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THIS IS AN OFFICIAL REQUEST FROM THE MINNESOTA POLLUTION CONTROL AGENCY THAT YOU POST THIS NOTICE IN YOUR BUILDING IN A LOCATION CONSPICUOUS TO MEMBERS OF THE PUBLIC.

**PUBLIC NOTICE
REGARDING A SOLID WASTE FACILITY PERMIT**

Public Notice Number: 13-SW-2211

Public Notice Issued On: February 20, 2013

Last Day to Submit Comments: March 22, 2013

Name and Address of Applicant:

American Crystal Sugar Company
101 North 3rd Street
Moorhead, MN 56560

Name and Location of Facility:

American Crystal Sugar Company
2500 North 11th Streets
Moorhead, MN 56560

Brief Description of Facility: American Crystal Sugar Company (ACS) has operated a sugar beet processing plant in Clay County, Minnesota, near the city of Moorhead since the late 1940's. The facility authorized by this permit is an industrial solid waste land disposal facility, primarily for disposal of spent lime, as well as coal ash and some unregulated wastes generated at the sugar beet processing plant (rocks, beet tailings, mud press solids, lime spalls). This permit approves a modification of the facility that will allow for the removal and transport of spent lime that has been previously disposed of at the facility. Spent lime removed from the facility will be transported to area ACS farms and incorporated into soil for agricultural benefit. The amount of spent lime removed from the facility will vary on annual basis depending on market conditions. ACS will be limited to removing only spent lime material in Phase 2 at elevations greater than 923 feet. If approved, the permit will allow the proposed operation for a term of 10 years.

MPCA staff contact:

Dan Aamodt
Minnesota Pollution Control Agency
Industrial Division, 4th Floor
520 Lafayette Road North
St. Paul, MN 55155-4194
651-757-2435

NOTICE:

The Minnesota Pollution Control Agency (MPCA) has received an application for a permit to continue the operation of the solid waste facility identified above. ACS has operated a sugar beet processing plant in Clay County, Minnesota, near the city of Moorhead since the late 1940's. Spent lime and coal ash are two regulated wastes that are generated as beets are processed into sugar. Prior to sometime in 1990, these two wastes were pumped to the sugar beet processing plant wastewater settling basins as a slurry. The settling basins were originally permitted by the MPCA Water Quality Division. In 1990, ACS installed a membrane filter press to dry the spent lime prior to disposal, thus creating a solid waste.

On February 29, 1996, the MPCA issued solid waste permit SW-433 to ACS authorizing the development of Phases 1A, 1B, and 2 at the facility. At that time, approximately 37,000 cubic yards of coal ash and 3.05 million cubic yards of spent lime and cover materials had been disposed within or on top of the former settling basins. The 1996 permit allowed for the placement of an additional 955,800 cubic yards of spent lime and cover materials at the location of the closed and former wastewater settling basins. The filling of the two facility disposal cells was to begin in phases with Phases 1A, 1B and 2. The 2007 permit allowed for the placement of an additional 924,070 cubic yards of material bringing the total permitted capacity for the facility to 6,719,500 cubic yards. The current proposed permit reissuance will maintain the same permitted capacity.

Phase 1A involved bringing the east cell up to a minimum two percent slope, placing intermediate cover to provide drainage to the north and providing a stable surface on which continued operations could occur. Phase 1A was completed in 1999. A subsequent March 24, 1999, amendment to the facility's closure plan continued Phase 1B by authorizing ACS to complete the final cover of the west cell with beet soils over a three year period. Final cover for the west cell was completed during 2001.

In 2004, final cover was applied to a portion of the south slope of the east half of the Solid Waste Disposal Area. The area covered was approximately 2.4 acres. During 2005, there was partial final cover construction for the south slope of the east half of the Solid Waste Disposal Area. The area covered was approximately 1.4 acres adjacent to the landfill area where partial cover was applied in 2004. Additional final cover was completed in 2012. This consisted of an area of approximately 2.8 acres adjacent to the other areas that had received final cover. This brings the total area that has received final cover in the eastern half of the facility to 6.6 acres.

At the time of issuance of this permit, the remaining disposal area is located in the eastern half (35 acres) of the original disposal area. The west half of the facility, which is approximately 39 acres, has been previously filled to a maximum elevation of approximately 930 feet. With the present application for permit reissuance, the Permittee, under Phase 2 of the fill, plans to reopen the west cell and continue the fill in Phase 3.

Phase 2 involves continuing the fill by bringing the east half of the facility to final grade and progressing north until final grade is reached over the entire east half of the facility. Completion of Phase 2 is expected to take approximately 2 to 3 years. At the completion of Phase 2 the east half of the facility will be filled and closed. During operation and after placement of final cover, surface water will be routed north to the stabilization ponds.

Phase 3 consists of reopening and filling the west cell of the facility and overfilling the existing road between the east and west cells from south to north. Phase 3 will take approximately 18 years to complete for a total life span for Phase 2 and 3 of approximately 21 years. Closure procedures will be initiated as final grades are reached. During filling operations and upon closure, surface water runoff will be directed north to the stabilization pond.

Spent lime and lime spalls are transported to the active fill area via end-dump trucks and deposited in small piles (individual truck loads) called "teepees." Approximately 10 acres is needed during each campaign for teepee placement. The sugar beet processing campaign begins in September and runs through May of the following year. The teepees are placed contiguous to each other as closely as possible on a 24-hour, 7-day per week basis throughout the sugar beet campaign. Because of the 30 percent moisture content of the spent lime teepees, it is not practical to spread and compact this waste on a daily basis during the winter months. Consequently, the permit requires the Permittee to spread and compact the waste and place appropriate intermittent or intermediate cover at the end of the campaign by no later than July 1st of each year.

The proposed reissuance permit approves a modification to the operations plan that will allow spent lime from previous campaigns to be removed from the facility for beneficial reuse. Spent lime removed from the facility will be transported to area ACS farms and incorporated into soil for agricultural benefit. The amount of spent lime removed from the facility will vary on annual basis depending on market conditions. ACS will be limited to removing only spent lime material in Phase 2 at elevations greater than 923 feet. Any additional removal of spent lime from the facility will require written approval from the MPCA.

The ACS-Moorhead facility also generates approximately 4,000 to 5,000 tons (3,700 to 4,600 cubic yards) of boiler coal ash annually. Disposal of coal ash outside the ACS facilities began in September 1993, when ACS contracted with the nearby Fargo Landfill for disposal of boiler coal ash. From 1999 through the fall of 2002, Moorhead boiler coal ash was disposed at the USPCI facilities in Sawyer, North Dakota. Since the fall of 2002, the ACS-Moorhead facility has disposed of its coal ash at the Clay County municipal landfill.

In addition to the wastes described immediately above, the proposed permit continues authorization of disposal of a small amount of wasted digester sludge as well as anaerobic digester sludge at the facility. The anaerobic digester was added to the wastewater treatment facilities in 2002. These biological sludges are wasted periodically to maintain the wastewater treatment plant system efficiency and to provide sufficient capacity for incoming wastewater treatment. The composition of these materials includes plant matter, sugars and other plant proteins. The digester sludges will either be disposed with the spent lime or used as intermittent or intermediate cover material under this permit. Some of the material will also be land applied in accordance with the requirements of permit # SW-656 issued in November 2011. The estimated volume of these sludges is approximately 6000 cubic yards per year or less than 10% the annual disposal rate of spent lime.

The facility meets MPCA requirements for postclosure care and financial assurance.

The facility has generally operated in compliance with the terms and conditions of the existing permit.

Prohibited Wastes:

This permit does not authorize the applicant to receive or process wastes determined to be hazardous in accordance with the EPA Hazardous Waste Regulations and MPCA Hazardous Waste Rules. The applicant shall handle and or dispose of these types of waste in accordance with Minnesota laws and rules and EPA Hazardous Waste Regulations and MPCA Hazardous Waste Rules and is required to obtain separate permits for these activities.

After review of application materials, the MPCA Commissioner has made a preliminary determination to approve the application and issue the permit. The MPCA has developed a draft permit. The MPCA will mail a copy of the draft permit to an interested person upon request to the MPCA staff contact or the information is also available for review on the MPCA website at www.pca.state.mn.us/news. The file with regard to this permit, including all comments received, will be available for inspection between the hours of 8:00 a.m. and 3:00 p.m. at the MPCA's office located at 520 Lafayette Road North, St. Paul, Minnesota. The MPCA will make copies from this file upon request. There is a charge for copy orders greater than twenty pages. To arrange a time to review the file contact the MPCA staff contact. To request information regarding charges for copies, contact Dianne Mitzuk at 651-757-2573.

The procedures that the MPCA will follow with regard to this permit application are set forth in its operating and procedural rules, Minn. Rules chs. 7000 and 7001. Copies of these rules are available on <http://www.pca.state.mn.us/rulesregs/generalrules.html>, at most local libraries, and by request directed to the MPCA. The MPCA strongly recommends that interested persons review these rules.

COMMENTS SOLICITED

By this Notice, interested persons are invited to submit comments to the MPCA on the pending application. If this application concerns modification of an existing permit, comments will only be considered regarding the portion of the permit that is proposed to be modified. To ensure consideration, comments must be received by the last day to submit comments identified above, and should include the following:

- A. A statement of the person's interest in the permit application or the draft permit;
- B. A statement of the action the person wishes the agency to take, including specific references to sections of the draft permit that the person believes should be changed; and
- C. The reasons supporting the person's position, stated with sufficient specificity as to allow the MPCA Commissioner to investigate the merits of the person's positions.

Any submissions should display the public notice number, **13-SW-2211**, next to the address on the envelope and on each page of any submitted comments, and include a return mailing address and telephone number. The MPCA will consider all comments received during the comment period and may modify the proposed permit based on those comments.

REQUESTS FOR PUBLIC INFORMATIONAL MEETING, CONTESTED CASE HEARING, AND/OR MPCA BOARD CONSIDERATION

Public Informational Meeting. A public informational meeting is an informal meeting during which interested persons can ask questions concerning the proposed facility. MPCA staff will be present to provide information. If an interested person would like the MPCA to hold a public informational meeting, the person should include all information identified above under the section of this Notice titled "Comments Solicited" and should in addition include:

- A. A statement of the reasons the person desire the agency to hold a public informational meeting; and
- B. The issues that the person would like the agency to address at the public informational meeting.

The MPCA Commissioner will hold a public informational meeting if the MPCA Commissioner (or the MPCA Citizens' Board) determines that a public informational meeting would help clarify and resolve issues regarding the MPCA Commissioner's preliminary determination to issue the permit or the terms of the draft permit. If a public informational meeting will be held, notice will be published as required under Minn. R. 7001.0120. Comments received from the public during the meeting will be considered by the MPCA.

Contested Case Hearing. A contested case hearing is a formal proceeding before an administrative law judge empowered to advise the MPCA regarding issues of fact. Interested persons may petition the MPCA to hold a contested case hearing on this proposed permit. To be timely, a request for a contested case hearing on a permit **must be received during the public comment period established by this Notice.** The rules of the MPCA establish what must be included in a petition for a contested case hearing, and the standard that the MPCA will apply in determining whether that petition should be granted. *See* Minn. R. 7000.1800-1900. The MPCA strongly recommends that persons petitioning for a contested case hearing review the rules before submitting a petition. If a petition for a contested case hearing is received, the MPCA Board will consider the issuance of the permit and whether the petition for the contested case should be granted.

MPCA Citizens' Board Consideration. Interested persons may petition the MPCA Citizens' Board to consider this permit by asking the MPCA Commissioner to place the matter on the MPCA Citizens' Board meeting agenda, or by asking an MPCA Citizens' Board member to request that the MPCA Commissioner place the matter on an MPCA Citizens' Board meeting agenda. To be timely, a petition must be served by mail at least 24 days before the meeting during which a petition would like the matter to be considered, or by personal service or facsimile at least 21 days before the meeting. *See* Minn. R. 7000.0650. The MPCA Citizens' Board will consider the matter if requested by an MPCA Citizens' Board member. Names and addresses of MPCA Citizens' Board members are available at <http://www.pca.state.mn.us/about/board/index.html>. The MPCA Commissioner may deny a request to place a matter on the MPCA Citizens' Board meeting agenda, but must inform the MPCA Citizens' Board members of that decision.

PERMIT ISSUANCE

If there are no requests for a public informational meeting, contested case hearing, or MPCA Citizens' Board consideration, the MPCA Commissioner will make the final decision on the proposed permit. Persons who have submitted comments during the comment period will be notified of the MPCA Commissioner's decision.