

May 23, 2019

TO: INTERESTED PARTIES

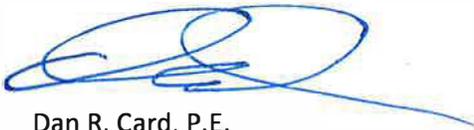
RE: Albertville Wastewater Treatment Facility – Discharge Relocation  
Environmental Assessment Worksheet

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 Albertville Wastewater Treatment Facility – Discharge Relocation. 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; the Minneapolis Public Library at 300 Nicollet Mall, Minneapolis; and the Great River Regional Library in St. Cloud, Minnesota. The document can be viewed on our MPCA website at [www.pca.state.mn.us/eaw](http://www.pca.state.mn.us/eaw). 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,



Dan R. Card, P.E.  
Supervisor, Environmental Review Unit  
St. Paul Office  
Resource Management and Assistance Division

DRC: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  
ALBERTVILLE WASTEWATER TREATMENT FACILITY  
DISCHARGE RELOCATION  
WRIGHT COUNTY, MINNESOTA**

**FINDINGS OF FACT  
CONCLUSIONS OF LAW  
AND ORDER**

Pursuant to Minn. ch. 4410, the Minnesota Pollution Control Agency (MPCA) staff prepared and distributed an Environmental Assessment Worksheet (EAW) for the proposed Albertville Wastewater Treatment Facility – Discharge Relocation (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.

**FINDINGS OF FACT**

**Project Description**

1. The City of Albertville (City) proposes to construct a new lift station and 5.5-mile discharge pipe to continuously convey treated wastewater from its existing mechanical wastewater treatment facility (WWTF) to the Mississippi River. This will eliminate its current treated wastewater discharge to Hunters Lake (also known as Mud Lake). The City will also modify the WWTF to add biosolids storage and replace the existing ultraviolet (UV) disinfection system with a new UV disinfection system.
2. The City's existing WWTF consists of the following components:
  - A main lift station
  - Three static fine screens
  - Three anaerobic/anoxic selector basins
  - Two oxidation ditches
  - Three final clarifiers
  - Chemical addition for phosphorus removal
  - UV disinfection
  - Two existing stabilization ponds with the capability to use one of the ponds for flow equalization
  - Discharge pipe to Hunter's Lake
3. The City currently holds National Pollutant Discharge Elimination System/State Disposal System Permit MN0050594 (WWTF Permit) issued by the MPCA to treat and dispose of treated wastewater from its WWTF. The WWTF Permit authorizes the City to discharge the treated wastewater to Hunter's Lake. The City's WWTF has a design average wet weather flow of 929,700 gallons per day.

4. The City proposes the following changes to the existing WWTF (Project):
  - One new main lift station and valve vault at the WWTF to pump treated wastewater to a new discharge pipe
  - New 5.5 mile discharge pipe
  - New air release, maintenance and sanitary manholes
  - New 280,000 gallon concrete biosolids storage tank at the WWTF
  - Replacement of existing WWTF UV disinfection system with a new UV disinfection system
  - Replace and upgrade WWTF electrical and communications equipment
5. The City plans to begin construction in spring of 2019. The City's actual construction dates are dependent on completion of the environmental review process and approval of permits required for the Project.
6. The City has submitted a WWTF Permit application to the MPCA for reissuance of the City's WWTF Permit for the WWTF that includes the proposed Project. The City has also submitted design plans and construction specifications for the Project subject to MPCA approval. The MPCA has drafted and public noticed a re-issued WWTF Permit for the construction and operation of the discharge pipe and WWTF. The draft reissued WWTF Permit includes effluent limits and monitoring requirements for the WWTF existing discharge, and new discharge to the Mississippi River. The City must obtain the WWTF Permit reissuance before construction can commence.

#### Procedural History

7. An EAW is a brief document designed to provide the basic facts necessary for the Responsible Governmental Unit (RGU) to determine whether an Environmental Impact Statement (EIS) is required for a proposed project or to initiate the scoping process for an EIS (Minn. R. 4410.0200, subp. 24). The MPCA is the RGU for this Project.
8. The MPCA requires preparation of an EAW for the Project (Minn. R. 4410.4300, subp. 18.B.) The proposed discharge is considered a new discharge to the Mississippi River where one did not previously exist.
9. The Project, once constructed, will not result in an increase in impervious surface, and thus will not change the quality or quantity of surface water runoff.
10. The MPCA provided public notice of the Project as follows:
  - a. The Environmental Quality Board (EQB) published the notice of availability of the EAW for public comment in the *EQB Monitor* on March 18, 2019, as required by Minn. R. 4410.1500.
  - b. The EAW was available for review on the MPCA website at:  
<http://www.pca.state.mn.us/news/eaw/index.html>.
  - c. The MPCA provided a news release to media in southern Minnesota, and other interested parties, on March 18, 2019.

11. During the EAW 30-day comment period ending on April 17, 2019, the MPCA received comments on the EAW from the Minneapolis Division of Water Treatment and Distribution Services and St. Paul Regional Services, and staff of the MPCA North Watershed Section.
12. The MPCA received two comment letters after the close of the EAW 30-day comment period.
13. The comments received during the 30-day public comment period, and the MPCA's prepared written responses to the comment letters are included as Appendix A to these Findings.

**Criteria for Determining the Potential for  
Significant Environmental Effects**

14. The MPCA shall base its decision on the need for an EIS on the information gathered during the EAW process and the comments received on the EAW (Minn. R. 4410.1700, subp. 3). The MPCA must order an EIS for projects that have the potential for significant environmental effects (Minn. R. 4410.1700, subp. 1). 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. These criteria are:
  - A. Type, extent, and reversibility of environmental effects.
  - B. Cumulative potential effects. The 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**

15. 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.
16. The types of impacts that may reasonably be expected to occur from the Project include the following:
  - Surface water quality impacts
    - a) WWTF discharge impacts

- b) Surface water crossing impacts
- c) Stormwater runoff impacts
- d) Wetland impacts
- Groundwater impacts

17. With respect to the extent and reversibility of impacts that are reasonably expected to occur from the Project, the MPCA makes the following findings:

Surface water quality impacts

18. The City has applied for reissuance of the WWTF Permit for continued operation of the WWTF and existing discharge, and construction and operation of the Project.

19. The City has submitted design plans and construction specifications for the Project.

20. The WWTF Permit regulates the discharge and pollutant loadings allowed for the WWTF for the existing discharge and the Project. The WWTF Permit establishes load limitations to ensure that water quality standards and designated uses of the immediate and downstream receiving waters are protected.

21. During construction of the Project, the WWTF will continue to discharge to Hunter's Lake.

22. After completion of the Project, the City's WWTF discharge will go to the Mississippi River.

23. After completion of the Project, the City will permanently seal the existing discharge pipe to Hunters Lake.

a) WWTF discharge impacts

24. The City's Project will discharge treated wastewater to meet the MPCA's WWTF Permit discharge limits for pollutants such as 5-day carbonaceous biochemical oxygen demand (CBOD<sub>5</sub>), total suspended solids, total phosphorus (TP), fecal coliform, potential for hydrogen (pH), and dissolved oxygen.

25. The WWTF Permit also requires the Proposer to monitor the TP in the influent to the WWTF, and TP and mercury in the wastewater discharge.

26. The City will operate the WWTF to comply with the WWTF Permit, federal regulations, state rules, and local requirements.

27. The MPCA does not expect the WWTF to exceed effluent limits. However, if the City exceeds those effluent limits, or noncompliance with other WWTF Permit conditions occurs, the City will take corrective actions to improve operations as required by the WWTF Permit.

28. WWTF modifications could be short-term or addressed through the normal five-year reissuance cycle. Thus, the MPCA has determined potential impacts to surface water quality from the Project discharge temporary and reversible.

b) Surface water crossing impacts

29. The Project discharge pipe is designed to protect surface water resources in surface water crossing areas.
30. The Project includes the installation and use of a discharge pipe which is installed at a depth to prevent freezing and cracking of pipes. The discharge pipe will cross under water bodies, including Otsego Creek, an unnamed creek, under wetland areas, and another unnamed stream before discharging to the Mississippi River.
31. The City proposed to construct a 16-inch nominal polyvinyl chloride (PVC), or 16-inch nominal high-density polyethylene (HDPE) pressure forcemain pipe, for a length of approximately 5.45 miles from the proposed lift station location at the WWTF site then north past 95<sup>th</sup> Street NE. At that point, the City will construct the last approximately 300 feet of discharge pipe with 18-inch Class-5 reinforced concrete gravity sewer pipe, with a constructed outfall to the Mississippi River. The discharge pipe construction, including the use of horizontal directional drilling and installation and sealing of discharge pipe, is designed to prevent leakage of treated wastewater.
32. The Project discharge includes measures to protect the surface waters the pipe will be crossing under, including Otsego Creek (MPCA describes this as an unnamed creek), and another unnamed stream.
33. The City will install the majority of the discharge pipe using a construction practice known as horizontal directional drilling. Current engineering/construction standards. Horizontal directional drilling significantly limits the amount of open excavation required along the discharge pipe. Some excavation is required for pipe bends, connections and manholes.
34. The City will obtain a Minnesota Department of Natural Resources (MDNR) Utility Crossing License for the construction of the discharge pipe adjacent to and underneath the surface water bodies.
35. The City will also obtain an MDNR public waters work permit, for working to construct the discharge outfall to the Mississippi River.
36. The City will also obtain MPCA Section 401 review and approval, and United States Army Corps of Engineers (USACE) Section 404 review and approval for the construction of the discharge outfall to the Mississippi River.
37. MPCA finds that information presented in the EAW and other information in the environmental review record is adequate to address the concerns related to surface water impacts related to the Project discharge.
38. The MPCA considered impacts on surface waters that are reasonably expected to occur from the Project during the review process and determined that appropriate mitigation measures are available and will be required to prevent significant adverse impacts.

c) Stormwater runoff impacts

39. The MPCA examined the potential environmental impacts to stormwater runoff during and after construction of the Project.
40. The City or its contractors will obtain National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Construction Stormwater Permit (CSW Permit) coverage for the Project.
41. The CSW Permit requires the City to develop and implement stormwater pollution prevention plans (SWPPP) to prevent erosion and control sediment using best management practices (BMPs) to mitigate stormwater impacts. The SWPPP contains BMPs specifically designed for Project sites and activities to control stormwater, minimize erosion, and prevent impacts to water bodies.
42. The City's construction activities will take place within 1 mile of Hunter's Lake, School Lake, and the Mississippi River. All three water bodies are impaired, and the Mississippi River is a special water (restricted Outstanding Resource Value Waters and a recreational water). Because of this, the City must also follow the "Additional Requirements for Discharges to Special (Prohibited, Restricted, Other) and Impaired Waters" outlined in Section 23 of the CSW Permit.
43. If construction of the Project causes any stormwater-related impacts, the MPCA finds them temporary in nature and reversible since BMPs prevent long-term effects.
44. The MPCA finds that information presented in the EAW and other information in the environmental review record is sufficient to adequately address the impacts on water quality from stormwater that are reasonably expected to occur from the Project.
45. The City will utilize stormwater pollution prevent methods as required by the CSW Permit to prevent significant adverse impacts.
46. The MPCA finds the proposed Project does not have the potential for significant environmental effects based on the type, extent, and reversibility of stormwater impacts reasonably expected to occur from the Project.

d) Wetland impacts

47. The City completed two wetland delineations for the Project, using available background information including aerial photographs, MDNR Public Waters Inventory maps, a United States Geological Services topographic map, and Wright County Soil Survey maps.
48. The City's first wetland delineation for the Project identified 29 wetlands within the Project's discharge pipe areas, for a 5.19 acres. The City's second delineation for the Project included a review of 70<sup>th</sup> Street NE, and a total of 12 additional wetlands.
49. The MPCA evaluated the Project, including a review of the Project areas on the United States Fish and Wildlife area mapper.

50. The City has designed the Project to avoid impacts to wetlands by using horizontal directional drilling under wetlands to comply with the Federal Clean Water Act and the Minnesota Wetland Conservation Act.
51. The City, as the local governmental unit (LGU), will work with the Wright County Soil and Water Conservation District on approvals for wetland work as well as wetland replacement plan approvals.
52. The City will work with the MPCA to ensure the Project meets application Section 401 Water Quality Certification Requirements.
53. The City will also work with the U.S. Army Corp of Engineers on Section 404 Permit requirements for wetlands.
54. The MPCA finds the information presented in the EAW and other information in the environmental review record, including responses to comments, is sufficient to adequately address the impacts on water quality of wetlands that are reasonably expected to occur from the Project.
55. The MPCA finds that the Project, as proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts related to surface water impacts on wetlands that are reasonably expected to occur from the Project.

#### Groundwater Impacts

56. The City's discharge pipe will pass through the City's Drinking Water Supply Management Area (DWSMA), and the Otsego West Wellhead Protection Area (WPA).
57. The City's discharge pipe will be within a 1-mile radius of several domestic, sealed, and other pipes.
58. The City is required to comply with Minnesota Well Code Minn. R. ch. 4725 and construct the discharge pipe and maintain isolation distances from the City's DWSMA and Otsego's WPA.
59. The City is required to comply with Minnesota Well Code Minn. R. ch. 4725 and construct the discharge pipe with additional casing when the discharge pipe is less than 50 feet from a well.
60. Although the City does not expect to pump groundwater in order to dewater Project areas, the City will continue to evaluate the need to dewater and obtain a MNDNR permit as construction proceeds in the Project areas, and will contact the MDNR if there is a potential need for obtaining a temporary dewatering permit.

#### **Cumulative Potential Effects**

61. 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.

62. 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.
63. The EAW addressed the following areas for cumulative potential effects for the proposed Project.

#### Surface Water Quality

64. When developing effluent discharge limits for the WWTF Permit, the MPCA must consider the cumulative sources and impacts of pollutants to receiving waters to ensure that the proposed discharge does not cause or contribute to a violation of water quality standards.
65. The Proposer's existing WWTF currently discharges to Hunter's Lake, which outlets to Otsego Creek (MPCA calls this an unnamed stream), which then discharges to the Mississippi River.
66. The Project includes construction of a lift station and 5.5-mile discharge pipe directly to the Mississippi River, additional biosolids storage, and a new UV disinfection system to replace the WWTF's existing UV disinfection system.
67. Once the City has completed construction and initiated operation of the Project, the City will permanently close the existing discharge pipe to Hunter's Lake in accordance with applicable rules and WWTF Permit conditions.
68. MPCA has listed the Mississippi River as impaired for:
- Mercury in fish tissue (F) and in the water column (W)
  - Polychlorinated byphenyls (PCBs) in F
  - Fecal Coliform
69. Mercury in (F) (W) – Mississippi River. The MPCA is requiring monitoring of the influent to the WWTF and the WWTF discharge, in accordance with the MPCA Mercury Statewide Total Maximum Daily Load (TMDL) and Mercury Permitting strategy). The MPCA does not expect the Project to contribute to the mercury impairment in F and W n the Mississippi River.
70. PCBs in F – Mississippi River. TMDLs are not underway for PCB impairments at this time. PCBs are known as legacy pollutants – PCBs have not been manufactured in the United States since the late 1970s. PCBs tend to persist in the environment for a long time. MPCA believes the WWTF discharge does not have PCBs, as there is no contributing source (industry) in the City. Therefore, the MPCA does not expect the Project to contribute to the PCBs in F impairment in the Mississippi River.
71. Fecal Coliform – Mississippi River. The U.S. Environmental Protection Agency approved the Upper Mississippi River – Bacteria TMDL on November 20, 2014. The Project's proposed discharge is outside the TMDL area. The WWTF Permit requires the City to meet a fecal coliform discharge limit of 200 organisms (orgs)/100 milliliter (mL) calendar month geometric mean limit from April 1

through October 31, the applicable state discharge restrictions found in Minn. R. 7053.0215, subp. 1. For these reasons, the MPCA does not expect the Project's treated wastewater discharge to contribute to the mercury F and W impairment in the Mississippi River.

#### Additional limits and monitoring requirements

72. The WWTF Permit requires the City's WWTF to meet technology based limits for secondary treatment for municipal point sources, CBOD<sub>5</sub>, and pH per Minn. R. 7053.0215, subp. 1. For this reason, the MPCA does not expect the Project to allow contributions of CBOD<sub>5</sub>, and/or pH such that either negatively impacts the immediate and downstream receiving waters.
73. The WWTF Permit requires the City's WWTF, after completion of the Project, meet a water quality-based effluent limit for TP of 1,284 kilograms per year 12-month moving total.
74. The WWTF Permit requires the City's WWTF to meet a state discharge restriction for TP of 1.0 m/L calendar month average.
75. The WWTF Permit requires the City's WWTF to meet a state discharge restriction for fecal coliform of 200 orgs/100 mL calendar month average.
76. The WWTF Permit also requires the City to monitor the influent to the WWTF and the WWTF's treated wastewater for dissolved and total mercury, and phosphorus. This additional monitoring allows the MPCA to track information about these parameters in case of a future need to impose additional effluent limits in order to protect the receiving waters.
77. The MPCA is not aware of any related or future projects in the region that may interact with this Project in such a way to result in or contribute to any significant cumulative potential effects to surface water.

#### Cumulative Effects - Summary

78. Based on information on the proposed project obtained from permit application processes, permit application process information 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.
79. The MPCA finds that the Project does not have the potential for significant environmental effects related to cumulative potential effects that are reasonably expected to occur.

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

80. 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.

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

Unit of Government	Permit or Approval Required
USACE	Section 404 Permit
MPCA	WWTF Permit MN0050954 reissuance
	Project Design Plans and Construction Specifications
	CSW Permit
	Section 401 Review and Certification
MDNR	Temporary Water Appropriation Permit (dewatering)
	Utility Crossing Permit for work under public waters
	Public Waters Work Permit
Gopher State One Call	Utility line location verification
Wright County	County Road Right of Way Permit
Wright County Soil and Water Conservation District	Wetland Conservation Act (WCA) Approval
City of Albertville	Building Construction Permit
City of Albertville (Albertville will service as the LGU)	WCA Joint Application
City of Otsego	Conditional Use Permit

82. USACE Section 404 Permit. This general permit provides language describing procedures and permissions regarding excavation in wetlands and placement of excavated materials into waters of the United States or their associated wetlands.
83. MPCA WWTF Permit. The City has applied for, and the MPCA has drafted, the WWTF Permit required for construction and operation of the Project, including the discharge of treated wastewater effluent to receiving waters. The WWTF Permit includes effluent mass and concentration limits that MPCA has developed to protect water quality in the receiving waters. The WWTF Permit also authorizes continued operation of the WWTF until completion and initiation of operation of the Project, and includes effluent mass and concentration limits for the WWTF for the existing discharge.
84. MPCA Approval for Project Plans and Specifications. The City has submitted Project design plans and construction specifications to the MPCA for technical review and approval consistent with good engineering practices, WWTF Permit requirements, state rules, and federal regulations.
85. MPCA CSW Permit. The City must obtain a CSW Permit since the Project disturbs more than 1 acre. The City will prepare SWPPPs, required by the CSW Permit, detailing the BMPs the City will implement, and that will address: vehicle tracking of sediment; inspection of erosion and sediment controls; and Project construction timeframes. The CSW Permit requires the City adequate temporary stormwater treatment to assure the Project runoff will not impact water quality.
86. Section 401 Certification. Section 401 of the Clean Water Act requires any applicant for a federal license or permit to conduct an activity that may result in a discharge of a pollutant into waters of

the U.S. to obtain a certification from the State in which the discharge originates that the discharge complies with the applicable water quality standards. The City is required to obtain Section 401 Certification for the construction of the discharge pipe outfall to the Mississippi River.

87. MDNR Temporary Water Appropriation Permit. The MDNR Water Appropriation Permit is required for users withdrawing more than 10,000 gallons of water per day or 1 million gallons per year. Although the City does not anticipate the need to obtain the MDNR temporary water appropriation permit for dewatering in Project areas, the City will continue to evaluate this as construction proceeds in the Project areas, and will contact the MDNR if there is a potential need for obtaining the MDNR temporary water appropriation permit for dewatering for meeting the threshold.
88. MDNR Utility Crossing Permit for work under public waters. A license is required for the passage of any utility over, under, or across any state land or public waters. Standards and criteria of the MDNR include route design, structure design, construction methods, safety considerations, and right-of-way maintenance to provide maximum protection and preservation of the natural environmental and to minimize any adverse effects which may result from utility crossings.
89. MDNR Public Waters Work Permit. The MDNR Public Waters Work Permit Program regulates activities that change or diminish the course, current or cross section of public waters within the state, by any means, including filling, excavating, or placing materials in or on the beds of public waters.
90. Gopher State One Call. The City s must contact Gopher State One Call to provide notification of pending excavation and construction activities and verify utility line locations to ensure these activities will be conducted in a manner that prevents safety risks and/or damage to underground facilities.
91. Wright County County Right-of-Way Permit. The Right of Way Permit ensures that the work will be accomplished in a way that will not be detrimental to Wright County road right of way, will safeguard the public, and that the right of way on highways is restored to its original condition.
92. Wright County Soil and Water Conservation District WCA Application. Wright County, working in conjunction with the City as LGU, will review the Project plans, completed wetland delineations, and wetland replacement plan applications, to issue a decision to approve wetland replacement plan applications.
93. City Building Construction Permit. The City must issue building permits for Project construction to ensure compliance with local ordinances.
94. City WCA Joint Application. The City will work in conjunction with Wright County to review Project plans, completed wetland delineations, and wetland replacement plan applications, to issue a decision to approve the wetland replacement plan applications.
95. City of Otsego Conditional Use Permit. The City must apply for and receive all Otsego-required building and conditional use permits to ensure compliance with local ordinances. The conditional

use permit will address local zoning, environmental regulatory, and other requires needed to avoid adverse effects on adjacent land uses in Otsego.

96. 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**

97. 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.

98. The MPCA reviewed the following documents as part of the environmental impact analysis for the proposed Project.

- Data presented in the EAW
- WWTF permit application
- Effluent limits review
- Antidegradation review
- Project plans and specifications
- Permits and environmental review of similar projects

99. This list is not intended to be exhaustive. The MPCA also relies on information provided by the City, persons commenting on the EAW, staff experience, and other available information obtained by staff.

100. 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
101. Based on the environmental review, previous environmental studies by public agencies or the City, 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.
102. 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**

103. 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.

104. 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.
105. 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.
106. An EIS is not required for this Project.
107. Any findings that might properly be termed conclusions and any conclusions that might properly be termed findings are hereby adopted as such.

**ORDER**

108. The Minnesota Pollution Control Agency determines that there are no potential significant environmental effects reasonably expected to occur from the City of Albertville project and that there is no need for an Environmental Impact Statement.

**IT IS SO ORDERED**

  
\_\_\_\_\_  
Laura Bishop, Commissioner  
Minnesota Pollution Control Agency

5/14/2019  
\_\_\_\_\_  
Date

Minnesota Pollution Control Agency (MPCA)

Albertville Wastewater Treatment Facility (WWTF) – Discharge Relocation (Project)  
Environmental Assessment Worksheet (EAW)

LIST OF COMMENT LETTERS RECEIVED

1. Annika Bankston, Superintendent, Water Plant Operations & Maintenance/Minneapolis Division of Water Treatment and Distribution Services; James Bode, Production Division Manager, St. Paul Regional Water Services. Letter received April 17, 2019.
2. Philip Votruba, Watershed Project Manager, MPCA. Email received April 17, 2019.

RESPONSES TO COMMENTS ON THE EAW

1. Annika Bankston, Minneapolis Division of Water Treatment and Distribution Services; James Bode, Saint Paul Regional Water Services. Letter received April 17, 2019.

**Comment 1:** The commenters note the EAW fails to state that the [Project's] proposed relocated discharge is directly to the main reach of the Mississippi River within the designated source water protection areas for the Minneapolis and St. Paul drinking water utilities. The commenters believe the EAW is incomplete without specifically stating this.

**Response:** MPCA notes the comment. New items cannot be added to the EAW, but the information is now part of the administrative record.

As described in the EAW, the City of Albertville's (City) WWTF currently discharges to Hunter's Lake, also known as Mud Lake. Hunter's Lake outlets to an Otsego Creek (MPCA lists this as an unnamed ditch) that outlets, approximately 5.4 miles downstream, to the Mississippi River.

The City's Project will construct a new discharge pipe directly to the Mississippi River, and eliminate the existing WWTF discharge to Hunter's Lake. As discussed in EAW Item 11. B. i. 3, the MPCA has evaluated the City's Project in accordance with the applicable requirements for a proposed municipal wastewater discharge to the Mississippi River, at a reach that is designated as a restricted Outstanding Resource Value Water.

The MPCA made the preliminary determination, based on available information, the proposed discharge to the Mississippi River meets applicable federal and state requirements, including disinfection requirements. The MPCA's EAW reflects this information.

The MPCA is aware that both the cities of Minneapolis and St. Paul draw water from the Mississippi River for treatment and use as a potable water supply. Minn. R. pt. 7053.0215, subp. 1 requires year round disinfection of a municipal wastewater discharge if it is within 25 miles of a surface water intake.

MPCA staff evaluated the distance of the proposed discharge to the water intakes for both cities, and determined the distance to be approximately 28 river miles. As a result, the City's WWTF is required to do seasonal rather than year round disinfection.

MPCA staff also had a phone conversation with Minnesota Department of Health (MDH) staff. The Federal Safe Drinking Water Act required the cities of Minneapolis, St. Paul, and St. Cloud to complete source water assessments and the three cities had also prepared source water protection plans (SWPs). Information about the Mississippi River source water protection areas are included in those plans.

Based on the MPCA and MDH staff discussion, and MPCA staff review of the cities of Minneapolis and St. Paul's SWPs, MPCA staff believes the Project's proposed discharge requirements do not conflict with the SWPs.

MDH has been working to raise more awareness of the Federal Safe Drinking Water Act requirement for conducting source water quality assessments, including those for surface waters. See: <https://www.health.state.mn.us/communities/environment/water/swp/index.htm>.

MPCA staff appreciate the information and will continue to communicate and work with MDH staff on drinking water matters, for both wellheads and surface water intakes.

## **2. Phil Votruba, MPCA. Email received April 17, 2019.**

**Comment 2-1:** The commenter recommends the EAW include the information that the Project's proposed discharge to the Mississippi River is at a reach that is listed not only for mercury, but for two additional impairments:

- 1) Affected Use: aquatic consumption; Pollutant/Stressor: Polychlorinated Biphenyls (PCBs) in fish tissue;
- 2) Affected Use: Aquatic Recreation; Pollutant Stressor: fecal coliform

**Response:** The MPCA cannot add new information to the EAW. Although EAW Item 11.b. 3. includes these impairments in a table on EAW page 14, the MPCA did not specifically note the two additional impairments at that reach in EAW Item 11.a.i., on EAW, page 10. However, the MPCA staff did take these impairments into consideration in evaluating the Project's proposed discharge.

**Comment 2-2:** MPCA staff in the Watershed Unit-Brainerd Regional Office recommends recommend including the attached link <https://www.wrc.umn.edu/search/results?query=chlorides> in the review as an informational resource.

**Response:** The MPCA cannot add new information to the EAW. Many cities in Minnesota, including the city of Albertville (City), have been working on reducing the amount of chloride going to wastewater treatment facilities. The City evaluated several wastewater treatment options in consideration of chloride along with other pollutants, before selecting the option to construct a new discharge pipe to the Mississippi River. The MPCA has passed this information along to the City.



April 17, 2019

Ms. Nancy Drach, Planner Principal  
Resource Management and Assistance Division  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, MN 55155  
*Sent via e-mail*

RE: Albertville Wastewater Treatment Facility – Discharge Re-location  
Public Comment on Environmental Assessment Worksheet (EAW)

Dear Ms. Drach:

The drinking water utilities of the City of Minneapolis and Saint Paul Regional Water Services rely on the Mississippi River as the source of water supply for serving over 1 million people. Protecting and improving river water quality is of critical interest for the long-term reliability and sustainability of this critical water supply. The proposed relocation of the Albertville Wastewater Treatment Facility discharge directly to the main stem of the Mississippi River presents a concern with respect to immediate and long-term source water quality.

As described in the EAW's "Antidegradation Review":

The MPCA reviewed this information and determined the Proposer provided adequate documentation of "no prudent and feasible alternatives" to the proposed new discharge. More information for this review is available with the NPDES/SDS Permit Program.

We will be offering detailed comments regarding our water quality concerns as part of the public comment on the NPDES/SDS permit reissuance.

Specific to this EAW, the Assessment's Water Resources review (Part 11.a.i) fails to state that the proposed relocated discharge is directly to the main reach of the Mississippi River within the designated source water protection areas for the Minneapolis and Saint Paul drinking water utilities. The proposed discharge location is within 34 hours of travel from Saint Paul's intake and 41 hours of travel from Minneapolis (at average river flow conditions).

We believe the EAW is incomplete without specifically stating the relocated discharge is within the designated drinking source water protection area of our two utilities.

Thank you for the opportunity to offer comment,

Sincerely,



Annika M. Bankston  
Superintendent, Water Plant Operations & Maintenance  
Minneapolis Division of Water Treatment  
and Distribution Services  
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James Bode  
Production Division Manager  
Saint Paul Regional Water Services  
Ph: 651-266-1651  
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Copy: Steve Robertson, Minnesota Department of Health – Drinking Water Protection Section, Source Water Protection Unit

**From:** [Votruba, Phil \(MPCA\)](#)  
**To:** [Drach, Nancy \(MPCA\)](#)  
**Cc:** [Lucas, Scott \(MPCA\)](#)  
**Subject:** EAW- Albertville Wastewater Treatment Facility – Discharge  
**Dates:** Wednesday, April 17, 2019 3:46:50 PM  
**Attachments:** [inase001.pdf](#)

Good Afternoon Nancy:

We have reviewed the Environmental Assessment Worksheet (EAW) for the Albertville Wastewater Treatment Facility – Discharge and have a few comments that we want to bring to your attention. These comments are as follows:

**11. Water Resources:** On page 10 it notes the following “The discharge pipe will then outlet to and discharge treated wastewater into the reach of the Mississippi River classified as a restricted ORVV (Mississippi River Reach: Clearwater River to Crow River). MPCA has listed the Mississippi River as impaired for mercury in fish tissue in the discharge area.”

In looking at the current version of Minnesota’s Impaired Waters (303d) List (which was approved by the U.S. EPA on January 28, 2019) it shows 2 additional impairments ( Shown in table below - PCB in fish tissue and Fecal Coliform) for the Mississippi River Reach 07010203-729. It is recommended that this be noted/included in the environmental review for the discharge receiving water.

Water body name	Water body description	Water body type	Year added to List	Basin	AUID	County	HUC 8	Watershed name	Partial tribal designation	Affected designated use	Pollutant or stressor	TMDL target completion year	EPA category	Mercury TMDL region	Year TMDL plan approved	Approved TMDL EPA ID#	AUID previously listed	Changes since last List
Mississippi River	Clearwater R to Crow R	Stream	1998	Upper Mississippi River, Upper Portion	07010203-729	Wright	07010203	Mississippi River - St. Cloud		Aquatic Consumption	Mercury in fish tissue		4A	SW	2007	32414		
Mississippi River	Clearwater R to Crow R	Stream	1998	Upper Mississippi River, Upper Portion	07010203-729	Wright	07010203	Mississippi River - St. Cloud		Aquatic Consumption	PCB in fish tissue	2020	5					
Mississippi River	Clearwater R to Crow R	Stream	2002	Upper Mississippi River, Upper Portion	07010203-729	Wright	07010203	Mississippi River - St. Cloud		Aquatic Recreation	Fecal Coliform	2023	5					

**General Note:** Since reducing/managing the overall chloride loading to our surface waters is a concern with this project and throughout the statewide, MPCA staff here in the Watershed Unit - Brainerd Regional Office would like to recommend including the attached link <https://www.wrc.umn.edu/search/results?query=chlorides> in the review as an informational resource. This link provides access to applicable Minnesota studies/projects where chloride management practices were implemented by other communities in similar situations to protect surface water quality.

Thank you for the opportunity to provide comment on this project. Please feel free to contact me if you have any questions.

Best Regards,

**Phil Votruba**  
**Watershed Project Manager**  
**North Watershed Section**  
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 7678 College Rd.  
 Baxter, MN 56425  
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 (218) 828-2492 – Front Desk  
[phil.votruba@state.mn.us](mailto:phil.votruba@state.mn.us)

Cc: Scott Lucas



*Our mission is to protect and improve the environment and human health.*

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