SW-57

Minnesota Pollution Control Agency

Office of the Commissioner

February 25, 2000

The Honorable Elizabeth Kautz
Mayor, City of Burnsville
100 Civic Center Parkway
Burnsville, MN 55337

RE: Agreement between the City of Burnsville and the Minnesota Pollution Control Agency Regarding the Environmental Assessment Worksheet for the Black Dog Amphitheater

Dear Mayor Kautz:

On January 12, 2000, three Bloomington Legislators and the Bloomington City Council requested that the Environmental Quality Board (EQB) make a determination that the Minnesota Pollution Control Agency (MPCA) should be the Responsible Governmental Unit (RGU), instead of the city of Burnsville, on the proposed Burnsville Amphitheater project. This request was voted on at the February 17, 2000, EQB meeting. A resolution to keep the city of Burnsville as the RGU passed by a vote of 12 to 1. The resolution (which is attached) included the following phrases:

> WHEREAS, the MPCA in a letter dated February 10, 2000, stated its support for Burnsville retaining its RGU status in this matter and detailed the reasons for this support, including that...the MPCA will take on an enhanced role in the development of the EAW through a separate agreement with the City of Burnsville;

And,

> WHEREAS the MPCA and the City of Burnsville have agreed to, and will, enter into a written agreement to give the MPCA an enhanced role in the development of the EAW;

Today's letter identifies our understanding of MPCA's enhanced role in the development of the Black Dog Amphitheater Environmental Assessment Worksheet (EAW). There are two key time periods when the MPCA will act on the EAW that will comprise our enhanced role. The first time period is prior to the release of the EAW for public comment. During this period, the MPCA will revise, review and concur that the environmental information in the EAW is adequate in order to commence the public review process. The second time period is after the receipt of public comment. During this period, the MPCA will provide responses to the comments related to the environmental issues and will provide the city of Burnsville its recommendation on whether an environmental impact statement (EIS) is necessary based on the environmental information contained in the EAW. Further detail on each of these two items is provided below.

Prior to the Public Release of the EAW

The MPCA will work with the city of Burnsville on sections of the EAW related to landfill closure, noise, indirect source emissions, the Section 401 Clean Water Act permit (wetlands), and the National Pollutant Discharge Elimination System (NPDES) permit. Since the city of Burnsville has already provided the MPCA with an electronic version of the EAW, MPCA staff will add specific information into the electronic version. The MPCA will then meet with Burnsville to discuss the specific information that the MPCA has included in the EAW.

Please be aware that there may be information that the MPCA will need from Burnsville in order to complete the EAW, such as project location maps, an air quality analysis, further noise data, and wetland mitigation information. Therefore, the MPCA cannot provide this information, but will work with Burnsville to ensure the needed information is gathered by Burnsville's consultants and included in the EAW. The MPCA will work toward completing the relevant sections of the EAW and delivering the revised EAW to the city of Burnsville by March 10, 2000.

Once the information proposed by the MPCA is incorporated into the EAW, the MPCA will provide its concurrence that the EAW is ready to be released to the public.

After the EAW Comment Period Closes on the EAW

Once the EAW comment period closes, the MPCA will meet with the city of Burnsville to decide which comments relate to environmental issues. The MPCA will provide the city of Burnsville its responses to these comments by an agreed upon date. Further, the MPCA will also provide its recommendation on whether an EIS is needed based on the environmental information contained in the EAW.

Since the EQB's decision left the city of Burnsville as the RGU, the city of Burnsville has the final responsibility for the content of the EAW and the decision on whether an EIS is needed.

I look forward to your confirmation of this enhanced role relationship through a letter from your office. The MPCA staff is ready to work with your staff to make sure the EAW is complete. If you have any questions, I can be reached at (651) 296-7301.

Sincerely,

Karen A. Studders
Commissioner

KAS/SH:cad

cc: EQB Board Members
Mayor Gene Winstead
The Honorable Dave Johnson
The Honorable Dan Larson
The Honorable Ann Lenczewski
Steve Peterson, Bloomington City Council
Mike Fossum, Bloomington City Council
Mark Bernhardson, Bloomington City Manager
Greg Konat, Burnsville City Manager