

ATTN: LIBRARIANS AND POSTMASTERS

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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 CHANGE OF OWNERSHIP OF A SOLID WASTE FACILITY PERMIT**

Public Notice Number: 12-SW-2258

Public Notice Issued On: September 18, 2012

Last Day to Submit Comments: October 18, 2012

Name and Address of Applicant:

L & S Systems, LLC
18584 360th Ave NE
Goodridge, MN 56725

Name and Location of Facility:

L & S Systems, LLC
1345 Highway 32
Thief River Falls, MN 56701

Brief Description of Facility: The facility is a mixed municipal solid waste (MSW) transfer station. If approved, the permit will allow the proposed change of ownership and the continued operation for the remainder of the permit term.

MPCA staff contact:

Lisa Mojsiej
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155
Phone: 651-757-2373
Toll Free: 1-800-657-3864
Fax: 651-297-2343
E-mail: lisa.mojsiej@state.mn.us

NOTICE:

The Omega of TRF Transfer Station is a solid waste transfer station currently operating under permit number SW-628 issued by the Minnesota Pollution Control Agency (MPCA) on December 11, 2006, and extended on December 9, 2011. The permit authorizes the Permittee to transfer up to 80,000 tons of waste per year.

On August 1, 2012, all the assets and contracts were transferred to new ownership. L & S Systems LLC purchased the facility, all equipment, and all current contracts. Due to the change in ownership of the land, waste activity and operator, the MPCA is required to notify local units of governments in accordance with Minn. R. 7001.0190, subp. 2 and Minn. Stat. 116.074.

Pursuant to Minn. Stat. 116.074 local government units may request a public meeting within the comment period outlined at the top of this page. If the MPCA does not receive any comments or requests for public meeting during the comment period, the MPCA will take administrative action to transfer the ownership responsibilities of this permit to L & S Systems LLC. 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, MN 55155. 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, **12-SW-2258**, 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.