

Commenter 19 – Amanda Nesheim; Commenter 20 – Carol Overland

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19-03 (cont'd)

1 emissions actually completely out process the amount
2 that is actually sequestered. Thank you. (Applause)

3 BILL STROM: Thank you, Amanda. Carol
4 Overland.

5 CAROL OVERLAND: I'm Carol Overland, C-a-r-o-l
6 O-v-e-r-l-a-n-d, as in express. I'm here on behalf of
7 MCGP or MnCoalGasPlant.com. I just blasted in 1200
8 miles, so I'm a little in la-la land. So I'll be quick
9 and submit written comments later.

10 But for the record I want to really clearly
11 state, because this was an issue in the Chisago
12 project, I looked at the scoping decision and then
13 looked at the EIS, and there's some things that don't
14 exactly cross all fronts. So I'm going to do a
15 detailed review of that and send that in. The things
16 that are in the scoping decision need to be addressed.
17 And so that's a simple requirement.

20-01

18 Also it was kind of telling that -- on Page
19 1-9, where it's talking about state involvement in this
20 project. It mentions Docket Number GS-06-668, and
21 there's no mention about 5-1993. It seems to me that's
22 a pretty important part of the state involvement in
23 this project.

20-02

24 PM 2.5, yeah, it's not here. It's not in any
25 air permit that I've seen in the State of Minnesota.

20-03

Responses

Comment 20-01

See response to Comment 7-01, which addresses the same concern.

Comment 20-02

The EIS for MDOC addresses decisions relating to the Joint Permit Application (PUC Docket Number E6472/GS-06-668). The power purchase agreement is the subject of separate PUC Docket Number E6472/M-05-1993, which MDOC has stated is not a subject for this EIS.

Comment 20-03

Although PM_{2.5} emissions from the proposed power plant were not modeled, near-field PM_{2.5} concentrations were extrapolated from the PM₁₀ concentrations. This methodology is based on research indicating that multipliers in the range of 0.06 to 0.11 can be used to infer or scale PM_{2.5} concentrations from PM₁₀ data (USEPA, 2005). As noted in response to Comment 9-01, in instances where far-field concentrations of PM_{2.5} were concerned, 100% of PM₁₀ was considered to be PM_{2.5}, thereby producing conservatively high impacts to compare with regulatory thresholds. To provide further insight on potential health impacts from particulate matter, new text has been added to Section 4.17.2.3 (Volume1). See also response to Comment 7-03, which addresses the source of PM_{2.5} from power plants.

Commenter 20 – Carol Overland

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Responses

**20-03
(cont'd)**

1 And the State of Minnesota MPCA realizes that it's not
2 in compliance with the Federal Rules.

3 Now, Federal Rules are in their own kind of a
4 mess because of a recent circuit court decision. But
5 the PM 2.5 hasn't been addressed, and it needs to be
6 done more specifically. But there's a (inaudible)
7 process about that. But this is inadequate. It
8 doesn't address that. And 2.5 is just the tip of the
9 iceberg. And those much smaller particles, as I've
10 said, are the ones that are really dangerous. So those
11 things need to be addressed.

12 And, you know, one of the great parts of this
13 work is watching everybody grow up in the process and
14 hearing all these great comments. And those of you who
15 have made comments, I really urge you to submit them in
16 writing, give them all the documetation you possibly
17 can, rent a truck if you have to to get that to them,
18 so they can't say they don't know. Get them this
19 information, bombard them with information so it will
20 be included and addressed. They need to address the
21 comments we make. So make very specific written
22 comments with a lot of documetation and have fun.

23 It is a bit of a farce to be going through it
24 at this point, because as LeRoy Koppendrayer said, and
25 as many of you have quoted him; this dog won't hunt;

Commenter 20 – Carol Overland

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1 you can keep it as a pet but it needs training; you
2 know, you're out of here. And here we are, you're
3 wasting our time doing this. I find that really
4 offensive. (Applause) Got that, Pat, and I forgot to
5 bring Pat's (inaudible) home for Christmas, so I'll
6 have to send it to you. So please put everything in
7 writing and send documentation. Thank you. (Applause)

8 BILL STROM: Thank you, Carol. That's all the
9 preregistered cards I have. I will now go and call on
10 -- if you raise your hand, I'll call on you if you want
11 to speak. But before I do that, the court reporter
12 asked to take a few minutes break. So let's take three
13 minutes. And then I'll call on people. If you want to
14 speak and haven't filled out a card, if you raise your
15 hand, I'll call on you.

16 (Brief recess.)

17 BILL STROM: We're going to go back on the
18 record and see if there are anymore comments.
19 Okay. We went through all the preregistration cards of
20 people who want to speak. Is there anybody who hasn't
21 signed a card and would like to speak, please raise
22 your hand. Sir, would you step to the mike, state your
23 name, spell it.

24 JEFF POENIX: Good evening. My name is Jeff
25 Poenix, P-o-e-n-i-x. I have no prepared comments, but

Responses

Commenter 21 – Jeff Poenix

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1 plan to submit them in writing. Whether it's fortunate
2 or not, I seem to represent kind of the younger
3 generation of the area, and I'm not sure why that is,
4 but it is what it is.

5 Basically I just want to reiterate a couple
6 points and ask for clarification on a couple others.
7 One of them is in -- I don't have it with me 4.17
8 regarding transportation. And that one is -- it was
9 stated that there would be four train loads per day
10 through the area. And my question is, for
11 clarification, would that be four round trips or four
12 total? And if it is only four total, kind of rough
13 math, that would be 4800 miles one way to where the
14 coal actually is and then double that for the return
15 trip. And if this is an Environmental Impact
16 Statement, then I feel that carbon dioxide as a
17 regulated greenhouse gas that should be taken into
18 consideration when we mine and transport the coal from
19 1200 miles away.

21-01

20 A couple other things, I believe in 4.16, and
21 that would be the hazardous and non-hazardous
22 materials. Not much has been discussed about this as
23 far as the transportation and handling of the hazardous
24 and non-hazardous materials. I guess, very basically,
25 it's been stated that these materials would be recycled

21-02

Responses

Comment 21-01

Sections 4.15.2.2 and 5.2.7 (Volume 1) state that a maximum of two unit trains per day (i.e., two roundtrips per day) would be required to transport coal during normal operation; however, the average scenario would be 1.25 round trips a day. As discussed in response to Comment 12-01, Section 4.3.2 (Volume 1) has been updated to address emissions from rail and truck transport, including CO₂ emissions.

See also response to Comment 12-01 regarding transportation-related emissions and new text in Section 5.2.8 (Volume 1), which discusses greenhouse gases and CO₂ impacts.

Comment 21-02

The feasibility to recycle materials and waste generated at the proposed plant will be determined by MPCA. See Comment 105-50 by MPCA regarding beneficial use determination. Non-hazardous materials identified by state and county recycling goals, or defined in the Environmental Management System and a Pollution Prevention/Waste Minimization Program would be packaged for recycling by onsite employees.

Transport of hazardous and non-hazardous materials would primarily be by truck, although rail could be an option depending on the type of waste and the disposal or treatment facility being used. When a site alternative is selected and design plans are finalized, Excelsior will identify specific hazardous and non-hazardous waste treatment, storage or disposal facilities to accept waste from the plant.

Commenter 21 – Jeff Poenix; Commenter 22 – Karla Igo

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Responses

**21-02
(cont'd)**

1 and re-used when feasible; and my question is who would
2 determine feasibility of the recycling and re-use of
3 these materials? Is it an on-site employee? Is it CEO
4 of the project? Who would it be?

5 Then in regards to the transportation of these
6 hazardous and non-hazardous materials, would the
7 transportation be via the train or by truck transport?
8 And there's a lot of vagueness in regards to where
9 these things would go. There are statements that say
10 if possible X would go to X location, but it doesn't
11 provide alternatives if these locations aren't
12 possible. There's a lot of things to the extent of
13 plans are in the works to provide storage of these
14 hazardous and non-hazardous materials, whether it's
15 landfill or otherwise.

16 I guess those are very briefly my comments.
17 And as I said, I'll be more thorough when I write them
18 and submit them. Thank you. (Applause)

19 BILL STROM: Thank you. Anyone else? Raise
20 your hands. Yes, ma'am.

21 KARLA IGO: Hello, my name is Karla Igo,
22 K-a-r-l-a I-g-o. And I'm a mom, and that's why I'm
23 here. And I can probably say why there's not many
24 young people here, because we're all chasing our kids
25 and trying to keep all the balls in the air with them.

Commenter 22 – Karla Igo; Commenter 23 – Gary Burt

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1 And it's very hard for me to be here at seven minutes
2 after 9:00 on a week night, but I felt this is an
3 important thing for our future generation, and that's
4 why I'm here.

5 I would just like to ask a question or have
6 this comment for the record. On May 25th of 2007 our
7 governor signed the Next Generation Energy Act. The
8 goal of that act and that law is that by the year 2015
9 we will reduce greenhouse gas emissions in our state by
10 15 percent. That's eight years away. I would like to
11 see addressed what will happen building another 600
12 megawatt power plant in our state without closing
13 another one? There has to be some kind of study that
14 can be done to determine, are we even going to have a
15 chance at dropping our emissions by 15 percent? It
16 says 30 percent 10 years later. I just can't see how
17 adding more CO2 in the air is going to help us. So I
18 would like to see something in the Environmental Impact
19 Statement that looks at how can we make sure that we're
20 not going to break a law that has been signed. Thank
21 you. (Applause)

22 BILL STROM: Thank you for your comment. This
23 gentleman here.

24 GARY BURT: Hi, Gary Burt, G-a-r-y B-u-r-t.
25 I'm going to try to draw a slight analogy here. I

Responses

Comment 22-01

Future decisions by the PUC to issue permits for new power plants will take the Next Generation Energy Act requirements for greenhouse gas reductions into consideration (see additional discussion in responses to Comment 105-29 by MPCA and Comment 108-02 by the MCEA). The Final EIS (Volume 1) addresses greenhouse gases specifically in Sections 2.2.1.3 (under Potential Carbon Capture Retrofit), 2.2.3.1 (under Emissions of Greenhouse Gases), and 5.2.8 Greenhouse Gases and Climate Change. As stated in the EIS, the Mesaba Generating Station, Phases I and II without carbon capture and sequestration, would emit approximately 9.4 to 10.6 million tons per year of CO₂. PUC does not have specific authority to shut down individual power plants, which are privately or publicly owned, part of the national electric generation and distribution network, and operate under existing valid permits. However, both DOE and PUC expect that as advanced technologies such as IGCC become proven commercially, older and less-efficient coal-fueled power plants will be replaced by newer plants that provide the potential for capture and geologic storage of CO₂.

Comment 23-01

See response to Comment 4-04, which addresses concerns regarding worst-case emergency conditions at the power plant as provided in Section 4.17.4 (Volume 1) of the Final EIS. Additionally, see response to Comment 7-03, which addresses the concerns about increased PM_{2.5} emissions as provided in Appendix C (Volume 2) of the Final EIS.

22-01

23-01

Commenter 23 – Gary Burt

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Responses

1 volunteer for the animal shelter in this area and this
2 past week weekend I was out live-trapping cats at a
3 local trailer court. Apparently none of the cats were
4 feral. They were all, I believe, pets that were
5 abandoned. So in essence what I am doing in the
6 live-trapping of cats, is I am cleaning up someone
7 else's mess.

8 And I have yet to hear any information as to
9 what's going to happen with the results or what the
10 price tag is going to be in terms of particulates and
11 how that affects the health of people down the road,
12 the water quality, all of the environmental
13 consequences. I have yet to hear anybody address the
14 possible consequences of the decision we're going to
15 make in the near future about this coal plant. And I
16 can't see how you can make that kind of a decision
17 without providing for what's going to happen, you know,
18 if we have some negative consequences.

19 The Three Mile Island plant that what was
20 so-called a minor disaster, ended up costing over 390
21 million dollars to clean up. And who paid for that? I
22 doubt very much that it was the corporate executives of
23 the plant. My guess is they passed all of the price of
24 the cleanup on to their customers. And I'm very
25 concerned that this is what's going to happen here if

**23-01
(cont'd)**

Commenter 23 – Gary Burt; Commenter 24 – Bob Igo

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**23-01
(cont'd)**

1 we don't start working or start trying to figure out
2 what's going to happen regarding the consequences of
3 these decisions. Thanks. (Applause)

4 BILL STROM: Thank you. This gentleman over
5 here, please.

6 BOB IGO: Hi, my name is Bob Igo, B-o-b
7 I-g-o. I guess I'd like to start out saying, everybody
8 that spoke tonight, great job. A lot of eloquent
9 speakers. We heard from natural resource teachers,
10 biologists, physicists. So far the only people that
11 I've heard of -- and I've been following this, I don't
12 know, a couple years now at least, however long it's
13 been going on. The only people I know for sure that
14 are really wanting this, I think it's kind of the IGCC,
15 I'm not sure anymore now, and Excelsior. And what I'm
16 wondering here is -- I haven't had a chance to read
17 this entire Environmental Impact Statement. I've been
18 a little caught up in that whole living and raising
19 kids thing.

24-01

20 I think any time you're going to wreck a lake,
21 it's probably a bad idea. If it's going to wreck one
22 lake, it's probably not a good idea. Why this keeps
23 getting milled around and around and around -- I don't
24 know if I heard anybody just say, you know -- it seems
25 to be less than 20 people that want this and an entire

Responses

Comment 24-01

To the extent that an EIS for a complex, advanced technology-based project such as the Mesaba Energy Project can be summarized briefly, the 45-page Summary at the beginning of Volume 1 attempts to do so. Tables S-4 and S-5 describe the key features of the project and alternatives considered, respectively, for the West Range and East Range Sites. Table S-8 provides an objective comparison of impacts by resource subject and project feature for both alternative sites and quantifies potential impacts to the extent practicable for consideration by decision-makers, elected officials, agencies, Native American tribes, interested organizations, and the public. Appendix F1 (Volume 2) describes the potential sites that were considered by the project proponent and the bases by which they were screened out of the selection process.

Commenter 24 – Bob Igo

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Responses

1 community that don't. But for some reason there's
2 still all kinds of money and resources and man-hours
3 going into this thing. I don't know. Just an idea.
4 I'm not an physicist or a chemist or an attorney, but
5 maybe a better place for this would be, I don't know,
6 over next to Boswell where there's already power
7 transmission lines and they're already hauling in coal.

8 I don't know. Just an idea.

9 In any event, I guess, to keep this more
10 directive towards the Department of Energy and the
11 Public Utilities Commission and Department of Commerce,
12 who's involved now, too, I challenge you guys to just
13 throw the whole thousand page EIS Statement out the
14 door because it's intuitively obvious, even to a casual
15 observer like me from listening to everything that's
16 been said here tonight, that it sounds like a bunch of
17 rhetoric and vagueness. Maybe challenge you guys to
18 come up with maybe a two-page document that, yes, this
19 is a good idea; or no, it's not. That's kind of where
20 I'm at with it. I think -- I don't know.

21 I guess another question would be, has anybody
22 that had anything to do with the drafting of this
23 statement, have they been at Canisteo in a boat? Has
24 anybody been back to any of this land or seen what it
25 looks like or what kind of shape it's in? Is it a

**24-01
(cont'd)**

Commenter 24 – Bob Igo

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1 brown zone? (Applause) Is it a place where you might
2 want to go fishing? I've been back where they want to
3 put up this power plant, I've been back there.
4 (Inaudible) some old mining site, a brown zone. Well,
5 I don't know, there's maple back there I can't get my
6 arms around, and I'm a pretty good sized guy. If it
7 was brown, it was brown in like 1900; it's not anymore.
8 Canisteo is drop dead gorgeous.
9 It just kind of makes you wonder. It seems
10 that -- I don't know. I don't see the spoils going to
11 a victor here. I don't see anybody wanting it, but,
12 like I say, maybe kind of IGCC and Excelsior Energy.
13 It just doesn't seem like a good idea.
14 And if we're really going to use a tool like
15 an Environmental Impact Statement to make some kind of
16 a knowledgeable decision, I think it can be condensed
17 down considerably and put in terms that I can read to
18 my 6th grader and he'd go, yeah, dad that doesn't sound
19 like a very good idea. I just thought somebody needed
20 to kind of get rid of the eloquence and all the big
21 numbers and sequestration and blah, blah, blah, blah.
22 And like I say, being a dad, I try to keep things
23 simple because my oldest son is only 11. I try to use
24 very simple analogies, like, you know, bud, if you
25 don't take mom's vase down off the mantle, the chances

**24-01
(cont'd)**

Responses

Commenter 24 – Bob Igo; Commenter 25 – Judy Gunelius

Responses

Comment 25-01

As stated in response to Comment 6-01, the project proponent has decided to employ an enhanced ZLD system at the West Range Site, which would eliminate discharges of process water and cooling tower blowdown into any water bodies. The integrity of the CMP should not be compromised and the pit would still support lake trout that have been stocked by MNDNR in the past. See additional discussion in response to Comment 76-07 by MNDNR.

**24-01
(cont'd)**

1 of breaking it are zero.
2 If we don't build this plant here, the chances
3 of us getting lung cancer, I'm sure, are going to be
4 much less. That's the way I look at it, and I wanted
5 to go on record and say that and challenge the
6 departments that be to come up with something I can
7 read to my 6th grader and he's going to be able to
8 follow it and everybody else in the community will,
9 too, without spending the next six months trying to
10 muddle through a thousand pages of stuff that just
11 still seems kind of vague and out there; if we do this
12 and if we kind of do that, maybe this will happen. I
13 don't know.

14 Last time I got a building permit and I had a
15 septic plan, they didn't let me do that. I had to tell
16 them exactly how many bedrooms and how many bathrooms
17 and how many square feet; and if I didn't, they'd just
18 say, well, go ahead, come back when you've got all of
19 that stuff. And I guess that's what I'm kind of
20 saying; come back and talk to me when you got all the
21 numbers. Thanks a lot. (Applause)

22 BILL STORM: Thank you.
23 JUDY GUNELIUS: Judy Gunelius, J-u-d-y
24 G-u-n-e-l-i-u-s, Bigfork.

25-01

25 Short and sweet. A picture is worth a

Commenter 25 – Judy Gunelius; Commenter 26 – David Holmstrom

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**25-01
(cont'd)**

1 thousand years. Everything has been addressed
2 beautifully. I just have a picture to show you. And
3 this fish, this lake trout came out of beautiful
4 pristine Canisteo Pit, which should be here for a long
5 time. I'm 68. I hope my grandchildren see it.

6 (Applause)

7 BILL STROM: Would anyone else like to speak?

8 This gentleman right here.

9 DAVID HOLMSTROM: I'm David Holmstrom,

10 H-o-l-m-s-t-r-o-m. And both my wife and I have
11 reviewed different parts of the draft Environmental
12 Impact Study, and I would be subject to cold dinners
13 for the rest of the winter if I didn't bring to your
14 attention the deficiency that she found. In one of the
15 segments that she read, and I believe it's Figure
16 4.3.5.6 it references some numbers from the
17 Intergovernmental Panel on Climate Change. For those of
18 you who might not recognize that name, that's the
19 organization that was the co-winner of the Nobel Peace
20 prize this past year.

26-01

21 The report from the IPCC that was referenced
22 in the document was their report from 2001. There's a
23 new report out in 2007 by that panel. And I think if
24 the Environment Impact Study is going to represent
25 accurate data, they need to use the more current report

Responses

Comment 26-01

New text in Section 5.2.8 (Volume 1) of the Final EIS has been added and discusses the range in average surface temperature increase at the end of the current century based on the 2007 IPCC report, which has been added to the references.

Commenter 26 – David Holmstrom

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**26-01
(cont'd)**

1 from the IPCC in their references in this report.

2 Secondly, the portions of the report that I
3 read dealt with the handling of wastewater, not cooling
4 down or blowdown water, not production water, but
5 actual human wastewater generated by the plant. And
6 the report went into some detail about the fact that
7 the sewage pumping station here in Taconite is not
8 sufficiently large to handle the volume of wastewater
9 that will be produced. No discussion, however, was
10 available, at least in the portions that I read, about

26-02

11 whether the sewage treatment plant, the
12 Coleraine/Bovey/Taconite sewage treatment plant, which
13 is on the other side of the pumping station in
14 Taconite, has the capacity to deal with the volume of
15 wastewater that the plant will generate.

16 Again, I think that if the Environmental
17 Impact Study is going to accurately reflect some of the
18 problems attendant to the location of this plant, some
19 discussion of whether the sewage treatment plant just
20 outside of Coleraine and Bovey, essentially on the
21 shores of Trout Lake, has sufficient capacity to handle
22 the wastewater that will be generated by the plant.

26-03

23 The third issue that was in one of the
24 sections that I read had to do with proposed routing of
25 high voltage transmission lines. And I saw in the

Responses

Comment 26-02

New text has been added to Section 4.14.3.3 (Volume 1) to reflect the project proponent's proposal to improve regional water quality by sponsoring equipment additions to local WWTFs and by funding analytical studies to quantify the extent to which such WWTF improvements lessen the mass and concentration of phosphorus and mercury released.

Comment 26-03

Sections 4.10.3.1 and 4.10.4.1 (Volume 1) and Table 4.10.6 of the EIS provide information on the number of property owners that would be affected by the proposed alternative routes for the transmission lines. As stated in Section 1.5.2.2 (Volume 1), the HVTL Route Permit Application (part of the Joint Permit Application) must identify the names of each owner whose property is within any of the proposed routes.

**Commenter 26 – David Holmstrom; Commenter 27 –
Darrell White; Commenter 28 – Ron Gustafson**

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**26-03
(cont'd)**

1 portions that I read no description of the number of
2 property owners that would be affected by any of the
3 proposed alternatives for the routing of those
4 transmission lines. I think that's a major deficit in
5 the accuracy of this report.

6 I thank you for your attention. (Applause)

7 BILL STROM: Thank you. Anyone else care to
8 speak? This gentleman here.

9 DARRELL WHITE: My name is Darrell White,
10 D-a-r-r-e-l-l W-h-i-t-e. Everything has been said, so
11 I can't say nothing about it. There's only one section
12 I'm concerned about. Last July I went down to
13 Minnesota PUC, and Julie Jorgensen, CEO of Excelsior,
14 was giving a little talk in front of them, and she said
15 this plant will create 70 jobs. Are we giving up
16 everything for 70 jobs? Put this down to rest and
17 quite wasting my tax dollars. (Applause)

27-01

18 BILL STROM: Anyone else like to speak?

19 RON GUSTAFSON: Just a brief comment; and it's
20 the amazing elephant in the room, and the elephant in
21 the room is Excelsior Energy is proposing this plant
22 for one reason and one reason only, to make money, to
23 make a profit. And we have to ask ourselves, is this
24 where we take a stance and correct the mistakes our
25 generation has made in relationship to the environment,

28-01

Responses

Comment 27-01

The Final EIS (Volume 1) describes the anticipated project employment for construction in Section 2.2.4.4 and for operations in Section 2.2.5.3. See also response to Comment 16-01, which addresses concerns regarding economic impacts.

Comment 28-01

Thank you for your comment. It has been noted and will be included in the administrative record for this EIS.

Responses

Commenter 28 – Ron Gustafson

**28-01
(cont'd)**

1 or do we want to keep pouring public money to a group
2 of lobbyists and lawyers who have never produced a
3 kilowatt of energy and sacrifice our environment and
4 the health of us and of future generations to come?
5 (Applause)
6 BILL STROM: Anyone else who would like to
7 speak? Going once, twice -- okay. I want to thank you
8 all for coming here. I want to remind you that the
9 comment period, end of the comment period is January
10 11, 2008. You can send your comments either to me or
11 to Richard. We're going to share -- we're in this
12 together. We're going to share comments.
13 I want to encourage you, if you submit
14 comments, make them specific on issues and concerns you
15 have about the draft Environmental Impact Statement.
16 And keep in mind, if you reflect back to that flow
17 chart that I showed you, a milestone that we have
18 coming up is the contested case hearing, and in that
19 hearing process comments, generic comments about the
20 technology or the government spending money, they're
21 more appropriate for that forum. When you submit your
22 written comments to either me or Richard, to the extent
23 possible, try to focus on deficiencies, areas that need
24 clarification of the draft Environmental Impact
25 Statement.

1 UNIDENTIFIED: Where is that contested case
2 hearing likely to be held?

3 BILL STROM: We will hold one here and one in
4 Hoyt Lakes; and that will be with an ALJ presiding.
5 Yes, sir, in the back.

6 UNIDENTIFIED: I understand this is a meeting
7 with the Department of Commerce, which is a state
8 organization, and the Department of Energy, which is a
9 federal organization. How does this EIS get reviewed?
10 Who accepts it or doesn't accept it? Do they accept
11 the whole thing as is or do they accept parts of it?
12 How does this work? What happens?

13 BILL STROM: I can speak to the state process,
14 and I'll let Richard speak to the federal process.
15 When I went through the schematic, the final decision
16 point in that schematic was the PUC making a final
17 decision. As I said, they will make a decision on
18 three things; the first one being the adequacy of the
19 Environmental Impact Statement. So that is a decision
20 point for the PUC at the state level. Richard, do you
21 have anything to add for the feds?

22 RICHARD HARGIS: Well, the whole idea here was
23 to have a joint process, a joint document that would
24 satisfy both purposes. Our purposes is to get
25 environmental information out to the public and to the

Responses

The comments raised in the following pages for the remainder of the public hearing at Taconite are considered to be part of an open question and answer forum more commonly associated with Minnesota's State EIS hearing process. Because these questions were essentially answered by the moderators as indicated in the transcript, or were otherwise considered to be rhetorical in nature, responses have not been provided in this document.

Responses

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1 federal officials that have to make a decision on
2 whether we go forward with funding under the Clean Coal
3 Power Initiative. Bill has his purpose in terms of
4 providing recommendation to the Public Utilities
5 Commission. The Corps of Engineers is also a
6 cooperating agency. They have their own goals and
7 their purposes. The Forest Service is involved. So
8 we're all trying to make this one document that
9 satisfies a lot of purposes.

10 BILL STROM: Yes, Linda.

11 LINDA CASTAGNERI: The question I have is
12 regarding when you're asking us to address our
13 comments. I guess the question I would like to ask, if
14 you can explain to me, is who is like the bridge
15 between all these different groups of people? And is
16 there like a critical think group that then looks at
17 these comments and decides how they're going to address
18 the responses to them, because I guess that's really
19 the concern that I have; is that I think that we put in
20 a tremendous amount of personal effort and energy into
21 this, very sincere effort to have these questions and
22 comments addressed. And I know you're telling us to do
23 this again. But what I'm asking is I want to know on
24 the accountability side between all these various
25 groups of people, who is monitoring and providing

1 oversight to see that these comments are actually being
2 addressed so that when this final document appears,
3 right, that it just isn't a punishment exercise that
4 we've all gone through and you all hand over this piece
5 of paper.

6 So I think it's really fair that someone has
7 to tell us in a public forum who is providing oversight
8 on our comments and looking at them, because I just
9 don't get a warm and fuzzy feeling that the people in
10 Washington, D.C., right, have a heartbeat on what
11 happens in Itasca County. And I just think that
12 there's a link. Everything links in life, and I don't
13 see this link occurring here. Sorry. But I want to
14 know who's looking at my comments. (Applause)

15 BILL STROM: Okay, Linda. I can speak from
16 the state's standpoint. The PUC on this docket, the
17 siting and routing docket, as I said, has to make three
18 decisions; the adequacy of the Environmental Impact
19 Statement, whether to issue a site permit to Excelsior
20 and what conditions should be in that permit; and the
21 selection of which site and which routes get selected.
22 The environmental information, the public comments come
23 in, they come into me at the state level. I evaluate
24 them. I use my expertise and my background to carry
25 those that I think have merit forward, and they get

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1 carried forward, and I make recommendations. For
2 example, on the scoping documents, I reviewed the
3 public comments. I carried those that I thought had
4 merit forward, made a recommendation to the
5 Commissioner of the Department of Commerce. The
6 Commissioner of the Department of Commerce is the
7 decision-making authority for the scoping decision.

8 Now, as we move through the process, we
9 produced a scope, we produced a draft of our
10 Environmental Impact Statement. We will go into a
11 contested case hearing where people who still have
12 remaining issues with the process, with the
13 environmental documents, get to speak that to an ALJ,
14 another impartial view person. That ALJ will then
15 write a report with findings of fact of the whole
16 record, and this will be a big one, findings of fact,
17 recommendations and conclusions.

18 His recommendations and conclusions will be
19 the adequacy of the Environmental Impact Statement,
20 whether a permit should be issued for the site and the
21 two routes, pipeline and transmission line, and any
22 conditions that he thinks came out of the record that
23 should be incorporated in that permit; and that will
24 come back to me. I will review that, and then I will
25 put together briefing papers with my recommendations to

1 the PUC.

2 The forum that takes, when I present the case
3 to the PUC, I provide all the findings of fact, with
4 the judge's report. I then provide my analysis of it,
5 and then I give the PUC options. You know, one option
6 may be what I believe, but another option coming out of
7 record, and I present it to the PUC and then they
8 select. Those things that fall within the three
9 decision points they have to make, they select them.
10 They may concur with my recommendation that Hoyt Lakes
11 is the preferred site. They may not. They may
12 determine that neither site is appropriate, okay? They
13 may determine that the Environmental Impact Statement
14 is not accurate and send me back through the process to
15 address a deficiency there. And they may decide
16 they're going to issue a permit, they're going to issue
17 it for this site here in Taconite, and these are the
18 conditions we want; and one of the conditions could be
19 we want zero discharge on the west site. They can say
20 that they want that as a condition.

21 You as public in the contested case forum, not
22 this one -- this forum deals with the draft EIS -- you
23 can tell the ALJ, I don't want the project or you can
24 say, as a condition of the permit, if it gets that far,
25 I want zero discharge for the West Range site. So you

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1 can suggest things that you think have merit for permit
2 conditions.

3 Does that sort of cover it for you, Linda, a
4 little bit?

5 LINDA CASTAGNEIR: Well, we're just confused
6 because we put these comments in and we just did not
7 see them addressed in the draft, and I just don't want
8 this all of a sudden to be just done and then --

9 BILL STROM: It may be that you've submitted
10 -- I'm not going to get into details of it because I
11 want to go home sometime tonight -- it may be that you
12 submitted comments that I didn't believe had merit, and
13 I didn't carry them forward. The contested case
14 hearing is that forum for you to bring that up, and
15 say, well, I don't think Bill did what I asked Bill to
16 do or didn't deep enough. You might say, well, I
17 brought up the Henshaw effect. Bill incorporated a
18 little bit of that in the draft EIS. I don't think he
19 want far enough. Your Honor, I'm asking that we have
20 more information on this.

21 I think I just created a monster here. I
22 don't want to get too far afield on issues that don't
23 have to do with the draft Environmental Impact
24 Statement because you people have families and you want
25 to get home to, and so do we, frankly. So if you have

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1 a comment or question that's on the draft Environmental
2 Impact Statement, bring it up. If you have a comment
3 on the process, when we close, talk to me informally
4 about it, and I can go over the process.

5 UNIDENTIFIED: Just one sentence; so you're
6 the guy? Everything is going right to you? There's
7 not a committee? You're it? You're the straw that
8 stirs the drink?

9 BILL STROM: Well, we did have a task force on
10 this process, but I am the guy.

11 UNIDENTIFIED: You're it.

12 UNIDENTIFIED: So there's no checks and
13 balances; it's you?

14 BILL STROM: Well, remember there are other
15 permitting agencies after me. I'm sure we have people
16 from the DNR, water appropriation group here. The PCA
17 will have to issue an air permit. These are other
18 people who have permitting authority after my permit,
19 but they're running consecutively. The air permit is
20 already in. The groundwater permits are in. So I'm
21 getting feedback from these agencies already.

22 LOREE MILTICH: I'm Loree Miltich, L-o-r-e-e
23 M-i-l-t-i-c-h. I'm wondering, who did the modeling
24 processes, the CALPUFFS and all the -- do you do that?
25 Does the DOE, or does Excelsior?

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1 BILL STROM: That data was generated from
2 Excelsior and their consultants and reviewed through us
3 and the DOE consultant.

4 LOREE MILTICH: But the state hasn't reviewed
5 the actual modeling figures? Because when I was
6 looking at it, I was concerned, as an elementary
7 schoolteacher, well, here's the results but I want to
8 see the work, because there's a lot of assumptions
9 built in. When I looked at Minnesota Steel's, they're
10 just adjacent, and the background ambient air, the
11 number for the threshold and stuff, there were
12 discrepancies, they weren't the same and yet they're
13 the same air. So I'm wondering who's got oversight
14 over the modeling. Or is Excelsior just feeding you
15 guys their numbers? I feel concerned.

16 So do you take responsibility for -- even the
17 DOE says that CALPUFF should be looked at with really
18 understanding its limitations. And there was no
19 verbiage, there was no words talking about the
20 limitations of these various modeling programs, where
21 you were coming up with the numbers. So who has
22 accountability for the modeling and the number -- well,
23 no, put it this way; garage in, garage out.

24 RICHARD HARGIS: If you're asking for us to
25 put an explanation in there as to where we got the

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1 numbers, what we did in terms of doing an independent
2 verification of those numbers, we can explain that in
3 the EIS. I understand your concern. You need to know
4 that DOE stands by the numbers in the EIS, and so does
5 the Department of Commerce. It's not just Excelsior's
6 numbers being handed to you. And we'll make sure we'll
7 make that clear in the EIS.

8 ANDREW DAVID: Andrew David. Sorry if I
9 opened up a can of worms, but I was curious. Some of
10 the comments that Linda made and some that Ed made
11 about the draft scoping for the EIS and efforts that
12 went in; and if I understood you correctly, you said
13 that you took those and you brought things that you
14 thought had merit to the, I guess I want to get this
15 right, is it the head of the Commerce Department?

16 BILL STROM: Commissioner of the Department of
17 Commerce.

18 ANDREW DAVID: Commissioner of the Department
19 of Commerce, and then a decision was going to be made
20 as to what was going to be in and what was going to be
21 out in this EIS. Can you tell me without getting into
22 specifics if things you brought to that Commissioner
23 were not included? In other words, did you bring to
24 the Commissioner a report that said, there are items in
25 here that I think have merit, and the Commissioner

1 said, I don't believe that and left them out?

2 BILL STROM: That did not happen.

3 ANDREW DAVID: That did not happen. So
4 everything that came forward you reviewed and you
5 decided what had merit and what didn't. And all that
6 that had merit came into this draft EIS proposal, is
7 that correct?

8 BILL STROM: Correct.

9 ANDREW DAVID: Thank you.

10 BILL STROM: Yes, sir.

11 GARY BURT: Gary Burt. Is there going to be a
12 revised EIS before the court hearings, what did you
13 call that, the --

14 BILL STROM: Contested case hearing.

15 GARY BURT: Yes, contested case hearing; is
16 there going to be a revised EIS; and if not, when is a
17 revised EIS going to be issued?

18 BILL STROM: There is not a revised EIS.
19 There is a final EIS, and the final EIS is, we take the
20 comments we received tonight, the comments we received
21 during the comment period, and we address them. We
22 explain our position, we answer the questions to the
23 best of our ability. And that section gets put onto
24 the draft EIS, and that becomes the final EIS.

25 GARY BURT: And that will happen when?

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1 BILL STROM: We're hoping to get the final EIS
2 out March 7th.

3 GARY BURT: And if we disagree with that, what
4 do we do then?

5 BILL STROM: In the state process there's no
6 second bit of the apple in the final EIS, but what you
7 can do is, when I present the case to the PUC, which
8 I'm hoping to do May 22 -- again, these are tentative
9 dates -- that's a public meeting. You can come to that
10 meeting and you can address the question of adequacy of
11 the Environmental Impact Statement at that point.

12 GARY BURT: Thank you.

13 BILL STROM: Yes, sir. Please step to the
14 mike.

15 ALMER PEDERSON: My name is Almer Pederson,
16 P-e-d-e-r-s-o-n. Assuming on this EIS now, this
17 committee that's reviewing this sits down and looks at
18 everything that's been said and everything's been
19 reviewed, put in place and say, hey, let's try it.
20 What happens? Who overrides him?

21 BILL STROM: The point of the EIS is not a
22 conclusionary document. The EIS purpose is not to say
23 aye or nay to this project. That on the state side,
24 for the state's role is done at the PUC final decision
25 hearing. So what you're envisioning is not part of the

1 process.

2 ALMER PEDERSON: So it'll be part of the --
3 the part that goes into the mix and gets down to
4 whether everything is approved or disapproved?

5 BILL STROM: I guess I'll have to say yes.
6 Well, what happens is we have a contested case hearing
7 that's sort of on a parallel track. We take all the
8 comments received during the comment period for the
9 draft EIS, we address them and issue a final EIS.

10 The contested case hearing takes testimony,
11 evidence from the public, from other agencies, and out
12 of that comes a report from the ALJ, administrative law
13 judge. That comes back to me. I take the whole
14 record, which includes everything from the beginning
15 through this, through the ALJ, through the contested
16 case hearing, through the ALJ report, I assemble it, I
17 assemble briefing papers. I present that to the PUC,
18 and they make the final decision on those three
19 decision points. That's the state's process.

20 RICHARD HARGIS: I just want to clarify one
21 thing. And Linda, you were concerned about comments
22 that everybody is putting together on this draft EIS,
23 that they're somehow not going to be addressed or
24 they're not going to be considered carefully. I tried
25 to make a point in my presentation -- I guess I didn't

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1 do a very good job -- but every comment that we get,
2 whether it's tonight, whether it's a written comment,
3 e-mail, fax, whatever, it will be reproduced in its
4 entirety, and that's why we have a court reporter here
5 for the oral comments so that we have them in writing.
6 There will be a separate section in the final EIS that
7 has every comment, word-for-word what you said we
8 should do and why, and then we will give you a specific
9 response. Yeah, we agree with you. We should have
10 done that. And then we will point to the specific
11 portion of the final EIS and say, here's what we
12 changed. And it will be bold and in italics so it will
13 stand out. You can go to that section, and you can see
14 how we addressed your comments.

15 So I hope that that will convince people. If
16 you'd like, I can send you a recent final EIS that we
17 did to show you how we did that. I can send you a copy
18 so you can see what to expect for this project as well.

19 As far as the state process and
20 decision-making, all of the -- deciding how to respond
21 to these comments, it gets reviewed at various levels
22 within the DOE, and it goes to the highest levels
23 within DOE, within fossil energy within DOE, to ensure
24 that we've done our job in terms of answering your
25 questions and addressing your comments.

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1 ALMER PEDERSON: Thank you.

2 ANDREW DAVID: I appreciate that explanation.

3 That's wonderful. We see in the final EIS how you will

4 have addressed concerns that we bring up here. The

5 concerns of the people who are here, at least the ones

6 that are still left, is that we did a scoping EIS, and

7 theoretically it was under a similar situation, and

8 many of the things that were brought up then are not in

9 this document now. It's a fear. Somehow you have to

10 overcome that fear. There's got to be a little bit of

11 trust. Thank you.

12 BILL STROM: Anyone else? Again, I appreciate

13 you guys being here. I do this all the time. I have

14 many projects. I think I'm from the Range, I come up

15 here so often. I do appreciate your participation. I

16 know it's a burden to come out here. But the one thing

17 I love about my job is this process. I'm the neutral

18 one. I have six, seven different projects. I'm

19 neutral pretty much on the projects all the way through

20 the process. What I'm strong about is getting you

21 people to voice your opinion and bring it forward so the

22 final decision-makers can have a complete record.

23 (Applause)

24 (Hearing concluded at 9:45 p.m.)

25

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1 COURT REPORTER'S CERTIFICATE
2 Be it known that I have reported and transcribed
3 the foregoing hearing;
4 That I am a notary public in and for the County of
5 St. Louis, State of Minnesota;
6 That I am not related to any of the parties hereto
7 or interested in the outcome of this matter;
8 That the foregoing is a true and accurate
9 transcription of my stenographic notes to the best of
10 my ability.
11 Witness my hand and seal this 7th day of December,
12 2007.
13
14
15 Kathleen M. Undeland
16 Registered Professional Reporter
17 My commission expires
18 January 31, 2010
19
20
21
22
23
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25