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

March 26, 2013

TO: INTERESTED PARTIES

RE: Ponderosa Sanitary Landfill, SW-87

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 Ponderosa Sanitary Landfill, Blue Earth 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 Rochester; the Minneapolis Public Library at 300 Nicollet Mall, Minneapolis; and the Blue Earth County Library at 100 East Main, Mankato. 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 651-757-2100.

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,

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

CA:bt

STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

IN THE MATTER OF THE DECISION ON THE NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED PONDEROSA SANITARY LANDFILL, SW-87 SOUTH BEND TOWNSHIP BLUE EARTH COUNTY, MINNESOTA

FINDINGS OF FACT CONCLUSIONS OF LAW AND ORDER

FINDINGS OF FACT

Pursuant to Minn. ch. 4410, the Minnesota Pollution Control Agency (MPCA) staff prepared and distributed an Environmental Assessment Worksheet (EAW) for the proposed Ponderosa Sanitary Landfill (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 History and Description

1. The Landfill began operating in 1973 following receipt by a private individual of MPCA solid waste permit SW-87, issued on August 14, 1972. The original permitted fill area, including the nearby Northern States Power Company (NSP) ash disposal area (see below) encompassed 66.9 acres within the 416-acre land parcel. The Landfill has been operated continuously since 1973 and has received mixed municipal solid waste (MSW), demolition waste, and a limited amount of industrial waste as authorized by approved MPCA co-disposal procedures.

2. Following receipt of MPCA authorization in 1976, a clay-lined trench was constructed for the disposal of industrial waste (principally diatomaceous earth) from the Honeymead Products Company in Mankato. An amended permit was issued by the MPCA for the continued operation of the Landfill on November 20, 1984.

3. In 1986, the then-owner executed an option to sell approximately 42 acres of the property located to the southwest of the existing MSW waste deposit to NSP (now doing business as Xcel Energy) for the purpose of developing an ash disposal facility. A temporary ash disposal facility permit was issued by the MPCA. Temporary cells were constructed in 1987. Blue Earth County (County) issued a license in 1991 for a permanent facility. The MPCA also issued a permit for the ash disposal facility in 1991. NSP began disposal operations in 1992. It is not a part of this environmental review.

4. The Landfill currently holds permit SW-87, and is requesting a renewal of that permit in order to proceed with a 16-acre footprint expansion and continue with routine solid waste disposal activities.

5. An EAW for the Landfill, permit SW-87, was prepared and submitted in 1992. The process ended with a decision that no Environmental Impact Statement (EIS) was required.

6. Blue Earth County Environmental Services is now proposing to construct a 16-acre footprint expansion to the west of the existing Landfill, located six miles southwest of Mankato, Minnesota.

7. The Landfill is owned by the County and operated under the direction of the Environmental Services Department by Ponderosa Management, Company, LLC.

8. The proposed horizontal expansion is called Phase 6. The expansion also includes vertical components comprising Phases 4, 5, and 7.

9. MSW (approximately 35,600 tons per year), industrial waste (approximately 8,000 tons per year), and noncombustible Resource Recovery Technologies, LLC (RRT) residuals (2,500 tons per year) are accepted at the Landfill. The latter wastes are the noncombustible residuals left after waste combustion at RRT for energy generation.

10. Further information on the facility and the proposed project, including graphic illustrations, can be found in the Ponderosa Sanitary Landfill EAW.

Procedural History

11. This EAW is mandatory pursuant to Minn. R. 4410.4300, subp 17.B.

12. Pursuant to Minn. R. 4410.4300, subp 17(B), 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 February 1, 2013.

13. The MPCA notified the public of the availability of the EAW for public comment. A news release was provided to media in all counties in the MPCA southwest and southeast regions, as well as other interested parties, on February 5, 2013. The notice of the availability of the EAW was published in the *EQB Monitor* on February 4, 2013, and the EAW was made available for review on the MPCA website at http://www.pca.state.mn.us/news/eaw/index.html.

14. The public comment period for the EAW began on February 4, 2013, and ended on March 6, 2013. During the 30-day comment period, the MPCA received a comment letter from the State Historic Preservation Office, and no letters from citizens. A list of the comment letters received, comment responses, and copies of the letters are included as Appendix A to these Findings.

15. The MPCA prepared written responses to the comment letter received during the 30-day public comment period. The responses to the comments are included in Appendix A to these findings.

Criteria for Determining the Potential for Significant Environmental Effects

16. Under Minn. R. 4410.1700, the MPCA must order an 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

17. 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.

18. The types of impacts that may reasonably be expected to occur from the Project include the following:
    - air quality impacts related to fugitive landfill gas, flaring of collected landfill gas, and leachate recirculation to enhance gas production and collection
    - water quality impacts related to stormwater management and the nearness of the Blue Earth River
    - groundwater impacts related to seepage from the waste mass and containment to minimize it
    - human health impacts related to emission of air toxics
    - greenhouse gas emissions

19. 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 related to fugitive landfill gas, flaring of collected landfill gas, and leachate recirculation to enhance gas production and collection.

20. The closed portion and a section of the active portion have landfill gas collection wells that are connected to a blower and flare system. This active landfill gas collection system at the Landfill significantly reduces the overall emissions from the active and closed portion of the Landfill. The collected gas is flared to reduce hazardous emissions from the Landfill.

21. The proposed expansion area will be configured for active gas collection as well. Collected gas will be flared.

22. The Landfill currently spray irrigates collected leachate. The Landfill is currently proposing to recirculate collected leachate into the waste mass as well, to maximize gas production in the waste mass. Collected gas will be flared.

23. The Landfill capacity currently does not exceed 2.5 million megagrams or 2.5 million cubic meters of waste, so the Landfill is not subject to the New Source Performance Standards (NSPS), which would require air emission permitting and a demonstration of compliance with air quality standards. Future expansion will increase the available capacity for waste placement to an estimated capacity of 5,000,000 cubic yards. However, the waste placement (both historical and future) would still not exceed the 2.5 million megragram in-place threshold for NSPS compliance.

24. 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 related to fugitive landfill gas, flaring of collected landfill gas, and leachate recirculation to enhance gas production and collection. 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 related to stormwater management and the nearness of the Blue Earth River.

25. Stormwater runoff originating from active areas of the Landfill is contained within active areas of the Landfill and treated as leachate.

26. In the existing stormwater management system, a series of perimeter ditches and/or berms have been constructed to divert surface water away from the toe of the waste deposit to one of two sedimentation basins. Stormwater is collected by a drainageway system and is routed to either the sedimentation basin at the northwestern corner of the Landfill site or to a sedimentation basin at the south end of the property. Four reinforced concrete arch culverts are located beneath the existing haul road near the leachate ponds to help convey runoff beneath the access road. Stormwater from the southern drainage pond discharges to a drainage ditch located on the west side of Cells 8 and 9 via a lift station and pump. A concrete apron is installed at the south end of this

drainage ditch at the sedimentation basin discharge point. Below the concrete apron, riprap and erosion mat were placed to prevent scour. This drainage ditch eventually outlets to the northwestern sedimentation basin.

27. The basin on the northwest side of the property has a discharge outlet. The outlet is a 24 inch diameter concrete pipe that was constructed as part of the original stormwater pond construction. If stormwater does discharge from this outlet, it flows across approximately 200 feet of sandy silty land before it reaches the Blue Earth River, which then flows to the Minnesota River. Measurements within the Good Thunder United States Geological Survey quadrangle indicate that the Blue Earth River flows from south to north with a gradient of approximately 0.001. The bank elevation of the Blue Earth River near the site is approximately 790 feet above mean sea level. Mature foliage borders the banks, suggesting relatively stable ground conditions. Given the sandy soils at the site in the northwest sedimentation basin, stormwater typically infiltrates and rarely discharges from this basin to the well-drained soils or the Blue Earth River.

28. The Blue Earth River is currently impaired for turbidity. Since runoff seldom, if ever, reaches the river, no exacerbation of the existing impairment is expected.

29. It is anticipated that there will be no net change in runoff quantity or quality as a result of the Landfill expansion.

30. 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 surface water quality that are reasonably expected to occur from the Project.

Groundwater impacts.

31. A contaminant plume exists in the groundwater in the vicinity of the western property boundary, and is apparently the result of seepage from the unlined closed portion of the Landfill. The plume has not crossed the property boundary. Work is underway to characterize and remediate this plume.

32. All other portions of the Landfill are (existing) or will be (proposed) lined to protect groundwater. Each cell construction includes excavation and fill of soils to designed base grades, placement and compaction of a two foot compacted clay liner, placement of 60 mil high density polyethylene (HDPE) geomembrane, placement of a one foot sand drainage layer (including stone channels for enhanced leachate collection), installation of lysimeters, and the installation of a leachate collection and conveyance system.

33. In the vicinity of the active landfill, the topsoil (two-four feet below ground surface) consists of clayey sand/sandy clay (SC/CL). Beneath the top soil the unconsolidated deposits consist of sand (SW and SP), and trending west are inter-bedded clays (CL) and sandy clays (SC). Historic testing indicates hydraulic conductivity of upper alluvium ranging from 1.8×10^{-4} to 8×10^{-2} (cm/s); and fine alluvium ranging from 8.7×10^{-8} to 6.3×10^{-4} (cm/s).

34. Given the above, it is unlikely that additional contaminated fluids will come into contact with the groundwater.

35. Currently, the groundwater monitoring system at the Landfill (Attachment 5) is adequate to accomplish the necessary environmental monitoring needs for this facility and is in compliance with MPCA rules for landfills. During the Phase 6 expansion, some wells will be abandoned and replaced in order to ensure the appropriate monitoring network is established pursuant to the MPCA rules. In particular, the environmental monitoring for the expansion area will require existing wells SLF-7A, SLF-7B and SLF-8A to be abandoned. Additional wells will be added to meet the rule requirements with consultation with the MPCA. The complete monitoring network for the Landfill is listed in the response to question 13 below and shown on Attachment 5. All wells within one mile of the Landfill are shown on Attachment 5a.

36. 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 groundwater contamination. The impacts on groundwater 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.

37. 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 groundwater that are reasonably expected to occur from the Project.

Human health impacts related to emission of air toxics.

38. Using the LandGEM model and estimated waste acceptance rates, future Hazardous Air Pollutant emissions in 2057 are estimated to be 2.71 tons per year. Greenhouse gas (GHG) emissions are anticipated to be 1,989 metric tons of methane and 8,147 metric tons of CO2. The estimates are based on a similar collection and destruction efficiency that is currently occurring at the Landfill with the existing landfill gas collection system and flare. This equates to 45,747 metric tons of CO_{2e} (50,427 short tons).

39. 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 emissions of air toxics. The impacts on human health 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.

40. 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 air toxics emissions that are reasonably expected to occur from the Project.

Greenhouse gas emissions.

41. The Ponderosa Landfill is subject to the Mandatory Reporting Rule for Greenhouse Gas Emissions (40 CFR 98.340) and reports annual GHG emissions estimates to the U.S. Environmental Protection

Agency using the E-ggrt (electronic greenhouse gas reporting tool) reporting system. For the 2011 reporting year, the Landfill reported GHG emissions of 797.15 metric tons of methane. This equates to 18,334.45 metric tons of CO_{2e}. The GHG emissions are significantly reduced for the Landfill because of the active landfill gas collection and control system installed at the Landfill.

42. 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 GHG emissions. The impacts related to GHG 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.

43. 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 GHG emissions that are reasonably expected to occur from the Project.

Public comments on impacts related to impacts on historic resources.

44. The Minnesota Historical Society recommends that an archaeological survey be completed. This comment has been passed on to the applicant for resolution of the issue. The applicant states that a survey is not likely to be necessary, but will be performed if required by the State Historic Preservation Officer.

45. 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 historical resources. The impacts on historical resources 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.

46. 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 historical resources that are reasonably expected to occur from the Project.

Cumulative Potential Effects

47. 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.

48. 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.

49. The EAW addressed the following areas for cumulative potential effects for the proposed project.

- groundwater quality
- air quality
- surface water quality

Groundwater Quality

50. Except for the old closed portion of the Landfill, all existing and future disposal cells will be lined and covered pursuant to MPCA requirements.

51. The contaminant plume to the northeast of the Landfill is the product of seepage from the old unlined landfill. Remediation measures are underway. There are no other known groundwater contaminant plumes in the area.

52. Each new cell construction includes excavation and fill of soils to designed base grades, placement and compaction of a two foot compacted clay liner, placement of 60 mil HDPE geomembrane, placement of a one foot sand drainage layer (including stone channels for enhanced leachate collection), installation of lysimeters, and the installation of a leachate collection and conveyance system. Little if any leachate is expected to escape this system.

53. There are no other known facilities in the area with which the Landfill could produce cumulative effects on groundwater.

Air Quality

54. The landfill gas emissions from the Landfill are addressed by the active gas management system that extracts the gas from the Landfill and flares it off. The adjacent Xcel Ash Landfill does not produce landfill gas, because the organic portion of the ash has been burned off; therefore no organic portion is remaining to produce landfill gas. There are no other existing or anticipated future projects in the area that are likely to produce cumulative effects with landfill emissions. Cumulative impacts of this nature are therefore not expected.

Surface Water Quality

55. It is anticipated that there will be no net change in runoff quantity or quality as a result of the Landfill expansion. Existing erosion controls are regulated via the existing facility permit.

56. The following measures will be taken to help minimize stormwater contamination during construction of the expansion:

- Sediment control measures will be in place at the end of each working day.
- Storm inlets will be protected.
- Sediment control will be provided on unbroken slopes greater than 75 feet in length or steeper than a 3:1 slope.

- Erosion control structures will be established on downgradient perimeters prior to any upgradient land disturbing activities.
- Proper disposal and management procedures will be followed for solid waste accepted at the facility.
- Washed out areas will be repaired/restored.

57. Permanent erosion control methods are proposed as follows:

- The drainage ditches will be constructed as necessary with each cell construction to ensure proper drainage. Topsoil, erosion blanket, seed, fertilizer, and mulch will be placed on any soil stockpiles, the clay borrow area, and other disturbed areas.
- All silt fences will be removed once vegetation has been established. Any sediment deposits remaining in place after the silt fence is no longer required will be removed and the area dressed to conform to the existing grade.
- Erosion controls will be installed prior to beginning construction activities. Requirements provided in Minnesota Department of Transportation's Standard Specifications for Construction, 2005 Edition, Section 2573, regarding installation of stormwater management control structures, will be followed. Once construction is complete in an area, measures will be implemented to place permanent erosion controls as soon as possible. Cumulative effects related to stormwater are therefore not expected.

58. Based on information on the proposed Project obtained from permit application processes, the EAW process, and a site visit by MPCA staff, 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.

59. The MPCA finds that the Project does not have the potential for significant cumulative potential effects.

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

60. 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.

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

Unit of Government	Type of Application	Status
MPCA	Certificate of Need	Pending[1]
MPCA	Solid Waste Disposal Facility Permit SW-87	Pending
MPCA	Industrial Stormwater Management Permit	Permitted until April 2015
MPCA	NPDES Construction Stormwater Permit	Obtained as needed
Blue Earth County	Sanitary Landfill License	Renewed Annually
Blue Earth County	Conditional Use Permit	Pending

[1] The landfill was permitted with 2.952 M cubic yards of landfill capacity in 1973. Based on the July 2012 re-permit application, approximately 236,150 cubic yards of that volume remains to be utilized. It will take less than 3 years for the landfill to utilize this capacity based on current flow rates. Once the 2.952 M cubic yards of capacity has been utilized, Blue Earth County must obtain a Certificate of Need from MPCA to continue disposing of unprocessed MSW.

62. MPCA Certificate of Need. No new MSW disposal capacity is permitted without a certificate of need indicating the capacity is needed. Need is certified only if there are no feasible and prudent alternatives including reduction, recycling, and resource recovery.

63. Mixed Municipal Solid Waste Land Disposal Facility Permit. Typical mixed municipal waste includes garbage collected in aggregate from residential routes. The project proposer is responsible for submitting engineering plans and for managing the facility in accordance to the final permit requirements which would regulate design parameters, construction, operation, leachate management, monitoring, closure, post-closure, and emergency/contingency action plans, among other things.

64. NPDES/SDS Industrial Stormwater Permit and Spill Response Plan. The National Pollutant Discharge Elimination System/State Disposal System (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 facility will need to prepare a Spill Response Plan and/or revise its Stormwater Pollution Prevention Plan.

65. NPDES Construction Stormwater Permit. A General NPDES Construction Stormwater Permit is required when a project disturbs one or more acres. It provides for the use of best management practices such as silt fences, bale checks, and prompt revegetation to prevent eroded sediment from leaving the construction site. The proposer must have a sediment and erosion control plan that will provide more detail as to the specific measures to be implemented and will also address: phased construction; vehicle tracking of sediment; inspection of erosion control measures implemented; and timeframes in which erosion control measures will be implemented. The general permit also require adequate stormwater treatment capacity be provided to assure that water quality will not be impacted by runoff once the project is constructed.

66. County Conditional Use Permit and Sanitary Landfill License. The proposer is required to obtain all required building, conditional use, and other permits required by local units of government to ensure compliance with local ordinances. The conditional use permit will address local zoning, environmental, regulatory, and other requirements that are needed to avoid adverse effects on adjacent land uses.

67. 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

68. 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.

69. The following documents were reviewed by MPCA staff as part of the environmental impact analysis for the proposed Project.

- data presented in the EAW
- data presented in the permit applications
- other reports and analyses as appropriate
- permits and environmental review of similar projects

70. 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.

71. The environmental effects of the 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

72. 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.

73. The MPCA adopts the rationale stated in the attached Response to Comments (Appendix B) as the basis for response to any issues not specifically addressed in these Findings.

CONCLUSIONS OF LAW

74. 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.
75. 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.

76. 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.

77. An EIS is not required.

78. Any findings that might properly be termed conclusions and any conclusions that might properly be termed findings are hereby adopted as such.

ORDER

79. The Minnesota Pollution Control Agency determines that there are no potential significant environmental effects reasonably expected to occur from the Ponderosa Sanitary Landfill project and that there is no need for an Environmental Impact Statement.

IT IS SO ORDERED

John Linc Stine, Commissioner
Minnesota Pollution Control Agency

3/26/13
Date

Minnesota Pollution Control Agency

Ponderosa Sanitary Landfill, SW-87
Environmental Assessment Worksheet

LIST OF COMMENT LETTERS RECEIVED

1. Mary Ann Heidemann, State Historic Preservation Office. Letter received February 27, 2013

RESPONSES TO COMMENTS ON THE EAW

1. **Comments by Mary Ann Heidemann, State Historic Preservation Office. Letter received February 27, 2013**

Comment 1-1: Commenter recommends that an archaeological survey be done.

Response: This comment has been passed on to the applicant for resolution of the issue. The applicant states that a survey is not likely to be necessary, but will be performed if required by the State Historic Preservation Officer.

Minnesota
Historical Society

STATE HISTORIC PRESERVATION OFFICE

February 26, 2013

Mr. William Lynott, Project Manager
Minnesota Pollution Control Agency
520 Lafayette Rd N
St. Paul, MN 55155-4194

RE: Ponderosa Sanitary Landfill, SW-87
Construct an expansion to the west of the existing landfill and expand depth
T108 R27 S29 SE
South Bend Twp., Blue Earth County
SHPO Number: 2013-1313

Dear Mr. Lynott:

Thank you for the opportunity to comment on the above project. It is being reviewed pursuant to the responsibilities given to the Minnesota Historical Society by the Minnesota Historic Sites Act and the Minnesota Field Archaeology Act.

Due to the nature and location of the proposed project, we recommend that an archaeological survey be completed. The survey must meet the requirements of the Secretary of the Interior's Standards for Identification and Evaluation, and should include an evaluation of National Register eligibility for any properties that are identified. For your information, we have enclosed a list of consultants who have expressed an interest in undertaking such surveys.

We will reconsider the need for survey if the project area can be documented as previously surveyed or disturbed. Any previous survey work must meet contemporary standards. **Note:** plowed areas and right-of-way are not automatically considered disturbed. Archaeological sites can remain intact beneath the plow zone and in undisturbed portions of the right-of-way.

Please note that this comment letter does not address the requirements of Section 106 of the National Historic Preservation Act of 1966 and 36CFR800, procedures of the Advisory Council on Historic Preservation for the protection of historic properties. If this project is considered for federal assistance, or requires a federal license or permit, it should be submitted to our office by the responsible federal agency.

If you have any questions regarding our review of this project, please contact Kelly Gragg-Johnson at (651) 259-3455.

Sincerely,

Mary Ann Heidemann
Manager, Government Programs and Compliance

Enclosure: List of Consultants

MINNESOTA HISTORICAL SOCIETY
State Historic Preservation Office
Contract Archaeologists
Last Updated: 8/18/2012

This listing is comprised of individuals and firms who have expressed an interest in undertaking contract archaeology in the State of Minnesota. It is provided for informational purposes to those who may require the services of an archaeological consultant. Inclusion on the list does not constitute an endorsement of the consultant's professional qualifications or past performance. The SHPO may remove contractors from the list if no work is completed in Minnesota over a two year period. The SHPO reserves the right to reject contract reports if the principal investigator or other contract personnel do not meet certain minimal qualifications such as the Secretary of the Interior's professional qualifications standards (Federal Register 9/29/83).

It is recommended that work references be checked and multiple bids be obtained before initiating a contractual agreement. The SHPO will not recommend specific contractors, but may be able to comment on previous work reviewed pursuant to state and federal standards and guidelines. The SHPO can be contacted at the Minnesota History Center, 345 Kellogg Boulevard West, St. Paul, MN 55102, 651-259-3450.

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