



# Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, MN 55155-4194 | 651-296-6300 | 800-675-3843 | 651-282-5332 TTY | [www.pca.state.mn.us](http://www.pca.state.mn.us)

January 13, 2010

Ms. Carol Greenwood  
Petitioners Representative  
2615 38<sup>th</sup> Avenue South  
Minneapolis, MN 55406

Mr. Justin Eibenholz  
Petitioners Representative  
837 15<sup>th</sup> Avenue SE  
Minneapolis, MN 55414

Ms. Nancy Hone  
Petitioners Representative  
2098 Carroll Avenue  
St. Paul, MN 55104

Dear Ms. Greenwood, Mr. Eibenholz, and Ms. Hone:

Your petitions for an Environmental Assessment Worksheet (EAW) on the proposal by Hennepin County to increase the daily volume of solid waste to be burned at the Hennepin Energy Recovery Center incinerator arrived at the Minnesota Pollution Control Agency (MPCA) on September 11, 2009. Pursuant to Minn. R. 4410.1100, subp. 9, the MPCA deferred action on these petitions until such time as permit application(s) were submitted to the agency. On December 22, 2009, the MPCA received an application requesting action by the MPCA to amend the air quality permit to remove the limit on fuel usage of 365,000 tons per year, or an annual average of 1,000 tons per day, of mixed municipal solid waste (MSW), thereby allowing fuel usage at the facility to increase to an average of 1,212 tons per day of MSW or 442,380 tons per year.

The MPCA reviewed Minn. R. 4410.4300 subp. 17, item D to determine if the proposed increased fuel usage would trip the threshold for a mandatory EAW. Minn R. 4410.4300, subp. 17, item D provides that an EAW is required:

For construction or expansion of a mixed municipal solid waste energy recovery facility or incinerator, or the utilization of an existing facility for the combustion of mixed municipal solid waste or refuse-derived fuel, with a capacity of 30 or more tons per day of input, the PCA is the RGU.

The MPCA has determined that the proposed increase in fuel usage is an expansion of a mixed municipal solid waste energy resource recovery facility with a capacity of 30 or more tons per day of input. As a result, the MPCA has decided that the preparation of an EAW before a permitting action to approve the expansion is mandatory. The MPCA does not find that the project fits under any of the exemptions in Minn. R. 4410.4600.

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Because the EAW is mandatory in this case, the petitions for an EAW are moot. The MPCA will be getting the EAW process under way shortly. You will receive a copy of the document for comment when it is ready for public notice.

The project manager for this EAW is William Lynott. Please contact him at 651-757-2542 if you have any questions.

Sincerely,



Craig Affeldt  
Supervisor, Environmental Review Unit  
St. Paul Office  
Regional Division

CA:mbo

cc: Carl Michaud, Environmental Services Director, Hennepin County  
Kimberly Holien, Minneapolis City Planner  
Kathleen Winters, Attorney General's Office  
Gregg Downing, Environmental Quality Board  
David Thornton, MPCA  
William Lynott, MPCA

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