



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Twin Cities Field Office
4101 American Blvd E.
Bloomington, Minnesota 55425-1665

August 7, 2014

Ms. Genevieve Damico
Chief, Air Permits Section
Air and Radiation Division
U.S. Environmental Protection Agency
77 West Jackson Boulevard, A-18J
Chicago, Illinois 60604

RE: Prevention of Significant Deterioration Permit
Flint Hills Resources

Dear Ms. Damico:

This is in response to your July 22, 2014, email in which the Environmental Protection Agency (EPA) requested concurrence that the issuance of a Prevention of Significant Deterioration permit for a proposed project by Flint Hills Resources (Flint Hills), near Rosemount, Minnesota, may affect but is not likely to adversely affect two freshwater mussels that are listed as endangered under the Endangered Species Act of 1973, as amended – Higgins eye (*Lampsilis higginsii*) and sheepnose (*Plethobasus cyphus*).

As stated in your letter, Flint Hills is planning to construct a combined-cycle, natural gas combined heat and power (CHP) facility that will be located in the southeast portion of the refinery property and will generate electricity and steam for the facility. Barr Engineering completed an analysis of impacts from the proposed project for Flint Hills on April 9, 2014.

The EPA defined the action area to be a three-kilometer radius surrounding the emission stacks, since that is where the maximum deposit of pollutants is likely to occur. The EPA contacted the U.S. Fish and Wildlife Service (Service) on May 13, 2014, requesting information on listed species and critical habitats known to be present within the action area.

The Service responded that there are no records to indicate that any listed species occur within three kilometers of the proposed project. However, the Mississippi River is within the action area and Higgins eye and sheepnose may be present in the river within a reasonable distance downstream of the action area. Higgins eye have been recorded approximately four miles downstream of the three-kilometer radius boundary. Sheepnose may be present as near as five miles downstream of the defined action area (downstream of Lock and Dam No. 2).

Flint Hills and EPA considered the possibility that some pollutants could be deposited in the Mississippi River and be transported downstream to the area where Higgins eye and sheepsnose may be present, by conducting a screening-level assessment. All calculated ecological screening quotients indicated no adverse effects to ecological receptors (*i.e.*, federally-listed freshwater mussels).

We concur that the proposed permit issuance may affect, but will not likely adversely affect Higgins eye or sheepsnose in the Mississippi River downstream of the action area. Although there is a possibility that Higgins eye and sheepsnose in the Mississippi River would be exposed to pollutants discharged by the facility, it is not likely.

If further coordination on the proposed action is necessary, please contact Elissa Buttermore at 612-725-3548, extension 2205, or at elissa_buttermore@fws.gov.

Sincerely,

A handwritten signature in black ink that reads "Lisa Mandell". The signature is written in a cursive, flowing style.

Lisa Mandell
Acting Field Supervisor