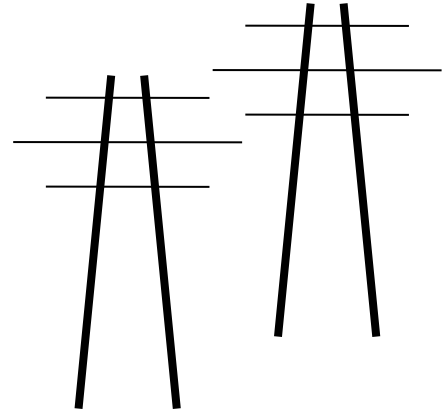


# Legalelectric, Inc.

**Carol Overland** Attorney at Law, MN #254617  
Energy Consultant—Transmission, Power Plants, Nuclear Waste  
overland@legalelectric.org

1110 West Avenue  
Red Wing, Minnesota 55066  
612.227.8638

P.O. Box 69  
Port Penn, Delaware 19731  
302.834.3466



March 3, 2023

Mikayla Schmidt, City Planner  
801 Washington Street  
Northfield, MN 55057

via email only: [Mikayla.Schmidt@ci.northfield.mn.us](mailto:Mikayla.Schmidt@ci.northfield.mn.us)

Jacob Andre  
Corporate Economic Development Analyst  
Xcel Energy  
401 Nicollet Mall  
Minneapolis, MN 55401

via email only: [Jacob.N.Ander@xcelenergy.com](mailto:Jacob.N.Ander@xcelenergy.com)

RE: Scoping comments – Xcel Energy/City of Northfield AUAR

Dear Ms. Schmidt and Mr. Andre:

Thank you for the opportunity to submit comments on the scope of the AUAR Environmental Impact Statement.

The AUAR is being developed with two very vague scenarios in mind, without sufficient information to adequately address potential impacts, and avoidance and mitigation options. This is as absurd as Xcel Energy's request to the Public Utilities Commission for permission to utilize a different dry cask for nuclear waste without disclosing what cask is to be used!! Xcel plans decades ahead, with very sophisticated planning, missing nothing, except perhaps for market changes, and underestimating the public's willingness to step up with legitimate concerns about the impacts of Xcel's plans. Xcel's purpose, its reason for existing, is to make a profit for shareholders, and that has in the past been against the public interest. The City has fiduciary responsibility, and a legal and moral responsibility to protect its citizens and environment. This responsibility may diverge from Xcel's profit motive.

That said,

- The AUAR should be delayed until a more specific use and plan is proposed, enabling review.
- The AUAR should include a listing of UAR projects proposed by Xcel Energy, links to the environmental review, and links disclosing ultimate use for AUAR. I can't recall an

AUAR proposal of Xcel's, and we should be aware of other similar projects and the trajectory of those projects. If Xcel has not been a proposer previously, that should be disclosed.

- Impacts of development extend beyond AUAR boundary, particularly for water, electric, gas, and stormwater infrastructure – these impacts and cumulative impacts must be considered.
- Is Xcel Energy's vague proposal consistent with the 2011 Business and Industrial Master Plan? Northfield's Comprehensive Plan? Comprehensive Economic Development Plan? Other relevant plans? Without any specifics, it's impossible to tell, and guessing is a waste of all of our time and a waste of the City's resources.

My primary concern is that with either a technology center or industrial park, infrastructure build-out would be intense and that the electrical load would increase significantly. There would be multiple impacts associated with this increase, including increase in carbon footprint, taking of land for electric transmission, gas pipelines, roads, water in and sewer out, storm water drainage, and noise of the facilities. These impacts are quantifiable within a range, and the range of impacts included in the AUAR.

Socio-economic impacts, costs and benefits, what and to whom, must be addressed, and that does not appear in the EAW scoping document.

In 2011, the City of Northfield produced a Business and Industrial Park Master Plan<sup>1</sup> that contains detailed specifics of what is needed to develop what is called in that Plan as "North Site," and which in phases incorporates most of the AUAR area proposed by Xcel Energy. This plan, though dated, is a comprehensive description of infrastructure needs and impacts and this MUST be incorporated into the EIS scope, and the development specifics must be included in the impacts considered in the EIS.

Regarding noise, which is not addressed in the AUAR scoping draft, a quantifiable impact is noise. The AUAR ducks the noise issue, stating, "In accordance with the EQB's AUAR guidance document<sup>29</sup>, it is not required to address construction noise unless there is some unusual reason to do so. No unusual circumstances are anticipated for the development scenarios that would warrant conducting a quantitative noise analysis." EAW p. 37. A data center is a concrete reason to perform noise modeling and analysis.

Another reason for a noise analysis is that "Nearby sensitive receptors would include rural residences present within and adjacent to the AUAR area. Additional sensitive receptors include the Benedictine Senior Living Community and Northfield Hospital local along North Avenue, east of the AUAR area." Id.

As noted in the AUAR, Northfield has a noise ordinance, Section 50-90<sup>2</sup>, and Minnesota has an industrial noise standard, found in Minn. R. 7030.0040<sup>3</sup>:

---

<sup>1</sup> Online at: [https://www.northfieldmn.gov/DocumentCenter/View/645/INDEX-8---Northfield-Business-and-Industrial-Park-Master-Plan\\_Jaunary-2011?bidId=](https://www.northfieldmn.gov/DocumentCenter/View/645/INDEX-8---Northfield-Business-and-Industrial-Park-Master-Plan_Jaunary-2011?bidId=)

<sup>2</sup> Online at: [https://library.municode.com/mn/northfield/codes/code\\_of\\_ordinances?nodeId=PTIINOCO\\_CH50OFMIPR\\_ARTI](https://library.municode.com/mn/northfield/codes/code_of_ordinances?nodeId=PTIINOCO_CH50OFMIPR_ARTI)

**7030.0040 NOISE STANDARDS.**

Subpart 1. **Scope.** These standards describe the limiting levels of sound established on the basis of present knowledge for the preservation of public health and welfare. These standards are consistent with speech, sleep, annoyance, and hearing conservation requirements for receivers within areas grouped according to land activities by the noise area classification (NAC) system established in part [7030.0050](#). However, these standards do not, by themselves, identify the limiting levels of impulsive noise needed for the preservation of public health and welfare. Noise standards in subpart 2 apply to all sources.

Subp. 2. **Noise standards.**

Noise Area Classification	Daytime		Nighttime	
	L <sub>50</sub>	L <sub>10</sub>	L <sub>50</sub>	L <sub>10</sub>
1	60	65	50	55
2	65	70	65	70
3	75	80	75	80

Statutory Authority: *MS s 116.07*

The industrial park, currently undeveloped land, will obviously increase the noise levels. However, the technology center is more of a concern than an industrial “park,” as noise violations have been demonstrated at other data centers, for example the one in Glencoe, Minnesota<sup>4</sup>, where despite noise readings of 70 dB(A) and above, the city and Bit 49 have not taken sufficient action and noise has not been mitigated. That data center and noise has taken local residents’ use and enjoyment of their property, the definition of nuisance. The AUAR should address noise levels and impacts, particularly with the hospital nearby. Regarding electrical load, the AUAR must address projected electrical load, which will sharply increase if a data center is part of the development – and because “Option A” is possible, the AUAR must not omit this consideration. Back when I was part of RENewNorthfield decades ago, the electrical load of Northfield was roughly 35MW. With efficiency gains and lower general peak demand since Xcel’s 2006 high, I’d expect the load would be similar today. As undeveloped land, the AUAR now has essentially zero load, but if a technology center were added, it would skyrocket<sup>5</sup>.

- The AUAR must address mitigation measures to prevent an increase in electrical load, including but not limited to:
  - White roofs on all buildings
  - Solar generation with batteries over parking lots and on roofs
  - Simple and cheap solar heaters on the southern sides of buildings
  - Requirement that facilities generate x% of their projected load

Impact of transmission lines and taking of land for easements.

**Looking at issues raised in the AUAR and points obviously missing:**

AUAR p. 4 – Physical manipulation of the environment.

---

[VOFINPUPEOR\\_S50-90UNNO](#); see also summary: <https://kymnradio.net/wp-content/uploads/2017/06/Summary-Nfld-Noise-Ordinance-June-2017.pdf>

<sup>3</sup> <https://www.revisor.mn.gov/rules/7030.0040/>

<sup>4</sup> See Attachment A, and online at: <https://www.startribune.com/neighbors-unhappy-about-crypto-mining-operation-in-glencoe-minn/600212074/>

<sup>5</sup> See Attachment B, and online at: <https://www.startribune.com/neighbors-unhappy-about-crypto-mining-operation-in-glencoe-minn/600212074/>

The 2011 plan specifically lays out roadways and anticipates green space:

## North Site

### Transportation

The site is located approximately 6 miles east of Interstate Highway 35, along State Highway 19. Current access is from Garrett /Decker Avenue off Highway 19, North Avenue and 320th Street. The 2008 Northwest Northfield Highway Corridor Study Report identifies a future County Road 23 connection through the site to connect Garrett/Decker Avenue with Foliage Avenue. In this report, County Road 23 is planned to bisect the site, running through the site northwest to northeast. The report also identifies future collector routes through the site, connecting to existing and future connector routes. Highway 19 is identified as an On-Street Bicycle Route and the site is planned to be connected by the regional trail system.

### Parks, Trails and Public Space

Portions of the site along its western border are proposed in the City's Parks, Trails and Public Space System for "Greenway", a regional system of open space corridors that connect major natural features throughout the region with Northfield. The Greenway includes a Destination Linking Trail, linking to the Heath Creek drainage corridor to the south. State Highway 19 has been identified in the plan as an "On-Street Bike Route". An existing trail along North Avenue, to the east of the site, provides an opportunity to connect the site to an existing trail system.

AUAR p. 5 – sanitary sewer system and water supply as addressed in the 2011 Plan:

### Sanitary Sewer

A comprehensive sewer study was completed in 2007. The study investigated a combined sanitary sewer service area for the cities of Northfield and Dundas. The study was prepared as a guide to define the sewer service area and accommodate anticipated development and growth in Northfield and Dundas.

#### General Information

The Comprehensive Sewer Study investigated fourteen different scenarios for the long-term development of Northfield and Dundas. The preferred scenario outlined in the Comprehensive Study (Scenario 6) is based on full development of the urban reserve areas (as defined by Northfield and Dundas) and is anticipated to accommodate development growth for the next 20-years. Site A and B are within the urban reserve area. Trunk Sanitary sewer improvements are needed to develop Site A and/or Site B.

#### Site A (North Site)

- » Site A will require the extension of sanitary sewer from the east or from the south.
- » Site A is in three sewer subdistricts (Heath Creek, Mud Creek, and North Draw). Anticipated sewer flows from Site A will be evaluated with respect to flows anticipated in the comprehensive sewer study.
- » Extension of the sanitary sewer will benefit Site A as well as future sewer needs to the west of Decker.
- » The nearest sanitary sewer main is located on 80th Street adjacent to the hospital. The existing 12" sanitary sewer services the hospital and increases to 15" and then to 18" as the sewer flows to the east.
- » Long-term service to Site A is thru the Heath Creek Interceptor which runs north and west through Site B.

### Water Service

A comprehensive water study was completed in 2006. The study investigated the existing distribution system and made recommendations to improve the water system based on planned growth within Northfield.

#### General Information

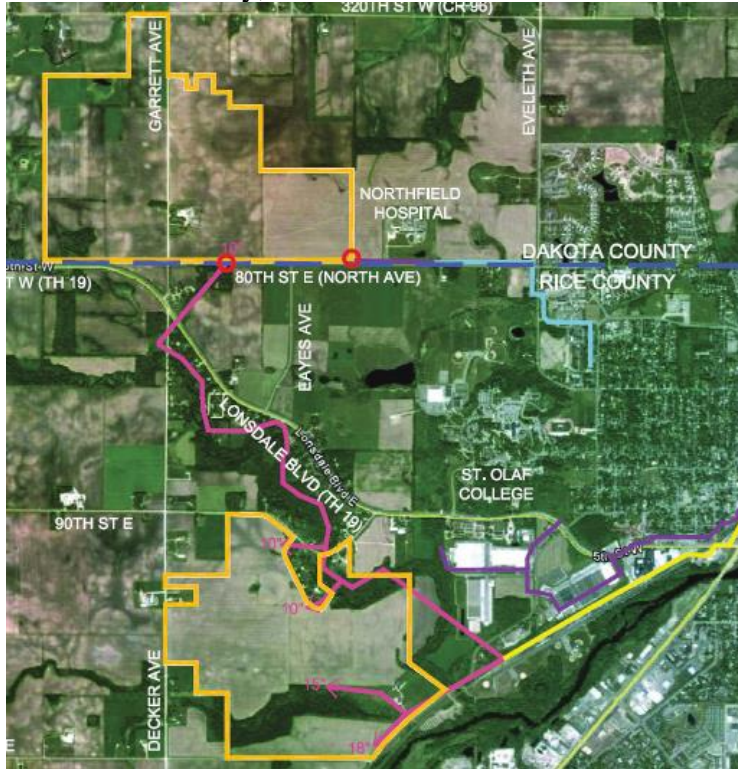
- » Future development of Site A and/or Site B will require the extension of water services from the City's existing water system.
- » Currently, the City's water supply capacity exceeds the maximum daily demand. Per the water study, the City's population growth rate is projected at 17%. At this rate, the City anticipates its first well improvement (new well) in 2018 and additional wells in 2035 and 2049.

#### Site A (North Site)

- » Site A which is currently designated as an agricultural zone is planned for future commercial and business park use per the 2006 Water Study.
- » Water to service the site can be provided by extending the existing water system east of Site A.
- » The future water service can extend from two locations: 1) an existing 12" watermain serving the hospital on 80th Street and 2) an existing 12" watermain at Eveleth Avenue.
- » From these two locations, the watermain can extend westerly into the new development and provide a looped watermain system.
- » In addition to the 12" watermain extension to service Site A, the Comprehensive Water Plan anticipates a 16" watermain along County Road 19 from St. Olaf College northward to 80th Street. This extension of the 16" watermain will provide the necessary fire flow and reliability for the northwest portion of the City.
- » The Comprehensive water study identifies a proposed booster pressure zone in which Site A falls in. Without the booster station less than desirable water pressures may occur. Figure 1.2 shows the approximate location of the booster station.
- » In addition to a booster station, the City has also identified a need for an elevated storage tank in the northwest portion of the City. The elevated tank is planned to hold 0.5 to 0.75 MG of water.
- » The type of uses anticipated within Site A should be identified as well as estimating the anticipated water demand from intended users. The actual amount of water needed by end users in Site A may be more or less than the estimate assumed in the Comprehensive Water Study.



The proposed sanitary main, purple line, map, p. 18 of 2011 Plan, would have a large impact, extending beyond the AUAR boundary, and not shown at all within the AUAR:



Similarly, the water mains needed would have significant impacts, also extending beyond the area of the AUAR, though there is consideration of water mains within the boundary:



There is no information regarding costs for sewer or water infrastructure.

Impacts of this infrastructure construction, dollar and environmental costs, must be addressed.

AUAR p. 5 – Modifications to existing equipment – electric and gas service?? See 2011 Plan, p. 23-24. Overhead electrical is red, buried gas is yellow, and Lonsdale phone is blue:



*Electric – Xcel Energy*

*Site A (North Site)*

- » Overhead electric lines currently run along County Road 23 to the north along 330th Street West to the south.
- » Site A can be serviced from electrical utilities along Garret Avenue, which runs down the center of the site. Electrical services can then be extended from Garret Avenue into the site.
- » Verification of end user electric needs will be required to determine if existing service is adequate.

*Gas – Xcel Energy*

*Site A (North Site)*

- » Existing gas lines run along 80th Street East to Decker
- » Verification of end user gas needs will be required to determine if existing gas service is adequate.

As with water and sewer, dollar and environmental costs must be addressed.

Regarding impacts, visual impacts and system reliability and security should be addressed. Electric infrastructure in the AUAR should be undergrounded, as it is for new residential development.

AUAR p. 6 – **Development Scenario A: Technology Center** does NOT even mention “data center,” which is a primary focus of this scenario and which has significant impacts. Correct this!

AUAR p. 7 and 8 – the maps of Exhibit 1 and 2 do not depict anything! This is not a “development scenario. More information is needed. These maps should at least include the infrastructure as laid out in the 2011 Plan, as above.

AUAR p. 9 – d. “The purpose of completing this AUAR is to **REMOVE SOME OF THE BARRIERS THAT LAND WITHIN THE AUAR MAY HAVE FOR FUTURE DEVELOPMENT, PRIMARILY AS IT RELATES TO ANTICIPATED**

**ENVIRONMENTAL REIVEW** and foster economic development in the City of Northfield.” (emphasis added). This is an improper purpose!

The scope of the EIS include specific development and must explain what this means! What “barriers” does this refer to?

By this statement, the AUAR is intended as an end run around necessary environmental review required when specific plans are disclosed. Environmental review, city permitting process... these are not BARRIERS, that’s how development happens mindful of impacts, costs, mitigation, even avoidance. Going through this review process is “permitting” in its most literal sense.

AUAR p. 9 – e. How is this different than the purpose of the 2011 Plan, which is so much more specific, and which does a much better job than this document? Future states, “YES.” From 28 years of experience dealing with Xcel, I know that Xcel plans many steps ahead and doesn’t move forward without a plan.

The scope of the AUAR must include consideration of a data center and what that entails, the impacts, the costs, the “benefits,” the impact of the infrastructure needed not just in the AUAR site but the area as envisioned in the 2011 Plan. The AUAR was filed in January, 2023. Xcel Energy had a data center planned for the area near the Sherco plant that it is closing, but that deal was terminated in December. However, Xcel’s filings in that docket would be useful information about data center specs. Regarding the data center MW load, I’s a secret, but with the PPA commitment for renewable, there’s a clue:

Under the terms of the contracts that will serve the proposed Becker data center, the Company has agreed to procure new, incremental renewable energy resources that will be used to match the data center’s annual energy usage. To incentivize Google to grow the data center campus to as much as [HIGHLY CONFIDENTIAL TRADE SECRET BEGINS HIGHLY CONFIDENTIAL TRADE SECRET ENDS] megawatts (MW), the Company has agreed to match the data center’s peak load with incremental, new, carbon-free capacity upon reaching that milestone.

Through separate petitions, the Company intends to ask the Commission to approve up to 300 MW of power purchase agreements (PPAs) for new wind projects that will be incremental to the NSP System. We are confident we can demonstrate that the PPAs – each of which are eligible for the maximum amount of the production tax credit (PTC) – are in the public interest. For purposes of this Petition, we ask the Commission to approve our sourcing plan as contemplated in the Retail Electric Service Agreement (ESA). Under a likely load growth scenario (i.e., [HIGHLY CONFIDENTIAL TRADE SECRET BEGINS HIGHLY CONFIDENTIAL TRADE SECRET ENDS] MW at [HIGHLY CONFIDENTIAL TRADE SECRET BEGINS HIGHLY CONFIDENTIAL TRADE SECRET ENDS] percent load factor) for the initial 10-year term, our analysis demonstrates that our plan provides customer benefits between [TRADE SECRET BEGINS TRADE SECRET ENDS] and is therefore reasonable and prudent.



Xcel Petition, p. 4, PUC Docket 19-39<sup>6</sup>. See also agreement (later terminated):

WHEREAS, Customer will own and operate an up to [REDACTED]-megawatt peak load data center facility (“Data Center”) in Becker, MN 55308 (“Premises”); and

See also Xcel Competitive Response Rider Agreement, p. 1<sup>7</sup>. The “up to 300MW” of power purchase agreements suggests that the load of that data center could be up to 300MW. That is extreme, particularly if considered in relation to an estimated 35MW of load for the City of Northfield (this 35MW estimate, based on 2002 load, needs updating as a part of this AUAR).

AUAR p. 9 – the AUAR states “No specific projects or end users have been identified as part of this AUAR.” That’s a fatal flaw. An EAW without identification of projects or end users is inadequate, and pointless. Specific projects and/or end users must be identified.

The scope of the AUAR should also include estimates of MW of renewable energy needed to assure that the development, whatever it may be, will not increase the AUAR’s carbon footprint.

AUAR p. 9 – Climate Adaption and Resilience – describe climate trends.

The AUAR must address impacts of the inevitable increase of carbon footprint of the area if developed.

The scope of the AUAR should also address conservation measures, as was done in the Becker data center agreement, of “offset” the increase in electric generation of the development:

## 6. CONSERVATION PLAN

Customer and Company agree to develop and implement a comprehensive energy conservation program which ensures that the Data Center operations achieve a maximum economically appropriate efficiency level.

Id., p. 6. Conservation can be an avoidance and limitation strategy, lessen harms, not to be regarded as 100% alternative.

AUAR p. 9 - 11 – the AUAR notes that “Heavy rain events have become more frequent in Minnesota and more intense,” that the area “is experiencing a wetter climate,” and that annual precipitation would increase. The scope of the AUAR must include an update of the 2011 Plan

<sup>6</sup> Online, Initial Filing, PUC Docket 19-39:

<a href="#">20191-149071-02</a>	PUBLIC	19-39	<input type="checkbox"/>	M	XCEL ENERGY	INITIAL FILING--PETITION FOR PROVISION OF ELECTRIC SERVICE	01/10/2019
---------------------------------	--------	-------	--------------------------	---	-------------	--	------------

<sup>7</sup> Online, Initial Filing, PUC Docket 19-39:

<a href="#">20191-149071-04</a>	PUBLIC	19-39	<input type="checkbox"/>	M	XCEL ENERGY	INITIAL FILING--PETITION FOR PROVISION OF ELECTRIC SERVICE	01/10/2019
---------------------------------	--------	-------	--------------------------	---	-------------	--	------------



regarding the infrastructure needed to handle the more frequent and more intense heavy rain events in at least the level of detail found in the plan.

The AUAR should address whether restrictions to impervious surfaces/requirement of pervious surfaces would mitigate impacts of development.

AUAR p. 10 – **Exhibit 3. Historical Annual Average Temperature in Dakota County (1895-2022)**. The Scope of the AUAR should include whether development would create heat island effect, and/or whether it would magnify heat island effect of the solar generation within the AUAR area.

The proposed AUAR scope must include those items listed above, and incorporate:

AUAR p. 12 – Table 2 – add avoidance and mitigation strategies.

AUAR p. 13 – Cover Types – AUAR Scope – address impacts on adjacent Norgaard (and others?) organic farm to the west, and Salvatierra Farm<sup>8</sup> regenerative poultry and hazelnut demonstration farm to the south across Hwy. 19.

AUAR p. 12 Table 3 Cover Types:

- Table 3 must also be expressed in a clear drawing over a map.
- The “TBD” notations must be completed with numbers, a range of acres if a guess).
- The 79 acres of floodplain/wetlands should be noted in this chart (p. 4)
- The 538 acres for the “technology center” should be identified on this chart (p. 6).
- The “Greenway” identified in the 2011 Plan should be incorporated into this chart, and Table 4.
- Impervious surface should be broken down into types, i.e., buildings, roads, driveways, with % available to be constructed using pervious materials and techniques.
- Stormwater ponding should also be expressed as a percentage, and those ponds draining into the floodplain/wetland should be identified.

AUAR p. 14 – Green Infrastructure

- As above, this table should also be expressed in a clear drawing over a map.
- Berms, swales, trees, and bush areas planted and constructed to aid in drainage.
- Description of “Landfill-based geothermal system” – makes no sense.

AUAR p. 14 – Tree Canopy

- Should shoot for zero trees removed, and provide incentives for avoidance.
- Mitigation should also be expressed in not just a number of trees planted, but a desired ratio, based on consideration of time needed for trees to grow to “canopy” height.

AUAR p. 14-16 – Permits and Approvals Required. The 2 page long list says nothing – the AUAR must provide some details.

---

<sup>8</sup> Online at [www.regenagalliance.org/farmers/salvatierra-farms/](http://www.regenagalliance.org/farmers/salvatierra-farms/)

AUAR p. 16 notes that cumulative impacts can be addressed individually in response to Nos. 10-20, OR in response to No. 22. The AUAR should address cumulative impacts individually as relevant in Nos. 10-20, and then the individual issues/comments/details cut and pasted into No. 21 and 22 to provide succinct review.

AUAR p. 17 – Land Use ii. Plans

The scope of the AUAR should identify consistencies and inconsistencies with plans, features, and identified goals of each of the:

- Comprehensive Economic Development Plan (2006)
- Comprehensive Plan (2008) and updated Comp Plan underway
- Business and Industrial Master Plan (2011)
- Natural Resources Inventory Report (2005)

AUAR p. 18 – Project compatibility – The AUAR should not only discuss compatibility with surrounding areas, but compatibility with the City, Township, and County land use plans.

AUAR p. 18 – Identify measures to mitigate and the impact to be mitigated. The AUAR should not jump to “mitigation,” and identify not only measures to mitigate, but before that, IMPACTS must be identified, address avoidance criteria, and for impacts not avoidable, mitigation measures and costs.

AUAR p. 18. As above, the costs of avoidance and mitigation must also be addressed.

AUAR p. 18 states, “Any necessary changes to the Comprehensive Plan could be completed as part of the update process that is planned or as a comprehensive plan amendment.” The AUAR scoping document presumes

AUAR p. 18-19, 11.a. Geology, in bold lists specifics that should be within the scope, and the AUAR needs to incorporate these factors.

AUAR p. 18-19 lists wells in the area, bedrock geology, and that the Prairie du Chien and Jordan Sandstone are the major drinking aquifer in Dakota County – the other areas utilizing the aquifer should be identified.

AUAR p. 19, geology. The AUAR must address introduction and travel through the soils, sand, rock present to determine likely contamination routes, speed, and area. Because the underlying aquifer in “Prairie du Chien Group and Jordan Sandstone are the major drinking water aquifer in Dakota County” and beyond, as the aquifer does not acknowledge jurisdictional boundaries, water modeling is crucial.

AUAR p. 19 – The potential of karst formations is noted. The AUAR must address the aquifer’s vulnerability to pollution through the karst.

AUAR p. 19 – the “AUAR Scope” paragraph only addresses “susceptibility of karst features at the AUAR area and identify appropriate mitigation measures as needed.” Mitigation presumes damage. The scope must also identify with specificity what it is that the karst features are

susceptible to, and whether avoidance is advised, and basis for mitigation rather than avoidance. Cost of mitigation must also be addressed.

AUAR p. 19 – the “AUAR Scope” referencing karst – is susceptibility of karst the only issue? Identify other relevant potential impacts, and discuss avoidance and mitigation, and costs.

AUAR p. 19 – Soils and topography. Paragraph “a” in bold is written as a list of issues to be addressed, “scope” but the “AUAR Scope” for that section, on p. 21, says “The AUAR will address soil corrections and identify measures to mitigate soil limitations as needed.” The “AUAR Scope” on p. 21 needs to incorporate these specifics.

AUAR p. 20 – Table 7, the types should be grouped together to have a clear picture of soils, i.e., all the Lester Loam should be grouped together so that it’s easier to recognize that there’s 144.4 acres total and in group C, ditto with Estherville sandy loam, A hydrologic soil group.

AUAR p. 20, states that “the AUAR area is generally flat with no slopes greater than 10 percent,” but my years in trucking showed me that a 6% grade is intense! The Lester Loam appears to have the steepest slopes, and with a slope, water draining moves faster and is less likely to soak in, and erosion is more likely.

AUAR p. 21, AUAR Scope. The “scope” for this section is just one sentence, “The AUAR will address soil corrections and identify measures to mitigate soil limitations as needed.”

- Soil ‘corrections.’ WHAT? There’s no mention of “corrections” or that anything about the soil needs correcting.
- “limitations” – again there is nothing about “limitations.”
- In addition to the points above, the AUAR must include the points on p. 19 paragraph b.

AUAR p. 21 Water Resources. As above, with public waters, wetlands, impaired waters and floodplain within and in the vicinity of the AUAR area, the AUAR must address introduction and travel through the soils, sand, rock present to determine likely contamination routes, speed, and area. Because the underlying aquifer in “Prairie du Chien Group and Jordan Sandstone are the major drinking water aquifer in Dakota County” and beyond, as the aquifer does not acknowledge jurisdictional boundaries, water modeling is crucial.

AUAR p 21. “Scope” is just two sentences, is too vague, and must include the issues above.

AUAR p. 22 – The well database listing 4 wells within the AUAR area, and 16 domestic wells within one half mile – the AUAR should justify use of ½ mile as area considered, and provide support for this limitation, and not being more inclusive.

AUAR p. 22 – Any discussion of “Water Resources” requires inclusion of wetland delineation.

AUAR p.23-24 – dismisses concerns regarding the Northfield DWSMA, just one mile southeast of the AUAR area, stating it is on the east side of the river and not in the same watershed. If the Northfield DWSMA draws out of the same Prairie du Chien and Jordan Sandstone aquifer, this does not alleviate concern about contamination or impacts on the Northfield DWSMA. The

AUAR must address contamination and impacts of the aquifer under the AUAR area on the Northfield DWSMA.

AUAR p. 24 – the AUAR should take into account the impact of the Superfund site on the eastern bank, at a dry cleaning facility.

AUAR p. 24 – “High-moderate sensitivity does not indicate that water quality has been or will become degraded. The estimated travel time of water-borne surface contaminants to reach the aquifer is years to several decades.” This statement implies that because it takes “years to several decades” it’s not a concern. **WRONG!** Considering that many instances of contamination have no way to be undone, this is a dangerous implication.

AUAR p. 24 – “Scope” again is too limited, just one sentence. The Scope, and the AUAR, should detail the specific development scenarios and impacts.

AUAR p. 25 – the AUAR must incorporate the specifics anticipated in the 2011 Plan, Sanitary Sewer Master Plan and Comprehensive Plan, and specifically the additions to existing infrastructure and the impact of those additions, increased load, as specified on p. 24 b.(i)(1-3).

AUAR p. 25-26 – Stormwater. This section presumes regulatory compliance and modeling, and that modeling and narrative must be included in the AUAR.

AUAR p. 25-26 – the AUAR must address the factors and plans laid out in Northfield’s Stormwater Plan.

AUAR p. 25 references App. A, Figure 12, as an overview of the AUAR area, water resources, and drainage patterns. However, Figure 12 is inaccurate, as it omits the red arrows within the AUAR area shown in the 2011 Plan, the division of Garrett Ave, with drainage east of Garrett within the AUAR headed south. How hard is it to cut and paste? From the 2011 Plan:



AUAR p. 25-26 – The document omits the requirement that the development meet “pre-settlement conditions,” which is a firm, specific, requirement, one that must be addressed in the AUAR, together with these details from 2011 Plan, p. 25-26.



# Storm Water Management

## Best Management Practices

- » A comprehensive surface water management plan was completed in 2007. The study investigated land and water resources, identified water resource concerns, management goals concerning water quantity, water quality and guidelines on storm water management.
- » Storm Water best management practices for sites A and B shall be implemented in accordance with the Minnesota Pollution Control Agency and the City of Northfield Comprehensive Surface Water Management Plan.

## Rate Control

### General Information

- » New developments will be required to meet the Pre-Settlement conditions for the 2 (2.8 inches in 24 hours) and 100 (6.1 inches in 24 hours) year critical events. Pre-Settlement conditions are defined as the estimated land coverage prior to European settlement.

### Site A (North Site)

- » Additional requirements beyond what is stated under General Information is not anticipated for rate control pertaining to Site A.

## Infiltration

### General Information

- » Based on the soils hydrologic group the following infiltration rates shall be used:

Hydrologic Soil Group	Infiltration Rate
A	0.50 in/hr
B	0.25 in/hr
C	0.10 in/hr
D	0.03 in/hr

- » According to the Natural Resource Conservation Service (NRCS) soil survey, both sites A and B contain soils that are predominately classified as soil group B.
- » According to the City of Northfield Comprehensive Surface Water Management Plan new developments are required to infiltrate storm water runoff except where it is demonstrated to be a risk to groundwater quality, the land use is incompatible, or soils are not conducive to infiltration. Conditions that will prohibit infiltration for either site A or B are not anticipated.
- » Pre-treatment of storm water is required prior to discharge to an infiltration basin.
- » Infiltration systems will be sized to infiltrate the runoff from the impervious surface area from a 0.34-inch rainfall event.
- » Projects that discharge storm water from a point that is within 1-mile of and flows to a trout stream, impaired water, or scenic or recreational river must infiltrate 0.5-inch of runoff from all impervious surfaces.
- » Infiltration practices shall maintain three feet of separation between the bottom of the system and the top of the groundwater or bedrock/impervious surface.

### Site A (North Site)

- » Additional requirements beyond what is stated under General Information is not anticipated for infiltration pertaining to Site A.

AUAR p. 26 – “AUAR Scope” is deficient, and must include specifically the details in the 2011 plan, and incorporate the City’s stormwater plan.

AUAR p.21-28 – Water resources, wetlands, impaired waters, surface waters impacts, avoidance, and mitigation must all be addressed.

AUAR p. 21-28 – Buffers as mitigation are anticipated, and this from 2011 Plan must be incorporated:

### Stream, River, Wetland Buffers

#### General Information

- » Scenic or Recreational river segments and trout streams (special waters) shall require an undisturbed buffer zone of 100 linear feet from the ordinary high water mark (OHW) of the special water. The city promotes and encourages the establishment of wetland buffers where feasible.

#### Site A (North Site)

- » In reviewing USGS and National Wetland Inventory maps, wetlands may be present on Site A. The determination of wetlands that may fall within the project area will require confirmation through wetland delineation by a certified wetland delineator.

AUAR p. 26, Water appropriation. The AUAR must identify the NEED for water appropriation. Without specifics, there is no basis for any “projected water demand.” The NEED must be attributed to projects. If there are no projects from which to gather this information, the AUAR is premature.

+++++

**Just noticed that my dyslexic/ADHD brain wrote “Comments due 3/3/23” despite my blog post saying 3/2/23. I’m sending what I have now.**

+++++

Thus far I don’t see a provision for a traffic study, and that is necessary!

A primary criticism of this proposal is that nothing specific has been proposed, yet the “project purpose” is:

**...to remove some of the barriers that land within the AUAR may have for future development, primarily as it relates to anticipated environmental review and foster economic development in the City of Northfield.**

AUAR, p. 9. This blatant statement of intent raises red flags. It's regulatory-speak for an intent to circumvent and/or avoid environmental review, particularly troublesome when it's Xcel Energy as "project proposer" and no project is proposed. This is also particularly troublesome when Xcel Energy was a participant in a proposed data center project, and that project was withdrawn, withdrawn shortly before this "Scoping Environmental Worksheet" was filed. Coincidences usually aren't.

An EAW is inadequate for a project, even as deficiently declared (NOT), that would have the range of impacts, require the intense infrastructure additions, and massive costs, as this would.

**A FULL ENVIRONMENTAL IMPACT STATEMENT IS NECESSARY!**

Please add me to the service list for this project!!

Very truly yours,

A handwritten signature in cursive script that reads "Carol A. Overland".

Carol A. Overland  
Attorney at Law