

December 15, 2020

Richard Davis, Environmental Review Specialist
Environmental Review and Analysis
Minnesota Department of Commerce
85 7th Place East, Suite 280
St. Paul, MN 55101

Re: Red Rock Solar Project
PUC Docket Number: IP7014/GS-19-620

Dear Richard Davis:

Thank you for the opportunity to review and comment on the Red Rock Solar project (Project), a solar energy conversion facility in Cottonwood County, Minnesota. Regarding matters for which the Minnesota Pollution Control Agency (MPCA) has regulatory responsibility and other interests, the MPCA staff has the following comments for your consideration.

Section 1.4 Required Project Permits

In the event a 404 Permit is required, a section 401 water quality certification is required for any project with a federally-issued license or permit that authorizes an activity that results in a discharge to a Water of the United States. The 401 certification becomes an enforceable component of the associated federal license or permit – either issued under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act. The scope of a Clean Water Act section 401 certification is limited to assuring that a discharge from a federally licensed or permitted activity will comply with water quality requirements. Revisions to the 401 rule became effective in September 2020 and now require applicants to request a pre-filing meeting from the certifying agency at least 30 days prior to submitting a 401 water quality certification request. MPCA is the certifying authority in the State of Minnesota. For further information about the 401 Water Quality Certification process, please contact Bill Wilde at 651-757-2825 or William.wilde@state.mn.us.

Also, please keep in mind that in accordance with Minnesota statutes, the Red Rock Solar Site Permit Application should include the MPCA as a regulator of all surface waters as defined by Minn. Stat. 115.01 subd. 22. Waters of the state. "Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof. Even though there may be surface waters that are determined to be U.S. Army Corps of Engineers non-jurisdictional, or exempt from Wetland Conservation Act, *all surface waters are regulated by the MPCA* and any surface water impact needs to be described in the application, may require mitigation.

Section 4.2.3 Noise

The MPCA appreciates the attention to noise in this permit application. The MPCA suggests that, in addition to limiting construction to daytime hours (as practicable), construction equipment used for the creation of the site and equipment for maintenance of panels be muffled per manufacturers' specifications. For noise related questions, please contact Fawkes Char at 651-757-2327 or Fawkes.Char@state.mn.us.

Section 4.5.4 Surface Waters and Floodplains

The site permit application acknowledges the requirement to submit the Stormwater Pollution Prevention Plan (SWPPP) to MPCA for review and approval due to disturbing 50 acres or more. The SWPPP will need to include the additional requirements for projects that discharge to impaired waters, including stabilizing soils with 7 days. The Project proposer will also need to utilize redundant (double) downgradient sediment controls if there is disturbance within 50 feet of the watercourse that flows through the Project. The site permit application describes the plan to discharge to drainage basins in low areas of the site. A volume control method such as infiltration is required to manage stormwater on the site unless prohibited for one of the reasons in the National Pollutant Discharge Elimination System/ State Disposal System General Construction Stormwater permit. Please refer to the [Minnesota Stormwater Manual](#) on calculating acceptable ways to address stormwater management under solar arrays. The use of native vegetation is commonly utilized to help manage stormwater at solar facilities and is strongly encouraged. Questions regarding stormwater requirements should be directed to Roberta Getman at 507-206-2629 or Roberta.Getman@state.mn.us.

Please be aware that this letter does not constitute approval by the MPCA of any or all elements of the Project for the purpose of pending or future permit action(s) by the MPCA. Ultimately, it is the responsibility of the Project proposer to secure any required permits and to comply with any requisite permit conditions. If you have any questions concerning our review of this Project, please contact me by email at karen.kromar@state.mn.us or by telephone at 651-757-2508.

Sincerely,

Karen Kromar

Karen Kromar
Project Manager
Environmental Review Unit
Resource Management and Assistance Division

KK:bt

cc: Dan Card, MPCA, St. Paul
Bill Wilde, MPCA, St. Paul
Fawkes Char, MPCA, St. Paul
Roberta Getman, MPCA, Rochester