

FINDINGS OF FACT AND RECORD OF DECISION

ENVIRONMENTAL ASSESSMENT WORKSHEET

Hiawatha Maintenance Facility Expansion

Location: 1911 East 26th Street, 1860 East 28th Street and 2717 Longfellow Avenue
City of Minneapolis, Hennepin County, Minnesota

Responsible Governmental Unit (RGU): City of Minneapolis

	RGU	Proposer / Project Contact
Contact persons	City of Minneapolis Hilary Dvorak	City of Minneapolis Bob Friddle
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Final action (refer to Exhibit D): Based on the Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision,” and related documentation for the above project, the City of Minneapolis concluded the following on May 4, 2021:

1. The Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision” document, and related documentation for the Hiawatha Maintenance Facility Expansion were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700 (2009).
2. The Environmental Assessment Worksheet, the “Findings of Fact and Record of Decision” document, and related documentation for the project have satisfactorily addressed all of the issues for which existing information could have been reasonably obtained.
3. The project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.1700 Subp. 7):
 - Type, extent, and reversibility of environmental effects;
 - Cumulative potential effects;
 - Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority;
 - 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, including other EISs.

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4. The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval or right to develop the proposal and cannot be relied upon as an indication of such approval. This finding allows the proposer to formally initiate the City’s process for considering the specific discretionary permissions necessary for redevelopment, and for the City in this process, informed by the record of the EAW, to identify and encourage the elements for compatible redevelopment, and assure their implementation at this site.

Consequently, the City does not require the development of an Environmental Impact Statement (EIS) for the project.

I. ENVIRONMENTAL REVIEW AND RECORD OF DECISION

The City of Minneapolis prepared a discretionary Environmental Assessment Worksheet (EAW) for the Hiawatha Maintenance Facility Expansion according to the Environmental Review Rules of the Minnesota Environmental Quality Board (EQB) under Minnesota Rules, part 4410.1000, subpart 3(D). Exhibit A includes the project summary, and Exhibit B includes the Environmental Review Record.

In January 2020, residents of the East Phillips Neighborhood presented the City with a petition to perform an Environmental Assessment Worksheet (EAW) for the Hiawatha Maintenance Facility expansion project. The City determined that Minnesota Rules Chapter 4410 did not require an EAW to be performed for this project. However, in an effort to continue to engage the East Phillips community and continue to address their concerns, the City nevertheless elected to prepare a discretionary EAW. The EAW was prepared to:

- present the basic facts of the proposed expansion project,
- identify potential environmental impacts and determine the need for an EIS, and
- continue community communications and work on addressing concerns.

The State of Minnesota designated the City of Minneapolis as the Responsible Government Unit (RGU) for the project, and this function was assigned to the City’s Community Planning and Economic Development Department (CPED). The purpose of an EAW is to determine whether an Environmental Impact Statement (EIS) is required. Pursuant to Minnesota Rule 4410.1700, the RGU shall maintain a record supporting its decision on the need for an EIS that includes a section specifically responding to each timely, substantive comment.

II. EAW NOTIFICATION AND DISTRIBUTION

On February 9, 2021, the City published the EAW and distributed it to the official EQB mailing list and to the project mailing list. The EQB published notice of availability in the *EQB Monitor* on February 9, 2021, as well. Exhibit C includes the public notification record and mailing list for distribution of this EAW.

III. COMMENT PERIOD, PUBLIC MEETING, AND RECORD OF DECISION

The EAW was published for review and comment in the EQB Monitor on February 9, 2021. Initially, the comments were scheduled to be received until March 11, 2021. However, the RGU elected to extend the comment period following a request from the neighborhood group petitioner and an environmental advocacy group. Therefore, comments were received by the RGU until 4:00 p.m. on Thursday, March 25, 2021. Over the comment period, the RGU received comments from six public agencies, six other non-profit/neighborhood organizations, and 1,053 individual public citizens. Based on the need to review and collect information with respect to an extraordinary volume of comments, the RGU then postponed determination for thirty days, until May 24, 2021.

The Business, Inspections, Housing & Zoning Committee of the Minneapolis City Council considered the EAW and the draft of this "Findings of Fact and Record of Decision" document during its May 4, 2021, meeting. Notification of this Business, Inspections, Housing & Zoning Committee public meeting was provided with the EAW and to all persons or agencies commenting on the EAW.

Exhibit E includes the comment letters received.

IV. SUBSTANTIVE COMMENTS / COMMENTS RECEIVED AND RESPONSES TO THESE COMMENTS

Over the comment period, the RGU received comments from six public agencies, six other non-profit/neighborhood organizations, and 1,053 individual public citizens.

PUBLIC AGENCY COMMENTS/RESPONSES

Six agency comment letters were received during the public comment period on the dates identified in the following:

1. Department of the Army, February 17, 2021
2. Minnesota Department of Transportation, March 3, 2021
3. Minnesota Pollution Control Agency, March 10, 2021
4. Minnesota Department of Natural Resources, March 11, 2021
5. Metropolitan Council, March 11, 2021
6. Hennepin County, March 11, 2021

The following section provides a summary of these comments and responses to them (Exhibit E/Attachments A of this Response to Comments includes the complete comment).

1. Department of the Army U.S. Army Corps of Engineers, St. Paul District (2) Letter Dated February 17, 2021	
Comment	Response
<p>The letter stated that based on review of the EAW, a Department of the Army (DA) permit would not be required for the proposed activity. In addition, the letter provided general information regarding the DA regulatory program that may apply to the project. This general information included:</p> <ul style="list-style-type: none"> • If the proposed project involves activity in navigable waters of the United States, it may be subject to jurisdiction under Section 10 of the Rivers and Harbors Act of 1899 (Section 10). • If the proposed project involves discharge of dredged or fill material into waters of the United States, it may be 	<p>Comment noted. The project will not involve any work within waters of the United States.</p>

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<p>subject to the requirements of Section 404 of the Clean Water Act (CWA Section 404).</p> <p>General information included a brief description of the DA evaluation of a Section 10 or CWA Section 404 permit applications.</p>	
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**2. Minnesota Department of Transportation
Letter Dated March 3, 2021**

Comment	Response
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Bicycle/Pedestrian

<p>The bike lane option 2 shown in the East 28th Street Scape Studies paired with adjusting the sidewalk to the east to match the new sidewalk would create less conflict points between pedestrians and cyclists and compliment future ADA intersection changes at 28th and Hiawatha (MN 55). MnDOT supports the four-to-three (or four-to-two) conversion mentioned in the proposed Complete Streets Short-Term Actions, particularly as a way to make room for the bike lane on the north side of the 26th Street/Hiawatha intersection. This would complement future ADA intersection interchanges at 26th and Hiawatha (MN 55).</p>	<p>The project proposer appreciates MnDOT’s review and comments. Bicycle connectivity at the site is a priority for the project proposer and the comments provided by MnDOT will be considered during final design. The project proposer appreciates the support for the four-to-three lane conversion mentioned in the Complete Streets Short-Term Actions. This conversion would provide benefit for both bicyclists and pedestrians on the corridors.</p>
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Water Resources

<p>Section 8 (permits) of the EAW should be updated to reflect that a MnDOT drainage permit will be required for this project. The preliminary utility plans show direct connections to portions of the MnDOT storm sewer system located in MN 55.</p> <p>The development will need to maintain or reduce existing flow rates to MnDOT right of way. The most current plan information will need to be reviewed during the permit application process.</p> <p>Drainage calculations and supporting information related to contributing flow to MnDOT right of way may be requested. If requested during that review, existing and proposed drainage area maps and hydraulic calculations for the 10 and 100 year flows would be required.</p>	<p>The project proposer acknowledges that a MnDOT Drainage Permit should be included in the list of permits provided in Section 8 of the EAW. Should the proposed project move forward, a Drainage Permit will be applied for as required. Current design plans will be submitted to MnDOT along with the required drainage calculations in accordance with MnDOT requirements.</p>
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Permits

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Any use of, or work within or affecting, MnDOT right of way will require a permit.	Comment noted. The project proposer is aware of this requirement and will obtain the proper permits prior to completion of construction work within MnDOT right of way.
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3. Minnesota Pollution Control Agency Letter Dated March 10, 2021	
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Comment	Response
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General Comments	
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Application to MPCA for any permit will trigger the requirement for a cumulative levels and effects (CLE) analysis under Minn. Stat. 116.07 subd. 4a. (c). Minn. Stat. 116.07 subd. 4a. applies to all permitting activities undertaken by the MPCA. The project lies within the area defined in the statute and is subject to a CLE analysis if a permit is required from the MPCA.	Because it is anticipated that this project will require a Construction Stormwater NPDES Permit through the MPCA, the project proposer will perform a CL&E analysis to support the permit application.
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The MPCA expects the Project as proposed will require a construction stormwater permit from the MPCA. The MPCA will require the City of Minneapolis to submit its CLE analysis to the MPCA prior to attempting to gain coverage in the automated system.	The project proposer will work with the MPCA to prepare the CL&E analysis prior to applying for any necessary MPCA permits.
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Water Resources	
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Currently the site consists of 14.8 acres of impervious surfaces which drain directly into the municipal storm sewer system and ultimately to the Mississippi river with no treatment.	Stormwater treatment from portions of the site are now treated via infiltration through a small ponding area in the northeast and northwest corners of the site. Landscaped areas at the north end of the site also infiltrate stormwater. A significant quantity of stormwater currently flows from the site untreated. The proposed project will include a plan to treat all stormwater generated at the site via infiltration (north portion of the site) and filtration (south portion of the site). In keeping with the City’s designation of the project area as a Green Zone, the project proposer has stated its intention to meet Leadership in Energy and Environmental Design (LEED) criteria developed by the United States Green Building Council in an effort to obtain LEED V3.0 stormwater credits. Refer to the current LEED for New Construction Summary Scorecard included in Attachment F of this document for planned additional sustainable design elements.
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A Stormwater treatment system will be required by Minneapolis ordinances in addition to the owner’s stated desire to meet Leadership in Energy and Environmental Design criteria	The project proposer understands these requirements and will pursue and obtain the proper permits through the City of Minneapolis and continue to pursue the LEED certification. The project proposer will continue to
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<p>developed by the United States Green Building Council in an effort to obtain LEED V3.0 stormwater credits. Stormwater infiltration is generally the most desirable and effective method of meeting these requirements, however, there are many situations where infiltration is not desirable due to poor site conditions such as contamination. Site investigations to-date indicate the south half of the site is too close to an existing area of contamination for stormwater infiltration to be appropriate. For this reason, a filtration system is proposed in that area. Site conditions on the north half of the site appear to be appropriate for infiltration but further research will need to be conducted.</p>	<p>evaluate where stormwater infiltration is viable. The project proposer recognizes that in some situations, such as poor site conditions/contamination, infiltration is not desirable. Therefore, the project proposer will continue to evaluate the need for filtration. Final design of proposed stormwater treatment systems will be incorporated into the Response Action Plan/Construction Contingency Plan (RAP/CCP) to be implemented during construction. The RAP/CCP is required to be submitted and approved by the MPCA prior to implementation. The project proposer acknowledges that it anticipates the need for a filtration system for stormwater treatment on the south half of the site since it is too close to the existing area of arsenic groundwater contamination. Conditions on the north half of the site appear to be appropriate for infiltration and are being reviewed to see if it is possible to provide drainage from areas that would be acceptable to infiltrate.</p>
<p>There are other factors besides site conditions that must be considered before utilizing infiltration as a stormwater treatment method - such as the proposed land use that would be draining to the infiltration system. MPCA rules specifically prohibit the use of infiltration from vehicle fueling/maintenance areas and certain industrial areas. It is important to separate runoff from areas such as fueling stations, outdoor storage areas and other “hot spot” areas to avoid draining into any type of infiltration system.</p>	<p>At this time, the project proposer anticipates the fueling area draining to the filtration system. However, attention will be paid to diverting stormwater from “hot spot” areas to alternative treatment systems (filtration, above-ground ponds, etc.) during the development of final design plans. The fueling area also requires a catchment basin for any spills so they can be recovered prior to being released beyond this containment area. Hydrodynamic separators and oil/water separators will be utilized for pre-treatment. Best practices will also be implemented at road salt storage areas.</p>
<p>Activities on municipal owned properties often change over time, therefore some consideration should be made to possible future uses of the site.</p>	<p>The project proposer does not anticipate significant changes to operations and/or physical site conditions soon after final development. However, the final design will consider any significant changes to operations and/or physical site conditions the project proposer foresees. Consideration will be made to possible future municipal uses of the site during the development of final stormwater drainage and treatment plans.</p>
<p>The EAW describes one of the filtration options as underground and beneath the parking structure. Construction stormwater permit regulations require that a maintenance access be provided so the media can be replaced if needed.</p>	<p>Maintenance of filtration media is essential to the effective operations of stormwater filtration systems. Final design of the underground filtration system(s) will provide sufficient access to the stormwater management system. The current design would utilize water quality filter cartridge vaults outside of the parking ramp footprint with a storage system beneath the parking ramp. The final design will be completed in accordance with the City of Minneapolis stormwater design requirements as well as other local and state regulations.</p>
<p>Stormwater Cumulative Effects</p>	

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<p>Current site conditions do not include any type of stormwater treatment. Although the specific method of stormwater treatment proposed may need to be revised during the future site investigation, there will be a significant improvement in water quality leaving the site compared to existing conditions.</p>	<p>Comment noted. The north half of the site has existing stormwater management features on-site while the south half does not. The proposed project’s stormwater management systems will provide treatment that meets the City’s Chapter 54 stormwater requirements. The proposed stormwater management efforts anticipate reducing the overall rate that water leaves the site as well as providing water treatment for the south half of the site. Filtration and treatment of stormwater will be enhanced above current standards in cooperation with the Mississippi Watershed Management Organization.</p>
<p>The Project will require a National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater Permit from the MPCA, which requires the owner of the Project to develop a Stormwater Pollution Prevention Plan (SWPPP) that includes erosion prevention and sediment control best management practices (BMPs) to prevent or minimize soil loss.</p>	<p>The project proposer is aware of this MPCA requirement for construction projects equal to or greater than one acre. The project proposer will obtain a Construction Stormwater Permit and prepare the required SWPPP.</p>
<p>With the exception of some potential temporary soil loss at the site, the Project should result in a decrease of cumulative effects, even when considered with potential contributions from nearby sources.</p>	<p>Comment noted. As mentioned above, the project proposer anticipates that the quality of stormwater discharging from the site will be significantly improved with the proposed project. The proposed project will improve the water quality from impervious surfaces that was previously untreated and flowed directly into the Mississippi River. The rate leaving the site will also be lowered, opening up capacity for the existing City storm sewer main.</p>
<p>Contamination/Hazardous Materials/Wastes</p>	
<p>The arsenic contamination in soil and groundwater within the Roof Depot parcel (the southern half of the Project site) is under the oversight of the Minnesota Department of Agriculture (MDA) Agricultural Voluntary Investigation and Cleanup (AgVIC) Program (as AgVIC Site No. PTH101093455). The EAW should reference the MDA’s AgVIC program’s oversight where applicable.</p>	<p>The project proposer has been working with MDA. The MDA’s AgVIC program will oversee the investigation and management of arsenic, antimony and other related agricultural chemical contamination identified at the site. This will include review of site data and final approval of response actions associated with these agricultural chemicals.</p>
<p>Noise</p>	
<p>Given the proposed Project’s proximity to residences in the Phillips community, the MPCA has several recommendations for action and other considerations for the City.</p> <p>Prior to finalizing any plans for the site use or construction, the City should conduct a formal noise study at a variety of nearby residential</p>	<p>The project proposer understands the importance of maintaining noise levels at or below regulated levels. The project proposer intends to evaluate the feasibility of developing a baseline ambient noise study that will help predict the need for any noise mitigation efforts associated with the new project.</p>

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<p>receptors to set a quantified baseline understanding of ambient noise as part of the overall understanding of the overall Project’s potential impacts on nearby residents.</p> <p>If the project moves forward, the MPCA recommends that the City not grant permits for construction outside of daytime hours unless absolutely necessary. It is also recommended that all equipment used on site will be appropriately muffled while in transit to and from the site and while operating on site.</p>	<p>The project proposer will not request construction permits for work outside of daytime hours unless it is absolutely necessary. If it becomes necessary to request a permit to complete construction after daytime hours the project proposer will inform residents before-hand. All equipment used for construction will be appropriately muffled per the applicable standards.</p>
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4. Minnesota Department of Natural Resources Email Dated March 11, 2021	
Comment	Response
<p>The DNR appreciates the initiative and transparency that the City of Minneapolis has shown in engaging the community and preparing an EAW for this project. We concur that impacts to rare species and Public Waters are unlikely to occur as the result of this project and that stormwater quality is likely to significantly improve.</p>	<p>Comment noted.</p>
<p>Page 4, Project Description. Please note that if there is a need to pump polluted groundwater for treatment, and the volume of water that is pumped exceeds 10,000 gallons per day, or one million gallons per year, then a DNR Water Appropriation Permit is required for the pollution remediation.</p> <p>Page 7, Permits and Approvals. The pumping of more than 10,000 gallons per day, or one million gallons per year, of stormwater or groundwater for the construction of the buildings or parking ramp, the grading of the site, or the placing of utilities, requires a DNR Water Appropriation Permit.</p>	<p>The project proposer does not anticipate the need to dewater significant quantities of water during construction. However, if dewatering is necessary and it requires pumping 10,000 gallons per day or 1,000,000 gallons per year, the project proposer will apply for the appropriate Water Appropriations Permit through the DNR. Should it become necessary to pump contaminated groundwater or stormwater during construction activities, regardless of the quantity, it will either be pretreated on site prior to discharge or discharged via the metropolitan disposal system under the appropriate MCEs permit.</p>
<p>Page 16, Stormwater. The DNR recommends that the use of stormwater for irrigating the landscaping on the site be considered as a stormwater management practice.</p>	<p>Per City zoning requirements, a minimum of 20 percent of the site not occupied by buildings or structures is required to be landscaped. Some of this landscaping is concentrated along Longfellow Avenue which includes a proposed community garden. The project proposer does not plan on installation of an underground irrigation system; however, landscape plans propose stormwater</p>

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	capture, storage, filtration and reuse for the community gardens.
Page 33, Preliminary Landscape Plans. We encourage the use of native, pollinator-friendly plants in landscaping and stormwater features.	As mentioned in the EAW, the project proposer will continue to utilize native, pollinator friendly plants in its landscaping and stormwater features. Landscape plans include native and pollinator plant species throughout the site.
Page 37, Dust and Odors. We discourage the use of calcium chloride for dust control. Chloride released into local lakes and streams does not break down, and instead accumulates in the environment, potentially reaching levels that are toxic to aquatic wildlife and plants.	Calcium chloride will not be used as a dust suppressant as part of this project. The project proposer will require the use of water for dust suppression.

5. Metropolitan Council Letter Dated March 11, 2021	
Comment	Response
MC staff review find 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.	Comment noted.
Item 8 – Permits and Approvals Required. A 96-inch, brick pipe, MC Interceptor (1-MN-330), built in 1894, lies within 26 th Street, north of the proposed project. Prior to initiating this project, preliminary plans presenting method and means of providing wastewater service to the proposed expansion area of this project need to be submitted to the MC Interceptor Engineering Assistant Manager for review.	The project proposer is still developing final utility plans. If this project moves forward, plans presenting the method and means of providing wastewater service to the expansion area of the project will be clearly identified. The project proposer will work closely with the MC staff to ensure an acceptable plan is developed.
Item 11 – Stormwater. MC staff recommends that the City consider the utilization of green roofs and multi-purpose recreational, visual amenity, and bioretention green stormwater features across the top level of the proposed parking ramps.	The project proposer is pursuing LEED Gold Certification. This is particularly crucial given that this project lies within a designated Green Zone. The project proposer has planned for the installation of a future solar array on the roof of the parking structure that will benefit the community.
Item 16.b – Vehicle Emissions. MC staff recommends the adoption and integration of either electric vehicle charging infrastructure or electric vehicle-ready charging infrastructure. Such actions would be consistent with the City of Minneapolis 2040 Plan, Policy 16, Action G and Policy 25, Action b.	The site currently includes electric vehicle charging infrastructure. The project proposer is integrating scalable electric vehicle charging infrastructure or electric vehicle-ready charging infrastructure into its final design. This will be completed to maintain consistency with the City’s 2040 Plan.
Item 16.b – Vehicle Emissions. MC staff also recommends the integration of supporting	The project proposer will integrate supporting infrastructure for shared mobility and non-single-

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<p>infrastructure for shared mobility and non-single-occupancy-vehicle options. This is consistent with City of Minneapolis 2040 Plan, Policy 16, Action j.</p>	<p>occupancy-vehicle options into the final design. This will be completed to maintain consistency with the City’s 2040 Plan.</p>
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<p>6. Hennepin County Letter Dated March 11, 2021</p>	
<p>Comment</p>	<p>Response</p>
<p>At East 28th Street and Cedar Ave, the WB left movement decreases in the PM peak from LOS E in the no-build to LOS F in the build scenario. Mitigation measures should be considered to try to keep the LOS from getting worse.</p>	<p>The expected delay for the westbound left-turn movement at the East 28th Street/Cedar Avenue intersection in the Build PM peak hour is not unusual for a permissive, low-volume left-turn movement at a signalized intersection of two arterial streets. The projected Build PM peak hour volume of the westbound left-turn is 31 vehicles with 6 of those vehicles being site-generated traffic. This equates to an average of one vehicle every two minutes during the peak hour. It is typical that one to two vehicles would be able to make a westbound left-turn during each signal cycle. On the east leg, the 95th percentile queues are anticipated to be approximately seven vehicles (168 feet) in the Build PM peak hour and are not anticipated to extend into the adjacent intersection of East 28th Street/Longfellow Avenue. In the PM peak hour, the westbound left-turn movement is one of the lowest volume movements at the intersection, so the signal timing favors the major movements that have higher demand/larger volume. The City is open to discussing potential mitigation measures if the anticipated delays impact adjacent intersections or decrease the safety at the intersection in the PM peak hour.</p>
<p>There is only a build 2025 scenario, the County prefers a 20-year scenario as well.</p>	<p>A 20-year scenario was not included in the analysis because an EAW does not require a 20-year analysis. The City would be open to discussion with Hennepin County to understand its goals for a 20-year analysis in relation to the project and would be open to discussing a 20-year analysis for future Complete Streets efforts.</p>

NON-PROFIT/NEIGHBORHOOD ORGANIZATIONS COMMENTS/RESPONSES

Comments were received from non-profit organizations, neighborhood organizations, and student organizations during the public comment period for this EAW. For clarification purposes, the RGU determined that these comments should be addressed separately from the Public Agency Comments and the Individual Public Comments. Some of these comments were provided in extensive reports and included input from several experts in the environmental field. As with the Individual Public Comments, many of the comments provided by these non-profit and neighborhood organizations overlapped and so will be addressed with similar responses.

Six non-profit/neighborhood organization comment letters were received during the public comment period on the dates identified in the following:

1. East Phillips Neighborhood Initiative, March 24, 2021
2. Minnesota Center for Environmental Advocacy, March 25, 2021
3. Move Minnesota, March 11, 2021
4. Corcoran Neighborhood Organization, March 25, 2021
5. University of Minnesota Environmental and Energy Law Society, March 25, 2021
6. Southside Green Zone Council, February 22, 2021

The following section provides a summary of these comments and responses to them (Exhibit E/Attachment B of this Response to Comments includes the complete comment).

1. East Phillips Neighborhood Institute (EPNI)

Comment: Cumulative Impacts and Environmental Racism

In general, the EPNI states that the EAW fails to address cumulative impacts potentially associated with the proposed project. The area surrounding the project is one of the most polluted in the State of Minnesota and the associated health impacts are well-documented. Many residents in the surrounding neighborhood(s) identify as black, indigenous and people of color (BIPOC) and residents are more vulnerable than others to health problems related to pollution.

Response: The project proposer agrees that the residents of the East Phillips neighborhood, primarily BIPOC, have been disproportionately affected and are uniquely vulnerable to the effects of pollution, and so the site location is defined as an environmental justice area and included in the City's designated Southside Green Zone.

During the preparation of the EAW, the project proposer elected to focus on identification and mitigation efforts of potential environmental impacts. The project proposer acknowledges that it should have better emphasized or expanded upon discussions concerning environmental justice and Green Zone issues in Items 6 and 9 of the EAW. The project proposer hopes that its responses throughout this document illustrate the project proposer's commitment to environmental justice and the designated Southside Green Zone. As final plans are prepared, the project proposer looks forward to continuing this dialogue with the public to design a project beneficial to the community.

The project proposer is committed to working with residents of the East Phillips neighborhood and other interested parties to address questions and concerns regarding the potential environmental impacts associated with the proposed project. Although this is an expansion of an existing industrial facility, the project proposer would like to stress that the expansion will vastly improve a blighted property within East Phillips while complying with federal, state and local environmental regulations.

As to potential cumulative environmental impacts associated with the proposed project, cumulative potential effects related to past and present circumstances are addressed in those specific items throughout the EAW document. These items include Item 11 "Water Resources", Item 12 "Contaminated/Hazardous Materials/Wastes", Item 13 "Fish, Wildlife, Plant Communities and Sensitive Ecological Resources (rate features)", Item 15 "Visual", Item 16 "Air", Item 17 "Noise", and Item 18 "Transportation." Further follow-up on these items will be addressed through the CL&E analysis required by the MPCA prior to issuance of the Construction Stormwater NPDES General Permit. No plans for future projects in the area of the proposed project are known at this time.

While the EAW sufficiently addressed cumulative potential effects, comments on the EAW provided by the MPCA in a letter dated March 10, 2021, (**see Public Agency Comments/Response section of this Response to Comments**) stated that the MPCA now requires that any MPCA permit, not just an air emissions permit, for a given project in this project's location triggers the need for a Cumulative Levels and Effects evaluation (CL&E). After completion of the CL&E, it must be submitted to the MPCA for review. The project proposer will not be able to apply for any MPCA permits necessary for the proposed project, including demolition, to move forward until the MPCA determines that the CL&E is adequate.

Since the proposed project requires an MPCA Construction Stormwater NPDES Permit, the project proposer will need to perform a CL&E evaluation prior to obtaining this permit. It is anticipated that the above requested analyses will be included in the required CL&E evaluation. The project proposer will work closely with the MPCA to define the scope and complete this CL&E evaluation.

Comment: Failure to Mitigate Serious Harm

The EPNI is concerned about the City's commitment to providing benefits and protecting the community from future harms generated by the facility. Any claims that the mitigation measures will lessen the environmental impacts of this project should be made legally enforceable or left out of the EAW. The EPNI requests that an Environmental Impact Statement (EIS) be completed for the proposed project.

Response: It is not the project proposer's intent to present false promises to the community nor suggest that the opportunities the proposed project provides are offered only in an attempt to gain favor and support for the proposed project from the community. Many of the activities necessary to complete the proposed project are legally enforceable through federal, state and local regulations enforced by the U.S. Environmental Protection Agency (EPA), the Minnesota Pollution Control Agency (MPCA), the Minnesota Department of Health (MDH), the Minnesota Department of Transportation (MnDOT) and the City of Minneapolis. The project proposer will comply with all appropriate federal, state and local laws, rules and regulations required for a project of this nature.

Mitigation measures proposed to be implemented in accordance with City policies are considered under the same light as those mitigation measures legally required under federal, state and local laws, rules and regulations. As noted in Item 4 of the EAW, its preparation was initiated by the City. The proposed project is not required to prepare an EAW under Minnesota Rules Chapter 4410. However, in an effort to continue to engage the community in this on-going conversation and continue to identify public concerns, the City felt the initiation of the EAW process would provide an additional forum for input from the public and foster additional conversations regarding the mitigation of potential environmental impacts of the proposed project. Given the number of public comments received during the public comment period, the EAW has met this purpose.

Although addressing the public concerns regarding potential environmental impacts has also been paramount to the project proposer, the project proposer believes these concerns can be addressed through on-going engagement with the community. An EIS is not necessary because the project neither falls under one of the mandatory categories nor has the potential for significant environmental effects.

Comment: The EAW is incomplete in many ways that obscure the real and immediate dangers to public health posed by the City's project.

The EPNI believes the EAW is incomplete in addressing the following potential environmental impacts from the proposed project:

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- The EAW fails to mention that the proposed project is located inside the City’s designated Green Zone and is subject to the 2020-2025 Southside Green Zone Work Plan.
- The EAW fails to provide detail on the Draft Interim Response Action Plan prepared by Braun Intertec for the Roof Depot site.
- The EAW does not adequately discuss details of an antimony groundwater contamination plume present beneath the site.
- Sampling and analysis of contaminated soils and fill beneath the Roof Depot property is incomplete. More comprehensive sampling and analysis is necessary to fully understand the effects this contamination will have on the public during this proposed project.
- The EAW’s section on contamination and hazardous materials/waste fails to discuss releases of hazardous substances to the air.
- The EAW does not adequately discuss harms posed by stationary and mobile source air emissions from the proposed project.
- There is no meaningful discussion of potential noise levels from vehicles entering and exiting the site, especially with respect to seasonal operations when noise levels can spike.
- The EAW does not adequately address climate change implications.

Response: As mentioned above, the project proposer recognizes it should have better emphasized or expanded upon discussions concerning environmental justice and Green Zone issues in Items 6 and 9 of the EAW. Item 6 of the EAW specifically mentions that the project proposer’s plan to implement green development as part of the proposed project includes a Leadership in Energy and Environmental Design (LEED) Gold certified building, solar energy, stormwater treatment and retention, and a green community buffer. Items 11.b.ii and 15 also discuss green design measures planned to be implemented as part of the proposed project.

The project proposer acknowledges the long history of environmental contamination in the area of the proposed project and surrounding neighborhoods that has and continues to disproportionately affect their residents. Historic contamination at the site includes petroleum compounds (GRO/DRO), volatile organic compounds (VOCs), metals (mainly arsenic and antimony), polycyclic aromatic hydrocarbons (PAHs), asbestos, and debris (concrete, slate, metal, brick, coal, clinkers, ash, slag, porcelain and glass) contamination in soils and groundwater contaminated with petroleum compounds, VOCs and metals.

A copy of the June 12, 2020 Draft Interim Response Action Plan (IRAP) was included in Attachment B of the EAW. The IRAP was prepared for the Roof Depot site only and did not include the existing HMF site. The purpose of this IRAP was to summarize existing environmental conditions at the Roof Depot property, describe methods and procedures for response actions that will be undertaken to facilitate demolition of the existing warehouse building, and provide controls to protect public health until overall redevelopment of the site is completed. To emphasize, this IRAP was developed only for the demolition of the Roof Depot building. Additional investigation and mitigation/remediation planning will be required as part of construction of the proposed project.

As discussed in Item 12 on page 25 of the EAW, site redevelopment offers an opportunity for the project proposer to further address existing contamination at the site and reduce the potential exposure to residents of surrounding neighborhoods as well as on-site workers. Both the existing Public Works facility and Roof Depot property have been or are currently enrolled in MPCA Voluntary Brownfields (VB) and/or the Minnesota Department of Agriculture Voluntary Investigation and Cleanup (AgVIC) programs. The purpose of entry into these programs is to work in partnership with the appropriate regulatory agency or agencies to facilitate the proper management, and documentation, of contaminated materials known prior to and/or discovered during redevelopment activities. These voluntary investigation and cleanup programs provide specific guidance

documents developed by the MPCA/MDA that need to be followed during investigation and cleanup of contaminated properties. The project proposer will be required to incorporate these guidance documents into its investigation and planning prior to and during construction activities.

As part of site redevelopment, areas of contaminated soils, groundwater and soil vapors will need to be defined and managed properly during construction. Ultimately, the VB and AgVIC programs procedures will require the preparation of a Response Action Plan/Construction Contingency Plan (RAP/CCP) reviewed and approved by the MPCA and/or MDA. The RAP/CCP will provide protocols for the management of contaminated soil, groundwater and/or soil vapors encountered during construction activities in a manner that is not only safe for the surrounding community, but also safe for construction workers and facility occupants after construction.

Standard elements of RAP/CCPs approved by the MPCA on similar investigation and cleanup include the following:

- Definition of the project and purpose of the plan;
- Discussion and graphics documenting the known extent of contaminated materials to be managed during construction;
- Identification of project partners responsible for the implementation of the plan;
- Daily monitoring and testing of air and any disturbed soils on the site;
- Stormwater control measures;
- Specific procedures for how contaminated materials will be managed in a manner not only safe for the surrounding community but for the on-site workers charged with implementation of the plan;
- Specific procedures for how to react to and manage previously unknown contaminated materials encountered during construction;
- Specific site safety and emergency response procedures for on-site workers; and
- Oversight procedures for documenting that all mitigation activities were performed in accordance with the MPCA approved RAP/CCP.

However, it should be understood that each project is considered individually and its RAP/CCP is prepared to cover the specific issues of the project.

The project proposer will continue to investigate and manage contaminated materials identified prior to and/or encountered during construction of the proposed project through the VB and/or AgVIC programs as required. Ultimately, an MPCA and/or MDA approved RAP/CCP will be prepared and implemented to ensure all contaminated materials encountered during construction are managed in a way that protects human health and the environment.

In the State of Minnesota, building demolition and/or renovation activities are regulated under state (Minnesota Rules 7035.0805) and federal (National Emission Standard for Asbestos – NESHAP and Repair, Renovation, and Painting Rule – PRP) rules, enforced by the MPCA, the MDH and the EPA. This includes requirements for the identification and abatement of asbestos containing materials (ACM) and hazardous materials (mercury light switches, fluorescent light bulbs/ballasts, lead-based paint, PCBs, etc.) prior to and during demolition of structures. Companies and individuals performing investigation and mitigation activities are required to be certified by the appropriate regulatory agencies.

Abatement of the Roof Depot building, that would be required before either demolition or renovation, was completed in the spring of 2020 in accordance with the above-mentioned requirements. However, prior to

demolition, additional testing will be required to be performed on components of the structure that were inaccessible during the previously completed investigation and abatement activities. If determined to be ACM, these components will be abated in accordance with the above-mentioned rules. Also, as a structure is demolished, it is not uncommon to discover ACM that was not previously identified. Demolition contractors employ certified personnel trained to react to previously unknown conditions in accordance with the above-mentioned rules. Any additional renovation and/or demolition to be performed as part of the proposed project will be subject to the above-mentioned rules for investigation and abatement.

Minnesota Rule 7035.0805, NESHAP and the PRP rules are developed for the protection of workers performing the investigation and abatement work as well as other nearby individuals who may be affected. By adhering to these rules during the proposed project, the project proposer anticipates no harmful exposure to residents of the community.

Item 16 in the EAW discusses both mobile and stationary sources of air emissions associated with the proposed project. An Air Permit Assessment was completed on the project and, per MPCA recommendations, a qualitative mobile source air emissions evaluation was completed. In a letter dated February 2, 2021, the MPCA concurred with the project proposer's findings and determined that an air permit would not be required for the proposed project. Receipt of this letter was not timely enough to include this discussion in the published EAW, but a copy is included in Attachment D.

Standard operational procedures and strategies to limit mobile source air emissions were also presented in Item 16.b of the EAW that included state-of-the-art emissions filters on all diesel-powered vehicles, capturing diesel exhaust fluids during fueling operations, and regular maintenance of diesel-powered vehicles/equipment.

Having said that, as mentioned above, the MPCA will require a CL&E prior to issuing the necessary permits for the proposed project to begin. See the response under the **Cumulative Effects and Environment Justice** comment above.

Noise - In addition to proposed City noise mitigation methods, comments on the EAW provided by the MPCA in its March 10, 2021, letter (see **Public Agency Comments/Response section of this Response to Comments**) provided recommendations and considerations for the project proposer relative to the evaluation of potential noise levels from the proposed project. Although the MPCA indicated that post-construction noise levels may be similar to noise levels generated by the existing facility, the MPCA suggested that the City perform a baseline noise study to develop an understanding of existing ambient noise levels to assist with an overall understanding of the proposed project's effect on noise levels in the area.

The project proposer intends to evaluate the feasibility of developing a baseline ambient noise study that will help predict the need for any noise mitigation efforts associated with the new project, in addition to those already proposed in the EAW (see Item 17 of the EAW).

Potential Climate Change Impacts - The project proposer has been considering goals laid out in its Climate Action Plan as part of the final design for the proposed facility. Although the design is still in its preliminary stages, the project proposer will be pursuing LEED Gold Certification through the U.S. Green Building Council. This certification will involve points for exterior trespass light shielding, daylighting, energy saving mechanical system including passive solar preheaters, scalable electric vehicle charging and solar PV arrays. The project proposer will be incentivizing carpooling and use of public transportation. As part of the LEED Gold Certification, and in cooperation with the Mississippi Watershed Management Organization (MWMO), stormwater will also be treated above current standards.

Refer to the current LEED for New Construction Summary Scorecard included in Attachment F of this document for planned additional sustainable design elements.

Comment: The EAW is inaccurate

The EPNI states that the EAW includes the following scientific and factual inaccuracies:

- The project timeline fails to acknowledge that the City has already begun work on the proposed project including environment abatement and cleanup at the Roof Depot site.
- The City indicates that environmental impacts at the Roof Depot site have been defined, however correspondence from the MPCA indicates it is not. The MPCA also indicated in its response to the City's May 2020 Additional Investigation Report for the Roof Depot site that additional investigation is required.
- The EAW contains basic errors of science relating to the characterization of the Platteville Formation's susceptibility to karst formation.

Response: The project timeline presented in Item 6.c of the EAW is a general timeline identifying when construction of the proposed project is anticipated. It was not intended to include the many tasks associated with investigation and planning activities necessary to complete prior to beginning construction, including abatement tasks necessary regardless of whether the building is demolished or renovated. Additional planning, investigation and design has yet to be completed on the proposed project before construction can take place. The completion of this EAW is included as a task in the planning process.

The statement "Past environmental site assessments (ESAs) have identified and defined contamination at the Roof Depot property, which will require proper management during redevelopment" appears to have been misunderstood. The investigations completed at the Roof Depot site have identified and defined contamination at the Roof Depot site. However, as stated in the EAW and the Response to Comments, additional investigation will be necessary to identify contamination requiring management during not only demolition of the Roof Depot building, but prior to construction activities beginning for the proposed project, including both the Roof Depot and existing HMF portions of the proposed project. Final design will play a part in dictating the necessary investigation and materials management strategies and the project proposer is not at the final design stage.

The geology of the site was discussed in Item 10 of the EAW. In this discussion, the Platteville Formation was identified as a 25- to 30-foot thick fossiliferous limestone with significant fracturing, bedding plane dissolution and voids. The text of the EAW suggested that the St. Peter Formation, lying beneath the Platteville Formation, may be washed out in places causing caverns and sinks within that formation. It was noted that the overlying Platteville acts as an erosion resistant ledge rock over the St. Peter and can reduce karst formation in the St. Peter by bridging to prevent surface collapse. The EAW did not state that the Platteville was susceptible to karst features, but it did state that these geologic features were not anticipated to have any effect on the project and that the project is not expected to have an adverse effect on the local geologic features.

Comment: The EPNI also asserts that the City has violated MEPA

The EPNI states that the City issued itself an "Active, to be updated" demolition permit. The EPNI suggests that the City violated the Minnesota Environmental Protection Act (MEPA) by issuing itself this permit, refusing to comply with MEPA and conduct an EAW for five months. It is EPNI's view that the issuance of this demolition permit indicates it made final decisions on the project before completing environmental review.

Response: The EAW erroneously said that there was a demolition permit issued for the Roof Depot building. No demolition permit was issued for the Roof Depot building.

Comment: The City must conduct a full Environmental Impact Statement

The EPNI references former EAW guidelines stating that the project proposer will be required to present a full range of alternatives, including alternate sites for the proposed project and alternative uses for the currently proposed project site identified by EPNI (i.e. use as an Urban Farm) as part of the EAW. As part of this effort the project proposer would also be required to consider alternatives that will lessen traffic danger for the community including closing the 27th Street entrance to non-emergency traffic.

Response: Past EAW guidelines (EAW Guidelines – Preparing Environmental Assessment Worksheets – February 2000) required a summary discussion of the “examination of alternatives, focusing on reasons why the selected proposed project and the comparative environmental impacts of the other alternatives considered.” The current EAW guidelines published by the Minnesota Environmental Quality Board (EAW Guidelines – Preparing Environmental Assessment Worksheets – October 2013; corresponds to the July 2013 EAW Form) do not include this requirement. This was verified with EQB staff in a conversation and follow-up email dated April 5, 2021.

However, the project proposer provides the following discussion summarizing reasons why the project proposer considers this site to be ideal for the proposed project:

- Use of the existing municipal facility and infrastructure makes more sense than constructing a new facility on another property.
- Construction at this site will offer an opportunity to clean up existing contamination at the site, further protecting the community from exposure.
- Existing, unsound old structures demolished and replaced with new state of the art structures creating a much safer and more appealing site.
- Provision of amenities for use by community.
- The use of this site is consistent with the current zoning and the City’s 2040 Plan.
- The proposed use of this site is allowed with a Conditional Use Permit.
- The site is a more centralized location that will result in less total vehicle miles traveled than other locations that were reviewed. Refer to the City of Minneapolis Water Distribution Services Center Location Workflow Analysis prepared by HGA, dated July 2, 2013 included in Attachment E.
- The site offers an opportunity to share staff and other resources and take advantage of the main efficiencies of co-location.

Addressing the public concerns regarding potential environmental impacts has also been paramount to the project proposer, and the project proposer believes these concerns can be addressed through on-going engagement with the community. However, this expansion does not fall under either the mandatory EAW or EIS categories, as it is for an expansion of an existing industrial use and is a total of 328,000 square feet. Because this project will not otherwise have the potential for significant environmental effects, an EIS is not necessary.

Comments Provided by EPNI Experts

The EPNI solicited assistance from three experts, Dr. Gregory Pratt, Dr. Ted Schettler and Dr. Edward Nater. Brief bios provided for each of them verified expertise to review and comment on the EAW. The project proposer thanks Dr. Pratt, Dr. Schettler and Dr. Nater for their comments and the information they provided that will help the project proposer and the community continue its dialogue on the proposed project. The following presents a summary of the comments provided by Dr. Pratt, Dr. Schettler and Dr. Nater followed by a response.

Dr. Gregory Pratt:

Comment: Missing and Incomplete Information in the EAW

Dr. Pratt stated that the following information is missing or incomplete from the EAW:

- No description of the people living nearby who will be affected by the project. If we are to assess the impacts of siting this facility, we must understand the human context in which it will be placed.
- Section 12.c and d, beginning on page 27. Regarding project related use and storage of hazardous materials and generation of hazardous wastes. Although the EAW discusses methods that will be implemented to prevent these substances from being released to land and water, it does not discuss releases of these materials to the air.
- Page 36. The list of vehicle related air emissions does not include diesel particles which are arguably the most important of air emissions.
- Sections 19 and 20. Pages 41-42. The potential cumulative effects of the two neighboring industrial facilities, Bituminous Roadways and Smith Foundry, are not taken into account.
- Section 12. Emissions for small, mobile asphalt heaters warming up on-site or on residential streets neighboring the site are not considered in the evaluation.
- Section 12. Emissions from diesel vehicles accessing the site and idling on site are not addressed even though the number of vehicles is quantified. The emissions associated with this activity should be quantified, especially during winter months when air inversions are most common.
- The EAW does not adequately address climate change implications.
- The alternative of closing the 27th Street entrance/exit was not evaluated in the Traffic Demand Management Plan (TDMP).
- The TDMP assesses the impact the facility will have on traffic under the Build and No-Build scenarios. It also needs to evaluate current traffic levels and the percentage increase on local roadways.

Response: The project proposer agrees that the residents of East Phillips, primarily BIPOC, have been disproportionately affected and are uniquely vulnerable to the effects of pollution, and so the site location is defined as an environmental justice area and is included in the City's designated Southside Green Zone.

During the preparation of the EAW, the project proposer elected to focus on identification and mitigation efforts of potential environmental impacts. The project proposer acknowledges that it should have better emphasized or expanded upon discussions concerning environmental justice and Green Zone issues in Items 6 and 9 of the EAW. The project proposer hopes that its responses throughout this document illustrate the project proposer's commitment to environmental justice and the designated Southside Green Zone. As final plans are prepared, the project proposer looks forward to continuing this dialogue with the public to design a project beneficial to the community.

Dr. Pratt offers three comments on the completeness of Item 12 of the EAW, Contamination/Hazardous Materials/Waste. Item 12 in the EAW is intended to identify the presence of existing contamination and/or environmental hazards on or in close proximity to the site. In addition, it is to discuss the potential environmental impacts that may be caused by the use of hazardous materials or waste stored on the site. Item 12 also addresses the proposed project and the measures used to avoid, minimize or mitigate these adverse potential effects. The project proposer believes that these issues will be addressed during the CL&E required by the MPCA.

Dr. Pratt offers two comments on vehicle air emission (page 36) and cumulative effects (Sections 19 and 20, pages 41-42). As stated throughout the responses to comments above, the project proposer anticipates that both issues will also be addressed during the CL&E required by the MPCA.

The project proposer is planning to retain the 27th Street Campus access for emergency purposes only. Emergency use may include snow emergencies that average about 3 to 5 times each winter season. Regular daily use by pedestrians, bicyclists, employees and fleet will not be allowed in order to minimize site traffic and parking in the adjacent residential area. Public Works will manage this reduced use of the 27th Street access through education and managed operations.

In the TDMP, the Existing Conditions (2020) scenario was analyzed to provide an understanding of the existing delay and queueing issues within the study area. The project site traffic was estimated at the study intersections for the peak hours, as well as the projected future total volumes at the study intersections. These figures together show an increase in traffic at the study intersections in the peak hours over existing conditions. The increase due to proposed site development is the difference between the No-Build and the Build scenarios.

Comment: Failures to comply with requirements for MEPA review set by EQB

Dr. Pratt states that the Minnesota Environmental Quality Board (EQB) guidelines for preparing EAWs (EQB 2013, attached as Exhibit G to EPNI comments) states in Section 31 on page 14, “This section of the EAW should be used to summarize the examination of alternatives, focusing on the reasons the proposed project selected and the comparative environmental impacts of the alternatives considered.” Dr. Pratt states that this was not completed as part of the EAW.

In addition, Dr. Pratt states that the EQB Guidelines in Section 29 on page 14 under Cumulative Impacts, “The intent here is to put the project’s potential impacts into the context of impacts caused by other past, present or future projects in the area, so that the RGU can assess the cumulative impacts to the environment.” Dr. Pratt states that this was not completed as part of the EAW.

Response: After review of EQB 2013, the project proposer was unable to identify the section Dr. Pratt is referencing. An email was sent to the EQB on April 3, 2021, asking for clarification on this citation by Dr. Pratt as well as specific requirements for the review of project alternative locations and uses under the EAW format. A response was received from the EQB through a telephone conversation and follow-up email dated April 5, 2021.

Previous EAW guidelines (EAW Guidelines – Preparing Environmental Assessment Worksheets – February 2000) required a summary discussion of the “examination of alternatives, focusing on reasons why the selected proposed project and the comparative environmental impacts of the other alternatives considered.” The current EAW guidelines published by the Minnesota Environmental Quality Board (EAW Guidelines – Preparing Environmental Assessment Worksheets – October 2013; corresponds to the July 2013 EAW Form) do not include this requirement.

However, the project proposer provides the following discussion summarizing reasons why the project proposer considers this site to be ideal for the proposed project:

- Use of the existing municipal facility and infrastructure makes more sense than constructing a new facility on another property.
- Construction at this site will offer an opportunity to clean up existing contamination at the site, further protecting the community from exposure.

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- Existing, unsound old structures demolished and replaced with new state of the art structures creating a much safer and more appealing site.
- Provision of amenities for use by community.
- The use of this site is consistent with the current zoning and the City’s 2040 Plan.
- The proposed use of this site is allowed with a Conditional Use Permit.
- The site is a more centralized location that will result in less total vehicle miles traveled than other locations that were reviewed. Refer to the City of Minneapolis Water Distribution Services Center Location Workflow Analysis prepared by HGA, dated July 2, 2013 included in Attachment E.
- The site offers an opportunity to share staff and other resources and take advantage of the main efficiencies of co-location.

As to Dr. Pratt’s comment on cumulative impacts, as stated throughout the responses to comments above, the project proposer anticipates that both issues will also be addressed during the CL&E evaluation required by the MPCA.

Comment: Faulty logic in the EAW that serves the proposer’s desired outcome

- Dr. Pratt states that the EAW includes much “flowery” language regarding actions identified to mitigate or minimize project related effects. Dr. Pratt suggests that without some sort of contracted commitment, there is nothing driving the City from backing away from these proposed actions.
- On page 35 of the EAW, Dr. Pratt interprets language regarding the purpose behind the preparation of the Air Permit Assessment as suggesting it was to avoid having to conduct the CL&E evaluation.

Response: Regarding Dr. Pratt’s first comment above, refer to the response under **Failure to Mitigate Serious Harm**. Regarding Dr. Pratt’s second comment above, refer to the response under the **Cumulative Effects and Environment Justice** comment above.

Dr. Ted Schettler:

Comment: Item 6 Project Description

Dr. Schettler states that any MPCA permits required for the proposed project will trigger the need for a CL&E evaluation prior to applying for any necessary MPCA Permits.

Response: Refer to the response under the **Cumulative Effects and Environment Justice** comment above.

Comment: Item 10 Geology, Soils and Topography/Land Forms

Dr. Schettler’s comment states that the discussion under Item 10 on page 12 describes complex contamination that is poorly understood. Without understanding the nature, extent and distribution of the contamination, Dr. Schettler states that it will be impossible to predict what will be encountered during demolition and construction.

Response: The project proposer is aware of the of the history of contamination on the site and in the vicinity of the site. A detailed discussion of the process through which the project proposer will navigate the identification of the existing impacts and how to manage them during project construction is in the response to the EPNI’s comment presented above.

As Dr. Schettler identifies, final foundation design has not been completed for the proposed project. He is correct in stating that detailed foundation design and environmental assessment based on it will be required to identify all information necessary to protect human health and the environment from releases of hazardous

materials from contaminated soils. Geotechnical engineers will work closely with environmental engineers throughout the proposed project design to identify foundation design needs and determine the proper and safe level of interaction with contaminated materials that will be necessary throughout construction. The process described under the response to the EPNI's comment presented above under **"The EAW is incomplete in many ways that obscure the real and immediate dangers to public health posed by the City's project"** will be implemented hand in hand with not only the foundation design but all other aspects of design and construction that may encounter contaminated materials (i.e. utility design and installation, stormwater treatment system design and installation, etc.), which could not be finalized pending completion of the EAW process.

Comment: Item 12 Contamination/Hazardous Materials/Wastes

- As to the discussion on page 20 of the EAW under Item 12, Dr. Schettler states that the EAW's failure to more completely characterize the contamination or discuss how this future action plan might "avoid, minimize or mitigate adverse effects from existing contamination" is a glaring omission in the analysis.
- Dr. Schettler states that language included on page 21 of the EAW under Item 12 recognizes the fact that contamination associated with past leaks from former underground storage tanks at the site have likely left residual contamination that will require investigation and mitigation as part of the proposed project. Again, Dr. Schettler reiterates the importance of defining this contamination and how it will be managed during construction to "avoid additional contamination and harm."
- Dr. Schettler adds to his comments under Item 12 by identifying additional complexity in the on-site contamination from debris in soils. He emphasizes that this complex contamination identified in soil and groundwater at the site will be disturbed during construction activities and generate dust that could be harmful to residents of the surrounding community.
- Dr. Schettler identifies that additional contamination in the vicinity of the project generated from past operations by CMC Heartland also needs to be considered as part of plans to manage contamination during construction activities. He mentions that the discussion on pages 24 and 25 as to the plans for mitigation of contamination (RAP/CCP) is a "skeletal" description. He states that mitigation measures should be described in more detail in the EAW and that any mitigation measures should be legally enforceable. A more thorough analysis is necessary to accurately assess and address the hazards and risks to human health and the environment associated with the proposed project.
- Dr. Schettler states that page 27 under Item 12.c identifies an existing 7,500-gallon asphalt storage tank with another to be added as part of the proposed project. In this comment, Dr. Schettler states that emissions from this tank should be accounted for when assessing potential exposure to residents of the surrounding community.

Response: Dr. Schettler's comments focus on the complexity of contamination on the site and in the vicinity of the site and the importance of the development of a legally enforceable, detailed plan for management of contaminated materials as they are encountered during construction activities. The project proposer agrees and, as stated several times in these responses, will work in partnership with the MPCA and/or the MDA to make sure that contamination is defined and a detailed plan for management of contaminated materials is developed, reviewed and approved by the MPCA and/or MDA prior to the beginning of construction. This plan will be developed in accordance with all applicable federal, state and local environmental regulations and guidelines such that its contents are legally enforceable. Although, as Dr. Schettler states in his comments, "Mitigation measures are still under development and therefore cannot be fully assessed in this EAW," typical RAP/CCPs include the following components:

- Definition of the project and purpose of the plan;

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- Discussion and graphics documenting the known extent of contaminated materials and those to be managed during construction;
- Identification of project partners responsible for the successful implementation of the plan;
- Daily monitoring and testing of air and any disturbed soils on the site;
- Stormwater control measures;
- Specific procedures for how contaminated materials will be managed in a manner not only safe for the surrounding community but for the on-site workers charged with implementation of the plan;
- Specific procedures for how to react to and manage previously unknown contaminated materials encountered during construction;
- Specific site safety and emergency response procedures for on-site workers; and
- Oversight procedures for documenting that all mitigation activities were performed in accordance with the MPCA and/or MDA approved RAP/CCP.

As to Dr. Schettler’s comment regarding the existing 7,500-gallon asphalt tank, as well as an additional tank anticipated to be added as part of the proposed project, there is no plan to add a new tank, only to relocate the existing tank further from the residential area. Potential emissions calculations were conducted as part of the Air Permit Assessment. It is also anticipated that the potential emissions from these tanks will be evaluated as part of the CL&E required by the MPCA.

Comment: Item 16 Air b. Vehicle Emissions and c. Dust

Dr. Schettler discusses text found on pages 36 and 39 of the EAW. He states that using vehicle trips per day is the proper parameter to evaluate adverse effects on air quality from traffic-related emissions in the community. Therefore, the evaluation described on page 36 does not adequately assess adverse effects on air quality from vehicle related emissions. He notes that traffic-related emissions are an established asthma trigger and increasingly it is recognized as causally related to asthma onset. Dr. Schettler also identifies other health issues related to traffic generated air pollution including cardiovascular disease and associated mortality and lung cancer (diesel exhaust is a known carcinogen).

On page 36 and the top of page 37 of the EAW, Dr. Schettler states that the discussion presents aspirational improvements in idling and vehicle emissions technology. Even if they were to occur, if total traffic increases to the extent predicted, associated health impacts and risks must go up as well.

Dr. Schettler states his concerns with the generation of dust during construction and the methods proposed to control the dust. According to Dr. Schettler, any dust generated during construction, whether during excavation and grading activities or from trucks hauling contaminated materials off-site, could be deposited on residential lawns, food or inhaled.

Response: The project proposer shares Dr. Schettler’s concerns, in addition to the concerns of other federal, state and local environmental agencies. The project proposer anticipates that the CL&E evaluation required by the MPCA will address these concerns.

Dust control during the demolition and construction process will be addressed in environmental planning documents (Response Action Plan/Construction Contingency Plan and Construction Stormwater Pollution Prevention Plan). In addition, dust control requirements required by the City will be included in the construction documents and will be provided by contractors.

Comment: Item 19 Cumulative Potential Effects

Dr. Schettler reiterates the potential cumulative effects caused by increased traffic, stationary related air emissions, noise, and dust created by interaction with impacted soils could have on human health and the environment as a result of the proposed project.

Response: As to potential cumulative environmental impacts associated with the proposed project, cumulative potential effects related to past and present circumstances are addressed in those specific items throughout the EAW document. These items include Item 11 “Water Resources”, Item 12 “Contaminated/Hazardous Materials/Wastes”, Item 13 “Fish, Wildlife, Plant Communities and Sensitive Ecological Resources (rare features)”, Item 15 “Visual”, Item 16 “Air”, Item 17 “Noise”, and Item 18 “Transportation.” Further follow-up on these items will be addressed through the CL&E analysis required by the MPCA prior to issuance of the Construction Stormwater NPDES General Permit. No plans for future projects in the area of the proposed project are known at this time.

While the EAW sufficiently addressed cumulative potential effects, comments on the EAW provided by the MPCA in a letter dated March 10, 2021, (**see Public Agency Comments/Response section of this Response to Comments**) stated that the MPCA now requires that any MPCA permit, not just an air emissions permit, for a given project in this project’s location triggers the need for a Cumulative Levels and Effects evaluation (CL&E). After completion of the CL&E, it must be submitted to the MPCA for review. The project proposer will not be able to apply for any MPCA permits necessary for the proposed project, including demolition, to move forward until the MPCA determines that the CL&E is adequate.

Since the proposed project requires an MPCA Construction Stormwater NPDES Permit, the project proposer will need to perform a CL&E evaluation prior to obtaining this permit. It is anticipated that the above requested analyses will be included in the required CL&E evaluation. The project proposer will work closely with the MPCA to define the scope and complete this CL&E evaluation.

Dr. Ed Nater

Comment: Item 6 Project Description

Dr. Nater asks how the City will ensure that residents of the community will get a fair share of the jobs created by the proposed project. He is concerned that if jobs go to others outside the community it will increase traffic to the site and, therefore, traffic related air emissions as well.

Response: The project proposer is legally unable to guarantee that the anticipated job openings will go to residents of the community. Although community residents will be given special consideration, ultimately applicants who are identified as having the proper skills and experience for specific positions will be selected. The proposed project includes a recruitment and training center that will provide easier access and opportunity for local residents to investigate their interest in and develop skills to apply for jobs associated with the facility, and other City facilities.

For employees who do not live near the facility (i.e. biking or walking distance), the project proposer will incentivize carpooling and use of public transportation.

Comment: Item 10.b Geology

Dr. Nater indicated that the information discussed in this Item relative to the Platteville Formation and its susceptibility to karst formation is inaccurate.

Response: Refer to the Response to comment **The EAW is also inaccurate** above.

Comment: Item 12 Contamination/Hazardous Materials/Waste

- Dr. Nater states that other than the former CMC Heartland site contamination, the EAW neglects to mention any of the extensive historic and current contamination in the vicinity of the project site. Dr. Nater stated that the EAW does not adequately acknowledge or properly assess this existing contamination in close proximity to the site, nor does it address the sensitive nature of the population living in the East Phillips neighborhood.
- As to the antimony groundwater plume, Dr. Nater expresses concern over the fact that a specific source of the antimony contamination has not been determined. He continues by stating that if the source is unknown, demolition activities on site might unknowingly disperse antimony contaminated soils throughout the neighborhood.
- Dr. Nater agrees with other commenters that the extent of contamination in soils at the Roof Depot site needs further investigation in order to be managed properly during construction.

Response: As stated in previous responses throughout this response to comments, the project proposer will be working in partnership with the MPCA to complete the necessary investigation and prepare a detailed RAP/CCP to be implemented during construction. Refer to the response to the EPNI's comment above.

Comment: Item 16 Air b. Vehicle Emissions, c. Dust and Odors

Dr. Nater states that he agrees with Dr. Schettler's comments regarding the generation of dust during construction activities and the potential threat this dust has on residents of the community during construction activities.

Response: See response to Dr. Schettler's comment above.

Comment: Item 17 Noise

Dr. Nater states that the EAW does not lay out enforceable limits on noise pollution.

Response: Noise standards are incorporated into both MPCA rules and City ordinances. These standards will be adhered to throughout construction of the proposed project and during operations of the facility once construction is complete.

Refer to the response to EPNI's comment provided earlier in this document for more details on the project proposers intentions to address noise during construction and during operations of the final facility.

Comment: Item 18.a Transportation

- In this comment Dr. Nater requests that more detailed information is needed to evaluate traffic impacts during operation of the site. Specifically, he requests a more detailed breakdown of additional vehicle trips relating to heavy vehicles using the site for access to snow and ice control materials and fueling.
- Dr. Nater requests that language about vehicle trips during peak hours and total trips per day be clarified so that the reader can understand what these numbers mean.
- Dr. Nater requests more clarification on whether the AADT number for the proposed facility is based on round trips or trips to the facility and from the facility.

Response: The TDMP includes a traffic capacity and operational analysis for the peak periods and includes a graphic showing the number of vehicles on site throughout a 24-hour period for fleet passenger vehicles, personal vehicles, fleet heavy vehicles as well as for the total vehicles. The time-of-day pattern is slightly different during winter operations, when employees and fleet vehicles operate overnight for street plowing.

Winter snow maintenance operations already exist at the current site. The proposed project time period that was analyzed in the TDMP reflects the spring/summer/fall operations when overall traffic in and out of the site will be the highest.

The peak number of vehicles on site in the morning occurs at 7:30 AM and the peak number of vehicles on site in the afternoon occurs at 3:00 PM. These times are important because the site will generate the most trips right before these times when personal vehicles are arriving to the site and right after these times as personal vehicles depart the site. These peak time periods are analyzed as these times have the highest site trips throughout the day on the adjacent roadways.

Exhibit 6-1 in the TDMP provides the number of vehicles on site for a typical 24-hour period. Each vehicle in the graphic represents a vehicle on site so as the vehicles on site increase, the number of trips to the site increases and as the number of vehicles decrease, the trips departing the site decrease. The graphic is based on trips to and from the site. Further, the flat lines on the graphic during the overnight period indicate that these vehicles are parked, and not entering or exiting the site.

2. Minnesota Center for Environmental Advocacy (MCEA)

Comment: The East Phillips Neighborhood Deserves Environmental Justice

The introduction to MCEA's report focuses on the importance of environmental justice associated with this proposed project. Specifically, the MCEA points out in its introduction the following:

- The East Phillips neighborhood is an historically polluted neighborhood made up of predominantly low-income, people of color, historic contamination from past and current industry in the area have exposed residents to contamination in soils and air.
- In 2008 the State of Minnesota passed a law requiring the MPCA to conduct a CL&E of past and current pollution for any facility seeking a new or modified emissions permit within a confined zone. Minnesota Statutes 116.07.4a obligates the MPCA to perform a CL&E prior to making any permitting decisions related to a proposed project.
- The City must address the environmental justice impact the proposed project could have on East Phillips and its residents.
- Much the same way federal law prohibits disparate impacts, the City is obligated under federal law from discriminating on the basis of race, color or national origin.

Response: The project proposer agrees with and supports the points made by the MCEA about environmental justice. Policy 61 of the City's 2040 Plan strongly affirms its commitment to environmental justice. The project proposer is aware that the East Phillips residents are primarily BIPOC and that the site is located in an environmental justice area and is included in the City's designated Southside Green Zone.

During the preparation of the EAW, the project proposer elected to focus on identification and mitigation efforts of potential environmental impacts. The project proposer acknowledges that it should have better emphasized or expanded upon discussions concerning environmental justice and Green Zone issues in Items 6 and 9 of the EAW. The project proposer hopes that its responses throughout this document illustrate the project proposer's commitment to environmental justice and the designated Southside Green Zone. As final plans are prepared, the project proposer looks forward to continuing this dialogue with the public to design a project beneficial to the community.

The project proposer is committed to working with residents of East Phillips and other interested parties to address questions and concerns regarding the potential environmental impacts associated with the proposed project. Although this is an expansion of an existing industrial facility, the project proposer stresses that the expansion will vastly improve a blighted property within East Phillips while complying with federal, state and local environmental regulations.

Comment: The EAW Fails to Adequately Engage with Other Sources of Potential Significant Effects

The MCEA states that the purpose of preparing an EAW is to identify whether or not a proposed project has the potential for significant environmental impacts. If it is determined that it does, the proposer is obligated to perform an EIS. The MCEA identified three potential environmental effects that it claims the City does not address adequately. They are:

- Impacts to human health;
- Cumulative potential effects; and
- The proposed project’s contributions to climate change.

More detailed comments on the three above-mentioned potential effects were provided by the MCEA in this section of its report and are further discussed below.

Response: Addressing the public concerns regarding potential environmental impacts has also been paramount to the project proposer. However, for reasons described in the EAW and these comments, the project proposer believes the project does not present the potential for significant environmental impacts as to these concerns, and that these concerns will be further addressed through on-going gathering of information and engagement with the community as the proposed project progresses. Therefore, the project proposer respectfully disagrees that an Environmental Impact Statement is necessary. The project proposer’s responses to the MCEA comments on the three, above-mentioned potential environmental effects are presented below.

Comment: The EAW Does Not Adequately Address the Project’s Potential Impacts to Human Health.

The MCEA states that the City did not adequately address the effect the proposed project could have on the health and well-being of residents in East Phillips. Quoting MEPA’s stated purpose of “the promotion of efforts that will prevent or eliminate damage to the environmental and biosphere and stimulate the health and welfare of human beings” and that MEPA requires “governmental bodies consider the significant environmental consequences of a project to the fullest extent practicable.” To accomplish this, the MCEA is requesting that the City perform an environmental risk analysis.

Response: The proposed project did not require an EAW under Minnesota Rules Chapter 4410. However, in an effort to continue to engage the community in this on-going conversation and continue to identify public concerns, the project proposer felt the initiation of the EAW process would provide an additional forum for input from the public and foster additional conversations regarding the mitigation of potential environmental impacts of the proposed project.

The fact that the proposed project was not of the type and size to require an EAW is evidence that it will not significantly contribute to the health burden the residents of East Phillips and surrounding areas already endure. However, given the historic environmental contamination in the area and the documented health issues, the project proposer understands the neighborhood’s desire for further explanation, and so voluntarily performed the EAW. That EAW, as well as these responses, further demonstrated that there is not a potential for significant environmental effects from this project.

Moreover, comments on the EAW provided by the MPCA in a letter dated March 10, 2021, (**see Public Agency Comments/Response section of this Response to Comments**) stated that the MPCA now requires that any MPCA permit, not just an air emissions permit, for a given project in this project’s location triggers the need for a Cumulative Levels and Effects evaluation (CL&E). After completion of the CL&E, it must be submitted to the MPCA for review. The project proposer will not be able to apply for any MPCA permits necessary for the proposed project, including demolition, to move forward until the MPCA determines that the CL&E is adequate.

Since the proposed project requires an MPCA Construction Stormwater NPDES Permit, the project proposer will need to perform a CL&E evaluation prior to obtaining this permit. It is anticipated that the above requested analyses will be included in the required CL&E evaluation. The project proposer will work closely with the MPCA to define the scope and complete this CL&E evaluation.

Comment: The EAW Does Not Adequately Discuss Cumulative Environmental Effects

MCEA states that the EAW does not adequately address the potential cumulative environmental effects from the proposed project. The MCEA states that the City “must conduct an air quality analysis that includes an understanding of not just the Project, but the air quality impacts from other existing sources and activities.” MCEA adds that the City’s completion of a cumulative effects impact analysis will provide additional project transparency and encourage community trust.

The MCEA also states that the City’s statement in the EAW that no other projects in the area will contribute to the cumulative environmental effects of this project is incomplete. Areas in the vicinity of the site were heavily damaged during the 2020 uprising and plans to rebuild are already underway. At a minimum, potential environmental effects of operating construction equipment during the rebuilding process of these damaged areas should be discussed.

Response: As to potential cumulative environmental impacts associated with the proposed project, cumulative potential effects related to past and present circumstances are addressed in those specific items throughout the EAW document. These items include Item 11 “Water Resources”, Item 12 “Contaminated/Hazardous Materials/Wastes”, Item 13 “Fish, Wildlife, Plant Communities and Sensitive Ecological Resources (rare features)”, Item 15 “Visual”, Item 16 “Air”, Item 17 “Noise”, and Item 18 “Transportation.” Further follow-up on these items will be addressed through the CL&E analysis required by the MPCA prior to issuance of the Construction Stormwater NPDES General Permit. No plans for future projects in the area of the proposed project are known at this time.

While the EAW sufficiently addressed cumulative potential effects, comments on the EAW provided by the MPCA in a letter dated March 10, 2021, (**see Public Agency Comments/Response section of this Response to Comments**) stated that the MPCA now requires that any MPCA permit, not just an air emissions permit, for a given project in this project’s location triggers the need for a Cumulative Levels and Effects evaluation (CL&E). After completion of the CL&E, it must be submitted to the MPCA for review. The project proposer will not be able to apply for any MPCA permits necessary for the proposed project, including demolition, to move forward until the MPCA determines that the CL&E is adequate.

Since the proposed project requires an MPCA Construction Stormwater NPDES Permit, the project proposer will need to perform a CL&E evaluation prior to obtaining this permit. It is anticipated that the above requested analyses will be included in the required CL&E evaluation. The project proposer will work closely with the MPCA to define the scope and complete this CL&E evaluation.

Comment: The EAW Fails to Consider Its Contribution to Climate Change

The MCEA is requesting that the City revise the EAW to include an analysis of Greenhouse Gas (GHG) emissions from the proposed project and consider the effects climate change will have on the proposed project. To that end, the MCEA is requesting that the City perform the following:

- Analyze all greenhouse gases the proposed project will emit.
- Analyze GHG mitigation measures for the proposed project.
- Analyze the effects of climate change on the project.

In its report, the MCEA recognizes public policies and federal and state laws recognizing the effects of greenhouse gases on climate change. The report states that the Minnesota Environmental Quality Board (EQB), the state agency that oversees the environmental review process under MEPA, has prepared draft recommendations to align the current EAW form with state law with respect to GHG emissions. These draft recommendations have been published and the EQB is currently seeking public comment on the recommendations.

Response: The project proposer will be relying on goals set in its Climate Action Plan, adopted in June 2013, as part of the final design for the proposed facility. Although the design is still underway, the project proposer will be pursuing LEED Gold Certification through the U.S. Green Building Council. This certification will involve points for exterior trespass light shielding, daylighting, energy saving mechanical systems including passive solar preheaters, scalable electric vehicle charging, solar PV arrays and stormwater treatment. The project proposer will be incentivizing employees of the facility to carpool and use public transportation. As part of the LEED Gold Certification, and in cooperation with the MWMO, stormwater will also be treated above current standards.

Along with design and operations, the project proposer will be taking green practices into account as part of construction activities. The MPCA encourages the use of green practices to be included in the development of RAP/CCPs so they are implemented during site cleanup activities. Some of the green practices include reuse and recycling of demolition materials, reduced vehicle miles for hauling construction materials to and from the site, reuse of on-site soils to reduce hauling, reuse of recycled asphalt as parking lot base, etc. The project proposer intends to incorporate green practices into the final RAP/CCP.

The City's Climate Action Plan states that the City will report annually on community GHG emissions. Progress on obtaining the goals of the City's Climate Action Plan are reported through the City's Environmental Advisory Commission. Results are reported to the City Council.

The proposed project design is still underway, however, as stated above, the project proposer is well positioned to develop a plan to minimize and track GHG during construction and operations of the proposed project. The project proposer appreciates the input provided by the MCEA. It anticipates it will be very helpful in evaluating the proposed project relative to the goals the City has laid out in its Climate Action Plan.

Comment: The EAW Uses Incorrect Emissions Calculations to Support the Permitting Analysis

The MCEA states that the use of AP-42 Emissions Factors utilized in the City's Air Permit Assessment are not appropriate and may be inaccurate. In November of 2020 EPA reminded permitting agencies, consultants and regulated entities that AP-42 emission factors are only based on averages of data from multiple sources and, therefore, not likely to be accurate predictors of emission from any one specific source, except in limited scenarios, and should not be used in source-specific permit limits or compliance determinations. The MCEA does not believe the proposed project falls into a "limited scenario" exception. The MCEA suggests using actual emissions from stack tests run on similar equipment.

Response: After MPCA review of the project proposer’s Air Permit Assessment Report, in a letter dated February 2, 2021, the MPCA concurred with the project proposer’s findings and determined that an air permit would not be required for the proposed project. Receipt of this letter was not timely enough to include this discussion in the published EAW, but a copy is included in Attachment D. Therefore, the project proposer understands that by making this determination, the MPCA has evaluated the emissions calculations the project proposer provided, finds the methods used and calculations acceptable, and accepts using published AP-42 emission factors in estimating the Potential to Emit for air permit applicability determinations. EPA also recognizes the use of emission factors in air applicability determinations, “Emission factor use may also be appropriate in some permitting applications, such as in applicability determinations and in establishing operating permit fees (AP-42, Vol. 1 Introduction).

As mentioned in the project proposers responses to several of the public comments provided, even though an emissions permit is not required, the MPCA will require that a CL&E evaluation be conducted and be accepted by the MPCA in order for the project proposer to apply for the necessary MPCA Construction Stormwater NPDES permit for the proposed project.

Comment: The EAW Does Not Consider the Project as One Part of the City’s Broader Plans to Restructure Its Public Works Facilities

MCEA states that the EAW recognizes that the “proposed project is part of an overall larger plan to restructure the City’s Public Works Department.” MCEA views this statement in the EAW as the City’s recognition that this project is one of many connected projects that will be taking place throughout the City and that these “connected actions” be viewed as one overall project in the EAW. The MCEA states that, at a minimum, the City “briefly describe the past or future stages or components to which the subject of the present EAW is related.”

Response: Minnesota Rules 4410 requires that connected actions must be considered in total when determining the need for an EAW, preparing an EAW, and when determining the need for an EIS. Minnesota Rules 4410.0200, Subpart 9c defines connected actions as follows:

“Two projects are connected actions if a responsible governmental unit determines they are related in any of the following ways:

- *One project would directly induce the other;*
- *One project is a pre-requisite for the other and the pre-requisite project is not justifiable by itself; or*
- *Neither project is justifiable by itself.”*

This is clarified further in Minn. R. 4410.1000, subp. 4, which addresses “proposed projects such as highways, streets, pipelines, utility lines, or systems where the proposed project is related to a large existing or planned network, for which a governmental unit has determined environmental review is needed.” In those circumstances, “the RGU shall treat the present proposal as the total proposal or select only some of the future elements for present consideration in the threshold determination and EAW. These selections must be logical in relation to the design of the total system or network and must not be made merely to divide a large system into exempted segments.” *Id.*

In the EAW under Item 6.b, the project proposer states that improvements to the existing HMF and consolidation of its services to the public are part of “on-going efforts to increase the efficiency of facility operations...” The project proposer does not view the restructuring of its public works department as a connected action. The City identified the possibility of acquiring the Roof Depot site in the 1990s as a good opportunity to consolidate operating locations. The first consolidation was moving Public Works operations

from 44th and Snelling to the existing Hiawatha Campus in the 2000s. By moving the Water Distribution and the Surface Water and Sewers to the proposed expanded campus, that consolidation is complete. These consolidations are separated by more than a decade, one was not a prerequisite for the other, and there are no connected projects currently or anticipated in the future. Therefore, this is not logically considered a connected action. *See also Minn. Ctr. for Env't'l Advocacy v. Minn. Public Util. Comm'n*, 2010 WL 5071389, at *5 (Minn. Ct. App. Dec. 14, 2010).

Comment: The Project is Contrary to the City, County, and State's Promises to Address Environmental Justice

The MCEA states that the proposed project forces residents of East Phillips to tolerate more polluting industrial facilities. It indicates that the City has an opportunity to convey to its residents that it is committed to addressing the issues of environmental justice within Minneapolis, in particular East Phillips.

MCEA further identifies three areas where the proposed project conflicts with City, County and State promises to address environmental justice. These include:

- The Project Conflicts with the City's Green Zone Initiatives
- The Project Contradicts Hennepin County's Environmental Justice Promises
- The Project is Contrary to the State's Goals to Address Environmental Impact Disparities

Response: As stated earlier in this response to comments, Policy 61 of the City's 2040 Plan strongly affirms its commitment to environmental justice. The project proposer is aware that the East Phillips residents are primarily BIPOC and that the site is located in an environmental justice area and is included in the City's designated Southside Green Zone.

The project proposer is committed to working with residents of the East Phillips Neighborhood and other interested parties to address questions and concerns regarding the potential environmental impacts associated with the proposed project. Although this is an expansion of an existing industrial facility, the project proposer would like to stress that the expansion will vastly improve a blighted property within the East Phillips Neighborhood while complying with federal, state and local environmental regulations.

During the preparation of the EAW, the project proposer elected to focus on identification and mitigation efforts of potential environmental impacts. The project proposer acknowledges that it should have better emphasized or expanded upon discussions concerning environmental justice and Green Zone issues in Items 6 and 9 of the EAW. The project proposer hopes that its responses throughout this document illustrate the project proposer's commitment to environmental justice and the designated Southside Green Zone. As final plans are prepared, the project proposer looks forward to continuing this dialogue with the public to design a project beneficial to the community.

The project proposer's specific responses to the above listed MCEA's three bulleted areas are presented below.

Comment: The Project Conflicts with the City's Green Zone Initiatives

MCEA states that the proposed project conflicts with the Green Zone initiatives included in the City's 2040 Plan and promoted by the Southside Green Zone Council (SSGZC) through the development and implementation of the Southside Green Zone Work Plan (SSGZWP). MCEA states that rather than reducing the disparities in East Phillips and taking steps to address long standing and systematic environmental racism, the proposed project is one in a line of many polluting facilities that operate on the site.

Response: Item 6 of the EAW discusses the project proposers plan is to implement green development as part of the proposed project including a LEED certified building, solar energy, stormwater treatment and retention, and a green community buffer. Items 11.b.ii and 15 also discuss green design measures planned to be implemented as part of the proposed project. However, as discussed above, the project proposer acknowledges that the EAW neglected to specifically acknowledge the neighborhood’s inclusion within the City’s designated Southside Green Zone.

Comment: The Project Contradicts Hennepin County’s Environmental Justice Promises

MCEA states that the proposed project contradicts Hennepin County’s Draft Climate Action Plan. The proposed project goes against the County’s intention of ensuring that the most vulnerable populations in the County are not subject to continuous environmental injustice. MCEA cannot reconcile how the proposed project lines up with the County’s Draft Climate Action Plan and requests that the City explain how it intends to do so.

Response: As stated throughout the EAW and this response to comments, the proposed project includes several features in line with City and State green design policies. However, given the preliminary state of the proposed project design, it has not been at a stage to review in coordination with the County’s Draft Climate Action Plan. As the proposed project moves into a more detailed design phase, the project proposer will work closely with Hennepin County to ensure it takes the goals set forth in the County’s Draft Climate Action Plan into consideration.

Comment: The Project is Contrary to the State’s Goals to Address Environmental Impact Disparities

MCEA states that the proposed project “undermines” promises of environmental justice made by the State. MCEA believes the proposed project, as currently proposed, will continue to burden the residents of East Phillips with the same environmental injustices it has shouldered over the years. The MCEA requests that the City relocate the proposed project outside of East Phillips to “honor environmental justice commitments from Minnesota and its agencies.”

Response: The project proposer will be working in partnership with many of the State agencies (including the MPCA, MDH, EQB and MnDOT) who promote the State’s environmental justice polices on the proposed project. As mentioned throughout the EAW and this response to comments, the project proposer shares with the County and the State the desire to ensure environmental justice in East Phillips and other neighborhoods within the City. As the proposed project moves into a more detailed design phase, the project proposer will work closely with state agencies to ensure State goals developed to address environmental impact disparities are taken into consideration.

Comment: The Project is Contrary to the City’s Transportation Goals

MCEA states that the proposed project is in direct conflict with the City’s plans to increase the adoption of alternatives to single-occupancy vehicles (SOV) within the City as presented in the 2040 Plan. This commitment to alternatives to SOV are included in other City plans including the Transportation Action Plan, Vision Zero Action Plan, the Complete Street’s Policy and other public commitments. The amount of parking included in the proposed project is most troubling because it encourages the use of single passenger vehicle types and will increase the daily vehicle trips by employees to the site. These parking accommodations make even less sense understanding the multiple options of transportation provided in the area of the proposed project (the Blue Line Light Rail Transit and the Mid-Town Greenway, one of the most premier bicycle routes within the City). The City should dramatically scale back its proposed parking infrastructure to encourage its employees to commute using existing infrastructure.

Response: The project proposer is encouraging sustainable employee transportation choices through the travel demand management (TDM) strategies included in Appendix H of the EAW. The infrastructure and programming strategies identified in the TDM Plan focus on encouraging employees to take alternative modes of transportation with educational programming, financial incentives, and improved physical infrastructure on site, including new connections to the Midtown Greenway and bicycle storage, showers and lockers for employees. As part of on-going design efforts, the project proposer will be offering employees incentives to utilize public transportation and carpooling to get to and from the facility.

The proposed parking ramp will serve as parking and storage of public works fleet vehicles, equipment and employees traveling by various modes. The proposed surface parking will primarily serve public works fleet vehicle storage and visitor parking. The project proposer acknowledges the concern around increased parking capacity but has undertaken significant analysis to reduce the number of parking spaces included in the site plan. As outlined in the TDMP, the project proposer worked to reduce parking needs by considering shared parking and dual use spaces, employee out-of-office time, alternative commute modes, remote office and field work, split shifts, and flex workdays. This combination of factors led to a 31% reduction in employee parking needs from the original internal estimate.

3. Move Minnesota (MM)

Comment: The Hiawatha Facility Expansion EAW does not provide specific evidence the site will contribute to the City the vehicle miles traveled (VMT) reduction goals outlined in the Minneapolis 2040 Comprehensive Plan.

Response: The Minneapolis Public Works Department commissioned a study in 2013 to compare two proposed sites for the Water Division’s relocation. HGA, Inc. conducted the study and concluded the Hiawatha site would result in significantly reduced vehicle miles traveled (-38%) and transportation operating costs (-35%) due to the fact that the Hiawatha site is centrally located in the city. This would result in approximately 57,000 fewer vehicle miles traveled (VMT) each year and reduce transportation operating costs annually by \$85,000 for the Water Division. Applying these amounts for a 50-year long-term Public Works investment decision results in VMT reduced by 2.85 million miles and saves \$4.25 million in transportation operating costs. Refer to Attachment E for a copy of City of Minneapolis Water Distribution Services Center Location Workflow Analysis Report prepared by HGA Architects dated July 2, 2013.

Comment: The Hiawatha Facility Expansion EAW does not provide adequate evidence that the site will meet the City’s mode split goals in the Transportation Action Plan.

Response: The mode share goal set in the City’s Transportation Action Plan (three out of every five trips taken by walking, rolling or transit) is a city-wide goal and consequently includes all trips for all properties across the city. It is not intended to be used to set the mode share goals for a specific site or a specific trip purpose, as locations in different neighborhoods have different transportation access across the city.

The project proposer conducted a zip code analysis of where current employees live and the transportation modes available to them, which shaped the mode share goals set for this site. For example, approximately two percent of department employees that will work at the proposed site live within walking distance of the site. To achieve the initial site goal of 2 percent of employee trips made by walking will require 100 percent of employees for whom walking to work is an option to choose walking to work. It would be unrealistic to apply the citywide goal of 25 percent of trips via walking to the site since only two percent of employees live within walking distance. Likewise, 11 percent of employees currently live within a half mile of a bus stop directly

serving the site or a light rail stop requiring one transfer. The initial site mode share goal of 11 percent of employee trips via transit is therefore 100 percent of employees for whom transit is a commute choice.

The project proposer is encouraging sustainable employee transportation choices through the travel demand management (TDM) strategies listed on page 1,000 of the EAW. The infrastructure and programming strategies identified in the TDM Plan focus on encouraging employees to take alternative modes of transportation with educational programming, financial incentives, and improved physical infrastructure on site, including new connections to the Midtown Greenway and bicycle storage, showers and lockers for employees.

Comment: The Hiawatha Facility Expansion EAW does not conform to the needs identified in the City's Climate Emergency Declaration.

Response: The consolidation of public works operations at the Hiawatha site will provide operational efficiency improvements that further the emission reduction goal outlined in the City's Climate Emergency declaration. The project proposer looked at water, sewer and stormwater operations holistically across the city and determined that this site consolidation provides the optimum VMT reductions in city vehicle trips and the greatest resource efficiency of any options available to them.

Initial mode split goals for the site equal 100 percent of employees who are geographically able to take alternative modes of transportation, based on where they live today. As the project proposer and Metro Transit continue to strengthen the regional transportation system through route expansions and new programs, future mode share goals for transit could be reasonably increased. The project proposer is committed to the TDM strategies (see EAW Attachment H, TDMP Section 7) and will continue to push for commute options and programs that reduce the project's emissions impact.

Comment: The Hiawatha Facility Expansion fails to comply with the Complete Streets Policy.

Response: The proposed project conducted a Complete Street and Vision Zero analyses for the site and the adjacent area streets (see EAW Attachment H, TDMP Appendix C). These efforts included 38 brainstorming ideas/options for possible improvements. Based on these ideas, eight short term actions were identified as next steps to have further community engagement. The site design process included specific examination of pedestrian and bicycle site circulation plans along with a vehicular circulation plan (see EAW Attachment H, TDMP Appendix B). The TDMP recommends multiple improvements to the active transportation network to provide additional separation between people walking/biking and vehicles, while improving connections between neighborhood residents and surrounding active transportation resources, such as the Midtown Greenway. The project proposer will continue community engagement and partnering with other transportation agencies (Hennepin County and MnDOT) on Complete Streets improvements in the area.

4. Corcoran Neighborhood Organization (CNA)

Comment: The CNA states its support for a more detailed environmental review via an Environmental Impact Statement (EIS). It identifies three main areas where it believes the EAW fails to address the environmental impact of the proposed project on the surrounding neighborhoods. These areas include:

- Community impact;
- Environmental Justice; and
- Cumulative environmental impact.

Response: Addressing the public concerns regarding potential environmental impacts is also paramount to the project proposer. However, the project proposer believes these concerns can be addressed through on-going gathering of information and engagement with the community as the proposed project progresses. For the reasons explained in the EAW and addressed in these comments, the project proposer does not believe the project presents the potential for significant environmental effects or otherwise meets EIS thresholds and so respectfully disagrees that an EIS is necessary. The project proposer's responses to the CNA comments on the three, above-mentioned environmental effects are presented below.

Comment: Community Impact

CNA's comment on community impact includes concerns associated with existing contamination and the release of contamination during construction activities. Another concern relates to the impact of vehicles operating at the site during construction. The third concern raised under this comment is that noise during and after construction is not effectively addressed.

Response: As stated throughout this response to comments, the project proposer will work in partnership with the MPCA and MDA to make sure that contamination is adequately defined and a detailed plan for management of contaminated materials, referred to as a Response Action Plan/Construction Contingency Plan (RAP/CCP) is developed and reviewed and approved by the MPCA and/or the MDA prior to the beginning of construction. This plan will be developed in accordance with all applicable federal, state and local environmental regulations such that its contents are legally enforceable. Typical RAP/CCPs include the following components:

- Definition of the project and purpose of the plan;
- Discussion and graphics documenting the known extent of contaminated materials to be managed during construction;
- Identification of project partners responsible for the implementation of the plan;
- Specific procedures for how contaminated materials will be managed in a manner not only safe for the surrounding community but for the on-site workers charged with implementation of the plan;
- Specific procedures for how to react to and manage previously unknown contaminated materials encountered during construction;
- Specific site safety and emergency response procedures for on-site workers; and
- Oversight procedures for documenting that all mitigation activities were performed in accordance with the MPCA approved RAP/CCP.

As discussed above, the project proposer is required to prepare a CL&E evaluation for this project before the MPCA can issue the necessary Construction Stormwater NPDES Permit for the proposed project. Prior to making application for the NPDES permit, the MPCA will need to review and approve the CL&E evaluation.

In its comment letter dated March 10, 2021, the MPCA provided recommendations and considerations for the project proposer regarding assessing noise levels associated with the proposed project due to the proximity to residential neighborhoods. The project proposer understands the importance of maintaining noise levels at or below regulated levels.

The project proposer intends to evaluate the feasibility of developing a baseline ambient noise study that will help predict the need for any noise mitigation efforts associated with the new project, in addition to those already proposed in the EAW (see Item 17 of the EAW).

Comment: Environmental Justice

CNA commented that the EAW does not sufficiently acknowledge the status of the location of the project being within the City's Southside Green Zone or Policy 61 in the City's 2040 Plan. The intensification of an environmentally detrimental land use contradicts the stated priorities of the City, the spirit of the Green Zone Initiative, and undermines the City's claim to be advancing environmental justice.

Response: Item 6 of the EAW discusses the project proposer's plan is to implement green development as part of the proposed project including a LEED certified building, solar energy, stormwater treatment and retention, and a green community buffer. Items 11.b.ii and 15 also discuss green design measures planned to be implemented as part of the proposed project. However, the project proposer acknowledges that the EAW neglected to address the project's location within the City's designated Southside Green Zone. Although it has always been the project proposer's intention to implement the 2020-2025 Southside Green Zone Work Plan, specific mention of this was also not included in the EAW. The project proposer will utilize the goals set forth in the 2020-2025 Southside Green Zone Work Plan and work with the Southside Green Zone Council as part of final design of the proposed project.

As stated earlier in this response to comments, Policy 61 of the City's 2040 Plan strongly affirms its commitment to environmental justice. The project proposer agrees that the residents of the East Phillips neighborhood, primarily BIPOC, have been disproportionately affected and are uniquely vulnerable to the effects of pollution, and that the site is located in an environmental justice area and is included in the City's designated Southside Green Zone.

During the preparation of the EAW, the project proposer elected to focus on identification and mitigation efforts of potential environmental impacts. The project proposer acknowledges that it should have better emphasized or expanded upon discussions concerning environmental justice and Green Zone issues in Items 6 and 9 of the EAW. The project proposer hopes that its responses throughout this document illustrate the project proposer's commitment to environmental justice and the designated Southside Green Zone. As final plans are prepared, the project proposer looks forward to continuing this dialogue with the public to design a project beneficial to the community.

The project proposer is committed to working with residents of the East Phillips neighborhood and other interested parties to address questions and concerns regarding the potential environmental impacts associated with the proposed project. Although this is an expansion of an existing industrial facility, the project proposer would like to stress that the expansion will vastly improve a blighted property within the East Phillips Neighborhood while complying with federal, state and local environmental regulations.

Comment: Cumulative Environmental Impacts

The CNA states that the EAW does not sufficiently address cumulative environmental impacts relative to Greenhouse Gas (GHG) emissions. Although the EAW states that a cumulative levels and effects (CL&E) evaluation is not required for the proposed project under state statutes, the City should conduct one.

Response: The project proposer will be relying on goals set in its Climate Action Plan, adopted in June 2013, as part of the final design for the proposed facility. Although the design is still underway, the project proposer will be pursuing LEED Gold Certification through the U.S. Green Building Council. This certification will involve points for exterior trespass light shielding, daylighting, energy saving mechanical system including passive solar preheaters, scalable electric vehicle charging, solar PV arrays and stormwater treatment. The project proposer will be incentivizing carpooling and use of public transportation. Stormwater will also be treated above current standards.

Refer to the current LEED for New Construction Summary Scorecard included in Attachment F of this document for planned additional sustainable design elements.

As to potential cumulative environmental impacts associated with the proposed project, cumulative potential effects related to past and present circumstances are addressed in those specific items throughout the EAW document. These items include Item 11 “Water Resources”, Item 12 “Contaminated/Hazardous Materials/Wastes”, Item 13 “Fish, Wildlife, Plant Communities and Sensitive Ecological Resources (rare features)”, Item 15 “Visual”, Item 16 “Air”, Item 17 “Noise”, and Item 18 “Transportation.” Further follow-up on these items will be addressed through the CL&E analysis required by the MPCA prior to issuance of the Construction Stormwater NPDES General Permit. No plans for future projects in the area of the proposed project are known at this time.

While the EAW sufficiently addressed cumulative potential effects, comments on the EAW provided by the MPCA in a letter dated March 10, 2021, (see **Public Agency Comments/Response section of this Response to Comments**) stated that the MPCA now requires that any MPCA permit, not just an air emissions permit, for a given project in this project’s location triggers the need for a Cumulative Levels and Effects evaluation (CL&E). After completion of the CL&E, it must be submitted to the MPCA for review. The project proposer will not be able to apply for any MPCA permits necessary for the proposed project to move forward until the MPCA determines that the CL&E is adequate.

Since the proposed project requires an MPCA Construction Stormwater NPDES Permit, the project proposer will need to perform a CL&E evaluation prior to obtaining this permit. It is anticipated that the above requested analyses will be included in the required CL&E evaluation. The project proposer will work closely with the MPCA to define the scope and complete this CL&E evaluation.

5. University of Minnesota Environmental and Energy Law Society (EELS)

The EELS states that it is providing comments to express its concerns with the EAW and voice its support of the preparation of an Environmental Impact Statement (EIS). It further expresses its preference that the City stop the advancement of the proposed project. The EELS offered several comments on the EAW and each comment, followed by a response, is presented below.

Comment: Environmental Justice Is Not Addressed

The EELS states that the East Phillips neighborhood is recognized as an environmental justice community by the State of Minnesota. The EAW failed to acknowledge this fact that East Phillips is a recognized environmental justice community and is consistently ranked as having some of the worst air quality in Minnesota, in addition to the high levels of toxicity in the soil from arsenic, antimony, and other chemicals. Accordingly, the EELS believes that a complete EIS is necessary in order to adequately consider the environmental impacts of this Project on the residents of East Phillips.

Response: As stated earlier in this response to comments, Policy 61 of the City’s 2040 Plan strongly affirms its commitment to environmental justice. The project proposer agrees that the residents of the East Phillips neighborhood, primarily BIPOC, have been disproportionately affected and are uniquely vulnerable to the effects of pollution, and that the site is located in an environmental justice area and is included in the City’s designated Southside Green Zone.

During the preparation of the EAW, the project proposer elected to focus on identification and mitigation efforts of potential environmental impacts. The project proposer acknowledges that it should have better emphasized

or expanded upon discussions concerning environmental justice and Green Zone issues in Items 6 and 9 of the EAW. The project proposer hopes that its responses throughout this document illustrate the project proposer's commitment to environmental justice and the designated Southside Green Zone. As final plans are prepared, the project proposer looks forward to continuing this dialogue with the public to design a project beneficial to the community.

The project proposer is committed to working with residents of East Phillips and other interested parties to address questions and concerns regarding the potential environmental impacts associated with the proposed project. Although this is an expansion of an existing industrial facility, the project proposer would like to stress that the expansion will vastly improve a blighted property within the East Phillips Neighborhood while complying with federal, state and local environmental regulations.

Although addressing the public concerns regarding potential environmental impacts has also been paramount to the project proposer, the project proposer believes these concerns can be addressed through on-going engagement with the community. For the reasons explained in the EAW and addressed in these comments, the project proposer does not believe the project presents the potential for significant environmental effects or otherwise meets EIS thresholds and so an EIS is not necessary.

Comment: Cumulative Potential Effects are Not Addressed

The EELS states that the EAW does not adequately address the potential for cumulative environmental effects from the proposed project under Item 19 and identifies the following Items in the EAW that it states fail to adequately address cumulative potential effects from the proposed project.

- Item 9: Land Use
- Item 10: Geology, soils and topography/land forms
- Item 11: Water Resources
- Item 12: Contamination/Hazardous Materials/Waste
- Item 13: Fish, Wildlife, Plant Communities, and Sensitive Ecological Resources
- Item 14: Historic Properties
- Item 15: Visual
- Item 16: Air
- Item 17: Noise
- Item 19: Cumulative Potential Effects

Without taking a "hard look" at potential cumulative effects, the EAW cannot be considered a complete document.

Response: As to potential cumulative environmental impacts associated with the proposed project, cumulative potential effects related to past and present circumstances are addressed in those specific items throughout the EAW document. These items include Item 11 "Water Resources", Item 12 "Contaminated/Hazardous Materials/Wastes", Item 13 "Fish, Wildlife, Plant Communities and Sensitive Ecological Resources (rate features)", Item 15 "Visual", Item 16 "Air", Item 17 "Noise", and Item 18 "Transportation." Further follow-up on these items will be addressed through the CL&E analysis required by the MPCA prior to issuance of the Construction Stormwater NPDES General Permit. No plans for future projects in the area of the proposed project are known at this time.

While the EAW sufficiently addressed cumulative potential effects, comments on the EAW provided by the MPCA in a letter dated March 10, 2021, (see **Public Agency Comments/Response section of this Response to**

Comments) stated that the MPCA now requires that any MPCA permit, not just an air emissions permit, for a given project in this project’s location triggers the need for a Cumulative Levels and Effects evaluation (CL&E). After completion of the CL&E, it must be submitted to the MPCA for review. The project proposer will not be able to apply for any MPCA permits necessary for the proposed project, including demolition, to move forward until the MPCA determines that the CL&E is adequate.

Since the proposed project requires an MPCA Construction Stormwater NPDES Permit, the project proposer will need to perform a CL&E evaluation prior to obtaining this permit. It is anticipated that the above requested analyses will be included in the required CL&E evaluation. The project proposer will work closely with the MPCA to define the scope and complete this CL&E evaluation.

Comment: Impacts on Endangered Species are Not Addressed

The EELS is concerned that the EAW does not adequately consider impacts to the habitat of an endangered local bee (the rusty patched bumble bee), one that serves a critical role in the overall health of the urban ecosystem. It therefore requests that a complete EIS be undertaken to determine what effects, if any, this project may have on protected bee populations in and around East Phillips.

Response: The response from the DNR indicated that it did not consider the proposed project a threat to known state-listed threatened or endangered species. The project proposer has reviewed information that indicated the project was in a low potential zone for the rusty patched bumble bee and was not likely to be present. Having said that, discussion under Item 15 of the EAW discusses preliminary landscape plans for the proposed project. The proposed project will incorporate significantly more greenspace and landscaping surrounding the site border and within the site boundaries than currently exists. Trees, shrubs and other pollinator-friendly planting and landscape features will be incorporated into an employee patio that will include a water feature with an outdoor picnic/gathering area. With selection of the right plants, the proposed project will provide a much better habitat for the rusty patch bumble bee than current conditions at the site.

Comment: Failure to Address These Concerns Reflects Prejudice Toward the Final Decision, in Likely Violation of the Minnesota Environmental Policy Act, Minn. Stat. § 116D.04

The EELS stated that because the City has invested significant funds into the design of this project already, it is concerned that these investments could prejudice the RGU’s decision to move ahead with the project without giving the proper consideration to the environmental and community concerns. The EELS requests that the City remove itself as the RGU on this proposed project.

Response: Upon making the decision to prepare this EAW, EPNI did reach out to the EQB and requested that the MPCA be assigned as the RGU. However, the EQB determined that the City should be the RGU. Therefore, the City did not choose to be the RGU for this proposed project; it was chosen by the EQB. This is standard for many other public projects where the proposer has been selected by the EQB as the RGU.

With respect to potential prejudice, the project proposer has noted elsewhere in these comments that the design has not progressed to the point where concerns raised would be taken into account. It is difficult to reconcile that early stage of the process with concerns regarding prejudice as to the outcome.

6. Southside Green Zone (SSGZ) Council

The SSGZ Council was designated by the Minneapolis City Council and the community is eager to see the City take action in accordance with the values and goals established by the Green Zone resolution to protect the

health and well-being of overburdened residents. The SSGZ Council is submitting four (4) main comments. They include the following:

- Acknowledgement of environmental justice/Green Zone
- Analysis of vehicle emissions and off-road mobile pollution sources
- Cumulative impact analysis
- Community engagement in the TDMP and EAW

Comment: Acknowledgement of Environmental Justice/Green Zone

The SSGZ Council states that the EAW fails to acknowledge that the proposed project lies within an environmental justice area and the City designated Southside Green Zone. The SSGZ Council emphasizes that the Southside Green Zone was designated, along with the Northside Green Zone, to acknowledge the “disproportionate burden of environmental pollution, racial discrimination and economic and political vulnerability experienced by the residents of the Phillips community and North Minneapolis. The environmental injustice faced by BIPOC communities is also acknowledged in Policy 61 of the City’s 2040 Plan.

Response: As stated earlier in this response to comments, Policy 61 of the City’s 2040 Plan strongly affirms the project proposer’s commitment to environmental justice. The project proposer agrees that the residents of the East Phillips neighborhood, primarily BIPOC, have been disproportionately affected and are uniquely vulnerable to the effects of pollution, and that the site is located in an environmental justice area and is included in the City’s designated Southside Green Zone.

During the preparation of the EAW, the project proposer elected to focus on identification and mitigation efforts of potential environmental impacts. The project proposer acknowledges that it should have better emphasized or expanded upon discussions concerning environmental justice and Green Zone issues in Items 6 and 9 of the EAW. The project proposer hopes that its responses throughout this document illustrate the project proposer’s commitment to environmental justice and the designated Southside Green Zone. As final plans are prepared, the project proposer looks forward to continuing this dialogue with the public to design a project beneficial to the community.

The project proposer is committed to working with residents of East Phillips and other interested parties to address questions and concerns regarding the potential environmental impacts associated with the proposed project. Although this is an expansion of an existing industrial facility, the project proposer would like to stress that the expansion will vastly improve a blighted property within East Phillips while complying with federal, state and local environmental regulations.

Comment: Analysis of vehicle emissions and off-road mobile pollution sources

The SSGZ Council states that the EAW provides information on the increase in emissions from stationary sources and the increase in traffic volume due to the proposed expansion, however, it does not include an analysis of on-site mobile sources and the relative increase in emission from the current to the proposed conditions. Prior to accepting the EAW as complete, the SSGZ Council would like to see the following information included:

- Quantitative analysis of mobile source emissions
- Mitigation of idling vehicle emissions
- Emissions from off-road mobile sources

Response: comments on the EAW provided by the MPCA in a letter dated March 10, 2021, (see **Public Agency Comments/Response section of this Response to Comments**) stated that the MPCA now requires that any MPCA permit, not just an air emissions permit, for a given project in this project’s location triggers the need for a Cumulative Levels and Effects evaluation (CL&E). After completion of the CL&E, it must be submitted to the MPCA for review. The project proposer will not be able to apply for any MPCA permits necessary for the proposed project, including demolition, to move forward until the MPCA determines that the CL&E is adequate.

Since the proposed project requires an MPCA Construction Stormwater NPDES Permit, the project proposer will need to perform a CL&E evaluation prior to obtaining this permit. It is anticipated that the above requested analyses will be included in the required CL&E evaluation. The project proposer will work closely with the MPCA to define the scope and complete this CL&E evaluation.

Comment: Cumulative Impact Analysis

The SSGZ Council requests that the City conduct a CL&E evaluation for the proposed project.

Response: See response to previous comment.

Comment: Community engagement in the TDMP and EAW

While a public meeting on the EAW is not required, the SSGZ Council requests that the City meet with residents and organizations in the proposed project area to discuss the EAW and TDMP as well as a stronger environmental impact statement.

Response: The project proposer is committed and will continue to work with residents of East Phillips and other interested parties to address questions and concerns regarding the potential environmental and transportation related topics associated with the proposed project.

INDIVIDUAL PUBLIC COMMENTS/RESPONSES

A total of 1,053 individual public comments were received during the public comment period for this EAW. Many of the individual comments shared similar questions and concerns and were submitted in similar format. To respond efficiently and avoid repetition, each public comment was reviewed and placed in one or more of eight categories as summarized in the following table. Due to the length of the comments and supporting information, comments have been summarized.

Code	Category	Number of Comments
A	Simple Objection – Environmental Impact Statement (EIS)	920
B	Threat of Existing Impacts	541
C	Additional Impacts	520
D	Cumulative Impacts	503
E	Environmental Justice/Green Zone	773
F	Roof Depot	661
G	Transportation	25
H	Project Supportive Comments	2

The following section provides a summary of these comments and responses to them (Exhibit E/Attachment C of this Response to Comments includes the complete comment).

Category A: Simple Objection

Comment Summary: Although most of the public comments received included questions and concerns that were identified under one or more additional categories, all except those offering project support (Category H) objected to the project moving forward without at least the completion of an EIS.

Response: The project proposer is committed to working with residents of the East Phillips Neighborhood and other interested parties to address questions and concerns regarding the potential environmental impacts associated with the proposed project. This expansion of an existing industrial facility will improve a blighted property within the East Phillips Neighborhood while complying with federal, state and local environmental regulations.

As noted in Item 4 of the EAW, its preparation was initiated voluntarily by the City following receipt of a citizen petition. In an effort to continue to engage the community in this on-going conversation and continue to identify public concerns, the City self-initiated the EAW process to provide an additional forum for input from the public and to drive additional conversations regarding the potential environmental impacts of the proposed project.

Mandatory EAW categories are listed in Minnesota Rule 4410.4300. Subpart 14 states that for construction of a new, or expansion of an existing, industrial, commercial or institutional facility in a first-class city that is for warehousing or light industrial use that is equal to or greater than 600,000 square feet, an EAW is required. For an existing industrial, commercial or institutional facility in a first-class city other than warehousing or light industrial that is equal to or greater than 400,000 square feet, an EAW is required.

Mandatory EIS categories are listed in Minnesota Rule 4410.4400. Subpart 11 states that for construction of a new, or expansion of an existing, industrial, commercial or institutional facility in a first-class city that is for warehousing or light industrial use that it is equal to or greater than 1,500,000 square feet, an EIS is required. For an existing industrial, commercial or institutional facility in a first-class city other than warehousing or light industrial that is equal to or greater than 1,000,000 square feet, an EIS is required.

Addressing the public concerns regarding potential environmental impacts has also been paramount to the project proposer, and the project proposer believes these concerns can be addressed through on-going engagement with the community. However, this expansion does not fall under either the mandatory EAW or EIS categories, as it is for an expansion of an existing industrial use and is a total of 328,000 square feet. Because this project will not otherwise have the potential for significant environmental effects, an EIS is not necessary.

Category B: Threat of Existing Impacts

Comment Summary: Many of the public comments included concerns over the presence of existing contamination at the site and the potential environmental effects caused by interaction with this contamination during the proposed project. Specifically, this concern is for the potential disbursement of contaminants during construction that comments suggest may expose nearby residents and community members to specific contaminants. Preexisting contamination referred to in many of the comments included arsenic contamination in soils at the Roof Depot property, regional arsenic/antimony contamination in the groundwater and asbestos within the Roof Depot building. In addition, as stated in Item 12 of the EAW, the existing Public Works facility has a history of petroleum leaks that, although investigated and closed in accordance with MPCA requirements, likely resulted in residual contamination remaining on the site. There is also a documented history of contamination in the area due to historic operations of the adjacent CMC Heartland site.

Response: As discussed in Item 12 on page 25 of the EAW, site redevelopment offers an opportunity for the project proposer to further address existing contamination at the site and reduce the potential exposure to residents of surrounding neighborhoods as well as on-site workers. Both the existing Public Works facility and Roof Depot property have been enrolled, or are currently enrolled, in MPCA Voluntary Brownfields (VB) and/or the Minnesota Department of Agriculture Voluntary Investigation and Cleanup (AgVIC) programs. The purpose of entry into these programs is to work in partnership with the appropriate regulatory agency(ies) to facilitate the proper management, and documentation, of contaminated materials known prior to and/or discovered during redevelopment activities.

As stated in the EAW under Item 12, the long-term presence of numerous petroleum storage tanks and closed leak files indicate the potential for residual petroleum impacts in soil, groundwater and soil vapors on the northern portion of the site, which houses the existing HMF facility. Residual impacts identified as part of the past leaks appear to be minor and each leak has been “closed” after review of the investigation results by the MPCA.

As indicated in recent investigations on the southern portion of the site, which previously housed the Roof Depot facility, impacts were identified in soil, groundwater and soil vapors. Soil impacts consisted of debris (i.e., concrete, metal, brick, coal, clinkers, ash, slag, porcelain and glass), diesel range organics (DRO), gasoline range organics (GRO), benzene, polycyclic aromatic hydrocarbons (PAHs), and arsenic were identified in soils; TCE, arsenic and antimony in groundwater; and various VOCs in soil vapors.

As part of site redevelopment, areas of contaminated soils, groundwater and soil vapors will need to be defined and managed properly during construction. The VB and AgVIC Program procedures will require the preparation of a Response Action Plan/Construction Contingency Plan (RAP/CCP), reviewed and approved by the MPCA and/or MDA. The RAP/CCP will provide protocols for the management of contaminated soil, groundwater and/or soil vapors encountered during construction activities in a manner that is not only safe for the surrounding community, but also safe for construction workers and facility occupants after construction. This will require daily, on-site, air quality monitoring in the breathing zone of on-site workers and around the perimeter of the on-site work area when working in areas of impacted and potentially-impacted soils. This monitoring will be completed by trained, environmental professionals.

The project proposer will continue to investigate and manage contaminated materials identified prior to and/or encountered during construction of the proposed project through the VB and/or AgVIC programs as required. Ultimately, an MPCA and/or MDA approved RAP/CCP will be prepared and implemented to ensure all contaminated materials encountered during construction are managed in a way that protects human health and the environment.

In the state of Minnesota, building demolition and/or renovation activities are regulated under state (Minnesota Rule 7035.0805) and federal (National Emission Standard for Asbestos – NESHAP and Repair, Renovation, and Painting Rule – PRP) rules, enforced by the MPCA, the Minnesota Department of Health (MDH) and the Environmental Protection Agency. This includes requirements for the identification and abatement of asbestos containing materials (ACM) and hazardous materials (mercury light switches, fluorescent light bulbs/ballasts, lead-based paint, PCBs, etc.) prior to and during demolition of structures. Companies and individuals performing investigation and mitigation activities are required to be certified by the appropriate regulatory agencies.

Abatement of the Roof Depot building, that would be required before either demolition or renovation, was completed in the spring of 2020 in accordance with the above-mentioned requirements. However, prior to demolition, additional testing will be required to be performed on components of the structure that were inaccessible during the previously completed investigation and abatement activities. If determined to be ACM, these components will be abated in accordance with the above-mentioned rules. Also, as a structure is demolished, it is not uncommon to discover ACM that was not previously identified. Demolition contractors employ certified personnel trained to react in accordance with the above-mentioned rules. Any additional renovation and/or demolition to be performed as part of the proposed project will be subject to the above-mentioned rules for investigation and abatement.

Minnesota Rule 7035.0805, NESHAP and the PRP rules are developed for the protection of workers performing the investigation and abatement work as well as other nearby individuals who may be affected. By adhering to these rules during the proposed project, the project proposer anticipates no harmful exposure to residents of the community.

Category C: Additional Impacts

Comment Summary: Many of the public comments included concerns and questions over the potential for the proposed project to increase environmental impacts during operations. This concern relates to potential exposure of residents to air emissions from vehicle operations, air emissions from stationary sources, and the potential for increased noise. In addition, many comments stated that the EAW did not address potential climate change impacts from the proposed project.

Response:

Vehicle and Stationary Source Air Emissions - As discussed in Item 16.a of the EAW, the project proposer identified the need to evaluate operations at the proposed facility to determine whether an air permit would be required by the MPCA for the proposed project. Historically, per Minnesota Statutes §116.07, the MPCA required a Cumulative Levels and Effects evaluation (CL&E) in the area of this project only if an air permit was required for a proposed project. This CL&E requires that other existing and known proposed projects in the area be evaluated in addition to the proposed project for their cumulative effects on the environment.

After MPCA review of the project proposer's Air Permit Assessment Report, in a letter dated February 2, 2021, the MPCA concurred with the project proposer's findings and determined that an air permit would not be required for the proposed project. Receipt of this letter was not timely enough to include this discussion in the published EAW, but a copy is included in Attachment D.

While the EAW sufficiently addressed cumulative potential effects, comments on the EAW provided by the MPCA in a letter dated March 10, 2021, (see **Public Agency Comments/Response section of this Response to Comments**) stated that the MPCA now requires that any MPCA permit, not just an air emissions permit, for a given project in this project's location triggers the need for a Cumulative Levels and Effects evaluation (CL&E). After completion of the CL&E, it must be submitted to the MPCA for review. The project proposer will not be able to apply for any MPCA permits necessary for the proposed project to move forward, including demolition, until the MPCA determines that the CL&E is adequate.

Since the proposed project requires an MPCA Construction Stormwater NPDES Permit, the project proposer will need to perform a CL&E evaluation prior to obtaining this permit. It is anticipated that the above requested analyses will be included in the required CL&E evaluation. The project proposer will work closely with the MPCA to define the scope and complete this CL&E evaluation.

Noise - In addition to proposed City noise mitigation methods, comments on the EAW provided by the MPCA in its March 10, 2021, letter (see **Public Agency Comments/Response section of this Response to Comments**) provided recommendations and considerations for the City relative to the evaluation of potential noise levels from the proposed project. Although the MPCA indicated that post-construction noise levels may be similar to noise levels generated by the existing facility, the MPCA suggested that the City perform a baseline noise study to develop an understanding of existing ambient noise levels to assist with an overall understanding of the proposed project's effect on noise levels in the area.

The project proposer intends to evaluate the feasibility of developing a baseline ambient noise study that will help predict the need for any noise mitigation efforts associated with the new project, in addition to those already proposed in the EAW (see Item 17 of the EAW).

Potential Climate Change Impacts - The project proposer has been considering goals laid out in the City's Climate Action Plan as part of the final design for the proposed facility. Although the design is still in its preliminary stages, the project proposer will be pursuing Leadership in Energy and Environmental Design (LEED) Gold Certification through the U.S. Green Building Council. This certification will involve points for exterior trespass light shielding, daylighting, energy saving mechanical system including passive solar preheaters, scalable electric vehicle charging and solar PV arrays. The project proposer will be incentivizing carpooling and use of public transportation. As part of the LEED Gold Certification, and in cooperation with the Mississippi Watershed Management Organization, stormwater will also be treated above current standards.

Refer to the current LEED for New Construction Summary Scorecard included in Attachment F of this document for planned additional sustainable design elements.

Category D Cumulative Impacts

Comment Summary: Many of the public comments included concerns and questions over the potential cumulative effects the project may have on its environmental impact. This concern reflects potential environmental impacts from the proposed project to add to environmental impacts experienced because of other industrial facilities and operations in the area of the proposed project. Many of the comments identified specific facilities and operations of concern including Smith Foundry, Bituminous Roadways and vehicle emissions from Hiawatha Avenue (TH 55).

Response: As to potential cumulative environmental impacts associated with the proposed project, cumulative potential effects related to past and present circumstances are addressed in those specific items throughout the EAW document. These items include Item 11 "Water Resources", Item 12 "Contaminated/Hazardous Materials/Wastes", Item 13 "Fish, Wildlife, Plant Communities and Sensitive Ecological Resources (rare features)", Item 15 "Visual", Item 16 "Air", Item 17 "Noise", and Item 18 "Transportation." Further follow-up on these items will be addressed through the CL&E analysis required by the MPCA prior to issuance of the Construction Stormwater NPDES General Permit. No plans for future projects in the area of the proposed project are known at this time.

While the EAW sufficiently addressed cumulative potential effects, comments on the EAW provided by the MPCA in a letter dated March 10, 2021, (see **Public Agency Comments/Response section of this Response to Comments**) stated that the MPCA now requires that any MPCA permit, not just an air emissions permit, for a given project in this project's location triggers the need for a Cumulative Levels and Effects evaluation (CL&E). After completion of the CL&E, it must be submitted to the MPCA for review. The project proposer will not be

able to apply for any MPCA permits necessary for the proposed project to move forward, including demolition, until the MPCA determines that the CL&E is adequate.

Since the proposed project requires an MPCA Construction Stormwater NPDES Permit, the project proposer will need to perform a CL&E evaluation prior to obtaining this permit. It is anticipated that the above requested analyses will be included in the required CL&E evaluation. The project proposer will work closely with the MPCA to define the scope and complete this CL&E evaluation.

Category E: Environmental Justice/Green Zone

Comment Summary: Many of the public comments included concerns and questions over the lack of emphasis of the East Phillips Neighborhood being classified as an Environmental Justice area as well as a City of Minneapolis designated Green Zone.

Response: The East Phillips Neighborhood is located in an Environmental Justice Zone and is located in the City's designated Southside Green Zone. During the preparation of the EAW, the project proposer focused on identification and mitigation efforts of potential environmental impacts. The project proposer acknowledges that it could have better emphasized or expanded upon the opportunities the proposed project provides the surrounding neighborhood discussed in Item 6 of the EAW. The City reaffirms its commitment to Environmental Justice and the designated Southside Green Zone. As final plans are prepared, the project proposer looks forward to continuing this dialogue with the public in order to ensure a project beneficial to the community.

Category F Roof Depot

Comment Summary: Many of the comments included support for the use of the Roof Depot property as an Urban Farm proposed by the East Phillips Neighborhood Institute (EPNI). Many of these comments stated that the City should sell the Roof Depot site to EPNI.

Response: The City purchased the former Roof Depot property in an arms-length transaction for market value in 2016 after authorization from the Minneapolis City Council. As stated in the EAW, the purchase was necessary to accommodate the relocation of its aging water and sewer facilities in other locations of Minneapolis. As stated in Item 6.a of the EAW, the City has been conducting "on-going efforts to increase the efficiency of facility operations and provide value for residents and customers, as well as improve working conditions for employees, over the years the City has been upgrading facilities and consolidating operations of maintenance facilities located throughout the City." As stated previously, the proposed project will also provide opportunities for the surrounding neighborhoods.

Without comment on the likelihood of sale of this property, in response to the many comments stating that the City should sell the Roof Depot site to EPNI, the following describes the City process for sale of City-owned property.

Sale of property owned by the City and used for any municipal operation or service the City has determined to be no longer needed is governed by Minneapolis Code of Ordinances Title 2, Chapter 14, Section 120 – Sale of City Lands and Buildings Used for Municipal Operations. The City must first notify other designated City departments, and other local governmental offices, of the proposed sale and allow them to determine if there is another public need for the property. If, after 30 calendar days, no local public agencies respond with interest in the property, it will be designated "excess property" which allows the property to be sold. City staff charged with coordination of the sale presents an estimate of the property's value and a proposed method of sale

including private sale, RFP process or public sale to highest bidder. Final approval for the sale of a City owned property is granted by the Minneapolis City Council.

The existing former Roof Depot building has been decommissioned and abated, and would require approximately \$3,000,000 to restore roofing, heat, electricity and plumbing for habitation.

Category G Transportation

Comment Summary: These comments state that the plan fails to have an adequate or effective plan to meet the City's goals around shifting people from driving to sustainable modes like walking, biking and transit (Transportation Action Plan).

Response: The mode share goal set in the City's Transportation Action Plan (three out of every five trips taken by walking, rolling or transit) is a city-wide goal and consequently includes all trips for all properties across the city. It is not intended to be used to set the mode share goals for a specific site or a specific trip purpose, as locations in different neighborhoods have different transportation access across the city.

The project proposer conducted a zip code analysis of where current employees live and the transportation modes available to them, which shaped the mode share goals set for this site. For example, approximately two percent of department employees that will work at the proposed site live within walking distance of the site. To achieve the initial site goal of 2 percent of employee trips made by walking will require 100 percent of employees for whom walking to work is an option to choose walking to work. It would be unrealistic to apply the citywide goal of 25 percent of trips via walking to the site since only two percent of employees live within walking distance. Likewise, 11 percent of employees currently live within a half mile of a bus stop directly serving the site or a light rail stop requiring one transfer. The initial site mode share goal of 11 percent of employee trips via transit is therefore 100 percent of employees for whom transit is a commute choice.

The project proposer is encouraging sustainable employee transportation choices through the travel demand management (TDM) strategies listed on page 1,000 of the EAW. The infrastructure and programming strategies identified in the TDM Plan focus on encouraging employees to take alternative modes of transportation with educational programming, financial incentives, and improved physical infrastructure on site, including new connections to the Midtown Greenway and bicycle storage, showers and lockers for employees.

Comment Summary: These comments state that the plan fails to provide an analysis of how consolidating multiple Public Works facilities into a single site will increase or decrease vehicle miles traveled (Minneapolis 2040 Comprehensive Plan).

Response: The Minneapolis Public Works Department commissioned a study in 2013 to compare two proposed sites for the Water Division's relocation. HGA, Inc. conducted the study and concluded the Hiawatha site would result in significantly reduced vehicle miles traveled (-38 percent) and transportation operating costs (-35 percent) due to the fact that the Hiawatha site is centrally located in the City. This would result in approximately 57,000 fewer vehicle miles traveled (VMT) each year and reduce transportation operating costs annually by \$85,000 for the Water Division. Applying these amounts for a 50-year long-term Public Works investment decision results in VMT reduced by 2.85 million miles and saves \$4.25 million in transportation operating costs. Refer to Attachment E for a copy of City of Minneapolis Water Distribution Services Center Location Workflow Analysis Report prepared by HGA Architects dated July 2, 2013.

Comment Summary: These comments state that the plan fails to prioritize people walking, rolling, biking, and using transit above commuter vehicles and trucks (Complete Streets Policy).

Response: The project proposer acknowledges that the site will generate additional vehicle and truck traffic with the consolidation of public works services on site. The TDMP outlines potential Complete Streets strategies to address this concern (pg. 1023). Several short-term strategies were identified that may be accomplished over the 1 to 5-year time frame. All of these strategies need further engagement and community input. The TDMP recommends multiple improvements to the active transportation network to provide additional separation between people walking/biking and vehicles, while improving safety and connections between neighborhood residents and surrounding active transportation resources, such as the Midtown Greenway. The project proposer will continue partnering with other transportation agencies (Hennepin County and MnDOT) on Complete Streets improvements in the area.

The project proposer will also implement operational standards to minimize fleet vehicles traveling on nearby residential streets navigating to/from the site, including limiting turning movements into and out of the site as well as at nearby intersections.

Comment Summary: These comments state that certain of the project's proposed sustainable improvements – such as providing transit passes to some employees free of charge, and the traffic calming measures around the site – are outstripped by the site's massive investment in parking.

Response: The proposed parking ramp will serve as parking and storage of public works fleet vehicles, equipment and employees traveling by various modes. The proposed surface parking will primarily serve public works fleet vehicle storage and visitor parking. The project proposer acknowledges the concern around increased parking capacity but has undertaken significant analysis to reduce the number of parking spaces included in the site plan. As outlined in the TDMP, the project proposer worked to reduce parking needs by considering shared parking and dual use spaces, employee out-of-office time, alternative commute modes, remote office and field work, split shifts, and flex workdays. This combination of factors led to a 31 percent reduction in employee parking needs from the original internal estimate.

Comment Summary: These comments expressed concern about large semi-trucks parking on neighborhood streets, affecting street quality, neighborhood aesthetics, and pollution.

Response: The proposed site is designed to have a minimal impact on the surrounding neighborhood from a traffic and vehicle storage perspective. Outside of minimal vehicle staging during the site's construction process, any vehicle storage needs will be contained within the site. Parking of employee or fleet vehicles on neighborhood streets would not be allowed. The site is also designed with green infrastructure and natural visual barriers along the perimeter to provide improved visual and noise screening of the site – an improvement from the chain-link fencing present on-site today. The project proposer is also working through options for turn restrictions or recommended vehicle movements for fleet vehicles coming and going from the site to minimize any negative impact on the surrounding neighborhood streets. The project proposer is already committing to closing the 27th Street site access (except for emergency use) and is exploring additional movement restrictions.

Comment Summary: These comments suggest that locating the facility at the juncture of light rail and a greenway line, street crossing for bicycles about which they had preexisting safety concerns, will introduce more diesel truck traffic and cars. Because it is near some of the best clean transportation infrastructure in the city, comments suggest that it does not support the City's Transportation Action Plan to support clean modes of transit.

Response: The project proposer acknowledges that the site will generate additional vehicle and truck traffic with the consolidation of public works services on site. The City continues to modernize its fleet with new electric vehicles where practical to replace diesel vehicles. The site location in a transit and active transportation-rich environment provides an opportunity for City employees to choose cleaner modes of transit for their commutes to and from the site and when fleet vehicles are not needed. The transportation demand management strategies (see EAW Attachment H, TDMP Section 7) present the steps the project proposer will make to further this goal.

Comment Summary: These comments suggest that the location wastes the potential of the site and its greenway access.

Response: Complete Streets strategies included in the TDMP include short-term safety and connectivity improvements between the Midtown Greenway, the site, and the neighborhood to the west of the site. A proposed two-way bikeway on the north side of 28th Street would provide increased Greenway access for residents around the site. Community use of the greenway will be enhanced by a new public drinking fountain and bicycle repair station at the 28th Street and Midtown Greenway crossing. Improving direct site access to the Greenway will also promote greater employee use of active transportation, as well as for employees and guests visiting the proposed recruitment and training center.

Comment Summary: These comments suggest that the EAW inadequately addresses the cumulative impact on local traffic.

Response: The site is designed to have minimal impact on the surrounding neighborhood from a traffic and vehicle storage perspective. Parking of employee and/or fleet vehicles on neighborhood streets would not be allowed. To minimize any negative impact on the surrounding neighborhood streets, the project proposer is working through options for turn restrictions or recommended vehicle movements for fleet vehicles coming to and going from the site. The project proposer has already committed to closing the 27th Street site access (except for emergency use) and is exploring additional movement restrictions.

As part of the EAW, a traffic impact analysis was performed to identify potential impacts to area traffic. The traffic impact analysis calculated the traffic volumes at the surrounding intersections for future traffic conditions regardless of site development. The traffic impact analysis also included a capacity analysis at study intersections for the current conditions and the future conditions with the proposed site traffic. The analysis revealed current capacity issues at some of the study intersections and that the additional site traffic does not significantly increase the vehicle delay at these intersections.

The project traffic on the adjacent roadways and intersections is not anticipated to significantly increase the total traffic. For example, on East 26th Street north of the site, the site traffic in the AM peak hour is anticipated to be four percent of the AM peak hour traffic on East 26th Street. In the PM peak hour, the total traffic on East 26th Street will decrease with the site due to the rerouting of existing site trips. On East 28th Street between the site access and Hiawatha Avenue, the site traffic in the AM peak hour is approximately 17 percent of the background peak hour traffic and in the PM peak hour, the site traffic is anticipated to be two percent of the background peak hour traffic.

Category H Project Supportive Comments

Comment Summary: Two comments in support of the proposed project were received. In general, supportive comments stated that the property is in need of environmental cleanup and provide new facilities that would be a valuable asset to the community including the community space and the recruitment and training center.

Response: Comments noted.

V. ISSUES IDENTIFIED IN THE EAW

An unprecedented amount of comments were received for this EAW. The themes of the comments received include cumulative environmental impacts, environmental justice, the need for an Environmental Impact Statement, contamination, stormwater management, noise and transportation. All of the comments have been responded to and can be found in Exhibit E.

VI. COMPARISON OF POTENTIAL IMPACTS WITH EVALUATION CRITERIA

In deciding whether a project has the potential for significant environmental effects and whether an Environmental Impact Statement (EIS) is needed, the Minnesota Environmental Quality Board rules (4410.1700 Subp. 6 & 7) require the Responsible Governmental Unit (RGU), the City of Minneapolis in this circumstance, to compare the impacts that may be reasonably expected to occur from the project with four criteria by which potential impacts must be evaluated. The following is that comparison:

A. Type, extent, and reversibility of environmental effects:

The environmental effects identified in the petition are visual, localized, and can be mitigated through the City's existing formal development review process. This process captures and evaluates development proposals not only from a Planning perspective, which encompasses community planning, heritage preservation and development services analysis, but also includes evaluations by the Public Works Department related to stormwater management, water and sewer design, traffic, streets, right-of way, etc., the Construction Code Services Division of CPED related to building code review and inspections, and the various utility companies. The project will also be reviewed for compliance with federal, state and local environmental regulations.

B. Cumulative potential effects:

All future development within the area will be considered through the City's development review process; either administratively or through a public hearing process. This has and will continue to allow the City to manage potential cumulative effects of future development within the vicinity and throughout the City as a whole. The project will be required to conduct a Cumulative Levels and Effects evaluation (CL&E) required by the Minnesota Pollution Control Agency.

C. Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority

The City has discretionary authority through its development review process, and the City and State have authority through the permit approvals required for this project to address, mitigate or avoid the environmental effects identified in the EAW and the comment letters.

The City's development review process is comprehensively administered by City Staff and implemented by experienced Commissions and the City Council. Any potential environmental effects are mitigated by the City's development review process. It is important to note that City Staff, the Heritage Preservation Commission and the City Planning Commission consider the context, character, and compatibility of new development.

D. 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, including other EISs:

A project of this type within an urban setting is neither unique nor unanticipated. Residential, commercial and mixed-use developments that have been significantly more intense than the proposed project have been the subject of EAWs and EISs as well as the City's development review process. Based on these studies, the environmental effects of this project can be anticipated and controlled by the City's development review process.

VII. DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT

Based on the EAW, the "Findings of Fact and Record of Decision" document, and related documentation for this project, the City of Minneapolis, as the (RGU) for this environmental review, concludes the following:

1. The Environmental Assessment Worksheet, the "Findings of Fact and Record of Decision" document, and related documentation for the Hiawatha Maintenance Facility Expansion were prepared in compliance with the procedures of the Minnesota Environmental Policy Act and Minn. Rules, Parts 4410.1000 to 4410.1700 (2009).
2. The Environmental Assessment Worksheet, the "Findings of Fact and Record of Decision" document, and related documentation for the project have satisfactorily addressed all of the issues for which existing information could have been reasonably obtained.
3. The project does not have the potential for significant environmental effects based upon the above findings and the evaluation of the following four criteria (per Minn. Rules, Parts 4410.1700 Subp. 7):
 - Type, extent, and reversibility of environmental effects;
 - Cumulative potential effects;
 - Extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority;
 - 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, including other EISs.
4. The finding by the City that the EAW is adequate and no EIS is required provides no endorsement, approval or right to develop the proposal and cannot be relied upon as an indication of such approval. This finding allows the proposer to formally initiate the City's process for considering the specific discretionary permissions necessary for redevelopment, and for the City in this process, informed by the record of the EAW, to identify and encourage the elements for compatible redevelopment, and assure their implementation at this site.

Consequently, the City does not require the development of an Environmental Impact Statement (EIS) for the project.

Exhibits:

- A. Project Description
- B. Record of Decision
- C. Public Notification Record
- D. Council/Mayor Action
- E. Comments Received

EXHIBIT A

Project Description

This EAW studies the proposed Hiawatha Maintenance Facility Expansion located at 1911 East 26th Street, 1860 East 28th Street and 2717 Longfellow Avenue in Minneapolis. The Minneapolis Public Works Department is proposing to expand their Hiawatha Maintenance Facility, located at 1911 East 26th Street, into the property immediately to the south. This will involve the relocation and consolidation of water distribution maintenance office, shop, yard and vehicle/equipment storage functions, and sewer and stormwater office staff from elsewhere, requiring the demolition of the former Roof Depot warehouse building, and construction of approximately 328,000 square feet of new buildings, and parking (surface and structured) for an additional 360 City and personal vehicles.

EXHIBIT B

Environmental Review Record for the Hiawatha Maintenance Facility Expansion EAW

Date	Action
02/09/2021	City Staff distributes EAW to official EQB mailing list and Project List. EAW is posted on the City's website.
02/09/2021	Minnesota Environmental Quality Board (EQB) publishes notice of availability in <i>EQB Monitor</i> and the 30-day comment period commences.
03/08/2021	Granted a request to extend the 30-day comment period for an additional two weeks, until March 25, 2021.
03/16/2021	Minnesota Environmental Quality Board (EQB) publishes notice of the two-week extension for the 30-day comment period in <i>EQB Monitor</i> .
03/25/2021	EAW public comment period closes.
04/05/2021	Minn. R. 4410.1700, subd. 2a(B) permits the RGU to postpone the decision on the need for an EIS in order to obtain information necessary to a reasoned decision about the potential for, or significance of, one or more possible environmental impacts. In order to reasonably review and assess the information provided in this unprecedented amount of public comment, the RGU postponed the decision on the need for an EIS for an additional 30 days, until May 24, 2021.
05/04/2021	Business, Inspections, Housing & Zoning Committee of the City Council considers the "Draft Findings of Fact and Record of Decision" report, provides recommendation to the City Council.
08/20/2021	City Council approves Business, Inspections, Housing & Zoning Committee recommendation and makes a finding of Negative Declaration: EAW is adequate and no EIS is necessary.
08/23/2021	Mayor approves Council action regarding EAW.
08-28-2021	City publishes notice of Council/Mayor decision in <i>Finance and Commerce</i> .
09/07/2021	City publishes and distributes Notice of Decision and availability of final "Findings" report to official EQB List and the Project List
09/07/2021	EQB publishes Notice of Decision in <i>EQB Monitor</i> .

EXHIBIT C

Public Notification Record

The following describes the public notification process of CPED for the Hiawatha Maintenance Facility Expansion EAW:

1. The City maintains an updated list based on the Official EQB Contact List. The Hiawatha Maintenance Facility Expansion project list follows. All persons on that list were sent copies of the EAW. CPED also distributes copies of the EAW to elected and appointed officials, City staff and others who have expressed interest in the project.
2. A notice of the availability of the Hiawatha Maintenance Facility Expansion EAW, the dates of the comment period, and the process for receiving a copy of the EAW and/or providing comment was published provided with each copy of the EAW and in the *EQB Monitor* and was provided to the City's CPED Media contact for notice and distribution.
3. CPED distributed the Notice of Decision with information regarding the final "Findings" document to the Official EQB Contact List and the project list.
4. The EQB published the Notice of Decision in the *EQB Monitor*.

Attached:

Official EQB Contact List
Project List

EAW Distribution List

Hiawatha Maintenance Facility Expansion EAW Project Mailing List

Bob Friddle
Director, Facilities Design and Construction
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Minneapolis, MN 55415
Bob.Friddle@minneapolismn.gov

Council Member Cano
Ward 9 - 307 City Hall

East Phillips Improvement Coalition

City Attorney's Office - Erik Nilsson – Room 210 City Hall

City Attorney's Office – Ivan Ludmer – Room 210 City Hall

Public Works - Allan Klugman – Room 300 Border Avenue

Brad Pass - 1abjpass@gmail.com

Liz Royal - royalesq@hotmail.com

Jay Eidsness – jeidsness@mncenter.org

Evan Mulholland - emulholland@mncenter.org

Steve Sandberg - steve@stevesandberg.com

East Phillips Neighborhood Initiative

Minnesota Center for Environmental Advocacy

Move Minnesota

Corcoran Neighborhood Organization

University of Minnesota Environmental and Energy Law Society

Southside Green Zone Council

EXHIBIT D

Council/Mayor Action (to be added when the process is complete)

EXHIBIT E

Comments Received on the Hiawatha Maintenance Facility Expansion EAW:

Six agency comment letters were received during the public comment period on the dates identified in the following:

1. Department of the Army, February 17, 2021
2. Minnesota Department of Transportation, March 3, 2021
3. Minnesota Pollution Control Agency, March 10, 2021
4. Minnesota Department of Natural Resources, March 11, 2021
5. Metropolitan Council, March 11, 2021
6. Hennepin County, March 11, 2021

Six non-profit/neighborhood organization comment letters were received during the public comment period on the dates identified in the following:

1. East Phillips Neighborhood Initiative, March 24, 2021
2. Minnesota Center for Environmental Advocacy, March 25, 2021
3. Move Minnesota, March 11, 2021
4. Corcoran Neighborhood Organization, March 25, 2021
5. University of Minnesota Environmental and Energy Law Society, March 25, 2021
6. Southside Green Zone Council, February 22, 2021

1,053 public comment letters were received during the public comment period which took place between February 9, 2021, and March 25, 2021.