

# DEPARTMENT OF NATURAL RESOURCES

## Record of Decision

**In the Matter of the Determination of the Need FINDINGS OF FACT, CONCLUSIONS, AND ORDER  
for an Environmental Impact Statement for the  
Farmington Compressor Station Improvements  
Project in the City of Farmington, Dakota County,  
Minnesota**

### FINDINGS OF FACT

1. The proposed project, the Farmington Compressor Station Improvements Project (Project), is located in the City of Farmington in Dakota County, Minnesota. Northern Natural Gas (Proposer) proposes to conduct several phased maintenance and equipment improvements, including building removals, equipment maintenance and replacement, and other improvements. The Project would take place across several years, with construction occurring between May and August in 2023, 2025, 2028, 2030, and 2031. The Project involves adding a gas cooler, replacing the mainline odorizer, replacing portions of the mainline, removing Compressor Building #1 and associated structures, drive through installation for building #2, sampling probe replacement, and updating electronic guide vane and bleed valve actuators.
2. The Proposer initiated a discretionary State Environmental Assessment Worksheet (EAW) for connected and phased actions as defined in Minn. R. 4410.1000, Subp. 4. See Minn. R. 4410.1000, Subp. 3(D).
3. The Minnesota Department of Natural Resources (DNR) is the Responsible Governmental Unit (RGU) in the preparation and review of environmental documents related to the Project. See Minn. R. 4410.0500, subp. 1.
4. The DNR prepared an EAW for the Project. See Minn. R. 4410.1400.
5. DNR filed the EAW with the Minnesota Environmental Quality Board (EQB) and a notice of its availability was published in the EQB *Monitor* on April 11, 2023. A copy of the EAW was sent to all persons on the EQB Distribution List, to those persons known by DNR to be interested in the proposed project, and to those persons requesting a copy. A statewide press release announcing the availability of the EAW was sent to newspapers, radio and television stations. Copies of the EAW were also available for public review and inspection at the Farmington Dakota County Library. The EAW was also made available to the public via posting on the DNR's website. See Minn. R. 4410.1500.

6. The 30-day EAW public review and comment period began April 11, 2023, and ended May 11, 2023. Written comments on the EAW could be submitted to the DNR by U.S. mail or via email. See Minn. R. 4410.1600.
7. During the 30-day EAW public review and comment period, the DNR received one written comment on the EAW from the agency listed below. The comment letter is included in Attachment A of this Record of Decision.
  - Metropolitan Council, Roger Janzig (May 10, 2023)
8. The comment is summarized below with DNR's response following. Copies of this comment will be provided to the project proposer and to permitting and/or approval entities and/or authorities for their consideration as part of the permitting, approval, and/or implementation processes.
9. **Commenter:** Roger Janzig, Metropolitan Council
  - Comment: Metropolitan Council Interceptor (7103-1) is located northwest of the intersection of Elm Street (Highway 50) and Denmark Avenue (Akin Road) within the boundary of this project. The interceptor was built in 1975 and is a 42-inch Reinforced Concrete Pipe. There are specific processes that must be followed before encroaching on our property. Before encroachment, an Encroachment Agreement will be required.
  - Response: This comment is acknowledged. An Encroachment Agreement would occur outside of the Environmental Review and would be the responsibility of the Proposer to pursue.
10. A formatting error occurred in the published EAW that needs clarification. Five tables, located on EAW pages 17 through 22, are mislabeled with the incorrect table numbers. "Table 1: Surface Waters within One Mile of the Site" should be labeled as "Table 8", "Table 2: DNR Public Waters within One Mile of the Site" should be labeled as "Table 9", "Table 3: Wetlands at the Site" should be labeled as "Table 10", "Table 4: Impaired Waters within One Mile of the Site" should be labeled as "Table 11", and "Table 5: Verified Wells within 500 feet of the Site" should be labeled as "Table 12". Since no comments were received regarding this information, and the correction is not a substantive change to the information contained in the EAW, no further procedural requirements are necessary to correct this information.
11. The DNR has determined that the following issues reviewed for potential environmental effects in the EAW have no or very little potential for environmental effects.
  - a. Climate adaptation and resilience (EAW Item 7). The Project does not plan to increase impervious surface area permanently and has plans in place for managing stormwater and hazardous materials associated with climate trends. Without permanent changes to the site, it is not anticipated that any environmental effects would be exacerbated by long-term climate trends.
  - b. Cover Types (EAW Item 8). Cover types would not change as a result of this Project.

- c. Geology (EAW Item 11). The aquifer underlying the Project area, the Prairie du Chien Group, is susceptible to the formation of Karst features, however, water well log data demonstrates that conditions for karst/sinkholes are not present at the site.
  - d. Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources (EAW Item 14). The Project is not anticipated to have impacts on state or federally threatened or endangered species in the site due to current lack of suitable habitat. The temporary disturbance area has been previously and continuously disturbed and does not have native plant communities on the site. Best management practices (BMPs) would be implemented to avoid any potential spread of invasive species as a result of construction.
  - e. Historic properties (EAW Item 15). The Minnesota State Historic Preservation Office (SHPO) determined no properties listed or eligible in the National Register of Historic places would be impacted by work within the site. No archeological resources or historic properties were identified.
  - f. Visual (EAW Item 16). No visual impacts are predicted to occur as a result from the Project.
  - g. Noise (EAW Item 19). The Project would result in temporary elevated noise during construction periods and is not expected to affect the quality of life for nearby properties. Construction or operation would not occur during nighttime hours and would adhere to local ordinance requirements. No permanent changes to noise would occur.
  - h. Transportation (EAW Item 20). The Project would not change existing traffic volumes.
  - i. Cumulative Potential Effects. (EAW Item 21). Cumulative potential effects were reviewed in the EAW for hazardous material release from demolition, surface water effects from runoff, drawdown effects, surface water effects, and flooding effects from dewatering, and air quality and noise. These impacts were determined to have minimal impact when properly permitted/mitigated and combined with the current and future projects for which a basis of expectation has been laid in surrounding area, most of which are residential developments.
12. Based upon the information contained in the EAW and received as public comments, the DNR has identified the following potential environmental effects associated with the project:
- a. Land use
  - b. Soils and Topography
  - c. Water Resources
  - d. Contamination and Hazardous Materials
  - e. Air/Dust
  - f. Greenhouse Gas (GHG) Emissions

Each of these environmental effects is discussed in more detail below.

- a. Land use

This topic was addressed in EAW Item 10 and the comment received from Met Council.

The existing land use at the Project site is classified as Industrial in the City of Farmington's 2040 Comprehensive Plan. A portion of the site includes farmland soil, and there are local parks and trails near the site. The land use at the site would not change because of the Project and the temporary disturbance area would not occur within the floodplain area identified on the property. Per the comment received May 10, 2023, from Metropolitan Council, if encroachment on Met Council property were expected to occur, an Encroachment Agreement would be required between the proposer and the Metropolitan Council. This would occur outside of the environmental review process.

b. Soils and Topography

This topic was addressed in EAW Item 11.

Soil disturbances would occur during the construction phase of proposed project activities. Erosion control BMPs would be used to keep soil within the work area and out of any receiving waters, including plastic-free bio-netting, erosion blanket seeding, dust control, and vegetation preservation. Silt fencing, stockpile protection, and slope breakers would be used to control sediment. Any open space would be reseeded after construction activity and no post-construction soil disturbances are planned.

c. Water Resources

This topic was addressed in EAW Items 12 and 13.

Five waterbodies would receive stormwater runoff from the Project site, including an unnamed stream/ditch, the Vermillion River, and three wetlands. The river and the stream are designated trout streams and listed impaired waters. Runoff at the site would be governed by a National Pollutant Discharge Elimination System (NPDES)/ State Disposal System (SDS) permit and follow a Stormwater Pollution Prevention Plan (SWPPP). The permit would contain additional requirements to discharge to impaired waters. The Proposer intends to stabilize exposed soil areas, provide a temporary sediment basin, provide an undisturbed buffer zone of no less than 100 linear feet from special waters at all times, and provide a permanent stormwater system so the discharge from the Project minimizes increased temperature of the trout streams.

The Project would also require temporary dewatering due to high groundwater at the site. The discharge would be directed to a dewatering structure at the north end of the property and to a ditch just north of the Vermillion River. Groundwater would be expected to run at a rate of 250 gallons per minute (gpm) for the first week and then around 100 gpm for the remainder of the construction season. Maximum depth would be expected to be 12 feet and about 150-200 million gallons of groundwater would be pumped during the season, with monthly dewatering volumes approaching or exceeding 30 million gallons per month.

Dewatering would occur between May and August of each construction year to minimize impacts to trout streams. A DNR Water Appropriations Permit would be required, including the preparation of a dewatering plan before any dewatering could take place. Flooding conditions downstream could be possible, and, if they occurred, discharge would be reduced, moved, or paused.

Testing would be required for discharge since known Volatile Organic Compounds (VOCs) are present in the groundwater at the facility. Additional treatment measures would be necessary to avoid contaminated water entering the Vermillion River, a designated trout stream. This would be addressed in the NPDES/SDS permits for the Project.

A drawdown analysis completed for the Water Appropriations Permit application determined that the potential radius of influence for drawdown impacts would be less than 700 feet from dewatering locations. The temporary nature of the planned dewatering could have compounding impacts with acute weather events but would be unlikely to affect groundwater levels long term. The Proposer would apply for a DNR Water Appropriations Permit, which requires the permittee to adhere to the Statewide Drought Plan.

d. Contamination and Hazardous Materials

This topic was addressed in EAW Items 12 and 13.

Various construction materials and building components that are regulated by the Minnesota Pollution Control Agency (MPCA) and the Environmental Protection Agency (EPA) could be present within Compressor Building 1 and Auxiliary Building 1. Before any demolition could occur, a comprehensive survey for these items and materials must be conducted. A Minnesota Department of Health (MDH)-accredited building inspector must conduct the survey to identify any asbestos containing material (ACM). If any ACMs are found as part of the survey, or if other regulated materials are identified, the Proposer would need to ensure they were properly removed prior to demolition. The results of the survey would also determine if an asbestos abatement notification to MDH would be required. A demolition notification must be made to MPCA before demolition could occur.

It is known that soil, groundwater, and soil vapor contamination is located within the site around Auxiliary Building 1 and Compressor Building 1. There are a number of past leaks and spills at the facility that are closed and are assumed to have residual soil and groundwater impacts. There is one active investigation and cleanup site open on the property. VOCs in soil vapor were identified under Auxiliary Building 1 at concentrations that required mitigation by the MPCA. Auxiliary Building 1 has a Sub-Slab Depressurization system to mitigate VOCs. Before demolition of Auxiliary Building 1, a notification to the MPCA and Home Safety Solutions would be completed. If dewatered groundwater discharge from these areas contain contamination, further treatment or permitting could be necessary through MPCA NPDES/SDS permitting. MPCA is aware of this open action and the Proposer intends to work with MPCA to mitigate any further contamination.

e. Air Emissions, Dust, and Odors

This topic was addressed in EAW Item 17.

The Proposer expects the Project to have minimal increases in temporary vehicle emissions during the 3–4-month construction period each construction year. Fugitive dust emissions as well as temporary odors from diesel engines could occur and would be localized to the property during the construction period. The facility currently operates under an MPCA Air Quality permit and must follow dust control requirements.

f. Greenhouse Gas Emissions

This topic was addressed in EAW Item 18.

The total Project-related emissions over the life of the Project were calculated to be 6,146.2 tons CO<sub>2</sub>e from mobile equipment and from project venting estimates. There would be no changes in the operational emissions from the Project. The Proposer does not expect these activities to increase ambient air pollutant concentrations. Exhaust emissions from construction equipment and vehicles would comply with EPA mobile and non-road emission regulations.

13. The following permits and approvals are, or may be needed, for the project:

Unit of Government	Type of Application
Minnesota Department of Natural Resources	Water Appropriations Permit
Minnesota Pollution Control Agency	Construction Stormwater Permit, Stormwater Pollution Prevention Plan, Groundwater Pump-Out General Permit, Spill, Prevention, Control, and Countermeasure (SPCC) Plan, Spill Prevention and Response Plan, Demolition Notification
Minnesota Department of Health	Notification of permit for well construction or alteration, Asbestos abatement plan approval, Well sealing/abandonment notification
Dakota County	Dakota County Water Resources Department Dewatering Well Construction and Sealing Permit
City of Farmington	Demolition Permit

## CONCLUSIONS

1. The Minnesota Environmental Review Program Rules, *Minnesota Rules* part 4410.1700, subparts 6 and 7, set forth the following standards and criteria to compare the impacts that may be reasonably expected to occur from the project in order to determine whether it has the potential for significant environmental effects.

In deciding whether a project has the potential for significant environmental effects, the following factors shall be considered:

- A. type, extent, and reversibility of environmental effects;
  - B. cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the Proposer to minimize the contributions from the project;
  - C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project; and
  - D. the extent to which environmental effects can be anticipated and controlled as result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.
2. Type, extent, and reversibility of environmental effects.

Based on Findings of Fact paragraphs 12a-f, the DNR concludes that the following types of potential environmental effects, as described in the Findings of Fact, will be limited in extent, temporary, or reversible:

Land Use  
Soils and Topography  
Water Resources  
Contamination and Hazardous Materials  
Air Emissions, Dust and Odors  
GHG Emissions

3. Cumulative potential effects. The RGU shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the Proposer to minimize the contributions from the project.

Based on the Findings of Fact above, the DNR concludes that cumulative potential effects are as described in paragraph 11i. Based on EAW Item 21 and the Findings of Fact above, the DNR concludes that the cumulative potential environmental effects of this project are not significant.

4. *Extent to which environmental effects are subject to mitigation by ongoing public regulatory authority.* Based on the Findings of Fact set forth in paragraphs 12a-f above and the information contained in the EAW, DNR concludes that there is sufficient ongoing public regulatory authority and specific measures identified that can be expected to effectively address the following environmental impacts:

Permits and Approvals: Prior to initiation of the Project, the following permits and approvals would be required: DNR Water Appropriations Permit; MPCA Construction Stormwater Permit; MPCA Groundwater Pump-Out General Permit, MPCA Spill, Prevention, Control, and Countermeasure Plan, MPCA Spill and Response Plan; MPCA demolition notification, MDH Notification of permit for Well Construction or Alteration; MDH Asbestos Abatement Notification(if survey results deem necessary); MDH Well and boring Sealing Notification; Dakota County Dewatering Well Construction and Sealing Permit; City of Farmington Demolition Permit. When applying the standards and criteria used in the determination of the need for an environmental impact statement, DNR finds that the Project is subject to these regulatory authorities to an extent sufficient to mitigate potential environmental effects through measures identified in the EAW and Record of Decision.

Environmental effects from land use are subject to mitigation by ongoing public regulatory authority from the Metropolitan Council Encroachment Agreement.

Environmental effects from project construction are subject to mitigation by ongoing public regulatory authority from the City of Farmington Demolition Permit and the Dakota County Dewatering Well Construction and Sealing Permit.

Environmental effects from local water table drawdown are subject to mitigation by ongoing public regulatory authority from the DNR Water Appropriations Permit.

Environmental effects to water are subject to mitigation by ongoing public regulatory authority from MPCA's NPDES/SDS Construction Stormwater Permit and NPDES/SDS Groundwater Pump-Out Permit, and/or the Industrial Stormwater permit.

Environmental effects to trout streams are subject to mitigation by ongoing public regulatory authority from the MPCA NPDES/SDS Groundwater Pump-Out Permit and the DNR Water Appropriations Permit.

Environmental effects resulting from hazardous material contamination are subject to mitigation by ongoing public regulatory authority from the MPCA Investigation and cleanup superfund program site, and Aboveground and Underground Tanks permits, as well as state rule MN. R. 7035.0805 and various MDH and MPCA notifications.

Environmental effects from dust are subject to mitigation by ongoing public regulatory authority from the Minn. R. 7011.0150.



5. Extent to which environmental effects can be anticipated and controlled as a result of other environmental studies undertaken by public agencies or the project proposer, or other EISs.

A Phase I Environmental Site Assessment (ESA) was completed March 2016 by the Proposer and Terracon Consultants. The Phase I ESA identified past spills and leaks and provided background information on the status of the contamination present in the soil and groundwater at the site.

6. As set forth in Findings of Fact paragraphs 1-13 DNR has fulfilled all the procedural requirements of law and rule applicable to determining the need for an EIS on the proposed Farmington Compressor Station Improvements Project in the city of Farmington, Dakota County, Minnesota.
7. Based on consideration of the criteria and factors specified in the Minnesota Environmental Review Program Rules (*Minnesota Rules* part 4410.1700, subparts 6 and 7) to determine whether a project has the potential for significant environmental effects, and on the Findings and Record in this matter, the DNR determines the proposed Farmington Compressor Station Improvements Project does not have the potential for significant environmental effects.

## ORDER

Based on the above Findings of Fact and Conclusions:

The Minnesota Department of Natural Resources determines that an Environmental Impact Statement is not required for the Farmington Compressor Station Improvements Project in the City of Farmington, Dakota County, Minnesota.

Any Findings that might be properly termed Conclusions and any Conclusions that might properly be termed Findings are hereby adopted as such.

Dated this 1st day of June, 2023

MINNESOTA DEPARTMENT OF NATURAL RESOURCES



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Jess Richards  
Assistant Commissioner

## Attachment A: Public Comment Letter



May 10, 2023

Michaela Leach, Planning Director  
Department of Natural Resources  
500 Lafayette Road North  
Saint Paul, MN 55155

**RE: Department of Natural Resources (DNR) – Environmental Assessment Worksheet (EAW) –  
Farmington Compressor Station Improvements Project**  
Metropolitan Council Review No. 22861-1  
Metropolitan Council District No. 16

Dear Michaela Leach:

The Metropolitan Council received the EAW for the Farmington Compressor Station Improvements Project in the City of Farmington on April 11, 2023. The proposed project is located at 4685 212th Street West. The project proposes several phased maintenance and equipment improvements at Northern Natural Gas's existing facility.

The staff review finds that the EAW is complete and accurate with respect to regional concerns and does not raise major issues of consistency with Council policies. An EIS is not necessary for regional purposes.

We offer the following comments for your consideration.

**Item 5: Project Location**– (Roger Janzig, [roger.janzig@metc.state.mn.us](mailto:roger.janzig@metc.state.mn.us))

The Metropolitan Disposal System has adequate capacity for this project location. Metropolitan Council Interceptor (7103-1) is located northwest of the intersection of Elm Street (Highway 50) and Denmark Avenue (Akin Road) within the boundary of this project. The interceptor was built in 1975 and is a 42-inch Reinforced Concrete Pipe. There are specific processes that must be followed before encroaching on our property. Before encroachment, an Encroachment Agreement will be required. To obtain an Encroachment Agreement Application, contact Tim Wedin, Interceptor Engineering Assistant Manager (651-602-4571) at the Metropolitan Council Environmental Services.

This concludes the Council's review of the EAW. The Council will not take formal action on the EAW. If you have any questions or need further information, please contact Patrick Boylan, Principal Reviewer, at 651-602-1438 or via email at [patrick.boylan@metc.state.mn.us](mailto:patrick.boylan@metc.state.mn.us).

Sincerely,

A handwritten signature in blue ink that reads "Angela R. Torres".

Angela R. Torres, AICP, Senior Manager  
Local Planning Assistance

CC: Tod Sherman, Development Reviews Coordinator, MnDOT - Metro Division  
Wendy Wulff, Metropolitan Council District 16  
Patrick Boylan, Sector Representative/Principal Reviewer  
Reviews Coordinator

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