



Minnesota Pollution Control Agency

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August 29, 2012

TO: INTERESTED PARTIES

RE: Full Circle Organics/Good Thunder Compost Facility

On August 27, 2012, the Minnesota Pollution Control Agency Citizens' Board voted to approve the Findings of Fact, Conclusions of Law, and Order to deny the petition requesting the preparation of an Environmental Assessment Worksheet (EAW) on the Full Circle Organics/Good Thunder Compost Facility, Blue Earth County, Minnesota. This decision completes the process for the consideration of a Petition for an EAW under the revised Minnesota Environmental Quality Board Rules, Minn. R. ch. 4410. Final governmental actions to grant a permit or approval for the project may now be made.

These documents can be reviewed on our MPCA website at <http://www.pca.state.mn.us/news/eaw/index.html>. Requests for copies of these documents may be made by contacting the St. Paul office at 651-757-2101.

Sincerely,

A handwritten signature in black ink, appearing to read "John Linc Stine".

John Linc Stine
Commissioner

JLS:mbo

**STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY**

**IN THE MATTER OF THE DECISION ON THE
PETITION REQUESTING THE PREPARATION OF AN
ENVIRONMENTAL ASSESSMENT WORKSHEET ON THE
PROPOSED FULL CIRCLE ORGANICS/GOOD THUNDER COMPOST FACILITY
IN LYRA TOWNSHIP, BLUE EARTH COUNTY, MINNESOTA**

**FINDINGS OF FACT
CONCLUSIONS OF LAW
AND ORDER**

FINDINGS OF FACT

Pursuant to Minn. R. 4410.1100, the Minnesota Pollution Control Agency (MPCA) received a petition, transmitted through the Minnesota Environmental Quality Board (EQB), requesting the preparation of an Environmental Assessment Worksheet (EAW) on the proposed Full Circle Organics/Good Thunder Compost Facility in Blue Earth County, Minnesota. Based on the evidence submitted by the petitioners, project proposer, and other information considered by MPCA during the review of this matter, the MPCA makes the following Findings of Fact, Conclusions of Law, and Order. These Findings of Fact, Conclusions of Law, and Order address the proposed project described above and do not apply to any future proposed projects.

Proposed Project

1. Full Circle Organics, LLC (Full Circle) is proposing to construct and operate a source-separated compost facility in Blue Earth County, Minnesota (Project) on 10 acres of land owned by MFS Farms, Inc. (MFS).
2. The facility capacity as proposed is 110 tons per day, or 25,000 tons per year of source-separated organic compostable material (SSCM). SSCM is waste that can be composted and which is separated at the source by the generator from other waste, such as plastic, glass, or metal, for the purpose of composting. Sources of SSCM for the facility include food waste (both liquid and solid), non-recyclable paper, plant materials, and animal bedding. The Project proposer will mix yard waste and wood chips with the SSCM.
3. Compost material will be received in the mixing building and combined with yard waste and other organic material until the appropriate blend is reached. The mixing building will be constructed with a concrete floor, doors, fans, and a biofilter for odor control. The material is processed in batches. Once a batch reaches 55 degrees Celsius (131 degrees Fahrenheit) in the mixing building, the batch will be relocated to the active composting pad located outdoors, next to the mixing building. Liquid food waste and excess liquid (leachate) from the mixing process will be stored in two separate 20,000-gallon underground concrete storage tanks. Liquid from these tanks will be used in the mixing process to achieve a 50 to 60 percent moisture level.
4. The active composting pad will be constructed of asphalt. Once the compost is placed on the active compost pad, it will remain there to cure until it has completed the active compost process and reaches maturity. It will then be screened and stored on the final product storage pad.

5. The facility will have two stormwater ponds, ponds 1 and 2. All stormwater from the facility will be directed to one of the ponds. Both ponds will be lined with a two-foot clay liner to reduce infiltration to the groundwater.
6. All stormwater from the active compost pad will be directed to pond 1 located on the south side of the facility. This pond is designed to manage two 100-year, back-to-back, 24-hour precipitation events. No discharge is designed for this pond. If the water level nears the established storage volume and the water cannot be used in the mixing process inside the building, the Project proposer will be required to truck the water to an approved wastewater treatment plant in accordance with the MPCA and facility requirements.
7. When the compost has reached maturity, it will be relocated to the finished compost pad. This pad is comprised of compacted Class V aggregate material underlain with two feet of compacted clay. Stormwater from the finished compost pad is directed to pond 2 located on the north side of the facility. The water from this pond will be reused in the composting process or discharged to a tile line and ditch south of the facility. The ditch drains to an unnamed creek, then west, ultimately into the Maple River, approximately 4,500 feet from the Project area.
8. Potential end uses of the final compost product are land application by landscapers, as well as county and state highway departments for erosion control and when constructing rain gardens. It may also be used by the agriculture industry as a soil amendment.

Permit History

9. Construction and operation of the proposed facility will require a Solid Waste Permit from the MPCA. This is a proposed facility; therefore, there is no existing Solid Waste Permit. Because there are no rules specifically for SSCM, the facility is proposed to be permitted under the stringent rules and requirements for municipal solid waste (MSW) compost facilities (Minn. R. 7035.2836, subps. 4-7). On December 21, 2011, the MPCA received an application to construct and operate the source-separated organic compost facility from Full Circle.
10. Full Circle was issued a conditional use permit (CUP) by Blue Earth County on April 24, 2012. A building permit is also required from the county.
11. MPCA staff prepared a draft Solid Waste Permit and placed it on public notice on May 10, 2012. MPCA staff also held a public informational meeting on May 17, 2012, in Good Thunder, Minnesota. The public comment period on the permit ended on June 11, 2012.
12. A National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit and an Industrial Stormwater Permit are required from the MPCA.
13. On July 23, 2012, the EQB received a petition, submitted by Victor and Brenda Wilcox (Petitioners' Representative), requesting that an EAW be prepared on the Project proposed by Full Circle.
14. The proposed permit to authorize construction and operation of the facility and a request for a contested case hearing were considered by the MPCA Citizens' Board (Board) on July 24, 2012. MPCA staff recommended denial of the contested case hearing request and approval of permit issuance.

15. In light of the petition for preparation of an EAW, the Board determined that it would not take action on the proposed permit until after it considered the petition for the EAW.

Petition for Environmental Assessment Worksheet

16. Pursuant to Minn. R. 4410.1100, subp. 5, the EQB determined that the petition complied with the requirements for a valid petition and that the MPCA was the appropriate responsible governmental unit (RGU) to decide whether an EAW should be prepared.
17. On July 23, 2012, the MPCA received the petition for the EAW from the EQB. The entire petition and attachments were reviewed by MPCA staff. The entire petition is available on the MPCA website at: www.pca.state.mn.us. The petition, without attachments, is provided as Appendix A.
18. On July 25, 2012, MPCA staff informed the Petitioners' Representative and Full Circle, by letter, that the petition to prepare an EAW had been received from the EQB and that the MPCA had been designated as the RGU. The letter also stated that the decision to grant or deny the petition could be made by the Board, provided that a Board member, or the Commissioner, who chairs the Board, agreed to bring the matter before the Board.
19. The Commissioner requested that the Board make the decision whether to grant or deny the petition.
20. This matter came to the Board for a decision on whether to grant or deny the petition for preparation of an EAW at the Board's regularly-scheduled meeting on August 27, 2012.

Determination of Environmental Review Requirements

21. The first step in making the decision on the need to prepare an EAW is to compare the proposed Project to the categories and thresholds for a mandatory EAW (Minn. R. 4410.4300) and a mandatory Environmental Impact Statement (EIS) (Minn. R. 4410.4400).
22. Thresholds for mandatory environmental review of solid waste facilities are contained in Minn. R. 4410.4300, subp. 17 for EAWs and 4410.4400, subp. 13 for EISs. These portions of EQB rules provide mandatory thresholds for MSW landfills, MSW transfer stations, facilities for the combustion of MSW or refuse-derived fuel (RDF), and facilities for the production of MSW compost or RDF. EQB rules do not contain thresholds for the mandatory review of SSCM. The MPCA finds that the proposed Project does not meet the criteria for a mandatory EAW for any category in Minn. R. 4410.4300 or a mandatory EIS for any category in Minn. R. 4410.4400.
23. The proposed Project is subject to discretionary environmental review pursuant to Minn. R. 44190.4500. The proposed Project is not exempt from environmental review under any portion of Minn. R. 4410.4600.

24. Pursuant to Minn. R. 4410.1100, subp. 6, the MPCA must order the preparation of an EAW if the evidence presented by the petitioner, proposer, and other persons, or information otherwise known to the MPCA demonstrates that because of the nature or location of the proposed Project, the proposed Project may have the potential for significant environmental effects. The MPCA must deny the petition if the evidence presented fails to demonstrate that the proposed Project may have the potential for significant environmental effects.

**Concerns Raised in the Petition Regarding the
Potential for Significant Environmental Effects**

Stormwater Runoff

25. The petitioners contend that runoff from the proposed Project will exacerbate nearby drainage/flooding problems and will carry bacteria, pathogens, and leachate to surface water bodies in the area.
26. The facility will generate two types of stormwater runoff, noncontact and contact. Noncontact stormwater is runoff from the interior facility entrance area and truck turnaround, finished product storage area, and the building roof. Stormwater from a finished product area is considered noncontact stormwater. The permit requires all noncontact stormwater runoff to be treated prior to discharge from the site. Contact stormwater is runoff that has come into contact with the raw feedstock or immature compost material. Contact stormwater runoff will not be discharged from the site.
27. The proposed drainage system for the facility includes two separate pond systems lined with clay to prevent infiltration into the groundwater. Pond 1 will capture the runoff from the active composting pad. This pond is designed to hold two 100-year back-to-back precipitation events and is designed to have no discharge. The water captured in this pond will be used in the mixing process inside the building, or will be trucked to a wastewater treatment plant to be properly processed in accordance with the MPCA and facility requirements.
28. Pond 2, located on the north side of site, will handle only noncontact stormwater runoff. Water that enters this pond discharges to the tile system in an adjacent field. The drain tiles in the field discharge to a wetland area south of the property, which drains to the Maple River. This pond treats the stormwater by allowing solids to settle out prior to discharge to the tile lines. This discharge is subject to an MPCA NPDES/SDS Industrial Stormwater General Permit. Some water from this pond will also be used to water the compost to maintain the proper moisture content.
29. The consultant for Full Circle conducted an analysis of the proposed drainage system as part of the permitting process. The analysis indicated the runoff rate and volume of stormwater leaving the site will be reduced from current conditions by a minimum of 50 percent.
30. The drain tile lines that currently exist under the facility will be removed and routed around the facility. This measure reduces the potential for surface water that may migrate into the soils directly beneath the site to be carried away to surface waters.

31. The MPCA finds that the discharge from the proposed stormwater system will not adversely affect the quality or quantity of runoff from the facility, and may tend to reduce the volume of runoff to nearby drainage areas by retaining runoff from the active composting area on site and utilizing a portion of the noncontact stormwater in the composting process. The proposed stormwater system will be protective of the surface water bodies in the area.
32. The petitioners contend that the proposed permit defers the design of critical elements of the stormwater management system until after the permit is issued.
33. The proposed Project is subject to an MPCA NPDES/SDS Industrial Stormwater Permit. Full Circle, in response to citizens' concerns, agreed to add a valve to prevent discharges from pond 2 in the event of localized flooding down-gradient from the facility. Under the proposed Solid Waste Permit, an updated pond design to include a valve will be submitted for review and approval by the MPCA. No critical element of the stormwater system will be deferred since approval is needed before the pond is constructed.
34. The stormwater management system will provide treatment of the runoff that does leave the site. The downstream effects on the drainage system and wetland area will be minimal.
35. The MPCA finds that the evidence regarding the facility as designed and proposed to be operated with respect to stormwater issues does not demonstrate that the proposed Project may have the potential for significant environmental effects.
36. The petitioners contend that water from the gravel entrance to the facility and two culverts drain into the field and county tile line without being treated.
37. The gravel entrance road is a 600-foot long gravel road (driveway) leading into the facility. This road will be at an elevation two feet higher than the surrounding field. The Project proposer intends to install three culverts under this road. The purpose of the culverts is to mitigate the potential for ponding in the field on either side of the road.
38. Runoff from the gravel entrance road will be similar to runoff from other gravel roads in the area and will not be impacted by the activities located within the facility, which are managed through the stormwater management system that includes ponds 1 and 2. Therefore, treatment of runoff water from the gravel road is not necessary.
39. The MPCA finds that the gravel entrance road, as designed, will not contribute to flooding. The evidence does not demonstrate that runoff from the gravel entrance road may have the potential for significant environmental effect to fields or to surface water bodies in the area through the county tile line.
40. The petitioners contend that there has been no study as to how the runoff from the proposed site could affect the groundwater and/or local aquifers in the area and the possibility of contamination and disease.
41. The petitioners did not present any evidence of a possibility that runoff from the site could affect groundwater.

42. The information provided in the well data and geotechnical soils report prepared for the proposed Project indicates clay soils are present at the proposed Project site to a depth of 16 feet or greater. This corresponds to the maximum depth of the 16 soil borings conducted at the proposed Project site. The clay soils in the general area extend to a depth of 190 feet, depending on the location. In addition, the design of the facility will incorporate several features to prevent infiltration of stormwater including an impervious concrete pad in the mixing building, an asphalt pad in the active compost area, and two feet of compacted clay liner in all other areas. All surface water runoff from the facility will be directed to the clay-lined ponds.
43. Well records for the area indicate wells are screened from approximately 85 feet to 220 feet deep.
44. The MPCA finds that the evidence shows that the geology of the area and the design of the facility will mitigate the potential for significant impacts to the groundwater as a result of runoff from the facility. The MPCA finds that the available evidence concerning the potential for groundwater contamination from the proposed Project does not demonstrate that the proposed Project may have the potential for significant environmental effect.

Construction

45. The petitioners contend that the proposed Project site and the underground tanks and piping could have problems maintaining structural integrity, or could rupture and leak due to settling and frost problems, polluting the groundwater and aquifers, as well as surface waters, and could endanger public health.
46. The geotechnical report prepared for the proposed Project evaluated the proposed Project area and provided recommendations on construction methods and soil corrections to ensure appropriate construction of the facility.
47. The storage tanks are designed for use as septic tanks and are manufactured in accordance with Minn. R. ch. 7080 standards to be water-tight. In order to maintain the tanks' structural integrity, the tanks will be installed below the expected frost line and will be inspected every three years. Should the integrity of the tanks be in question because of a crack or rupture, the facility operations will need to be limited until the tank can be replaced. The piping will be placed below the expected frost line with sealed, rubber booted connections, similar to those used for septic tanks. The MPCA notes that it is in the Project proposer's interests to properly maintain the tanks and piping. In accordance with industry standards, sand will be placed around the tanks and pipes to help prevent freeze thaw impacts.
48. In the event of a leak or rupture from the tanks or piping, the clay soils in the area would significantly impede the flow of the liquids to the groundwater or surface water bodies until detected and repaired.
49. The MPCA finds that the evidence regarding storage tanks and piping at the facility, as designed and as proposed to be operated, does not demonstrate that the proposed Project may have the potential for significant environmental effects.
50. The petitioners contend that the facility is proposed to be built in an open field with no current natural buffers to protect the citizens and their environment.

51. The proposed facility will be constructed on 10 acres and located in an open area, with the nearest residence located at a distance of 1,400-1,600 feet from the facility. The facility will be surrounded by a fence and a six-foot high vegetated berm planted with trees averaging six feet in height to provide a wind break and a visual barrier. The perimeter berm, the trees on top of the berm, and the fence, will help disrupt wind flow directly across the site.
52. The MPCA finds that the facility, as designed, will provide a wind flow buffer and visual barrier minimizing the potential impacts to neighboring properties. The MPCA finds that evidence regarding buffers for the facility does not demonstrate that the proposed Project may have the potential for significant environmental effects.

Odors

53. The petitioners contend that the building is not a contained building. It is made of pre-fabricated cement pieces with a fabric top. The petitioners state that the building will not contain the spread of contaminants, odor, disease, or pollution to the environment.
54. The facility building is comprised of an enclosed structure with a concrete floor, four foot high pre-fabricated concrete walls and a fabric roof. The building structure will be designed and constructed to meet the applicable building codes for this type of facility. This includes the pertinent plumbing, mechanical, heating, and electrical codes. A building permit will be obtained from Blue Earth County prior to starting construction.
55. The Minnesota rules require that areas for immature compost be on a liner capable of minimizing migration of waste or leachate into the subsurface soil, groundwater, and surface water. The proposed building has a concrete floor, satisfying the liner criteria set forth in the rules. Any gap between pre-fabricated floor sections will be sealed and maintained so that they are water tight.
56. Specific operational practices will be employed to control odors in the mixing building. This involves promptly blending straw, yard waste, or wood chips with incoming loads after they have been inspected, as well as ensuring the compost batch has a moisture content of at least 50 percent. Also, using the doors to restrict air flow through the building will aid in odor control. Full Circle intends to close the doors between truck traffic, if necessary, for odor control.
57. Full Circle will install a biofilter to aid in controlling odors from the mixing building. Fans will be used to draw air through the biofilter and to maintain negative air pressure within the building. The biofilter is similar to that used at other compost facilities and in other applications such as to vent manure pits at feedlots. Biofilters are effective in controlling odors at feedlots.
58. In composting, unwanted odors are the result of anaerobic or oxygen-free conditions during the composting process. As specified in the Operation and Maintenance Manual submitted with the permit application, odors will be controlled during the active compost process by ensuring that there is adequate oxygen throughout the process, thereby preventing anaerobic conditions. The compost windrows will be maintained at an appropriate height and width, and at the proper porosity and moisture level. Full Circle proposes a windrow dimension of approximately 9 feet high and 10 feet wide. Full Circle will maintain a moisture content of 50 percent in the active compost piles. These measures are recommended by the US Composting Council and have been

demonstrated to be effective in minimizing odor during the active composting process. Should odors occur for a particular compost batch, a stock pile of wood chips will be kept on site, and Full Circle will use the chips to mix with the compost to add more porosity and more air to the compost batch. The chips will reduce the possibility of the compost batch becoming anaerobic.

59. Full Circle will typically rotate and turn the windrows every three to five days during the active composting process. Odors may occur when the windrows are turned and rotated. Maintaining the compost windrows at the proper dimensions, porosity, and moisture level will minimize odors during the windrow turning process. Full Circle has agreed to the following permit condition: "The permittee shall only turn windrows between the hours of 8 AM and 5 PM Monday through Friday, and not on weekends or holidays. The permittee shall not turn windrows except when wind speed and barometric pressure will dissipate odors, and the wind direction is other than to the northwest. The permittee shall not turn windrows during periods of barometric pressure inversions that would trap odors in the lower levels of the atmosphere." These requirements will ensure that odors do not cause nuisance conditions at neighboring residences. Through continuous monitoring, recipe adjustments, and turning, odor can be minimized. Full Circle has also proposed to construct a fence and a berm that will serve as a wind break and visual barrier. The Solid Waste Permit will require Full Circle to construct these features prior to operation.
60. The petitioners contend odors from the facility will be strong and that there are no plans approved for the biofilter, the plans will be submitted after the permit is approved and with the lack of infrastructure, there is no way to sufficiently attach the biofilter to the building to sufficiently control contamination and disease.
61. Full Circle added a biofilter to the plan for the mixing building as a result of comments received during the public notice of the permit and to address concerns from citizens. Full Circle will install the biofilter to aid in controlling odors from the mixing building as part of the construction of the building. It will be integrated into the design of the building and will not be a retrofit. As a condition of the permit, Full Circle will submit design plans for the biofilter to the MPCA for review and approval. Standard permitting practice allows a permittee to submit additional information for review and approval as a condition of the permit.
62. The MPCA finds that the proposed Project design does not depend on the building alone to control odors. The MPCA finds that the proposed Project design, the operational practices, and the biofilter together will mitigate the potential for odor impacts to the environment.
63. The MPCA finds that the petitioners have not presented evidence that indicates that the proposed Project's odor control measures will not be effective. The MPCA finds that the record concerning odor control for the proposed Project does not demonstrate that the proposed Project may have the potential for significant environmental effects.

Air Quality

64. The petitioners contend that similar projects release airborne pollution, bio-aerosols, mold, fungus spores, and pathogens at many times normal background levels and the current plans do not address this. In addition, petitioners state that volatile organic compounds, bio-aerosols, bacteria, pathogens, and Aspergillus will be released from trucks on the hauling roads and that these pollutants will mix with dust from the gravel road enabling them to be carried further and spread.

65. Studies reviewed by MPCA staff indicate that *Aspergillus* spores are soil-borne spores present throughout the environment, are continuously inhaled by humans and rarely have an adverse effect. The studies also indicate that dust, bacteria, and mold spores reach background levels 650 to 820 feet from the compost area, well before the 1,400-1,600-foot distance to the nearest residence.
66. To minimize the potential for dust and the raw waste pollutants becoming airborne, the raw waste will be kept inside the building, the building doors will be kept closed, and the building will maintain negative air pressure.
67. The compost will be kept at a moisture content of 50 percent during the curing process. The compost must be kept moist to ensure that the composting process is occurring. This has the added benefit of reducing airborne dust. If the compost is at a lesser moisture content, water will be added to the windrow using a water truck, as indicated in the permit application. The water truck will be fitted with an industrial-type hose and nozzle, so that water can be directly sprayed on the exterior surfaces of the windrows.
68. Dust will also be controlled by turning windrows only when wind conditions are not excessive. The facility is required to install equipment that can monitor wind speed and direction to ensure acceptable conditions are present prior to turning a windrow. According to the National Climate Data Center, and the National Weather Service, the prevailing wind direction for Rochester, Minnesota, is generally from the northwest. Also, prevailing wind data (wind rose) developed by the MPCA for air modeling purposes indicates the prevailing wind direction in Fairmont is from the northwest. In general, this suggests that the nearby landowners will be upwind of the facility at most times. Full Circle has agreed not to turn windrows when wind is blowing in the direction of the nearby landowners (i.e., from the southeast), in addition to agreeing not to turn at times when other atmospheric conditions suggest that odors or dust might be an issue.
69. The installation of the perimeter berm with trees on top of the berm and the installation of a fence will help impede wind flow directly across the site. The height of the windrow at nine feet should be minimally affected by wind, in part due to the heavy nature of compost, and due to the perimeter barriers.
70. Full Circle relocated the facility 600 feet to the east in order to maximize the set back distance to all surrounding residents. As noted, studies reviewed by MPCA staff indicate that in most cases, dust, bacteria, and mold spores reach background levels 650 to 820 feet from the active compost area. The closest residence is located between 1,400-1,600 feet from the perimeter of the facility. Given the setback distances to nearby landowners, and the additional methods and controls for controlling dust, bacteria, and *Aspergillus* mold spores from being dispersed, the facility should not create an unhealthy condition to any nearby landowners or sensitive receptors.
71. Dust control on roads is discussed in the Solid Waste Permit application. Dust may occur on interior roads. Full Circle has worked with the Blue Earth County Highway Department to determine acceptable dust control methods for the county road. The permit application for Full Circle indicates that the facility will utilize a water truck to control road dust from access roads and interior traffic routes as needed. In addition, calcium chloride will be applied to control dust on the gravel access road used by the facility a minimum of twice a year, and more frequently near the homes in the first half mile along County Road 165.

72. With respect to compost material mixing with road dust, it is the responsibility of the haulers to ensure that incoming loads are covered as required by Minn. Stat. § 169.81, subds. 5 and 5b. The facility will post signage that all loads must be contained and covered. Most of the compost material will be coming in via garbage trucks, which are fully enclosed. For outgoing loads, the finished compost material is similar to gravel or black dirt, with a moisture content of 30-35 percent. This material does not require covering and would typically not be covered for local hauling; however, it will be covered for long-distance hauling.
73. The MPCA finds that Full Circle's operational procedures and best management practices will mitigate the potential impacts from dust and airborne pollutants from the facility. The MPCA finds that the evidence regarding the release of pollutants from the facility does not demonstrate that the proposed Project may have the potential for significant environmental effects.

Vector Control

74. The petitioners contend that disease could be carried from pests and rodents feeding on this site and the potential exposure from these bacteria, micro and macro-organisms to the human population and livestock.
75. The permit application requires rapid (within 24 hours) processing of incoming organic material and thorough housekeeping practices to control insects, rodents, or other vectors. The facility building is comprised of an enclosed structure with a concrete floor. The facility will keep the doors closed, maintaining all unprocessed material within the building, and will wash down areas in the mixing building daily. Any spilled material outside of the building will be promptly removed. The facility will also regularly mow adjacent landscaping to reduce potential vector habitat. In addition, the installation of a perimeter berm and fencing will minimize the potential for vectors around the facility. A pest control company will be utilized if necessary.
76. The MPCA finds that Full Circle's operational procedures and best management practices will mitigate potential impacts from vectors at the facility. The MPCA finds that the evidence regarding pests and rodents does not demonstrate that the proposed Project may have the potential for significant environmental effects.

Roads

77. The petitioners contend that the gravel roads in the area are not structured to handle the amount of proposed traffic and hauling weights this site would require. The petitioners believe this would have to be maintained at the cost of the citizens.
78. The expected amount and type of truck traffic from the facility is similar to existing truck traffic currently using the roads for farming operations. As a result, conditions on the roads are not expected to change significantly as a result of the proposed Project.
79. Issues regarding the routes that truck traffic will take to reach the facility and the volume of truck traffic were considered as part of the Blue Earth County CUP process. Blue Earth County indicated they do not have a concern with the road infrastructure in the area and believes the local roads can handle the traffic proposed for the facility. In addition, Full Circle will specify the truck route in its hauler contracts to ensure that the safest roads are used.

80. The MPCA finds that the evidence regarding the impact of truck traffic from the proposed Project does not demonstrate that the proposed Project may have the potential for significant environmental effects.

Land Use

81. The petitioners contend that this is not an agricultural facility. This is a heavy industrial site that is manufacturing and producing a product that is not of the land locally, but MSW hauled to the area for processing. Petitioners state that the facility does not belong in this location, but in an industrially zoned location for protection of public health, safety, and welfare of citizens.
82. Construction of the proposed Project is subject to Blue Earth County Zoning Ordinance. The proposed use of the property conforms to the county land use plan. The Project proposer has obtained a CUP from Blue Earth County for a source-separated organic compost facility in a district zoned for agricultural use.
83. The MPCA finds that the proposed project is consistent with the county land use plan and the CUP issued by Blue Earth County.

Environmental Study

84. The petitioners contend that there has been no environmental study of any kind done on this composting facility and the effects on the local environment and public health. With the proposed amount of MSW being processed here, this should require some kind of environmental study to protect the health, safety, and welfare of citizens.
85. The facility is not composting municipal solid waste (MSW). The facility is composting source-separated organic compost material (SSCM), which is separated by the generator from other waste, such as plastic, glass, or metal, for the purpose of composting. Sources of SSCM for the facility include food waste (both liquid and solid), non-recyclable paper, plant materials, and animal bedding. This material is a very specific waste stream from within the solid waste definition.
86. The goal of the petition is to determine whether environmental study of the proposed project should be completed. As noted, MPCA staff compared the proposed Project to the categories and thresholds for a mandatory EAW (Minn. R. 4410.4300) and a mandatory EIS (Minn. R. 4410.4400). The proposed Project does not meet the requirements for a mandatory EAW or EIS. The petitioners have not presented evidence that would demonstrate that effects from this specific project necessitate the completion of discretionary environmental review.
87. The state and county permitting processes will provide the appropriate level of environmental protection for the proposed Project.
88. The MPCA finds that the proposed Project does not meet the requirements for a mandatory EAW for any category in Minn. R. 4410.4300 or a mandatory EIS for any category in Minn. R. 4410.4400 and that the permitting processes provides the appropriate level of environmental protection for this type of project.


CONCLUSIONS OF LAW

89. The MPCA has followed all necessary procedures with regard to the petition.
90. The proposed Project does not meet the threshold levels for a mandatory EAW or EIS.
91. The evidence presented by the petitioners, proposer, and other persons, or otherwise known to the MPCA, does not demonstrate that the proposed Project may have the potential for significant environmental effects because of the nature and location of the proposed Project. Therefore, the criteria for ordering the preparation of an EAW pursuant to Minn. R. 4410.1100, subp. 6 are not met.
92. Based on the above findings, the MPCA concludes that the preparation of an EAW on the proposal to construct the Full Circle Organics/Good Thunder Compost Facility, in Blue Earth County, Minnesota should be denied.
93. Any finding more properly deemed a conclusion and any conclusion more properly deemed a finding is hereby adopted as such.

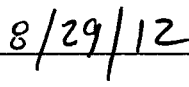
ORDER

The Minnesota Pollution Control Agency (MPCA) has determined that the evidence of the potential environmental effects that could be reasonably expected from the proposed Full Circle Organics/Good Thunder Compost Facility does not demonstrate that the proposed Project may have the potential for significant environmental effects. The MPCA does not have sufficient justification to order the preparation of an Environmental Assessment Worksheet. Pursuant to Minn. R. 4410.1100, subp. 6, the MPCA denies the petition for preparation of an Environmental Assessment Worksheet.

IT IS SO ORDERED



Commissioner John Linc Stine
Chair, Citizens' Board
Minnesota Pollution Control Agency



Date