SW-57

May 8, 2000

Ms. Susan Heffron, EQB Technical Representative
Minnesota Pollution Control Agency
520 Lafayette Rd. N
St. Paul, Minnesota 55155-4194

RE: Black Dog Amphitheater Environmental Assessment Worksheet (EAW)

Dear Ms. Heffron:

The Minnesota Pollution Control Agency (MPCA) has participated in an enhanced role in the preparation of the Environmental Assessment Worksheet (EAW) for the Black Dog Amphitheater. I would like to begin by thanking you and the rest of the MPCA staff for your assistance as we have worked through this rather unique collaboration. All of the additional language that your staff has provided has been incorporated, without revision or modification, directly into the EAW. The City finds the document to be a clearer and stronger document as a result of that additional text.

We also very much appreciate your additional comments, on issues outside the MPCA's enhanced role. They have served essentially as pre-comments on the EAW and they have allowed the City to make changes that further clarify the document and eliminate internal inconsistencies. Again, we find that the overwhelming majority of these comments have been responded to in the revised EAW and the document is better for that input.

The consultant team, Dahlgren, Shardlow, & Uban, Inc., BRW, SEH, and Paoletti and Associates, Inc., have communicated and met directly with members of your review staff during this process. There were two memoranda sent to you that noted all of your agency's comments and suggestions and identified where the applicable responses have been included in the revised EAW. The May 2, 2000 memorandum is the latest of these and it represents a complete response to all of the comments the City has received prior to your May 5 letter. You will

receive this week an updated version of that memorandum that covers the responses to all of your comments and suggestions, including those which were included in the May 5 letter. With the transmittal of this memorandum the City views the primary working relationship with the MPCA in the preparation of the EAW to be completed, although we fully intend to continue to communicate with your staff and to take full advantage of their expertise as we review the comments from other agencies and individuals to the EAW, and proceed with the processing of the PUD application and related agreements.

Although the overwhelming majority of the comments and suggestions you have offered have been addressed, there remain a couple of issues that merit a bit more discussion. The first is the matter of the Traffic Management Plan (TMP) and your suggestion that we prepare and include a worst case analysis for the potential for leachate from the closed landfill ending up in the water to be pumped out of the amphitheater site, after the Kraemer quarry de-watering stops. You will note that additional information has been added to the EAW on both of these issues. We suspect that these responses may fall short of the level of detail that you would prefer to see in the EAW. I hope that some discussion of each of these issues will convince you that both of these important issues will be fully addressed through the ongoing planning , design and monitoring process.

The developer and the City of Burnsville have contacted the Minnesota Valley Transit Authority and they have agreed to allow their facility on Highway 13 to be used to park amphitheater cars during events. The City and the developer have covered this issue in some length in project planning meetings, and although important details remain to be ironed out, we know that the PUD process will include the preparation of a detailed TMP. The facility will charge for parking and parking at the transit hub will be either significantly cheaper, or free. A convenient shuttle service will be provided, that will bring patrons to the amphitheater and back without traveling on the freeway. More details than these are not available at this time.

The traffic analysis has been conducted with very conservative estimates for the number of patrons per car and the analysis indicates that with the proposed operational strategies there will not be either traffic or air quality problems. The City will address the TMP issue fully in the PUD review and approval process and will not only require the TMP but will also continue to monitor and improve it over time. The bottom line is that while we agree that this is an important issue and we are committed to following through to make certain that a strong TMP gets implemented, given all of the other major obstacles that remain to be cleared before this project can proceed, we do not believe it is necessary to concentrate on the details of a Traffic Management Plan at this time.

We have added a significant amount of information in response to your comments related to the potential for landfill pollution ending up in the amphitheater de-watering pumps 20 years from now. The City is in the middle of a major review of the entire Kraemer PUD. We expect that process to be completed this summer. When that review is done, we will have better information about the expected life of the quarry and therefore, the Kraemer de-watering. During the same time period we expect your agency to be progressing with the landfill closure design. That design

and the related monitoring and modeling will give all of us better information to address this future issue. Through the PUD approval and in the PUD agreement, the City will address this issue and will establish a process for future water testing and appropriate action in the event that pollution is identified. Again, we agree that this is an important issue and we will work with MPCA staff to identify an effective strategy for dealing with it through the PUD approval and enforcement process.

In summary, the City of Burnsville believes that the EAW to be published on May 15 is a stronger and more complete document as a result of the participation and contributions of the MPCA staff. We are grateful for your assistance and we were particularly appreciative of the constructive and professional attitude that your entire staff brought to this unique working relationship. We can also understand that since the MPCA will not be directly involved in the PUD process, you are understandably interested in seeing more detailed responses in the EAW in a couple of noted areas. We agree that these issues are important but we simply believe that the detailed responses will be better when other related information is available. Finally, given the level of interest in this project, we view the publication of the EAW as simply another important step in this overall process. We fully expect that more and better information will be developed in response to the comments that the City receives on the EAW and as the closure design process and other related work moves forward.

Thank you again for all of your help. We look forward to working closely with the MPCA through the review of the EAW comments and the detailed review of the PUD plans and agreements.

Sincerely,

Gregory J. Konat

Gregory J, Konat
City Manager