



PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY

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**Regarding Great River Energy's application to construct a 170 MW, oil-and-gas-fired dual fuel simple cycle combustion turbine generator near Cambridge, Isanti County, Minnesota**

The Minnesota Environmental Policy Act (MEPA) Minnesota Statute § 116D.04, subd. 2a(e), and Minnesota Rules 4410.1100, gives citizens of Minnesota the right to petition for environmental review. The individuals who have signed this petition (list attached to this petition submission) therefore petition for preparation of an Environmental Assessment Worksheet (EAW) on Great River Energy's (GRE) March 11<sup>th</sup>, 2022, proposal to construct an oil-and-gas-burning (also referred to as "dual fuel") large electric power generating plant near Cambridge, Minnesota (Project), Public Utilities Commission ("PUC" or "Commission") Docket No. 22-122. Petitioners believe that the facts below clearly show that this project "may have the potential for significant environmental impacts" such that the Commission is required to order an EAW for the Project under MEPA. Since the construction of this type of facility also requires the preparation of an Environmental Impact Statement (EIS) under existing Minnesota Rules it would be appropriate for the Commission to so order, in the alternative.

While GRE claims that it is seeking a "minor alteration" to an existing permit for a gas-fired power plant, it is, in fact, proposing to build a new large electric power generating unit on the site of its existing facility. This is because GRE proposes to remove the existing gas-only unit to "replac[e] the Cambridge 2 natural gas burners with gas/fuel oil combined burners."<sup>1</sup> Changing the plant's internal technology, fuel used, and emissions profile is far from a minor permit alteration. Instead, it is a Project that is likely to have significant impacts on the human environment. The Commission cannot approve this new plant without undergoing the environmental review required by MEPA.

This petition lays out the information required by Minnesota Rules 4410.1100, subp. 2, in the order dictated by the rule.

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<sup>1</sup> GRE, *Application for a Minor Alteration to Great River Energy's 170 MW, Natural Gas-Fired, Simple Cycle Combustion Turbine Generator at its Cambridge 2 Peaking Plant Site near Cambridge, Isanti County, Minnesota*, MPUC Docket No. ET-2/GS-22-122 (Mar. 11, 2022), eDockets ID No. [20223-183729-01](#) [hereinafter "GRE letter application"] (Attachment A).

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**A. Description of the proposed project.**

GRE is proposing to replace its “only natural gas-fired peaking facility that is not dual fuel capable”<sup>2</sup> with a dual-fuel (burning diesel fuel oil and natural gas) large electric power generating plant similar to others it owns and operates. The Project includes removing burners from the Cambridge power plant’s existing gas-fired unit, replacing them with new burners of a different type, and “constructing associated fuel oil storage, water storage, pipes, pumps, and controls.”<sup>3</sup> The company explained further: “GRE plans to replace the existing Siemens natural gas burners with Siemens dual fuel burners.”<sup>4</sup>

Limited additional information about this specific project has been made available by the company; its “minor alteration” application was only ten pages long (seven pages with three pages of attachments) and fails to accurately describe the potential environmental impacts of building a new dual fuel unit at the site. But the Project is subject to Commission approval as a new large electric generation facility—requiring of a Certificate of Need prior to construction.

**B. The proposer of the project.**

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**C. The name, address, and telephone number of the representative of the petitioners.**

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<sup>2</sup> GRE letter application, *supra* note 1, at 1.

<sup>3</sup> GRE letter application, *supra* note 1, at 2.

<sup>4</sup> GRE letter application, *supra* note 1, at 2.

**D. A brief description of the potential environmental effects which may result from the project.**

The construction and operation of large electric power generating plants<sup>5</sup> has the potential for significant environmental effects. This is undisputed as the Minnesota Environmental Quality Board (EQB) has established a mandatory EIS category for these projects.<sup>6</sup> Commission regulations require that the Department of Commerce prepare an EIS for this Project following acceptance of GRE's application.<sup>7</sup> While GRE's application for a new dual fuel power plant may be incomplete when judged against the standards for applying for a Certificate of Need, it certainly satisfies the standard for the EQB's requirement of an EIS under the applicable mandatory category.

Minnesota's PUC regulates large electric power generating plants, consistent with state statute<sup>8</sup>—Commission regulations demonstrate the collective understanding that these are major infrastructure projects that often significantly impact humans and the environment. The apparent legislative intent, laid out in the Power Plant Siting Act,<sup>9</sup> was

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<sup>5</sup> As defined in Minn. Stat. § 216E.01, subd. 5, this includes “electric power generating equipment and associated facilities designed for or capable of operation at a capacity of 50,000 kilowatts or more.” At 170 megawatts (MW) the Cambridge plant will far surpass the threshold set by statute.

<sup>6</sup> Minn. R. 4410.4400, subp. 3, (“For construction of a large electric power generating plant, as defined in Minnesota Statutes, section 216E.01, subdivision 5, the PUC is the RGU. Environmental review must be conducted according to parts 7849.1000 to 7849.2100 and 7850.1000 to 7850.5600.”). While Minn. R. 4410.4300, subp. 3(C), also would apply to require a mandatory EAW for this project, the first sentence of 4410.4300 makes clear that the EIS categories control when a project is within both mandatory EIS and EAW categories. *See* Minn. R. 4410.4300, subp. 1, (“An EAW must be prepared for projects that meet or exceed the threshold of any of subparts 2 to 37, unless the project meets or exceeds any thresholds of part 4410.4400, in which case an EIS must be prepared.”).

<sup>7</sup> Minn. R. 7850.2500, subp. 1, (“The commissioner of the Department of Commerce shall prepare an environmental impact statement on each proposed large electric power generating plant . . . for which a permit application has been accepted by the commissioner.”)

<sup>8</sup> Minn. Stat. § 216B.243; Minn. Stat. § 216E.02, subd. 1.

<sup>9</sup> Minn. Stat. § 216E.02, subd. 1 (“The legislature hereby declares it to be the policy of the state 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 commission 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.”).

to have state-level oversight of this infrastructure to avoid unnecessary human and environmental impacts from poorly planned or unneeded infrastructure.

The current project is subject to a full environmental review without an abbreviated alternative review. Importantly, while the existing Cambridge gas-only peaking plant was subject to abbreviated “alternative review” under Minnesota statutes, the instant application for a large electric power generating plant that burns fuel oil in the form of diesel is subject to full Commission review. This is because the proposed plant is powered with energy other than natural gas and is designed to produce far more than 80 megawatts of electricity.<sup>10</sup> As such, there are no exceptions to full Commission procedures and full environmental review (in the form of an EIS) under Minnesota law.

Based on environmental review of similar projects in other jurisdictions and environmental review for dual-fuel peaking plants in Minnesota, the potential for significant environmental effects exists at least in the following areas:

- **Land use and management:** The Project will “necessitate the construction of a 500,000-gallon fuel oil storage tank, a 450,000-gallon demineralized water storage tank, and associated piping, pumps, and controls.”<sup>11</sup> While this construction is described as occurring on “land that is currently cleared and vacant,”<sup>12</sup> significant disturbance of soil under and around the new storage tanks is likely during construction, and if either large storage tank experiences a breach during the lifetime of operations. Emergency management, including removal or treatment of tons of diesel-contaminated soil, is a real possibility that needs to be assessed. Also, an EIS for this project is the appropriate vehicle to assess the cumulative land impacts of the existing facility (which was never assessed under an EIS) plus the addition of the Project’s construction and use.
- **Natural environment:** While the earlier Cambridge plant was permitted under abbreviated environmental review as it was subject to “alternative review” for gas-fired power plants, a new oil-and-gas-fired power plant is likely to have significant impacts on the local environment and global climate that go far beyond prior analysis. Construction impacts include increased traffic and disruption, air pollution from dust and construction equipment emissions, and noise pollution. Operation impacts will include increased traffic (and vehicle noise) due to tanker trucks bringing diesel to the plant at irregular intervals, increased local air pollution from the burning of diesel at the plant and from truck traffic, increased greenhouse gas emissions from the burning of diesel, water appropriations for the demineralized storage tank, and pollution of land and waterways due to

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<sup>10</sup> Minn. Stat. § 216E.04, subd. 2(1)-(2) (allowing some electric generation to be subject to alternative review when powered by gas alone or producing less than 80 MW).

<sup>11</sup> GRE letter application, *supra* note 1, at 2.

<sup>12</sup> GRE letter application, *supra* note 1, at 2.

foreseeable diesel spills (from trucks and on-site infrastructure). Air emissions and diesel releases to land and water have a high likelihood of impacting the Rum River, which is roughly one mile west of the facility. The Project also necessitates a change in the facility's water appropriation permit, allowing for "water injection during fuel oil operation to the list of appropriated water uses,"<sup>13</sup> suggesting that the Project may have impacts on groundwater quality and quantity that have not been assessed. All these foreseeable issues have the potential to have significant impacts on species in the area, as well as human health and existing uses of adjoining properties.

- **Lands of historical, archaeological, and cultural significance:** Since the original Cambridge facility was not assessed by an EIS it is important to re-assess the area around the plant to discover whether the proposed additional construction and operational impacts may harm cultural resources in the area. The Minnesota State Historic Preservation Office (SHPO) must be enlisted in this work to establish whether the additional construction or operation of the new unit (i.e. increased truck traffic and increased air pollution) will have impacts to any historic, archeological, and/or architectural sites. While there may have been some minimal analysis of these matters under GRE's past EAW for its gas-fired facility, the SHPO's records will now be seventeen years more advanced, and since this project requires an EIS, it is likely that the analysis will be able to address the issue more deeply than any past analysis.
- **Economies within the route:** The Cambridge facility site is approximately two miles north of the city of Cambridge, surrounded by agricultural lands and businesses. Increased truck traffic and deposition of particulate air pollution has the potential to impact local businesses by increasing noise and requiring increased cleaning to remove deposited pollution. The possibility of a large spill of diesel, either from the facility's new tank or the trucks delivering to the plant, could also negatively impact agricultural lands and water supplies. To the extent that the oil-fired facility worsens the air quality in the City of Cambridge it will also likely depress economic activity throughout the city by decreasing visitation and outdoor activity. There is also the potential for increased employment of truckers to service the facility, but as there is a national scarcity of truckers this

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<sup>13</sup> GRE letter application, *supra* note 1, at 4. While GRE describes this as needing a "minor modification" to a DNR water appropriation permit, the company's mastery of "minor" permit actions is questionable based on this record and PCA's refusal to issue a "minor" amendment for the Project's air pollution. Since GRE has not obtained a permit modification from DNR yet, its assumptions regarding the water appropriation permit are irrelevant to the issue of potential for impacts.

could depress more useful economic activity in the region by utilizing labor for an unnecessary purpose.<sup>14</sup>

- **Human health impacts:** GRE's Project is certain to increase heavy truck traffic near the facility site since the diesel used at the plant will be delivered by tanker trucks.<sup>15</sup> Such deliveries will cause un-analyzed increases in air and noise pollution and will increase traffic flow which may disrupt school activities and families' abilities to access youth sports. The Cambridge plant is located near several facilities that serve children and youth in the Cambridge community, and the air pollution from the Project appears likely to impact local children. Less than one mile from the plant site is the Rum River Special Education Cooperative, serving students "with significant behavioral needs"<sup>16</sup> from six different school districts.<sup>17</sup> Approximately 1.32 miles<sup>18</sup> from the plant site is the Sandquist Family Park, a Cambridge city park that features softball fields, soccer and football fields, baseball fields, and playground equipment.<sup>19</sup> Impacts to youth participating in summer sports seem likely because GRE describes its existing and future Cambridge plants as "nominal summer generating" units.<sup>20</sup> Minnesota's Pollution Control Agency (PCA) recognizes that diesel exhaust is especially harmful to children, and comes from both mobile sources, like the tanker trucks serving this

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<sup>14</sup> The comparable Elk River facility that GRE also owns and operates only employs three staff, so employment increases at the facility itself seem remarkably unlikely. See Draft Environmental Impact Statement, Elk River Peaking Station, PUC Docket No. ET2/GS-07-715 at 19 (Nov. 2007), eDockets ID No. [4936997](#) [hereinafter "Elk River DEIS"] (Attachment B).

<sup>15</sup> GRE letter application, *supra* note 1, at 3 ("Any increase in ongoing traffic, however, will be limited to infrequent deliveries of fuel oil by truck."). GRE's choice of adjectives is not supported by any data that would substantiate what "infrequent" means in this situation. Moreover, the timing of truck deliveries could have an impact on other uses of roads and youth facilities regardless of the fact that such visits do not occur year-round.

<sup>16</sup> Rum River Special Education Cooperative, Education Program Information, [https://www.rrsec.org/education\\_programs/education\\_program\\_information](https://www.rrsec.org/education_programs/education_program_information) (last visited Apr. 26, 2022) (Attachment C).

<sup>17</sup> Rum River Special Education Cooperative, Member Districts, <http://rrsec.ss18.sharpschool.com/cms/One.aspx?portalId=547216&pageId=946264> (last visited Apr. 26, 2022) (Attachment D).

<sup>18</sup> Distance calculated between street addresses for the plant and the park using "How far is it? - Distance Calculator," available at <https://www.gps-coordinates.net/distance>.

<sup>19</sup> See Cambridge, Parks List, Sandquist Family Park, <https://www.ci.cambridge.mn.us/Home/Components/FacilityDirectory/FacilityDirectory/6/86> (last visited Apr. 25, 2022) (Attachment E).

<sup>20</sup> GRE letter application, *supra* note 1, at 1, 2.



Project, as well as large stationary sources, such as the proposed facility itself.<sup>21</sup> Diesel exhaust is a known human carcinogen according to the International Agency for Research on Cancer and a toxic air contaminant according to California regulators, and “effects include premature death, hospitalizations and emergency department visits for exacerbated chronic heart and lung disease, including asthma, increased respiratory symptoms, and decreased lung function in children.”<sup>22</sup> The high likelihood of this Project’s impacts to children’s health should be fully analyzed in an EIS.

There is no reason to provide irrational exceptions to MEPA compliance when a company has provided no substantive information on potential human and environmental impacts. Throughout the company’s seven-page application for a “minor alteration” it downplays the possibility of environmental impacts while at the same time provides no proof of its assertions. The fact that GRE is seeking approval of the Project through a little-known docket at the Commission without any effort to gather community input does not inspire confidence in its unsubstantiated assertions that human health and the environment are fully protected from harm.

**E. Cumulative potential effects: Material evidence indicating that, because of the nature or location of the proposed project, there may be potential for significant environmental effects.**

The PCA has determined that, far from being a minor alteration, the Project necessitates a major amendment to GRE’s air pollution permit for the facility.<sup>23</sup> GRE’s “application to the MPCA for the major amendment is awaiting engineer review.”<sup>24</sup>

The PCA determined that a major amendment was necessary after reviewing the emissions estimates and permit requirement changes provided by GRE.<sup>25</sup> Those

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<sup>21</sup> PCA, Diesel Exhaust in Minnesota (Feb. 2005), <https://www.pca.state.mn.us/sites/default/files/aq-mvp2-25.pdf> (Attachment F).

<sup>22</sup> California Air Resources Board, Overview: Diesel Exhaust & Health, <https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health> (Attachment G). EPA has also established that diesel exhaust is a likely human carcinogen since 2003. EPA, IRIS, Diesel engine exhaust, [https://cfpub.epa.gov/ncea/iris2/chemicalLanding.cfm?substance\\_nمبر=642](https://cfpub.epa.gov/ncea/iris2/chemicalLanding.cfm?substance_nمبر=642) (last visited May 3, 2022).

<sup>23</sup> GRE letter application, *supra* note 1, at 4 n.5.

<sup>24</sup> GRE letter application, *supra* note 1, at 4 n.5.

<sup>25</sup> Letter from Kirsten Baker, Supervisor, Air Quality Permits, PCA, to Adam Salzer, Regulatory Compliance Specialist, GRE, RE: Great River Energy - Cambridge, 2438 349th Avenue Northeast, Cambridge, Minnesota, Air Quality Permit Amendment

emissions estimates show that while the overall amount of nitrogen oxides (NO<sub>x</sub>) emitted after completion of the Project would remain limited to 244 tons per year under GRE's existing permit, burning diesel fuel oil would result in higher hourly emissions rates for particulate matter (PM, PM<sub>10</sub>, PM<sub>2.5</sub>), NO<sub>x</sub>, sulfur dioxide (SO<sub>2</sub>), carbon monoxide (CO), and carbon dioxide (CO<sub>2</sub>).<sup>26</sup> Adding fuel-oil capabilities would also result in "significant updates to the existing monitoring and record keeping" requirements of the existing permit.<sup>27</sup> When considered together, the PCA determined that the Project necessitated a major amendment to GRE's air pollution permit.

Furthermore, GRE's application for a "minor alteration" specifically invites comparison to its Elk River Peaking Station (ERPS) "as a proxy for fuel-oil operation modeling of Cambridge 2"<sup>28</sup> but differences in *actual* emissions between ERPS and Cambridge in past reporting to EPA demonstrates how misleading GRE's modeling can be. Far from demonstrating that there will be minimal impacts, comparison of actual annual emissions shows that for some deadly pollutants ERPS emits dozens, hundreds, or even thousands of times more annually than the existing Cambridge facility:

Pollutant	Cambridge 2017 annual emissions (in pounds)	ERPS 2017 annual emissions (in pounds)	Amount of increase in pollutant between gas-only and dual fuel facilities
Arsenic	0.022818	98.77053	4,328.623 times
Cadmium	0.02738938	1.023934	37.384 times
Carbon monoxide	6856.168	236974.09	34.564 times
Lead	0.07946	50.95276338	641.238 times
Mercury	0.007053752	9.040512	1,281.660 times

Applicability Determination at 8, Oct. 15, 2021 (Attachment H) [hereinafter "PCA letter"].

<sup>26</sup> See *id.* at 3 (Table 2—demonstrating higher hourly emissions of PM<sub>10</sub>, NO<sub>x</sub>, CO, and SO<sub>2</sub>); GRE, Excel Spreadsheet, 2004 Emissions Estimates 2477R3, (compare potential emissions in "COMG1 (Pre-Project)" tab and "COMG1 (Post-Project)" tab—demonstrating higher hourly emissions of PM of all types, NO<sub>x</sub>, SO<sub>2</sub>, and CO<sub>2</sub>) (Attachment I). GRE currently limits its annual NO<sub>x</sub> emissions to 244 tons per year to avoid major source status under the Clean Air Act's New Source Review.

40 C.F.R. § 60.4320.

<sup>27</sup> PCA letter, *supra* note 25, at 8.

<sup>28</sup> GRE letter application, *supra* note 1, at 2.



Nitrogen Oxides	18,767.96	783,487	41.746 times
Sulfur Dioxide	20.18298	46,168.95	2,287.519 times

**Table 1.** EPA ECHO data from the 2017 National Emissions Inventory for ERPS and Cambridge 2 (the most recent NEI data available for both facilities).<sup>29</sup>

It is also the case that ERPS produced far more greenhouse gas pollution in 2017 than the Cambridge plant, emitting 127,303 metric tons of carbon dioxide equivalent (CO<sub>2e</sub>) compared to Cambridge's 14,533 metric tons of CO<sub>2e</sub>.<sup>30</sup> While some of this difference is likely due to a difference in how much each plant ran that year,<sup>31</sup> it is also likely partly due to the fact that burning oil releases more CO<sub>2</sub> per unit of energy than natural gas. No matter the reason that ERPS produced nearly nine times as much climate-changing greenhouse gas emissions in 2017 than the Cambridge plant, the large difference in climate-changing emissions makes clear that further analysis of this Project is warranted due to the demonstrable potential for significant environmental impacts. Under the

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<sup>29</sup> EPA, Enforcement and Compliance History Online (ECHO), Cambridge Air Pollutant Report, <https://echo.epa.gov/air-pollutant-report?fid=110056145407> (click "Download Data" to access Excel spreadsheet file) (Attachment J); EPA, ECHO, Elk River Air Pollutant Report, <https://echo.epa.gov/air-pollutant-report?fid=110017390839> (click "Download Data" to access Excel spreadsheet file) (Attachment K).

<sup>30</sup> Compare EPA, Facility Level Information on Greenhouse Gases Tool (FLIGHT), Elk River, <https://ghgdata.epa.gov/ghgp/service/facilityDetail/2017?id=1000211&ds=E&et=&popup=true> (Attachment L) with EPA, FLIGHT, Cambridge Station, <https://ghgdata.epa.gov/ghgp/service/facilityDetail/2017?id=1000468&ds=E&et=&popup=true> (Attachment M).

<sup>31</sup> While it is the case that ERPS appeared to have significantly more greenhouse gas emissions than Cambridge in all years between 2010 and 2018 as well, ERPS's CO<sub>2e</sub> emissions were lower in 2019 and 2020. See generally *id.* (changing the "Data Year" yields each yearly result for each facility). This demonstrates that GRE's attempt to compare the two plants only for recent years when ERPS appears to have run less than Cambridge is a nonrepresentative data set that minimizes the potential for impacts that are evident from a slightly longer time frame using official EPA data.

current interim Federal Social Cost of Carbon (SCC) (set at \$51/ton)<sup>32</sup> the annual difference in damages from greenhouse gas emissions alone is \$5,751,270.<sup>33</sup>

EPA data also reflect the fact that pollution from this facility may have disproportionate impacts on low-income communities—leading to large cumulative impacts on underserved Minnesotans. According to EPA data, within a three-mile radius of the Cambridge facility 10.41% of the population lives on less than \$15,000 per year, while an additional 7.78% has an income between \$15,000 and \$25,000 per year.<sup>34</sup> This squares with PCA data showing that in the census tract where the Cambridge facility is located “29.05% (+/- 10.86%) reported income less than 185% poverty level.”<sup>35</sup> Within a one-mile radius of the plant EPA’s EJ Indexes demonstrates that the population is already exposed to air pollution at relatively high levels for Minnesota:

1-mile Radius EJ Indexes	Percentile
Particulate Matter 2.5	45.3
Ozone	44.3
Diesel Particulate Matter	45.7
Air Toxics Cancer Risk	45.5
Air Toxics Respiratory Hazard Index	48.2
Traffic Proximity	55.3

**Table 2.** EPA EJScreen EJ Indexes data set to 1-mile radius from Cambridge facility.<sup>36</sup>

Moreover, the facility’s air pollution will be transported significantly further than a three-mile or one-mile radius, likely impacting environmental justice communities throughout

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<sup>32</sup> INTERAGENCY WORKING GROUP ON SOCIAL COST OF GREENHOUSE GASES, UNITED STATES GOVERNMENT, TECHNICAL SUPPORT DOCUMENT: SOCIAL COST OF CARBON, METHANE, AND NITROUS OXIDE: INTERIM ESTIMATES UNDER EXECUTIVE ORDER 13990 (February 2021) [https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument\\_SocialCostofCarbonMethaneNitrousOxide.pdf](https://www.whitehouse.gov/wp-content/uploads/2021/02/TechnicalSupportDocument_SocialCostofCarbonMethaneNitrousOxide.pdf) (Attachment N).

<sup>33</sup> Using the equation:  $(127,303 - 14,533) \times \$51$ .

<sup>34</sup> EPA, ECHO, Cambridge Detailed Facility Report, <https://echo.epa.gov/detailed-facility-report?fid=110056145407> (under “Demographic Profile of Surrounding Area” select radius of “3 miles”) (Attachment O) [hereinafter “Cambridge ECHO Report”].

<sup>35</sup> See PCA, Understanding Environmental Justice in Minnesota, GIS Mapping Tool, <https://arcg.is/vqaGa> (data for census tract #1303.02) [hereinafter “PCA EJ map”].

<sup>36</sup> Cambridge ECHO Report, *supra* note 34 (under “EJScreen EJ Indexes” select “1-mile Radius”).

central Minnesota.<sup>37</sup> Both the existing burden to close neighbors as well as the more distant air pollution impacts to environmental justice communities in the region demonstrate that the potential for cumulative impacts to human health and the environment are certain.

The Project that GRE now proposes is the type of project that naturally causes significant environmental impacts, which must be assessed before any permit is granted. All other oil-fired plants have been subject to full regulatory review including the preparation of an EIS because of their potential for significant environmental impacts. While the Minnesota Legislature did create a type of fast-track alternative review process for gas-fired plants,<sup>38</sup> there is no legal justification for including this new oil-fired Project within that legislative carve out. GRE's application invites comparison to its other facility, ERPS,<sup>39</sup> and it is important to note that ERPS underwent full Commission review, including the preparation of an EIS.<sup>40</sup>

As the Department of Commerce's Energy Facility Permitting office explained in its 2007 Environmental Report for ERPS:

Minnesota rules 7845.5010 to .6500 provide for three different procedures for obtaining a site permit: full review, alternative review, and local review. GRE is applying for a site permit following the full review process. The project is not eligible for the alternative process because the proposed unit will be fueled by both natural gas and fuel oil.<sup>41</sup>

During the process of preparing an EIS for ERPS, many environmental impacts were raised by the public.<sup>42</sup> These included:

- fuel type
- load service area

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<sup>37</sup> See PCA EJ map, *supra* note 35 (mapping areas of environmental justice concern in the state of Minnesota) (Attachment P).

<sup>38</sup> Minn. Stat. § 216E.04, subd. 2(2).

<sup>39</sup> GRE letter application, *supra* note 1, at 2.

<sup>40</sup> See Elk River DEIS; Final Environmental Impact Statement, Elk River Peaking Station, PUC Docket No. ET2/GS-07-715 at 19 (Jan. 2008), eDockets ID No. [4901725](#) (Attachment Q).

<sup>41</sup> Minnesota Department of Commerce, Energy Facility Permitting, Environmental Report, Elk River Peaking Station, PUC Docket No. ET2/CN-07-678, at 9 (Nov. 2007), available at <https://mn.gov/eera/web/project/286/#> (in "View Project Documents (last 30)" click on "4897687 OAH EXHIBITS-- EXHIBIT 12 - ENVIRONMENTAL REPORT - PART A") (Attachment R).

<sup>42</sup> *Id.* at 10.

- simple cycle versus combined cycle operation
- cost of electricity
- air emissions
- water usage
- potential for future expansion
- potential noise impacts

Many more environmental impacts were addressed in ERPS's DEIS, FEIS, and Environmental Report, all of which indicate issues that will be germane to the Project's EIS. Additionally, recent EIS analyses conducted by the Department of Commerce in support of the Commission's work as the Responsible Government Unit have included analysis of the SCC and other externalities that are becoming more readily quantifiable and capable of analysis in the present day.<sup>43</sup> Considering the current focus on climate change analysis at the EQB,<sup>44</sup> and throughout Minnesota state government,<sup>45</sup> it is beyond comprehension that a new oil-fired power plant could be approved in 2022 without adequate analysis of its potential significant impacts to the climate and Minnesota communities. Climate change impacts from this project are certain, and climate change impacts are cumulative impacts. Both GRE and the Commission must meet the moment and comply with the law by doing a full and accurate assessment of the many environmental impacts that are likely to flow from this Project.

## Conclusion

GRE's lack of transparency and communication with the public about its plans makes it difficult to achieve a high level of specificity in identifying potentially significant human

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<sup>43</sup> LINE 3 PROJECT FINAL ENVIRONMENTAL IMPACT STATEMENT, EXECUTIVE SUMMARY, ES-21 Table ES-3, <https://mn.gov/eera/web/project-file?legacyPath=/opt/documents/34079/Line3%20FEIS%20Ch%20002%20Executive%20Summary%20Complete.pdf> (estimating Social Cost of Carbon attributable to the new Line 3 pipeline and project alternatives) (Attachment S).

<sup>44</sup> EQB, Climate Change and Environmental Review - Pilot Program, <https://www.eqb.state.mn.us/content/climate-change-and-environmental-review-pilot-program> (describing "a Pilot Program that will test and evaluate the inclusion of climate change information in environmental review throughout Minnesota") (last visited Apr. 26, 2022) (Attachment T).

<sup>45</sup> Minnesota DNR, Our Minnesota Climate, Goal 4: Clean energy and efficient buildings <https://engage.dnr.state.mn.us/our-mn-climate-energy-buildings> (stating that the overall state goal is "Electricity that is carbon-free and buildings that are less costly to operate, less polluting, healthier, and more comfortable.") (last visited Apr. 26, 2022) (Attachment U). Achieving Minnesota's stated goal of clean energy is impossible if electricity is generated by burning diesel long-term.

and environmental effects for this Project. Nevertheless, the material evidence provided in this petition, and its attachments, establishes that projects of this nature do have known significant human and environmental risks. It is reasonable that the Commission require MEPA review to better understand the potentially significant human and environmental effects of this Project.

**We, the signatories to this petition, assert that GRE's Project may have the potential for significant environmental impacts, and is subject to a mandatory EIS category under the MEPA regulations, and therefore the Commission is required to conduct adequate environmental review before any government entity can approve any permit or governmental action on the Project.**

See attachment for signatures.