

May 27, 2021

TO: INTERESTED PARTIES

RE: Owatonna Wastewater Treatment Facility Expansion

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 Owatonna Wastewater Treatment Facility Expansion. 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 are available for review at the Minneapolis Public Library at 300 Nicollet Mall, Minneapolis (see the Minneapolis Public Library website at <https://mplslibrary.com/> for COVID-19 access information). MPCA offices are closed at this time; however, the document can be viewed on MPCA's website at <https://www.pca.state.mn.us/regulations/projects-under-mPCA-review>.

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*

*This document has been electronically signed.*

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  
OWATONNA WASTEWATER TREATMENT FACILITY EXPANSION  
OWATONNA, 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 Owatonna Wastewater Treatment Facility Expansion. 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 Owatonna (Owatonna) proposes to expand its existing wastewater treatment facility (Facility) within the existing property boundary to treat an average wet weather design flow (AWWDF) of 9.1 million gallons per day (mgd) (Project). The Facility will discharge its effluent to the same currently permitted location on the Straight River and will remain a Class A treatment facility.
2. The Project will result in the following changes to the liquid treatment process:
  - Fine screening equipment will be installed in a new building;
  - A membrane bioreactor (MBR) will be installed in a new building;
  - The existing aeration basins will be upgraded to be used as anaerobic, anoxic, and aerobic bioreactors ahead of the new MBR;
  - The existing primary and final clarifiers will remain in place and be used for peak hourly flow equalization;
  - The existing sand filters will be abandoned; and
  - The existing chlorine contact tank will be used for permeate storage.
3. The Project will include an upgrade to the anaerobic system to handle the solids from the expanded Facility.
4. Owatonna plans to begin construction of the Project during the spring or summer of 2022, and expects construction to take 24-30 months to complete. Owatonna's actual construction schedule is dependent upon access to funding, completion of the environmental review process, and approval of permits required for the Project.

5. Owatonna submitted an application to the MPCA on October 7, 2019, for a reissuance to its National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit (Wastewater Permit) for the proposed Project. The Wastewater Permit would authorize Owatonna to treat and dispose wastewater from the expanded Facility. Owatonna must obtain the Wastewater Permit before construction can commence.

### **Procedural History**

6. 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.
7. Minn. R. 4410.4300, subp 18(C) requires preparation of an EAW for this Project because it is an expansion or modification of an existing municipal or domestic wastewater treatment facility that results in an increase by at least 200,000 gallons per day of the Facility's AWWDF.
8. The MPCA notified the public for 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 2, 2021, as required by Minn. R. 4410.1500.
  - b. The EAW was available for review on the MPCA website at: [www.pca.state.mn.us/eaw](http://www.pca.state.mn.us/eaw).
  - c. The MPCA provided a news release to media in southern and central Minnesota, and other interested parties, on March 2, 2021.
  - d. Owatonna's application for a Wastewater Permit was put on public notice on March 2, 2021. The public notice period ended on May 3, 2021.
9. During the 60-day comment period ending on May 3, 2021, the MPCA received comments from the Minnesota Department of Natural Resources (DNR).
10. The list of comments received during the 60-day comment period are included as Appendix A to these Findings.
11. The MPCA prepared written responses to the comments received during the 60-day public comment period, which are also included in Appendix A to these Findings.

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

12. 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**

- 13. 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” in Minn. R. 4410.1700, subp. 7(A). The MPCA findings with respect to this criterion are set forth below.
- 14. The types of impacts that may reasonably be expected to occur from the Project include the following:
  - Surface water quality impacts from: treated wastewater discharge and stormwater runoff
  - Groundwater quality impacts
  - Air quality impacts
- 15. Written comments received during the comment period did not raise additional issues.
- 16. With respect to the type, extent and reversibility of impacts that are reasonably expected to occur from the Project, the MPCA makes the following findings.

Surface water quality impacts

*Treated Wastewater Discharge*

- 17. Owatonna has applied for reissuance of its Wastewater Permit for the proposed Facility expansion.
- 18. The Facility is Class A, which means it is an advanced treatment plant. The Facility will remain a Class A Facility after Project construction. The Project would bring the Facility’s AWWDF from 5.0 mgd to 9.1 mgd.

19. The Facility continuously discharges treated effluent into the Straight River, which eventually enters the Cannon River, and Byllesby Lake. The Project will not alter the discharge location.
20. Owatonna must demonstrate that its discharge has satisfied conditions in Minnesota's antidegradation rules (Minn. R. 7050.0250 through Minn. R. 7050.0335), which ensure the highest possible quality in surface waters of the state. Based upon preliminary review, the MPCA has determined that the discharge satisfied the standards in Minn. R. 7050.0265, as well as federal surface water pollution control statutes and rules administered by the MPCA Commissioner.
21. The Wastewater Permit will regulate the discharge of pollutants allowed for the Project. The Wastewater Permit establishes effluent limitations to ensure that water quality standards and designated uses of the immediate and downstream receiving waters are protected.
22. Owatonna must operate the Facility to comply with the Wastewater Permit, federal regulations, state rules, and local requirements.
23. The MPCA does not expect the Facility to exceed effluent limits. However, if Owatonna has an exceedance or other noncompliance with its Wastewater Permit, Owatonna must take corrective actions to improve operations as required by the Wastewater Permit.

#### *Stormwater Runoff*

24. Owatonna will obtain a NPDES/SDS Construction Stormwater Permit (CSW Permit) prior to construction of the Project.
25. The CSW Permit will require Owatonna to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) to prevent erosion and control sediment using best management practices (BMPs) to mitigate stormwater impacts. The SWPPP will contain BMPs designed specifically for Project site and activities to control stormwater, minimize erosion, and prevent impacts to waterbodies.
26. Project construction activities and resulting drainage will take place within 1 mile of two stream portions of the Straight River, which are recorded as impaired waters in the MPCA's 2020 Impaired Waters List.
27. The CSW Permit will require additional BMPs for those areas of the Project that drain to a discharge point that are within 1 mile of an impaired water. For these areas, Owatonna must immediately initiate stabilization of exposed soil areas and complete the stabilization within 7 calendar days after the construction activity in that portion of the site temporarily or permanently ceases. Owatonna must also provide a temporary sediment basin for common drainage locations that serve an area with 5 or more acres disturbed at one time.
28. Owatonna will not need specific industrial stormwater conditions within its Wastewater Permit because it will qualify for the no exposure exclusion. This is available for facilities that store all significant materials indoors and conduct all industrial activities within storm resistant shelters.

### Summary of surface water quality impacts

29. The MPCA does not reasonably expect significant adverse impacts to water quality, however, if they were to occur, Owatonna must modify operations and management of the Project according to its Wastewater Permit. Therefore, the MPCA finds impacts to surface water quality to be reversible.
30. The MPCA finds the information presented in the EAW and other information in the environmental review record adequate to address the concerns related to impacts to surface water quality. The MPCA considered impacts to surface water quality 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.
31. The MPCA finds that the Project, as it is proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts related to surface water quality that are reasonably expected to occur from the Project.

### Groundwater quality impacts

32. The Facility and most of the town of Owatonna are contained within the Owatonna wellhead protection area. The Minnesota Department of Health classified the Owatonna wellhead protection area low vulnerability because of the low likelihood that activities at the land surface may degrade drinking water quality at the public water supply well based on the following factors: geologic sensitivity, well construction, maintenance and use, and water chemistry and isotopic composition.
33. There are no known wells at the Facility, but there are two unverified wells just south of the Facility border.
34. There are no known susceptible geologic features based on review of aerial photographs, geological literature and maps including the DNR karst features database.
35. Construction of the Project may require temporary dewatering. Any dewatering activities are anticipated to be limited in scope and duration to Project construction. The CSW Permit requires dewatering water to be released to a temporary or permanent sediment basin prior to discharging to a surface water when possible and at a minimum, in a manner that does not cause erosion or scour in the immediate vicinity of discharge points or inundation of wetlands in the immediate vicinity of discharge points that cause significant adverse impact to the wetland. Owatonna will obtain a DNR Water Appropriation Permit prior to any dewatering activities if applicable.
36. Although the MPCA does not expect significant adverse impacts to groundwater quality, if they were to occur, Owatonna must modify the operations and management of the Facility according to the Wastewater Permit requirements. Therefore, the MPCA finds groundwater quality impacts that may occur from the Project to be reversible.
37. The MPCA finds that information presented in the EAW and other information in the environmental review record is adequate to address the concerns related to groundwater. The impacts related to groundwater that are reasonably expected to occur from the Project have been considered during

the review process and appropriate mitigation measures will be required to prevent significant adverse impacts.

38. The MPCA finds that the Project, as it is proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts related to groundwater that are reasonably expected to occur from the Project.

#### Air Quality Impacts

39. The Facility generates air emissions from the boilers and heaters that combust natural gas, an emergency generator that combusts diesel fuel, and a generator that combusts biogas generated in the wastewater treatment process. The wastewater treatment process itself can also be a source of emissions, such as ammonia. The Facility also uses a small amount of solvents for cleaning activities.
40. Owatonna evaluated the applicability of a federal and Minnesota air permit and determined that the Facility does not meet the criteria that requires a state or federal air quality permit. In a letter dated September 29, 2020, the MPCA concluded that “it seems likely that Owatonna will be able to avoid the requirement of obtaining a state permit, but MPCA cannot make a definitive determination at this time,” because it will depend on the Facility purchasing and installing a proposed new biogas generator that is U.S. Environmental Protection Agency (EPA)-certified according to New Source Performance Standard Subp. JJJJ. Owatonna intends to purchase a certified biogas generator; therefore, no air quality permit will be required.
41. Owatonna conducted, and the MPCA approved, air dispersion modeling using the American Meteorological Society Regulatory Model (AERMOD) developed by the American Meteorological Society and the EPA. The model evaluated Project air emissions of carbon monoxide, sulfur dioxide, nitrogen dioxide, total suspended particulate matter, particulate matter less than 10 microns in diameter and particulate matter less than 2.5 microns in diameter. AERMOD is widely accepted air dispersion model, which uses conservative assumptions to predict air quality.
42. The air modeling predicted that the modeled pollutants from the Project would not cause an exceedance of a National Ambient Air Quality Standard (NAAQS).
43. Owatonna conducted, and the MPCA approved, an Air Emissions Risk Analysis for the Project, which predicted that air emissions from the Project would not result in unacceptable human health risk.
44. With respect to the reversibility of air quality impacts expected to occur from the Project, air emissions from the Project will continue while it remains in operation and would cease only if the Project were temporarily or permanently closed.
45. If excessive air emissions or violations of a standard were to occur, air quality impacts are likely to be correctable. The MPCA could initiate an investigation and require Owatonna to make operation and maintenance changes. Therefore, the MPCA finds that any impacts on air quality that may occur from the Project are reversible.
46. The Project will release 5,500 tons carbon dioxide equivalence of greenhouse gas (GHG) emissions.

GHG have the ability to widely disperse within the atmosphere. There are no Minnesota or NAAQS for GHGs. At this time, there are no federal or Minnesota thresholds of GHG significance for determining impacts of GHG emissions from an individual project on global climate change.

47. It is not within the current state of science to provide an analysis of the impact that the Project-related GHG emissions will have on the environment.
48. In the absence of a threshold of GHG significance, the MPCA looks to existing regulation. Minn. R. 4410.4300, subp. 15, Part B, establishes a mandatory category requiring preparation of an EAW for stationary source facilities generating 100,000 tons per year (TPY) of GHGs. The purpose of an EAW is to assess environmental effects associated with a proposed project to aid in the determination of whether an EIS is needed. On the premise of GHG emissions, environmental review regulations establish 100,000 TPY as a “trigger” to prepare an EAW to aid in determining potential significant environmental effects. A reasonable conclusion is that the Project’s GHG emissions at well below 100,000 TPY are not considered significant.
49. The EQB is currently conducting a technical review and stakeholder engagement process to potentially develop RGU guidance, EAW form updates, and possibly rulemaking to integrate climate changes impacts into Minnesota Environmental Review. At this time, EQB is evaluating comments received on the draft recommendations and final RGU guidance is not yet available.
50. The MPCA finds that information presented in the EAW and other information in the environmental review records are adequate to assess the impacts on air quality that are reasonably expect to occur at a result of the Project.
51. The MPCA finds that Project, as proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts on air quality that are reasonably expected to occur form the Project.

### **Cumulative Potential Effects**

52. 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.
53. The EAW addressed the following areas for cumulative potential effects from the proposed Project:
  - Surface water quality

### Surface Water Quality

54. Expanding the Facility accommodates growing area population and reduced pollution to the Straight River and other waterbodies downstream.
55. The Project will not alter the Facility discharge location to the Straight River, which discharges to the Cannon River, and Byllesby Lake. The MPCA 2020 Impaired Waters Lists includes impairments for the Straight River, Cannon River, and Byllesby Lake.

#### *Straight River Impairments*

56. The MPCA has identified eight impairments within the Straight River downstream of the Facility's discharge.
57. Two segments of the Straight River downstream of the Facility's discharge are impaired for fecal coliform bacteria. These impairments are addressed in the Lower Mississippi River Basin Regional Fecal Coliform Total Maximum Daily Load (TMDL). The Facility has received a waste load allocation (WLA). The Wastewater Permit's 200 organisms/100 milliliters (mL) effluent limit is consistent with the WLA and ensures that the authorized Facility discharge will not contribute to the fecal coliform impairment of the Straight River.
58. Three segments of the Straight River downstream of the Facility's discharge are impaired for turbidity and three portions of the Straight River downstream of the Facility's discharge are impaired for benthic macroinvertebrate bioassessments. These impairments are addressed in the Cannon River Watershed TMDL. Total Suspended Solids (TSS) is the pollutant or stressor for these impairments. The TSS effluent limits within the Wastewater Permit are consistent with the TMDL WLAs and ensure that the Facility discharge will not contribute to the turbidity or benthic macroinvertebrate bioassessments impairments of the Straight River.

#### *Cannon River Impairments*

59. The MPCA has identified 17 impairments within the Cannon River downstream of the Facility's discharge.
60. Five segments of the Cannon River downstream of the Facility's discharge are impaired for mercury in fish tissue. Mercury concentrations in the effluent from the current Facility are below the water quality standard and therefore do not contribute to downstream mercury impairments. Owatonna has chosen to accept an effluent TSS load cap at current permitted levels when it expands. Mercury binds to TSS, therefore, MPCA does not expect that the increase in flow will contribute to downstream surface water mercury impairments.
61. One segment of the Cannon River downstream of the Facility's discharge is impaired for fecal coliform bacteria. This impairment is addressed in the Lower Mississippi River Basin Regional Fecal Coliform TMDL. The Wastewater Permit's 200 organisms/100 mL effluent limit is consistent with the WLA and ensures that the authorized Facility discharge will not contribute to the fecal coliform impairment of the Cannon River.

62. Four segments of the Cannon River downstream of the Facility's discharge are impaired for E. coli. These impairment are addressed in the Cannon River Watershed TMDL. The Wastewater Permit's 200 organisms/100 milliliters (mL) effluent limit is consistent with the WLA and ensures that the authorized Facility discharge will not contribute to the E. coli impairments of the Cannon River.
63. Three portions of the Cannon River downstream of the Facility's discharge are impaired for turbidity, one portion of the Cannon River downstream of the Facility's discharge is impaired for fish bioassessments, and three portions of the Cannon River downstream of the Facility's discharge are impaired for benthic macroinvertebrate bioassessments. These impairments are addressed in the Cannon River Watershed TMDL. TSS is the pollutant or stressor for these impairments. TSS effluent limits within the Wastewater Permit are consistent with the TMDL WLAs and ensure that the Facility discharge will not contribute to turbidity, fish bioassessments or benthic macroinvertebrate bioassessments impairments of the Cannon River.

#### *Byllesby Lake Impairments*

64. The MPCA has identified two impairments within Byllesby Lake downstream of the Facility's discharge.
65. Byllesby Lake downstream of the Facility's discharge is impaired for mercury in fish tissue. Mercury concentrations in the effluent from the current Facility are below the water quality standard and therefore do not contribute to downstream mercury impairments. Owatonna has chosen to accept an effluent TSS load cap at current permitted levels when it expands. Mercury binds to TSS, therefore, MPCA does not expect that the increase in flow will contribute to downstream surface water mercury impairments.
66. Byllesby Lake downstream of the Facility's discharge is impaired for nutrients. This impairment is addressed in the Cannon River Watershed TMDL. Phosphorus is the pollutant of concern for this impairment, therefore the MPCA has assigned a phosphorus WLA for the Facility. The Wastewater Permit contains both annual and calendar month average (June-September) mass cap phosphorus effluent limits for the discharge. The authorized Facility wastewater discharge of phosphorus will not result in an increase in the nutrient impairment to Byllesby Lake.

#### Summary of Water Quality Impacts

67. The MPCA considered the cumulative sources and impacts of pollutants to receiving waters when developing the Wastewater Permit effluent discharge limits to ensure that the proposed discharge is consistent with attainment of water quality standards.
68. Owatonna must comply with the Wastewater Permit, which requires pollutant limits, inspections, monitoring, and reporting.
69. 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.

70. Cumulative potential effects are not expected to be significant given the effluent limits and other measures required within the Wastewater Permit.
71. 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**

72. 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.
73. The following permits or approvals will be required for the Project:

Unit of Government	Permit or Approval Required
MPCA	Wastewater Permit
	Design Plans and Construction Specifications
	CSW Permit
DNR	Water Appropriation Permit
Steele County	Building/Conditional Use Permit

74. MPCA Wastewater Permit.  
Owatonna applied for, and the MPCA has drafted, the Wastewater Permit required for construction and operation of the Project, including the discharge of treated wastewater effluent to receiving waters. The Wastewater Permit will include effluent limits that MPCA developed to protect water quality in the receiving waters.
75. MPCA Approval for Design Plans and Construction Specifications  
Owatonna will submit Project design plans and construction specifications to the MPCA for technical review and approval consistent with good engineering practices, Wastewater Permit requirements, state rules, and federal regulations.
76. MPCA CSW Permit  
A CSW Permit is required when a project disturbs 1 acre or more of soil. The CSW Permit requires the use of BMPs to prevent soil erosion and to keep eroded sediment from leaving the construction site. The project proposer must have a SWPPP that provides details of the specific measures to be implemented. The contractor shall obtain a permit prior to each construction phase.
77. DNR Water Appropriation Permit  
A DNR Water Appropriation Permit is required for users withdrawing more than 10,000 gallons of water per day or 1 million gallons per year. Owatonna will evaluate the need for the Water Appropriation Permit as construction plans progress and will contact the DNR if Owatonna predicts exceedance of the dewatering threshold.

78. Steele County Building/Conditional Use Permit

Steele County will issue a building and conditional use permit for Project construction and operation to ensure compliance with local ordinances.

79. 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**

80. 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.

81. Although not exhaustive, the MPCA reviewed the following documents as part of the environmental impact analysis for the proposed Project:

- Data presented in the EAW
- Wastewater Permit application
- Effluent limits review
- Antidegradation review
- Lower Mississippi River Basin Regional Fecal Coliform TMDL
- Cannon River Watershed TMDL
- Owatonna WWTP Expansion Wasteload Allocation Study (MPCA 2019)
- Air Permit Applicability Determination
- Air Dispersion Modeling Report
- Permits and environmental review of similar projects

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

83. 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.

84. Based on the environmental review, previous environmental studies by public agencies or the Project proposer, 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.

85. The MPCA adopts the rationale stated in the attached Response to Comments (Appendix A) as the basis for response to any issues not specifically addressed in these Findings.

### CONCLUSIONS OF LAW

86. 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.
87. The MPCA identified areas for potential for significant environmental effects. The Project design and permits ensure Owatonna will take appropriate mitigation measures to address significant effects. The MPCA expects the Project to comply with all environmental rules, regulations, and standards.
88. 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.
89. An EIS is not required for the Owatonna Wastewater Treatment Facility Expansion project.
90. Any findings that might properly be termed conclusions and any conclusions that might properly be termed findings are hereby adopted as such.

### ORDER

91. The Minnesota Pollution Control Agency determines that there are no potential significant environmental effects reasonably expected to occur from the Owatonna Wastewater Treatment Facility Expansion project and that there is no need for an Environmental Impact Statement.

### IT IS SO ORDERED



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Laura Bishop, Commissioner  
Minnesota Pollution Control Agency

May 27, 2021

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Date

Minnesota Pollution Control Agency

Owatonna Wastewater Treatment Facility Expansion  
EAW

LIST OF COMMENT LETTERS RECEIVED

1. Joanne Boettcher, Minnesota Department of Natural Resources. Email received April 2, 2021.

RESPONSES TO COMMENTS ON THE EAW

1. **Comments by Joanne Boettcher, Minnesota Department of Natural Resources. Email received April 2, 2021.**

**Comment 1-1:** Commenter wrote, “We are pleased to see improvements to the water quality of the effluent and no changes to the nature of the effluent are likely. These factors help protect aquatic resources.”

**Response:** Comment noted.

**Comment 1-2:** Commenter wrote, “As identified in the NHIS review, ensure state threatened species are protected during construction.”

**Response:** The MPCA provided the comment to Owatonna.

**Comment 1-3:** Commenter wrote, “The EAW does not identify the existing type of fencing and gap at the bottom, which if gaps are large enough, could allow turtles or other animals to enter the project area. To ensure the threatened turtles are protected (in addition to other species), we recommend that the planned silt fencing is installed to also block wildlife. Please install the silt fencing taught and secured with the bottom edge well-buried on as much of the perimeter as possible, particularly on the river side of the project.”

**Response:** The Facility is enclosed by a chain-linked fence with barbed wire at the top to keep the public from entering the Facility but does not restrict the movement of smaller animals in or out of the fenced property. The MPCA provided Owatonna with the silt fencing installation practice recommendations to protect threatened turtles and other species.

**Comment 1-4:** Commenter wrote, “We do not anticipate that the increased effluent/flow volume from this project will impact sensitive aquatic species. However, we generally recommend that the City of Owatonna work with residents and local businesses to implement water/waste water reduction

strategies. Any reductions would conserve financial and environmental resources and of note at this location, reduce any potential impacts of contributing to increased flow in the river and the cumulative impacts of flooding, increased erosion, and habitat degradation.”

**Response:** Owatonna has ongoing efforts to reduce inflow and infiltration.

**Comment 1-5:** Commenter wrote, “We recommend incorporating native vegetation to replace lawn wherever possible. The benefits of native vegetation would help offset the additional impervious surface.”

**Response:** The MPCA provided the comment to Owatonna.

**Comment 1-6:** Commenter wrote, “Please use wildlife friendly erosion control and invasive species prevention best practices (see attachment).”

**Response:** The MPCA provided the attachment and suggestions to Owatonna.

**Comment 1-7:** Commenter wrote, “As noted in the NHIS review, any construction dewatering would need to be carefully planned. Please contact us if construction dewatering is necessary. A water appropriation would also be necessary if construction dewatering or other use exceeds 10,000 gallons/day or 1 million gallons/year.”

**Response:** The MPCA provided the comment to Owatonna.

Hi Kim,

We appreciate the opportunity to review the proposed improvement of the Owatonna WWTF. We offer the following comments:

- We are pleased to see improvements to the water quality of the effluent and no changes to the nature of the effluent are likely. These factors help protect aquatic resources.
- As identified in the NHIS review, ensure state threatened species are protected during construction.
- The EAW does not identify the existing type of fencing and gap at the bottom, which if gaps are large enough, could allow turtles or other animals to enter the project area. To ensure the threatened turtles are protected (in addition to other species), we recommend that the planned silt fencing is installed to also block wildlife. Please install the silt fencing taught and secured with the bottom edge well-buried on as much of the perimeter as possible, particularly on the river side of the project.
- We do not anticipate that the increased effluent/flow volume from this project will impact sensitive aquatic species. However, we generally recommend that the City of Owatonna work with residents and local businesses to implement water/waste water reduction strategies. Any reductions would conserve financial and environmental resources and of note at this location, reduce any potential impacts of contributing to increased flow in the river and the cumulative impacts of flooding, increased erosion, and habitat degradation.
- We recommend incorporating native vegetation to replace lawn wherever possible. The benefits of native vegetation would help offset the additional impervious surface.
- Please use wildlife friendly erosion control and invasive species prevention best practices (see attachment).
- As noted in the NHIS review, any construction dewatering would need to be carefully planned. Please contact us if construction dewatering is necessary. A water appropriation would also be necessary if construction dewatering or other use exceeds 10,000 gallons/day or 1 million gallons/year.

Thank you,

Joanne Boettcher  
Regional Environmental Assessment Ecologist  
MNDNR – Mankato  
(507) 389-8813



## Standard Erosion Control and Invasive Species Prevention Best Practices

Take precautions when working near waterbodies to prevent sedimentation and erosion:

- Erodible surfaces should not be left exposed for greater than one day. For example, work should not commence late in the week if it will be left unfinished over a weekend.
- Work should not commence if rain is predicted.
- All wheeled or tracked construction equipment should be restricted to work areas above the stream bank.
- Fill material should not be stockpiled in the floodplain.
- Backfill placed below Ordinary High Water (OHW) should consist of clean granular material free of fines, silts, soils, and mud.
- Use [Best Practices for DNR General Public Waters Work Permit GP 2004-0001: Species Protection](#). Refer to pages: 3, 11, 14, 16, 25, 33, and 34 as relevant to a particular project.
- Vegetative “grout” should be incorporated with any installed rip rap (see page 33 of above link).
- [Native species planting/seeding](#) should be used.
- DNR Public Waters Work Permit may be required. Permit requirements must be followed.

Use wildlife friendly erosion control:

- Biodegradable netting should be used, preferably natural materials with short degradation periods.
- Erosion control blankets should be limited to bio-netting or natural netting types due to the risk of entanglement and death of small animals. [2018 MnDOT Standards Specifications for Construction](#) identify acceptable materials in Category 3N or 4N mulches.
- Do not use products that require UV-light to degrade (also called “photodegradable”), as they do not degrade properly when covered/shaded.
- Do not use products containing plastic mesh netting or other plastic components.
- Do not use mulch products that contain synthetic (plastic) fiber additives near waterbodies.
- See [Wildlife Friendly Erosion Control](#) for more information.

Take active steps to prevent invasive species introduction and spread:

- Clean all equipment (including but not limited to: vehicles, clothing, and gear) at a site prior to moving to another site. All soil, aggregate material, mulch, vegetation, seeds, animals, etc. need to be removed using a hand tool, brush, compressed air, pressure washer, or otherwise.
- If equipment is not cleaned before arriving to a work site, then clean the equipment in the parking or staging area, ensuring no material is deposited at the new site. Material cleaned from equipment should be disposed of legally.
- All equipment (including but not limited to: waders, tracked vehicles, barges, boats, turbidity curtain, sheet pile, and pumps) used for work in an “infested water” must be adequately decontaminated. See [Watercraft Decontamination Manual](#) for more information.
- See [Come Clean, Leave Clean](#) for more detailed guidance. This guidance is required for those working on DNR lands as part of grant or contract or are working under a permit, your grant, contract, or permit.

### Referenced Links

[https://files.dnr.state.mn.us/waters/watermgmt\\_section/pwpermits/gp\\_2004\\_0001\\_chapter1.pdf](https://files.dnr.state.mn.us/waters/watermgmt_section/pwpermits/gp_2004_0001_chapter1.pdf)

<https://bwsr.state.mn.us/seed-mixes>

<https://files.dnr.state.mn.us/eco/nongame/wildlife-friendly-erosion-control.pdf>

<http://www.dot.state.mn.us/pre-letting/spec/2018/2018-spec-book-final.pdf>

<https://www.dnr.state.mn.us/invasives/dnrlands.html>

<https://www.dnr.state.mn.us/invasives/dnrlands.html>

[https://files.dnr.state.mn.us/natural\\_resources/invasives/mndnr\\_ais\\_decontamination\\_handbook.pdf](https://files.dnr.state.mn.us/natural_resources/invasives/mndnr_ais_decontamination_handbook.pdf)