



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us | Equal Opportunity Employer

September 21, 2012

TO: INTERESTED PARTIES

RE: Randy's Sanitation Transfer Facility Proposed Capacity Expansion

The Minnesota Pollution Control Agency (MPCA) has approved the Findings of Fact, Conclusions of Law, and Order for a Negative Declaration on the need for an Environmental Impact Statement on the proposed Randy's Sanitation Transfer Facility Proposed Capacity Expansion, Wright County. The Findings of Fact, Conclusions of Law, and Order document concludes that this project does not have the potential for significant environmental effects. The decision for a Negative Declaration completes the state environmental review process under the revised Environmental Quality Board rules, Minn. R. ch. 4410. Final governmental decisions on the granting of permits or approvals for the project may now be made.

These documents can be reviewed at the following locations: the MPCA offices in St. Paul and the Minneapolis Public Library at 300 Nicollet Mall, Minneapolis. The document can be viewed 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.

We want to express our appreciation for comments submitted on the Environmental Assessment Worksheet. Comments and responses to them have been incorporated into the Findings of Fact, Conclusions of Law, and Order and have been considered by MPCA staff during the permit process for the proposed project.

Sincerely,

A handwritten signature in black ink, reading "Craig Affeldt".

Craig Affeldt
Supervisor, Environmental Review Unit
St. Paul Office
Resource Management and Assistance Division

CA:mbo

**STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY**

**IN THE MATTER OF THE DECISION
ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT
FOR THE PROPOSED RANDY'S SANITATION TRANSFER FACILITY
PROPOSED CAPACITY EXPANSION
CITY OF DELANO
WRIGHT COUNTY, MINNESOTA**

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

FINDINGS OF FACT

Pursuant to Minn. R. ch. 4410, the Minnesota Pollution Control Agency (MPCA) staff prepared and distributed an Environmental Assessment Worksheet (EAW) for the proposed Randy's Sanitation Transfer Facility Proposed Capacity Expansion (Project). Based on the MPCA staff environmental review, the EAW, comments and information received during the comment period, and other information in the record of the MPCA, the MPCA hereby makes the following Findings of Fact, Conclusions of Law, and Order.

Project Description

1. Randy's Sanitation (Proposer or Facility) is proposing to increase the permitted capacity of their existing solid waste transfer and recycling station located in the city of Delano, Wright County, Minnesota. The Facility is currently permitted under MPCA Solid Waste Permit SW-578 (Permit SW-578) to accept a maximum of 78,250 tons per year (tpy), or approximately 244,000 cubic yards (cy) per year of mixed municipal solid waste (MSW) and construction and demolition debris (C&D). The amount is equal to approximately 350 tons per day (tpd). The Proposer is requesting to increase permitted capacity to accept up to 125,000 tpy (375,000 cy) of MSW and C&D, with a maximum of 550 tpd.
2. The Facility, which occupies a two-acre site in Delano, Minnesota, was authorized to be constructed and operated in 2000 by MPCA Solid Waste Permit SW-578. In 2005, Permit SW-578 was modified and reissued to increase the daily capacity of wastes accepted at the Facility. The modified permit also described how source separated organics were to be managed, and increased the permitted capacity for source separated recyclable materials.
3. There has been no previous environmental review at the Facility.

Procedural History

4. A draft EAW, as well as an application for permit modification of MPCA's Solid Waste Permit #SW-578 for the proposed Facility was submitted to the MPCA on March 22, 2012. Additional required information was submitted to the MPCA by the Project Proposer on July 18, 2012.
5. Pursuant to Minn. R. 4410.4300, subp 17 (c), an EAW was prepared by MPCA staff on the proposed Project. Pursuant to Minn. R. 4410.1500, the EAW was distributed to the Environmental Quality Board (EQB) mailing list and other interested parties on August 3, 2012.

6. The MPCA notified the public of the availability of the EAW for public comment. A news release was provided to media in Wright, Anoka, Ramsey, Hennepin, Dakota, Carver, Scott, Carver, and Isanti Counties, as well as other interested parties, on August 6, 2012. The notice of the availability of the EAW was published in the *EQB Monitor* on August 6, 2012, and the EAW was made available for review on the MPCA website at <http://www.pca.state.mn.us/news/eaw/index.html>.
7. The public comment period for the EAW began on August 6, 2012, and ended on September 5, 2012. During the 30-day comment period, the MPCA received comments from two governmental units. A list of the comment letters received and copies of the letters are included as Appendix A to these Findings.
8. The MPCA prepared written responses to the comment letters received during the 30-day public comment period. The responses to the comments are included as Appendix A to these findings.

**Criteria for Determining the Potential for
Significant Environmental Effects**

9. Under Minn. R. 4410.1700, the MPCA must order an Environmental Impact Statement (EIS) for projects that have the potential for significant environmental effects. In deciding whether a project has the potential for significant environmental effects, the MPCA must compare the impacts that may be reasonably expected to occur from the project with the criteria set forth in Minn. R. 4410.1700, subp. 7. The following factors shall be considered:
 - A. Type, extent, and reversibility of environmental effects.
 - B. Cumulative potential effects. The responsible governmental unit (RGU) shall consider the following factors: whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effect; and the efforts of the Proposer to minimize the contributions from the project.
 - C. The extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project.
 - D. The extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs.

**The MPCA Findings with Respect to Each of These Criteria
Are Set Forth Below**

Type, Extent, and Reversibility of Environmental Effects

10. The first criterion that the MPCA must consider when determining if a project has the potential for significant environmental effects is the "type, extent, and reversibility of environmental effects" Minn. R. 4410.1700, subp. 7. A. The MPCA findings with respect to this criterion are set forth below.
11. The types of impacts that may reasonably be expected to occur from the Project include the following:
 - Air quality impacts related to vehicle-related air emissions, dust, noise, odor, and litter
 - Water quality impacts related to stormwater runoff – wetlands and impaired waters
12. One comment letter was received from staff at the Minnesota Department of Transportation (MnDOT) noting their review of the site plan, and because of an existing commercial entrance with turn lanes both ways, MnDOT staff is fine with the project. One comment letter from staff at the Minnesota Department of Natural Resources noted there were no staff comments regarding the Project. There were no written comments received during the comment period with concerns regarding air or water quality impacts.
13. With respect to the extent and reversibility of impacts that are reasonably expected to occur from the Project, the MPCA makes the following findings.

Air Quality Impacts

14. The EAW evaluated effects that are reasonably expected to occur from vehicle-related air emissions. Existing road infrastructure and traffic lanes are in place to accommodate expected traffic levels. There is also a signal controlled intersection on U.S. Highway 12 and Bridge Street, which staggers traffic at peak hours of the day. The Facility has also been designed and constructed in order to accommodate efficient traffic flow within and through the Facility. Traffic associated with the Project would remain similar to existing levels with a small increase in collection and employee vehicles. The MPCA finds that the air emissions from the new Facility will not result in a significant increase of vehicle-related air emissions to the region.
15. The EAW evaluated effects that are reasonably expected to occur from dust generated by operations of the Facility. The operational activities will take place within the existing building, and there will be no construction; therefore, there will be no dust generated from construction. Since waste transfer activities will take place inside the transfer building and the doors to the building will be closed when waste is not expected to be received, dust resulting from waste handling operations will be minimal. Access roads to the Facility and main roads and parking areas are paved; therefore, truck traffic is not expected to generate dust from unpaved roads. The MPCA finds that dust will not have the potential to cause significant environmental effects either as a result of operations inside or outside of the Facility building.

16. The EAW evaluated effects that are reasonably expected to occur from noise generated by the operations of the Facility. Operations from the processing of waste are enclosed within buildings and, therefore, have low noise levels outside of the buildings. Noise from delivery and shipment, traffic, and heavy machinery (such as waste delivery, operations, cleaning or snow removal) is minimal, and may consist of engine noise and back-safety beepers. The Facility is located within a commercial and industrial area, and has undeveloped land on the west and north sides that create buffer areas to other properties. Truck traffic generated by the Facility will contribute to noise impacts; however, since the maximum increase in vehicles per day is expected to be 42 vehicles, noise from truck traffic is not anticipated to be significant. The MPCA finds that noise from the Facility does not have the potential to cause significant environmental effects as a result of the Project.
17. The EAW evaluated the effects from odor occurring as a result of the Project. Odors do exist inside transfer station buildings. The operations of the Facility occur within an enclosed building. Doors must remain closed except when vehicles are expected to be entering or leaving the Facility. Permit SW-578 requires all putrescible waste, a potential source of odors, to be managed at the end of each working day by either being properly disposed of, stored in an enclosed structure, or stored in containers constructed of impervious materials and designed to prevent leakage. The MPCA finds that odor from the Facility does not have the potential to cause significant environmental effects as a result of the Project.
18. The EAW evaluated the effects of litter occurring from the operation of the Facility. Tipping and sorting activities occur within enclosed buildings. Storage of materials typically occurs inside buildings. Any product stored outside the Facility is inside a container, trailer, or otherwise covered in order to minimize windblown litter. In accordance with Permit SW-578 requirements, the Facility grounds and adjacent property shall be inspected and clear of all litter a minimum of once per week. The MPCA finds that litter from the operation of the Facility does not have the potential to cause significant environmental effects as a result of the Project.
19. The MPCA finds that information presented in the EAW and other information in the environmental review record is adequate to address the concerns related to air quality impacts. The impacts on air quality that are reasonably expected to occur from the proposed Project have been considered during the review process and appropriate mitigation measures are available and will be required to prevent significant adverse impacts.

Water Quality Impacts

20. The EAW evaluated the effects of the stormwater runoff from the Project on nearby wetlands. Several wetlands were identified within one mile of the Facility site. The west side of the Facility is undeveloped and occupied by wetlands. The National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Industrial Stormwater Permit and Stormwater Pollution Prevention Plan (SWPPP) for the Facility require identification of potential pollutant sources at the Facility and require controls for best management practices (BMPs). BMPs are used at the Facility to prevent and minimize pollutants in stormwater runoff. In accordance with the NPDES/SDS Industrial Stormwater Permit and SWPPP requirements, on-site stormwater is collected and contained on site by catch basins, routed trenches, and piping to the stormwater pond, where it is discharged as

needed to the adjacent wetland area. Two existing stormwater structures discharge to the wetlands. The first structure is an overflow that is connected between the existing stormwater pond and the wetlands. The second stormwater outlet is located within the wetland southwest of the transfer station building. This outlet is connected to one catch basin and two exterior trench drains. However, the wetlands would not be impacted, as total quantity and quality of stormwater runoff will not change with the Project. The MPCA finds that stormwater runoff from the Facility does not have the potential to cause significant environmental effects on wetlands as a result of the Project.

21. The EAW evaluated the effects of water quality impacts from stormwater runoff on impaired waters from the Project. As part of the existing NPDES/SDS Industrial Stormwater Permit for the Facility, the SWPPP prepared for the Facility identified one impaired water body, Crow River (south fork) that was within a one mile radius of the Facility. The Crow River is impaired with respect to chloride, fecal coliform bacteria, turbidity, mercury, and the biological integrity of fish communities. The mercury Total Maximum Daily Load Plan that applies to this reach of the Crow River is the statewide plan for mercury. Based on the design of the Facility, including the design and operation of the stormwater pond system and BMPs for the Facility, there is no expected increase in the quantity or quality of the stormwater runoff. The MPCA finds that the Project, as it is proposed, does not have the potential for significant environmental effects on impaired waters.
22. Based on the type, extent, and reversibility of impacts related to water quality from stormwater runoff on wetlands and impaired waters that are reasonably expected to occur from the Project, the impacts on water quality from stormwater runoff on wetlands and impaired waters that are reasonable expected to occur from the Project have been considered during the review process, and appropriate mitigation measures are available and will be required to prevent significant adverse impacts.
23. The MPCA finds that information presented in the EAW and other information in the environmental review record is adequate to address the concerns related to water quality impacts. The impacts on water quality that are reasonably expected to occur from the proposed Project have been considered during the review process and methods to prevent significant adverse impacts have been developed.
24. The MPCA finds that the Project, as it is proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts related to water quality impacts that are reasonably expected to occur from the Project.

Cumulative Potential Effects

25. The second criterion that the MPCA must consider when determining if a project has the potential for significant environmental effects is the "cumulative potential effects." In making this determination, the MPCA must consider "whether the cumulative potential effect is significant; whether the contribution from the project is significant when viewed in connection with other contributions to the cumulative potential effect; the degree to which the project complies with approved mitigation measures specifically designed to address the cumulative potential effects; and the efforts of the proposer to minimize the contributions from the project." Minn. R. 4410.1700 subp.7.b. The MPCA findings with respect to this criterion are set forth below.

26. The EAW, public comments, and MPCA follow-up evaluation did not disclose any related or anticipated future projects that may interact with this Project in such a way as to result in significant cumulative potential environmental effects.
27. The EAW addressed the following areas for cumulative potential effects for the proposed Project.
- Air quality
 - Water quality

Air Quality

28. Cumulative potential effects on air quality for vehicle-related air emissions were evaluated by evaluating traffic information for the proposed Project and comparing it to existing traffic at the Facility. Although traffic would result in an increase in traffic into and out of the existing Facility at certain times of the day, overall traffic in the region would not change from existing levels and, therefore, vehicle-related air emissions would not significantly increase or change existing air quality. Therefore, the cumulative potential effects on air quality are not believed to be significant in the Project area or in the region, nor is the proposed Project expected to contribute significantly to adverse cumulative effects on air quality.

Water Quality

29. Cumulative potential effects on water quality impacts on nearby wetlands or impaired waters from stormwater runoff were evaluated. The proposed Project is not expected to change the expected quantity or quality of stormwater runoff at the Facility. The SWPPP and the existing stormwater pond operation and maintenance, as well as BMPs at the Facility are already in place. Therefore, the cumulative potential effects on water quality are not believed to be significant in the Project area or in the region, nor is the proposed Project expected to contribute significantly to adverse cumulative effects on water quality.
30. Based on information on the proposed Project obtained from permit application processes, and presented in the EAW, and in consideration of potential effects due to related or anticipated future projects, the MPCA does not expect significant cumulative effects from this Project.
31. The MPCA finds that the Project does not have the potential for significant environmental effects related or cumulative potential effects.

The Extent to Which the Environmental Effects Are Subject to Mitigation by Ongoing Public Regulatory Authority

32. The third criterion that the MPCA must consider when determining if a project has the potential for significant environmental effects is "the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority. The RGU may rely only on mitigation measures that are specific and that can be reasonably expected to effectively mitigate the identified environmental impacts of the project." Minn. R. 4410.1700, subp. 7.C. The MPCA findings with respect to this criterion are set forth below.

33. The following permits or approvals will be required for the Project:

Unit of Government	Permit or Approval Required
MPCA	Solid Waste Permit SW-578 (Transfer Facility Permit)
MPCA	NPDES/SDS Industrial Stormwater Permit
City of Delano	Building Permit

34. Solid Waste Transfer Facility Permit. The project Proposer is responsible for submitting engineering plans and for managing the Facility in accordance with the final permit requirements, which would regulate, among other things, waste storage and containment, operations, monitoring, and reporting.
35. NPDES/SDS Industrial Stormwater Permit. The NPDES/SDS Industrial Stormwater Permit requires that specific conditions be adhered to for construction and operation of the Facility, and for overall compliance with water quality requirements. The Project Proposer will need to revise its SWPPP.
36. City Building Permit. Building permits and inspections assure that the Project will be constructed and installed in accordance with city ordinances and codes.
37. The above-listed permits include general and specific requirements for mitigation of environmental effects of the Project. The MPCA finds that the environmental effects of the Project are subject to mitigation by ongoing public regulatory authority.

The Extent to Which Environmental Effects can be Anticipated and Controlled as a Result of Other Available Environmental Studies Undertaken by Public Agencies or the Project Proposer, Including Other EISs

38. The fourth criterion that the MPCA must consider is "the extent to which environmental effects can be anticipated and controlled as a result of other available environmental studies undertaken by public agencies or the project proposer, including other EISs," Minn. R. 4410.1700, subp. 7. D. The MPCA findings with respect to this criterion are set forth below.
39. The following documents were reviewed by MPCA staff as part of the environmental impact analysis for the proposed Project.
- data presented in the EAW
 - permit application
 - permits and environmental review of similar projects
40. This list is not intended to be exhaustive. The MPCA also relies on information provided by the project Proposer, persons commenting on the EAW, staff experience, and other available information obtained by staff.
41. The environmental effects of the proposed Project have been addressed by the design and permit development processes, and by ensuring conformance with regional and local plans. There are no elements of the Project that pose the potential for significant environmental effects.

42. Based on the environmental review, previous environmental studies by public agencies or the Project Proposer, and staff expertise and experience on similar projects, the MPCA finds that the environmental effects of the Project that are reasonably expected to occur can be anticipated and controlled.
43. The MPCA adopts the rationale stated in the attached Response to Comments (Appendix A) as the basis for response to any issues not specifically addressed in these Findings.

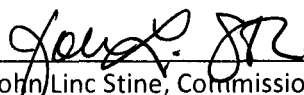
CONCLUSIONS OF LAW

44. The MPCA has jurisdiction in determining the need for an EIS for this Project. The EAW, the permit development process, and the evidence in the record are adequate to support a reasoned decision regarding the potential significant environmental effects that are reasonably expected to occur from this Project.
45. Areas where the potential for significant environmental effects may have existed have been identified and appropriate mitigation measures have been incorporated into the Project design and permits. The Project is expected to comply with all MPCA standards.
46. Based on a comparison of the impacts that are reasonably expected to occur from the Project with the criteria established in Minn. R. 4410.1700, subp. 7, the Project does not have the potential for significant environmental effects.
47. An EIS is not required.
48. Any findings that might properly be termed conclusions and any conclusions that might properly be termed findings are hereby adopted as such.

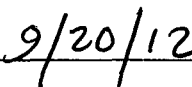
ORDER

The Minnesota Pollution Control Agency determines that there are no potential significant environmental effects reasonably expected to occur from the Randy's Sanitation Transfer Facility Proposed Capacity Expansion project and that there is no need for an Environmental Impact Statement.

IT IS SO ORDERED



John Linc Stine, Commissioner
Minnesota Pollution Control Agency



Date

Minnesota Pollution Control Agency

**Randy's Sanitation Transfer Facility Proposed Capacity Expansion
Environmental Assessment Worksheet**

COMMENT LETTERS RECEIVED

1. Jeff Lenz, Minnesota Department of Transportation (MnDOT), District 3 – Baxter. E-mail received August 14, 2012.
2. Melissa Doperalski, Minnesota Department of Natural Resources (DNR). E-mail received September 5, 2012.

RESPONSE TO COMMENT ON THE EAW

1. Comment by Jeff Lenz, Mn/DOT – District 3. E-mail received August 14, 2012.

Comment: MnDOT has looked over the Randy's Sanitation site plan, and since there is a commercial entrance with turn lanes both ways, MnDOT is fine with the expansion.

Response: Comment noted.

2. Comment by Melissa Doperalski, DNR. E-mail received September 5, 2012.

Comment: DNR has no comments for the proposed project.

Response: Comment noted.

From: Lenz, Jeff (DOT)
Sent: Tuesday, August 14, 2012 2:23 PM
To: Drach, Nancy (MPCA)
Subject: Randy's Sanitation EAW

Nancy, MnDOT District 3 has reviewed the EAW and offers no comments.

We also looked over there site plan and since there was a commercial entrance with turn lanes both ways, we were fine with the expansion.

If you need this in a formal letter to your department let me know and I will get one typed up.

Thanks.

Jeff Lenz
Minnesota Department of Transportation
District 3 - Baxter
7694 Industrial Park Road
Baxter MN, 56425
(218) 828-5808
Email - jeff.lenz@state.mn.us

From: Doperalski, Melissa (DNR)
Sent: Wednesday, September 05, 2012 3:45 PM
To: Drach, Nancy (MPCA)
Subject: Re: Randy's Sanitation Transfer Facility Proposed Capacity Expansion EAW - DNR
Comments

The DNR has no comments for the proposed project.

Thank you,
Melissa

Melissa Doperalski
Regional Environmental Assessment Ecologist
Department of Natural Resources, Central Region
1200 Warner Road
Saint Paul, Minnesota 55106
651.259.5738
melissa.doperalski@state.mn.us