

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 A
SOLID WASTE FACILITY PERMIT**

Public Notice Number: 12-SW-2227

Public Notice Issued On: May 29, 2012

Last Day to Submit Comments: June 28, 2012

Name and Address of Applicant:

R & G Construction Company
2694 County Road 74
Marshall, MN 56258

Name and Location of Facility:

R & G Demolition Landfill
Section 20, T109N, R41W, Custer Township
Lyon County, Minnesota

Brief Description of Facility: The facility is a demolition debris land disposal facility. If approved, the permit will allow the continued operation for a term of five (5) years.

MPCA Staff Contact:

Anthony Bello
Minnesota Pollution Control Agency
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NOTICE

The Minnesota Pollution Control Agency (MPCA) has received an application for a permit to continue operation of the solid waste facility identified above. The facility was originally authorized as a permit-by-rule demolition debris land disposal facility in October 2002. Under the permit-by-rule designation, a facility is allowed to accept up to 15,000 cubic yards of demolition debris for disposal for a maximum period of 12 months. On September 13, 2003, prior to the expiration of the permit-by-rule authorization, the MPCA received an application for a fully-permitted demolition debris landfill to continue operation at the site. On June 12, 2007, the MPCA issued a five-year operating permit, which will expire on June 11, 2012. The facility is an unlined Class I demolition debris land disposal facility that occupies nine acres in the northeast portion of the 53-acre site. A Class I demolition landfill may only accept materials from the MPCA's Acceptable C & D List, as published in the Demolition Landfill Guidance, August 2005. The facility will be developed in three phases (Phases I, II and III). Each phase will consist of four cells. Based on the 2011 Annual Report, the remaining ultimate capacity of the facility is approximately 173,466 cubic yards, including debris and cover materials. Groundwater monitoring is not required at the facility at this time.

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. 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 St. Paul and Marshall offices. 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. R. 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 requests 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.
- 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-2227**, 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. Comments received by the MPCA in response to this Notice will be made part of the public record with regard to this permit.

REQUESTS FOR PUBLIC INFORMATIONAL MEETING, CONTESTED CASE HEARING, AND/OR MPCA CITIZENS' 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 desires the agency to hold a public informational meeting.
- 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 Citizens' 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 (Board) to consider this permit by asking the MPCA Commissioner to place the matter on a Board meeting agenda, or by asking a Board member to request that the MPCA Commissioner place the matter on a 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 Board will consider the matter if requested by a Board member. Names and addresses of Board members are available at <http://www.pca.state.mn.us/about/board/bdlist.html>. The MPCA Commissioner may deny a request to place a matter on the Board meeting agenda, but must inform the Board members of that decision.

PERMIT ISSUANCE

If there are no requests for a public informational meeting, contested case hearing, or 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.