impact air quality.[226]

105. The Applicant conducted an air dispersion modeling analysis to determine whether emissions from the proposed project would cause or contribute to a violation of the Minnesota Ambient Air Quality Standards (MAAQS) and National Ambient Air Quality Standards (NAAQS).[227] This was done by modeling whether or not emissions from the proposed project alone would result in any predicted maximum ambient concentrations of criteria pollutants (sulfur dioxide (SO_2), carbon monoxide (CO), particulate matter less than 2.5 microns ($PM_{2.5}$), particulate matter less than 10 microns (PM_{10}), and Nitrogen Oxide (NO_x)) above a significant ambient impact level.[228] Modeled impacts did not exceed significant impact levels.[229] As a result, exceedance of MAAQS and NAAQS are not anticipated to occur and no further modeling is required.[230]

106. The existing generating Station (through Unit 5/2) currently meets the definition of a "major emitting facility."[231] As a result, the Project would require Prevention of Significant Deterioration (PSD) review if the emissions increase from the proposed project is greater than the PSD major modification threshold.[232] Increases and decreases from recent contemporaneous projects can be taken into account to determine if the Project is subject to PSD review when pollutants exceed PSD threshold limits from the proposed project alone.[233]

107. The Project will emit limited potential emissions of $PM_{2.5}$, NO_x, CO, and CO_{2e} that exceed the PSD major modification threshold for each pollutant.[234] After netting exercises which account for total facility creditable contemporaneous decreases associated with the decommissioning of Unit 3 and Unit 4, and increases associated with the addition of an auxiliary boiler, total significant net increases were found to be negative and a PSD does not apply to the Project.[235]

108. The Applicant will employ the following emission control strategies: utilizing

[225] Ex. 17, at page 53 (EA).
[226] Ex. 17, at page 53 (EA).
[227] Ex. 17, at page 53 (EA).
[228] Ex. 17, at page 53 (EA).
[229] Ex. 17, at page 53 (EA).
[230] Ex. 17, at page 53 (EA).
[231] Ex. 17, at page 53 (EA).
[232] Ex. 17, at page 53 (EA).
[233] Ex. 17, at page 53 (EA).
[234] Ex. 17, at page 53 (EA).
[235] Ex. 17, at pages 53-54 (EA).

current combustion turbine technology; limiting fuel combustion to natural gas only; combusted fuel will be of consistent SO_2, composition; turbine will be equipped with dry low-NO_x burners to limit NO_x and CO formation; permitted annual capacity factor of less than 33 percent; and demonstrating compliance of capacity factor by maintaining monthly records of total annual rolling capacity factor.[236] With mitigation, emissions are anticipated to be within all state and federal standards.[237]

109. The Project will increase greenhouse gas emissions in Minnesota.[238] When considering the proposed project in isolation, these emissions will contribute to global climate change.[239]

110. The Project will serve several roles in the electric utility sector that, coupled with overall trends in the electric utility sector, will facilitate an overall reduction of greenhouse gas emissions.[240] As a result, the Project is anticipated to facilitate an overall reduction in greenhouse gas emissions statewide.[241]

111. Potential impacts to air quality from construction and operation of the proposed project are expected to be minimal.[242] No mitigation is proposed.[243]

M. Groundwater and Surface Water

112. Impacts to groundwater during project construction are not anticipated.[244] The Project will be constructed within an existing powerhouse building.[245] Exterior structures such as support foundations will not reach groundwater.[246] Indirect impacts to groundwater are not anticipated.[247]

113. Groundwater will be used during operation.[248] The Applicant anticipates the Project will operate without water inputs over 80 percent of the time.[249] Groundwater use

[236] Ex. 17, at page 55 (EA).
[237] Ex. 17, at page 53 (EA).
[238] Ex. 17, at page 55 (EA).
[239] Ex. 17, at page 55 (EA).
[240] Ex. 17, at page 55 (EA).
[241] Ex. 17, at page 55 (EA).
[242] Ex. 17, at page 55 (EA).
[243] Ex. 17, at page 55 (EA).
[244] Ex. 17, at page 57 (EA).
[245] Ex. 17, at page 57 (EA).
[246] Ex. 17, at page 57 (EA).
[247] Ex. 17, at page 57 (EA).
[248] Ex. 17, at page 57 (EA).
[249] Ex. 17, at page 57 (EA).

includes the evaporative cooler (28,280 gallons per day at full capacity);[250] fin fan cooler (10,000 to 20,000 gallons one-time fill);[251] off-line wash system (3,000 gallons per wash);[252] fire water mist skid (<5,000 gallons per discharge);[253] and other miscellaneous uses.[254]

114. Groundwater appropriations are regulated by the DNR.[255] The Applicant currently operates under DNR Water Appropriations Permit No. 1961-0271, which allows withdrawal of up to 50 million gallons per year of well water at a peak of 250 gallons per minute (gpm), with a daily average of 200 gpm to be maintained.[256] No amendment to the Applicant's current water appropriation permit will be required to construct or operate the proposed project.[257] DNR requires annual reporting, which is used for a variety of purposes, including impact evaluation and water supply planning.[258]

115. Should impacts occur from operation of the Project, it is anticipated that they will be minimal.[259] Indirect impacts to groundwater can be mitigated by avoiding or minimizing impacts to surface waters.[260] No additional mitigation is proposed.[261]

116. The Project will not use surface water during construction or operation.[262] Any impact to surface water during construction would be short-term, of small size, and not impact a unique resource.[263] The overall impact intensity level is anticipated to be negligible.[264]

117. Potential impacts to surface waters can be minimized by using best management practices to protect top soil and reduce soil erosion.[265] Commission permits require sediment control measures.[266]

N. Rare and Unique Resources

118. The DNR conducted a Natural Heritage Inventory System query of rare and

[250] Ex. 17, at page 56 (EA).
[251] Ex. 17, at page 58 (EA).
[252] Ex. 17, at page 58 (EA).
[253] Ex. 17, at page 59 (EA).
[254] Ex. 17, at page 57 (EA).
[255] Ex. 17, at page 56 (EA).
[256] Ex. 17, at page 56 (EA).
[257] Ex. 17, at page 57 (EA).
[258] Ex. 17, at page 59 (EA).
[259] Ex. 17, at page 59 (EA).
[260] Ex. 17, at page 59 (EA).
[261] Ex. 17, at page 59 (EA).
[262] Ex. 17, at page 63 (EA).
[263] Ex. 17, at page 63 (EA).
[264] Ex. 17, at page 63 (EA).
[265] Ex. 17, at page 63 (EA).
[266] Ex. 17, at page 63 (EA).

unique resources within about one mile of the Project; the results identified peregrine falcons, the Northern long-eared bat, and several species of state-listed mussels.[267]

119. There are no known occurrences of Northern long-eared bat roosts or hibernacula within one mile of the Project, and no tree clearing will occur as part of the Project; therefore, impacts related to the Northern long-eared bat are not anticipated.[268]

120. A peregrine falcon nesting box was removed from the existing Unit 3/4 exhaust stack in coordination with the DNR and U.S. Fish and Wildlife Service prior to the 2016 nesting season.[269] The nesting box was not relocated.[270]

121. A peregrine falcon pair returned to the Black Dog Station in 2016 and may be nesting on the roof of the boiler building.[271] If peregrines are nesting at the generating Station, chicks will be independent before a permit could be issued for the Project; therefore, the Project will not impact nesting activities in 2016.[272]

122. If the falcon pair return in 2017, nesting may be impacted as construction on the roof is anticipated to begin in April 2017.[273] Potential impacts cannot be determined at this time.[274] Should nesting activities be impacted in 2017, these impacts will not influence the overall peregrine falcon population.[275]

123. Potential impacts to peregrine falcons are anticipated to be minimal.[276] Nesting in an industrial area indicates the peregrines are habituated to human influences.[277] If peregrine falcons show signs of stress, for example, flying towards individuals or equipment or display other erratic flying behavior, the Applicant should contact the Minnesota Department of Natural Resources (DNR) Nongame Program Region Specialist.[278]

124. Federally-listed Threatened and Endangered Species include the endangered Higgins eye pearlymussel and threatened Prairie bush clover.[279] Impacts to these species are not

[267] Ex. 17, at page 60 (EA).
[268] Ex. 17, at page 61 (EA).
[269] Ex. 17, at page 62 (EA).
[270] Ex. 17, at page 62 (EA).
[271] Ex. 17, at page 62 (EA).
[272] Ex. 17, at page 62 (EA).
[273] Ex. 17, at page 62 (EA).
[274] Ex. 17, at page 62 (EA).
[275] Ex. 17, at page 62 (EA).
[276] Ex. 17, at page 62 (EA).
[277] Ex. 17, at page 62 (EA).
[278] Ex. 17, at page 62 (EA).
[279] Ex. 17, at page 60 (EA).

anticipated.[280]

O. Soils, Vegetation, Wetlands, Wildlife

125. Impacts to previously impacted soils will occur.[281] Impacts will be negligible.[282] Commission site permits require the Applicant to implement measures to minimize soil erosion and sedimentation by requiring the use of perimeter sediment controls, promptly covering exposed soils, protecting storm drain inlets, protecting soil stockpiles, and controlling vehicle tracking.[283] No mitigation is proposed.[284]

126. The Project site is not vegetated or is covered by minimally maintained turf grass.[285] Impacts to vegetation will be negligible.[286] No mitigation is proposed.[287]

127. Impacts to wetlands are not anticipated.[288] Outdoor construction activities and onsite material storage will be limited to a previously impacted industrial area at the site location.[289] No construction activities will occur within any floodplain, wetland complex, or waterbody surrounding the generating Station.[290] Indirect impacts from soil erosion and run-off are not anticipated to impact wetlands.[291] Commission site permits require the Applicant to implement measures to minimize soil erosion and sedimentation.[292] No mitigation is proposed.[293]

128. Impacts to wildlife are anticipated to be negligible, although individual animals may be disturbed or displaced.[294] Impacts to wildlife habitat are not anticipated.[295] Potential wildlife impacts are minimized by the urban and industrial location of the Project.[296] No additional mitigation is proposed.[297]

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[280] Ex. 17, at pages 60, 61 (EA).
[281] Ex. 17, at page 63 (EA).
[282] Ex. 17, at page 63 (EA).
[283] Ex. 17, at page 63 (EA).
[284] Ex. 17, at page 63 (EA).
[285] Ex. 17, at page 64 (EA).
[286] Ex. 17, at page 64 (EA).
[287] Ex. 17, at page 64 (EA).
[288] Ex. 17, at page 64 (EA).
[289] Ex. 17, at page 64 (EA).
[290] Ex. 17, at page 64 (EA).
[291] Ex. 17, at page 64 (EA).
[292] Ex. 17, at page 64 (EA).
[293] Ex. 17, at page 64 (EA).
[294] Ex. 17, at page 64 (EA).
[295] Ex. 17, at page 65 (EA).
[296] Ex. 17, at pages 64, 65 (EA)..
[297] Ex. 17, at pages 64, 65 (EA).

P. Cumulative Potential Effects

129. Due to the retirement of Black Dog Units 3 and 4 in April 2015, various remediation activities at the Black Dog Station have commenced and will continue concurrently during construction and operation of the Project.[298] These remediation activities are designed to eliminate direct contact exposure to legacy coal yard and legacy ash pond material.[299] The activities have been separately approved and permitted through the Voluntary Investigation and Cleanup Program administered by the MPCA.[300]

130. Cumulative potential effects of the Project and remediation activities were analyzed.[301] The analysis assumes no new electrical generation projects will occur at the generating Station within the 35 year operational life of the Project.[302]

131. Short-term cumulative potential effects on aesthetics is anticipated to be minimal, and the long-term cumulative potential effects will be positive due to the removal of exhaust stacks and decommissioning of the coal yard and ash ponds.[303]

132. Cumulative potential effects related to noise impacts are anticipated to be minimal.[304]

133. Short-term cumulative potential effects on recreation are anticipated to be minimal and the long-term impacts are anticipated to be positive.[305]

134. Cumulative potential effects are not anticipated on cultural values, displacement, land use, property values, or socioeconomics.[306]

135. Cumulative potential effects on public and worker safety are anticipated to be minimal.[307]

136. Cumulative potential effects from electric and magnetic fields, electronic interference, fire, and electrocution are not anticipated.[308]

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[298] Ex. 17, at page 65 (EA).
[299] Ex. 17, at page 65 (EA).
[300] Ex. 17, at pages 65, 66.
[301] Ex. 17, pages 65 – 71 (EA).
[302] Ex. 17, at page 66 (EA).
[303] Ex. 17, at page 67 (EA).
[304] Ex. 17, at page 68 (EA).
[305] Ex. 17, at page 68 (EA).
[306] Ex. 17, at page 67 (EA).
[307] Ex. 17, at page 68 (EA).
[308] Ex. 17, at page 68 (EA).

137. Cumulative potential effects on emergency services, roads, and highways are anticipated to be minimal.[309]

138. Cumulative potential effects on airports and utilities are not anticipated.[310]

139. Cumulative potential effects on land-based economies are not anticipated.[311]

140. Cumulative potential effects on archeological and historic resources are not anticipated.[312]

141. Short-term cumulative potential effects on air quality are anticipated to be minimal, and long-term impacts are not anticipated.[313]

142. Cumulative potential effects on rare and unique resources are anticipated to be long-term and minimal.[314]

143. Cumulative potential effects on soils are anticipated to be positive.[315]

144. Cumulative potential effects on surface water are anticipated to be positive.[316]

145. Cumulative potential effects on wildlife and wildlife habitat are anticipated to be positive and minimal.[317]

146. Cumulative potential effects on geology, groundwater, vegetation, and wetlands are not anticipated.[318]

VII. Siting Factors

147. Of the 14 factors listed in Minn. Rule 7850.4100, the following three are not relevant to the Project: (H) the use of existing rights-of-way, (J) the use of existing infrastructure rights-of-way, and (L) design or route dependent costs.[319] The first two factors apply solely to high voltage transmission lines; the third factor does not apply since the Project is the only

[309] Ex. 17, at pages 68, 69 (EA).
[310] Ex. 17, at page 69 (EA).
[311] Ex. 17, at page 69 (EA).
[312] Ex. 17, at page 69 (EA).
[313] Ex. 17, at page 70 (EA).
[314] Ex. 17, at page 70 (EA).
[315] Ex. 17, at page 71 (EA).
[316] Ex. 17, at page 71 (EA).
[317] Ex. 17, at page 71 (EA).
[318] Ex. 17, at page 70 (EA).
[319] Ex. 17, at page 74 (EA).

design under review.[320]

148. The EA concluded the Project will have minimal impact on the following factors with the application of the general conditions outlined in the Commission's generic site permit template:

- Effects on human settlement, including, but not limited to, displacement, noise, aesthetics, cultural values, recreation, and public services;
- Effects on public health and safety;
- Effects on land-based economies, including, but not limited to, agriculture, forestry, tourism, and mining;
- Effects on archaeological and historic resources;
- Effects on the natural environment, including effects on air and water quality resources and flora and fauna; and
- Effects on rare and unique natural resources. Additional mitigation is proposed in the form of state agency notification if peregrine falcons show signs of stress.[321]

149. The EA concluded that there are no siting factors for which impacts are anticipated to be moderate, given the proper application of the general conditions found in the Commission's generic site permit.[322] Impacts are avoided or minimized by the location of the Project and by permits other than the site permit such as the MPCA air quality permit.[323]

150. The EA concluded that the following three siting factors indicating the legislative intent for the efficient design and efficient use of resources have been well met:

- Application of design options that maximize energy efficiencies, mitigate adverse environmental effects, and could accommodate expansion of transmission or generating capacity;
- Use of existing large electric power generating Station sites; and

[320] Ex. 17, at page 74 (EA).
[321] Ex. 17, at pages 74, 75 (EA).
[322] Ex. 17, at page 75 (EA).
[323] Ex. 17, at page 75 (EA).

- Electrical system reliability.[324]

151. The EA concluded that potential impacts associated with the Project are anticipated to be negligible to minimal but some impacts cannot be avoided.[325]

152. The EA concluded that since the Project will burn natural gas to generate electricity, air emissions are unavoidable.[326] Cumulative aesthetic impacts are anticipated to be positive, but the exhaust stack and vapor plume are unavoidable.[327] Groundwater use and noise associated with the turbine, transformer and fin fan cooler noise are also unavoidable impacts.[328] Construction related impacts such as noise and increased traffic are unavoidable.[329]

153. The EA concluded the land required to construct the Project is an irreversible resource commitment, along with the natural gas and groundwater used during Project operation.[330] Labor and fiscal resources for the construction and operation of the Project are also considered irretrievable resource commitments.[331]

VIII. Site Permit Conditions

154. Should a SWPPP be required for the Project, the Applicant will share a draft version with the Lower Minnesota Watershed District.

155. Should peregrine falcons show signs of stress during project construction, for example, flying towards individuals or equipment or display other erratic flying behavior, the Applicant must contact the Minnesota Department of Natural Resources (DNR) Nongame Program Region Specialist.

CONCLUSIONS

1. The Commission has jurisdiction over the Application pursuant to Minn. Stat. § 216E.04.

2. The Project is exempt from Certificate of Need requirements.

3. The Applicant has complied with all procedural requirements required by Minn.

[324] Ex. 17, at page 75 (EA).
[325] Ex. 17, at page 75 (EA).
[326] Ex. 17, at page 75 (EA).
[327] Ex. 17, at page 75 (EA).
[328] Ex. 17, at page 75 (EA).
[329] Ex. 17, at page 75 (EA).
[330] Ex. 17, at page 76 (EA).
[331] Ex. 17, at page 76 (EA).

Stat. § 216E and Minn. Rule 7850.

4. The Commission has complied with all procedural requirements required by Minn. Stat. § 216E and Minn. Rule 7850.

5. The Minnesota Department of Commerce, Energy Environmental Review Analysis, has complied with all procedural requirements and conducted an appropriate environmental assessment of the Project in accordance with Minn. Stat. § 216E.04, Subd. 5.

6. The EA satisfies Minn. Rule 7850.3700. Specifically, the EA and the record reasonably address the issues identified in the Scoping Decision including the items required by Minn. Rule 7850.3700, subp. 4. The EA was prepared in compliance with the procedures in Minn. Rule 7850.3700.

7. A scoping/public informational meeting was held near the site for the Project. Proper notice of the public meeting was provided. Members of the public were given the opportunity to speak and to submit written comments.

8. A public hearing was held near the site for the Project. Proper notice of the public hearing was provided. Members of the public were given the opportunity to speak and to submit written comments.

9. The Project satisfies the site permit criteria for a large electric power generation plant in Minn. Stat. § 216E.04, and meets all other legal requirements.

STATE OF MINNESOTA PUBLIC UTILITIES COMMISSION

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

IN
DAKOTA COUNTY

ISSUED TO
NORTHERN STATES POWER COMPANY

PUC DOCKET NO. E002/GS-15-834

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

NORTHERN STATES POWER COMPANY

The Permittee is authorized by this site permit to construct and operate a 215 megawatt simple-cycle natural gas-fired combustion turbine generator and associated facilities at the existing Black Dog Generating Plant in Burnsville, Dakota County, Minnesota.

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

Approved and adopted this ____ day of September 2016

BY ORDER OF THE COMMISSION

_____

Daniel P. Wolf,
Executive Secretary

ATTACHMENT A

CONTENTS

FIGURES

Official Site Map

ATTACHMENTS

Complaint Procedures for Permitted Energy Facilities
Compliance Filing Procedures for Permitted Energy Facilities

1.0 SITE PERMIT

The Minnesota Public Utilities Commission (Commission) hereby issues this site permit to Northern States Power Company (Permittee) pursuant to Minnesota Statutes Chapter 216E and Minnesota Rules Chapter 7850. This permit authorizes Northern States Power Company to construct and operate a 215 megawatt simple-cycle natural gas-fired combustion turbine generator (Unit 6) and associated facilities at the existing Black Dog Generating Plant in Burnsville, Dakota County, Minnesota, and as identified in the attached site permit map(s), hereby incorporated into this document.

1.1 Pre-emption

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

2.0 PROJECT DESCRIPTION

The Unit 6 Project will consist of installing a simple-cycle natural gas-fired combustion turbine unit in the existing powerhouse where retired Unit 4 is currently located. Unit 6 will operate as a peaking generator with an anticipated annual capacity factor of 4-10 percent. The Black Dog Unit 6 combustion turbine-generator will consist of the following equipment: Inlet Air Filter and Evaporative Cooler, Compressor, Combustor, Power Turbine, Generator, Main Step-Up Transformer, and an Auxiliary Transformer. The project will use natural gas as the single fuel source.

Unit 6 will interconnect to the existing substation located on-site. The substation will require minor modifications that include the addition of a motor-operated 115 kilovolt disconnect and minor buswork between the generator breaker at the substation and the high voltage transmission lines coming from the step-up transformer.

2.1 Project Location

The project is located at the existing Northern States Power Company Black Dog Generating Plant in Burnsville, Dakota County, Minnesota. The physical address of the project is 1410 E Black Dog Rd., Burnsville, MN 55337.

3.0 DESIGNATED SITE

The site designated by the Commission in this permit for Unit 6 is located within the boundaries of the existing Black Dog Generating Plant and is shown on the site permit maps attached to this permit.

The anticipated layout represents the approximate location of the large electric generating facility and associated facilities and seeks to minimize the overall potential human and environmental impacts of the project, which were evaluated during the permitting process. Any modifications to the facility depicted in the anticipated layout shall be done in such a manner as to have comparable overall human and environmental impacts and shall be specifically identified in the site plan pursuant to Section 8.1.

4.0 GENERAL CONDITIONS

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

4.1 Permit Distribution

Within 30 days of permit issuance, the Permittee shall send a copy of the permit to any regional development commission, county auditor, and city and township clerk in which any part of the site is located.

Within 30 days of permit issuance, the Permittee shall provide all affected landowners with a copy of this permit and the complaint procedures. In no case shall the landowner receive this site 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 permitted site.

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 Construction and Operation Practices

The Permittee shall follow those specific construction practices, operation practices, and material specifications described in Northern States Power Company's October 15, 2015 Application for a Site Permit for the Black Dog Unit 6 Project, and the record of the proceedings unless this permit establishes a different requirement in which case this permit shall prevail.

4.3.1 Field Representative

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

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

4.3.2 Employee Training and Education of Permit Terms and Conditions

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

4.3.3 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 will 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.

4.3.4 Temporary Work Space

Temporary work space and equipment staging areas shall be selected to limit the removal and impacts to vegetation. Temporary work space shall not be sited in wetlands or native prairie as defined in sections 4.3.9 and 4.3.10. Temporary work space shall be sited to comply with standards for development of the shorelands of public waters as defined in Section 4.3.9. Temporary easements outside of the authorized site boundary will be obtained from affected landowners through rental agreements and are not provided for in this permit.

4.3.5 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 to ensure nighttime noise level standards will not be exceeded.

4.3.6 Aesthetics

The Permittee shall consider input pertaining to visual impacts from landowners or land management agencies prior to final location of structures with the potential for visual disturbance. 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 the project during construction and maintenance.

4.3.7 Soil Erosion and Sediment Control

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

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

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

4.3.8 Public Lands

In no case shall the large electric generating facility or associated facilities including foundations, access roads, underground cable, and transformers, be located in the public lands identified in Minn. R. 7850.4400, subp. 1. The generating plant and associated facilities shall not be located in the public lands identified in Minn. R. 7850.4400, subp. 3, unless there is no feasible and prudent alternative.

4.3.9 Wetlands and Shoreland

The large electric generating facility and associated facilities, including access roads, underground cables, and transformers shall not be placed in public waters and public waters wetlands, as shown on the public water inventory maps prescribed by Minnesota Statutes Chapter 103G, except that electric collector or feeder lines may cross or be placed in public waters or public waters wetlands subject to permits and approvals by the Minnesota Department of Natural Resources and the United States Army Corps of Engineers, and local units of government as implementers of the Minnesota Wetlands Conservation Act. The large electric generating facility and associated facilities including foundations, access roads, underground cables, and transformers, shall be located in compliance with the standards for development of the shorelands of public waters as identified in Minn. R. 6120.3300, and as adopted, Minn. R. 6120.2800, unless there is no feasible and prudent alternative.

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

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

4.3.10 Native Prairie

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

The large electric generating facility and associated facilities including foundations, access roads, collector and feeder lines, underground cables, and transformers shall not be placed in native prairie unless addressed in a prairie protection and management plan and shall not be located in areas enrolled in the Native Prairie Bank Program. Construction activities, as defined

in Minn. Stat. § 216E.01, shall not impact native prairie unless addressed in a prairie protection and management plan.

4.3.11 Vegetation Management

The Permittee shall disturb or clear the site only to the extent necessary to assure suitable access for construction, safe operation and maintenance of the project. The Permittee shall minimize the number of trees to be removed in selecting the site layout specifically preserving to the maximum extent practicable windbreaks, shelterbelts, living snow fences, and vegetation, to the extent that such actions do not violate sound engineering principles.

4.3.12 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. All pesticides shall be applied in a safe and cautious manner so as not to damage adjacent properties including crops, orchards, tree farms, apiaries, or gardens. The Permittee shall contact the landowner or designee to obtain approval for the use of pesticide at least 14 days prior to any application on their property. The landowner may request that there be no application of pesticides on any part of the site within the landowner's property. 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.

4.3.13 Invasive Species

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

4.3.14 Noxious Weeds

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

4.3.15 Roads

The Permittee shall advise the appropriate governing bodies having jurisdiction over all state, county, city or township roads that will be used during the construction phase of the project. Where practical, existing roadways shall be used for all activities associated with construction of the facility. Oversize or overweight loads associated with the facility shall not be hauled across public roads without required permits and approvals. The Permittee shall promptly repair private roads or lanes damaged when moving equipment or when obtaining access to the site, unless otherwise negotiated with the affected landowner.

4.3.16 Archaeological and Historic Resources

The Permittee shall make every effort to avoid impacts to identified archaeological and historic resources when constructing the transmission facility. In the event that a resource is encountered, the Permittee shall contact and consult with State Historic Preservation Office and the State Archaeologist. Where feasible, avoidance of the resource is required. Where not feasible, mitigation must include an effort to minimize project impacts on the resource consistent with State Historic Preservation Office and State Archaeologist requirements.

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

4.3.17 Interference with Communication Devices

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

4.3.18 Restoration

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

all restoration activities, the Permittee shall advise the Commission in writing of the completion of such activities.

4.3.19 Cleanup

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

4.3.20 Pollution and Hazardous Wastes

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

4.3.21 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.

4.3.22 Public Safety

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

4.3.23 Site Identification

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

4.4 Other Requirements

4.4.1 Safety Codes and Design Requirements

The electric energy generating system and associated facilities shall be designed to meet or exceed all relevant local and state codes, Institute of Electrical and Electronics Engineers, Inc. standards, the National Electric Safety Code, and North American Electric Reliability Corporation requirements.

4.4.2 Other Permits and Regulations

The Permittee shall comply with all applicable state rules and statutes. The Permittee shall obtain all required permits for the project and comply with the conditions of these permits. A list of the permits known to be required is included in the permit application. The Permittee shall submit a copy of such permits to the Commission upon request.

5.0 SPECIAL CONDITIONS

5.1 Coordination

Should a SWPPP be required for the proposed project, a draft version will be shared with the Lower Minnesota River Watershed District (LMRWD).

5.2 Peregrine Falcons

If peregrine falcons show signs of stress during project construction or display other erratic flying behavior, the Applicant shall contact the MnDNR Nongame Program Region Specialist.

6.0 DELAY IN CONSTRUCTION

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

7.0 COMPLAINT PROCEDURES

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

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

8.0 COMPLIANCE REQUIREMENTS

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

8.1 Site Plan

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

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

8.2 Status Reports

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

8.3 Notification to Commission

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

8.4 As-Builts

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

8.5 GPS Data

Within 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 all structures associated with the generating system.

8.6 Emergency Response

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

9.0 COMMISSION AUTHORITY AFTER PERMIT ISSUANCE

9.1 Final Boundaries

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

9.2 Expansion of Site Boundaries

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

9.3 Modification of Conditions

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

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

9.4 More Stringent Rules

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

10.0 PERMIT AMENDMENT

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

11.0 TRANSFER OF PERMIT

The Permittee may request at any time that the Commission transfer this permit to another person or entity. The Permittee shall provide the name and description of the person or entity to whom the permit is requested to be transferred, the reasons for the transfer, a description of the facilities affected, and the proposed effective date of the transfer. The person to whom the permit is to be transferred shall provide the Commission with such information as the Commission shall require to determine whether the new Permittee can comply with the conditions of the permit. The Commission may authorize transfer of the permit after affording the Permittee, the new Permittee, and interested persons such process as is required.

12.0 REVOCATION OR SUSPENSION OF THE PERMIT

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

Attachments

1. MAPS

2. COMPLAINT HANDLING PROCEDURES

3. COMPLIANCE FILING PROCEDURES

MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLAINT HANDLING PROCEDURES FOR
PERMITTED ENERGY FACILITIES

A. Purpose

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

B. Scope

This document describes complaint reporting procedures and frequency.

C. Applicability

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

D. Definitions

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

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

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

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

E. Complaint Documentation and Processing

1. The permittee shall designate an individual to summarize complaints for the Commission. This person's name, phone number and email address shall accompany all complaint submittals.

2. A person presenting the complaint should to the extent possible, include the following information in their communications:

    a. name, address, phone number, and email address;
    b. date of complaint;
    c. tract or parcel number; and
    d. whether the complaint relates to a permit matter or a compliance issue.

3. The permittee shall document all complaints by maintaining a record of all applicable information concerning the complaint, including the following:

    a. docket number and project name;
    b. name of complainant, address, phone number and email address;
    c. precise description of property or parcel number;
    d. name of permittee representative receiving complaint and date of receipt;
    e. nature of complaint and the applicable permit condition(s);
    f. activities undertaken to resolve the complaint; and
    g. final disposition of the complaint.

F. Reporting Requirements

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

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

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

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

G. Complaints Received by the Commission

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

H. Commission Process for Unresolved Complaints

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

I. Permittee Contacts for Complaints and Complaint Reporting

Complaints may be filed by mail or email to:

Timothy J. Edman
Xcel Energy/Regulatory Affairs
401 Nicollet Mall, 7th Floor
Minneapolis, MN 55401
612-330-2952 (W), 612-207-2080 (C)
E-Mail: timothy.j.edman@xcelenergy.com

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

MINNESOTA PUBLIC UTILITIES COMMISSION
COMPLIANCE FILING PROCEDURE FOR
PERMITTED ENERGY FACILITIES

A. Purpose

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

B. Scope and Applicability

This procedure encompasses all compliance filings required by permit.

C. Definitions

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

D. Responsibilities

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

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

2. All filings must have a cover sheet that includes:

    a. Date
    b. Name of submitter/permittee
    c. Type of permit (site or route)
    d. Project location
    e. Project docket number
    f. Permit section under which the filing is made
    g. Short description of the filing

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

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

PERMIT COMPLIANCE FILINGS[1]

PERMITTEE: Northern States Power Company
PERMIT TYPE: LEPGP Site Permit
PROJECT LOCATION: Dakota County
PUC DOCKET NUMBER: E002/GS-15-834

Filing Number	Permit Section	Description of Compliance Filing	Due Date
1	4.1	Permit Distribution	Within 30 days of Permit Issuance
2	4.2	Notification to landowners for entering their property	At least 14 days in advance, but not more than 60 days
3	4.3.1	Field Representative	14 days prior to commencing construction
4	4.3.12	Application of Pesticides (Herbicides)	14 days prior to application
5	4.3.16	Notification of previously unrecorded archaeological sites	Upon discovery
6	4.3.18	Restoration complete	60 days after completion of all restoration activities
7	5.1	Coordination with LMRWD	If an SWPPP is required
8	6.0	Failure to Construct	Four years after permit issuance, as necessary
9	7.0	Complaint Procedures	Prior to the start of construction

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

Filing Number	Permit Section	Description of Compliance Filing	Due Date
10	8.1	Site Plan	30 days prior to commencing construction
11	8.2	Status Reports	Monthly
12	8.3	Notice of Operation and Completion of Construction	Three days prior to commercial operation
13	8.4	As-Builts	Within 90 days after completion of construction
14	8.5	GPS Data	Within 90 days after completion of construction
15	8.6	Emergency Response Plan	14 days prior to preconstruction meeting
16	Complaint Reporting	Monthly Complaint Reports	By the 15th of each Month during project construction and restauration
17	Complaint Reporting	Immediate Complaint Reports	By the following day throughout the life of the permit

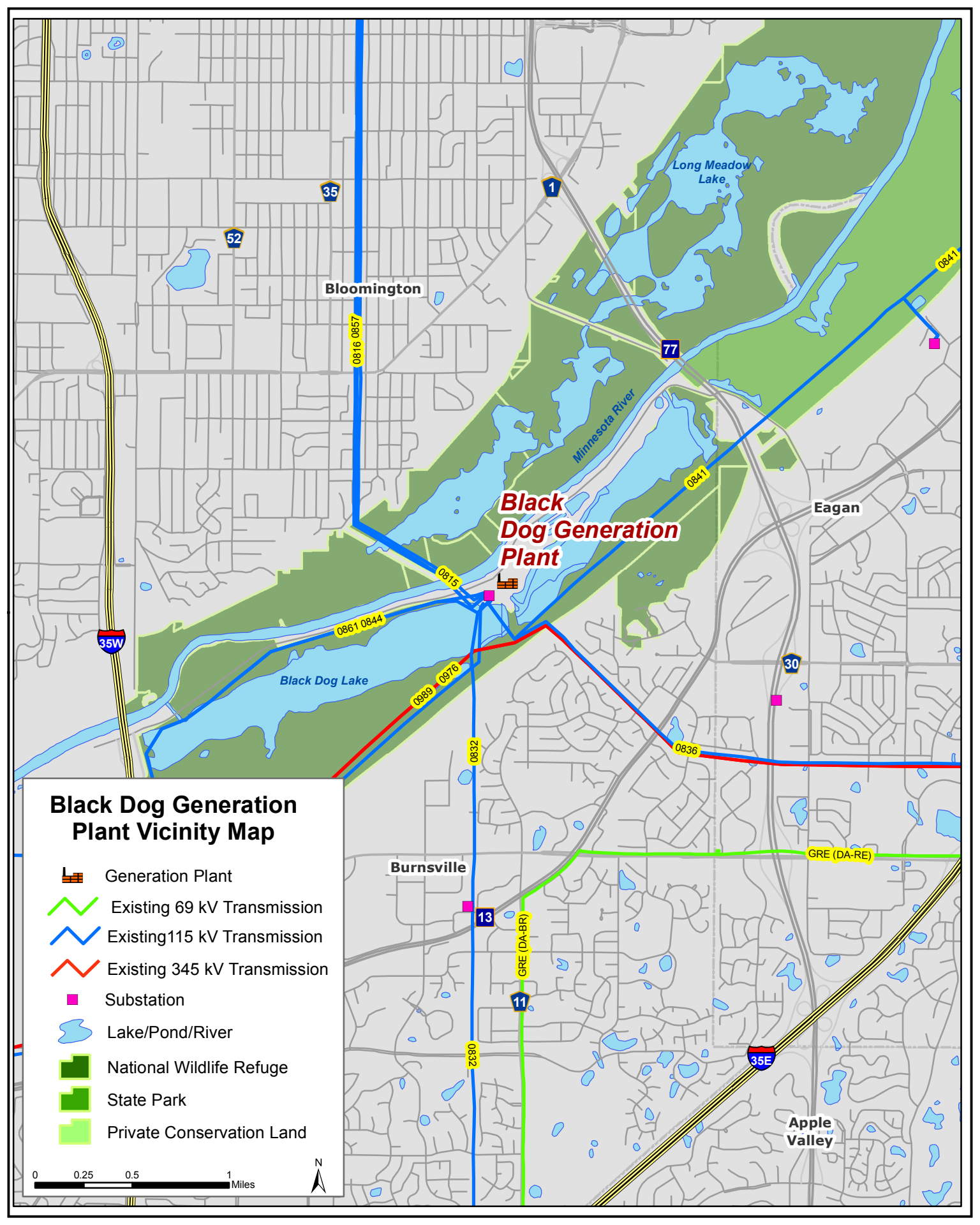
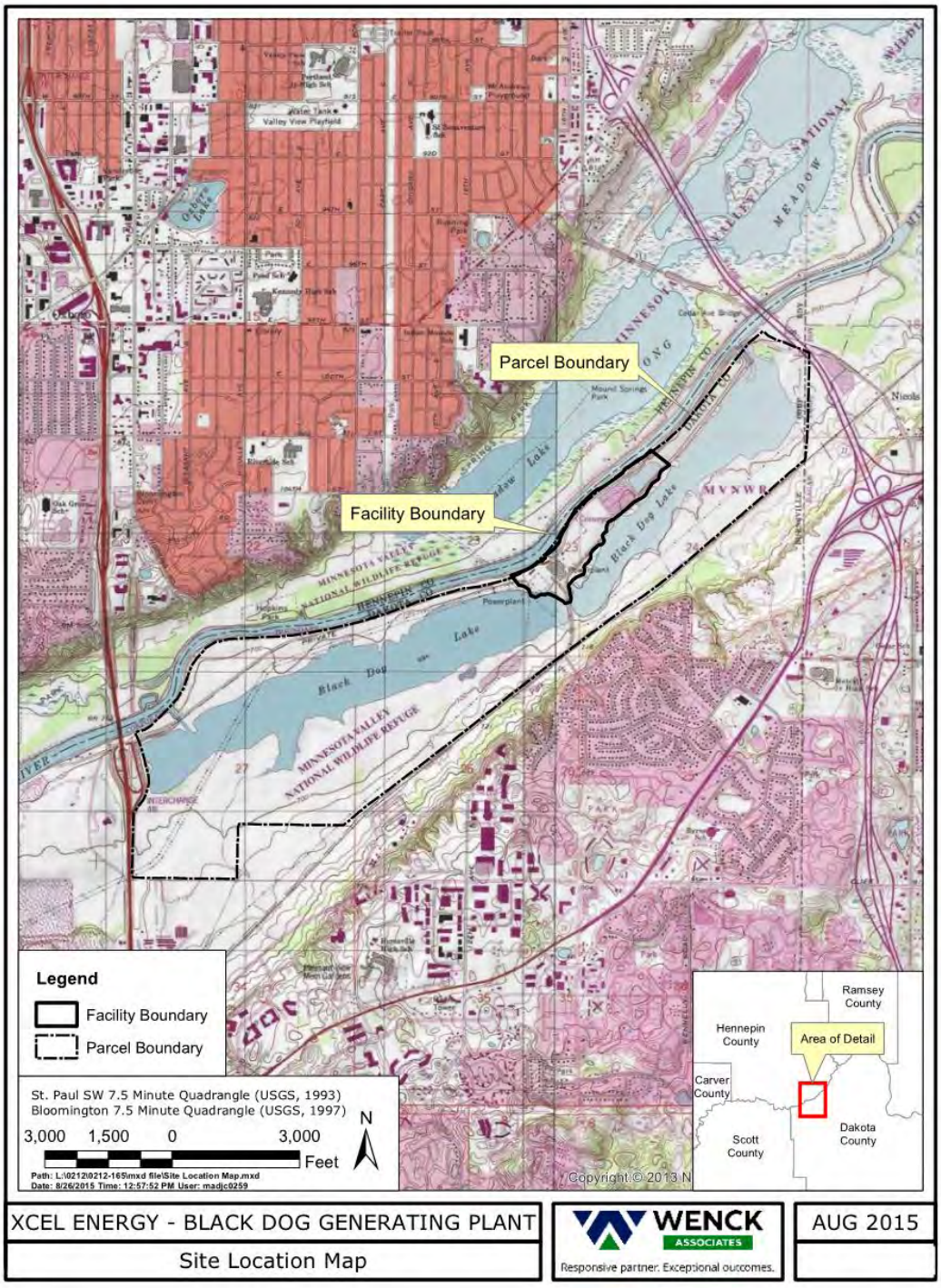
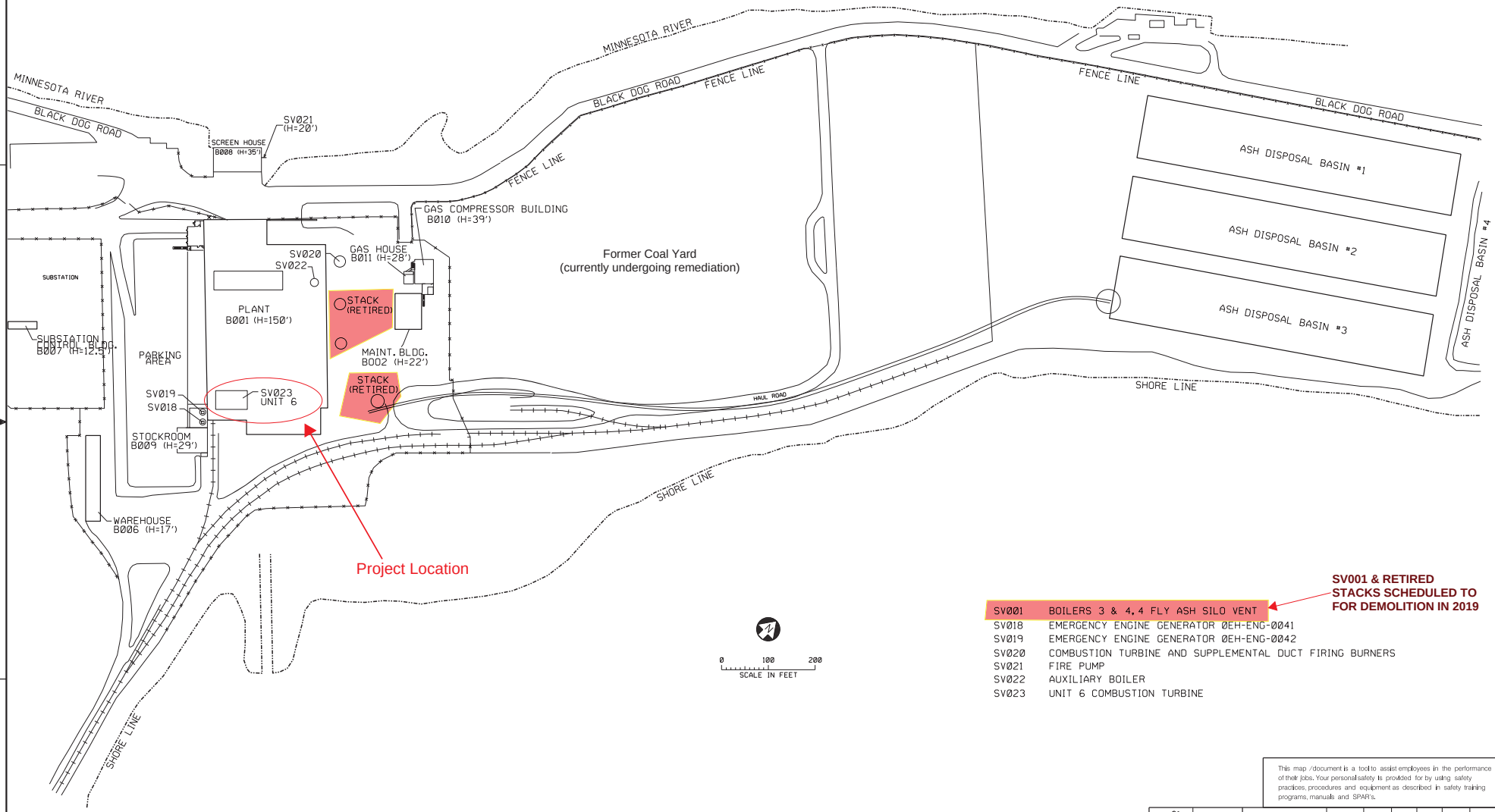

Black Dog Generation Plant
Bloomington
Eagan
Burnsville
Apple Valley
Long Meadow Lake
Minnesota River
Black Dog Lake
0816 0857
0841
0815
0861 0844
0976
0989
0832
0836
GRE (DA-RE)
GRE (DA-BR)
35
52
1
77
35W
30
13
11
35E
Black Dog Generation Plant Vicinity Map
Generation Plant
Existing 69 kV Transmission
Existing115 kV Transmission
Existing 345 kV Transmission
Substation
Lake/Pond/River
National Wildlife Refuge
State Park
Private Conservation Land
0 0.25 0.5 1 Miles
N

Figure 1-1 Black Dog Plant Site



NH- 182707

FACILITY I.D. NO. 03700003
NSP BLACK DOG GENERATING PLANT



SV001	BOILERS 3 & 4, 4 FLY ASH SILO VENT
SV018	EMERGENCY ENGINE GENERATOR ØEH-ENG-0041
SV019	EMERGENCY ENGINE GENERATOR ØEH-ENG-0042
SV020	COMBUSTION TURBINE AND SUPPLEMENTAL DUCT FIRING BURNERS
SV021	FIRE PUMP
SV022	AUXILIARY BOILER
SV023	UNIT 6 COMBUSTION TURBINE

SV001 & RETIRED STACKS SCHEDULED TO FOR DEMOLITION IN 2019

Figure 1-3
Site Layout

This map / document is a tool to assist employees in the performance of their jobs. Your personal safety is provided for by using safety practices, procedures and equipment as described in safety training programs, manuals and SPAR's.

DWN BC DATE	SIGNIFICANT NO.	8230		600	100	6210	5560
CHECKED	GROUP	1	2	3	4	5	6
PROJECT NO.							
FILMED							

GI-03A
FACILITY AND STACK/VENT DIAGRAM
JUNE 2018

XCEL ENERGY
BLACK DOG GENERATING PLANT
BURNSVILLE, MN.

SCALE NTS REV C

NHC- 182707

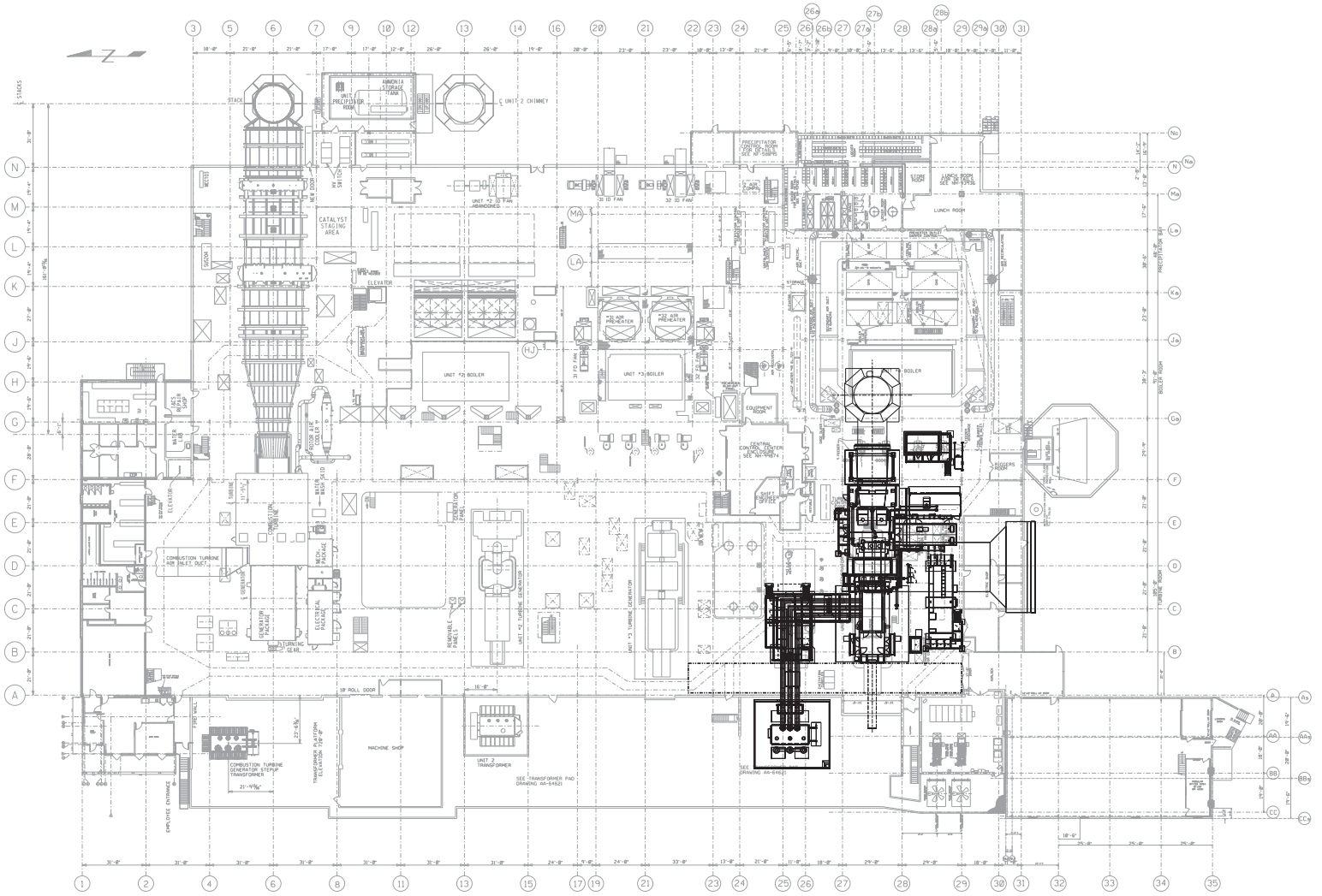


Figure 3-2
Project Layout

NORTH

PRELIMINARY
NOT TO BE USED FOR CONSTRUCTION
NOT FOR CONSTRUCTION

20' 0' 20' 40' 60'
GRAPHIC SCALE

DRAWING SCALE
1" = 20'-0"

HOLD INFORMATION

NO.	DESCRIPTION

CONTRACTOR/INSTALLER SHALL TAKE ALL APPROPRIATE PRECAUTIONS TO ENSURE THE SAFETY OF ALL PEOPLE LOCATED ON THE WORK SITE, INCLUDING CONTRACTOR'S/INSTALLER'S PERSONNEL (OR THAT OF ITS SUB-CONTRACTOR(S)) PERFORMING THE WORK.

RELEASE INFORMATION

REV.	DATE	DESCRIPTION
A	03-11-2013	FOR CLIENT COMMENT

ISSUE PURPOSE:

SPECIFICATION:

PROJECT NO.: 12258-003

I HEREBY CERTIFY THAT THIS ENGINEERING DOCUMENT WAS PREPARED BY ME OR UNDER MY DIRECT PERSONAL SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF ENTER NAME.

ENTER NAME
ENTER DATE

MY LICENSE RENEWAL DATE IS: ENTER DATE
PAGES OR SHEETS COVERED BY THIS SEAL:
THIS DOCUMENT ONLY.

CERTIFICATE OF AUTHORIZATION (WHEN REQ'D)

CAD FILE NAME: SK-GA-SGT6-5000F-01A.DGN

PREPARED BY: R. MILLER

REVIEWED BY: S. WARREN

APPROVED BY:

ANY MODIFICATION OR ADDITION TO THIS DRAWING BY AN ORGANIZATION OTHER THAN SARGENT & LUNDY, IS NOT THE RESPONSIBILITY OF SARGENT & LUNDY.

Sargent & Lundy LLC

SARGENT & LUNDY LLC
55 EAST MONROE STREET
CHICAGO, ILLINOIS 60603-5780

Xcel Energy®

PROJECT

BLACK DOG
GENERATING PLANT
BURNSVILLE, MINNESOTA
NORTHERN STATES POWER COMPANY
XCEL ENERGY

DRAWING TITLE

PRELIMINARY
GE 7FA SIMPLE CYCLE STAGE
PLAN VIEW

DRAWING NUMBER	REVISION
SK-GA-SGT6-5000F-01A	A

SHEET 1 OF 1

ZL5878/Om1743/01=#Black Dog#Simple Cycle#SK-GA-SGT6-5000F-01A.dgn
Form GDG-0401-01-08, ANSI (Imperial) MicroStation Border - Size E - 34 x 44
Revision 11A, Revision Date: 04-30-2010
3/11/2013 11:05:58 AM
...\#SK-GA-SGT6-5000F-01A.dgn