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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 THE REISSUANCE OF A  
SOLID WASTE FACILITY PERMIT**

**Public Notice Number:** 11-SW-2212

**Public Notice Issued On:** June 18, 2012

**Last Day to Submit Comments:** July 18, 2012

**Name and Address of Applicant:**

Mr. Joe Talley  
Chief Operating Officer  
American Crystal Sugar Company  
101 North Third Street  
Moorhead, MN 56560

**Name and Location of Facilities:**

American Crystal Sugar Co  
PO Box 600 US Hwy 75  
Crookston MN 56716-0600

**BRIEF DESCRIPTION**

The American Crystal Sugar (ACS) sugar beet processing facility is located in Polk County Minnesota, 300 feet southwest of the Red Lake River, adjacent to Highway 75 South, approximately 1 mile from downtown Crookston. ACS operates the Crookston sugar beet processing facility for the production of beet sugar. ACS is authorized by their solid waste permit, SW-435, to operate a nonhazardous industrial waste landfill for the disposal of spent lime, rock catcher material, lime spalls and demolition debris generated at their Crookston facility. If approved, the permit will allow the proposed operation for a term of 5 years.

**MPCA staff contact:**

Neal Wilson  
Minnesota Pollution Control Agency  
Industrial Division, 4<sup>th</sup> Floor  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194  
651-757-2296

## 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. The applicant proposes to dispose of spent lime, rock catcher material, lime spalls and demolition debris generated at their Crookston facility. The industrial waste landfill currently occupies approximately 70 acres within the 450-acre ACS Crookston plant.

Historically spent lime and coal ash were pumped as a slurry out to a clay-lined settling basin. The settling basin was originally permitted by the MPCA Water Quality Division. In 1991, ACS installed a membrane filter press to dry the spent lime prior to disposal, thus creating a solid waste. The dry spent lime and coal ash continued to be placed on top of the now full settling basin.

On February 29, 1996, the MPCA issued solid waste permit SW-435 to ACS authorizing the development of the first two of three phases at the facility. At that point, approximately 28,000 cubic yards of coal ash and 2.3 million cubic yards of spent lime had been disposed within or on top of the former settling basin. Since 1993, ACS has contracted with a hauler to dispose of their coal ash at an off-site permitted landfill.

The current permitted volume for spent lime waste Disposal Areas A, B, C and D is 4,873,900 cubic yards, which includes all required covers. According to survey information collected in 2011, the remaining permitted capacity of the lime landfill is approximately 1,616,862 cubic yards including all waste and cover materials. Based on the most recent two-year average of 47,205 cubic yards for disposal and cover material, the facility has a remaining operating life of approximately 34 years.

This permit reissuance authorizes continued landfill operation, and approval of a horizontal increase in facility footprint of 1.1 acres, from 68.2 acres to 69.3 acres, and a reduction in capacity of approximately 536,000 cubic yards to repair a side slope.

After review of application materials, the Commissioner of the MPCA has made a preliminary determination to approve the application and reissue 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 Web site at [www.pca.state.mn.us/news](http://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 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. R. chs. 7000 and 7001. Copies of these rules are available on <http://www.pca.state.mn.us/rulesregs/index.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. Because 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 Commissioner to investigate the merits of the person's positions.

Any submissions should display the public notice number, **11-SW-2212**, 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 desire 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 Commissioner of the MPCA will hold a public informational meeting if the Commissioner [or the MPCA Citizens' Board (Board)] determines that a public informational meeting would help clarify and resolve issues regarding the Commissioner's preliminary determination to modify 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 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 Board to consider this permit by asking the Commissioner to place the matter on the Board meeting agenda, or by asking a Board member to request that the 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/index.html>. The 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 Commissioner's decision.