

August 26, 2025

VIA EMAIL

To: Interested parties

RE: Crow Wing Mixed Municipal Solid Waste Landfill SW-376 located in the City of Brainerd, Crow Wing County, Minnesota

The Minnesota Pollution Control Agency (MPCA) has approved the Findings of Fact (FOF), Conclusions of Law, and Order for a Negative Declaration on the need for an Environmental Impact Statement (EIS) on the Crow Wing MMSW Landfill Project (Project). The FOF 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 Environmental Quality Board (EQB) rules, Minn. R. ch. 4410. Final governmental decisions on permits or approvals for the project may now be made.

The MPCA appreciates comments submitted on the Environmental Assessment Worksheet (EAW). The comments were considered by MPCA staff during the environmental review process and responses to these comments are provided in the FOF.

Interested parties can review the FOF and the EAW documents at the following locations: the MPCA office in Saint Paul, the Hennepin County Library at 300 Nicollet Mall, Minneapolis and Kitchigami Regional Library at 310 2nd Street North, Pine River, Minnesota. Interested parties can also view the documents on MPCA's website at [Recently completed reviews](#). Please contact the MPCA's Saint Paul office at 651-757-2098 for copies of these documents.

Sincerely,



Katrina Kessler, P.E.  
Commissioner

KK/CG:rs

Attachments

cc: Chris Holm, Bois Forte Band of Lake Superior Chippewa (electronic)(w/attachments)  
Jaylen Strong, Bois Forte Band of Lake Superior Chippewa (electronic)(w/attachments)  
Frank Villebrun, Bois Forte Band of Lake Superior Chippewa (electronic)(w/attachments)  
Evan Schroeder, Fond Du Lac Band of Lake Superior Chippewa (electronic)(w/attachments)  
Jack Bassett, Fond Du Lac Band of Lake Superior Chippewa (electronic)(w/attachments)  
Nancy Schuldt, Fond Du Lac Band of Lake Superior Chippewa (electronic)(w/attachments)  
Grace Leppink-Walz, Fond Du Lac Band of Lake Superior Chippewa (electronic)(w/attachments)  
Robert Deschampe, Grand Portage Band of Ojibwe (electronic)(w/attachments)  
Agatha Armstrong, Grand Portage Band of Ojibwe (electronic)(w/attachments)  
April McCormick, Grand Portage Band of Ojibwe (electronic)(w/attachments)  
cc's continued on next page.

Marie Spry, Grand Portage Band of Ojibwe (electronic)(w/attachments)  
Toby Stephens, Grand Portage Band of Ojibwe (electronic)(w/attachments)  
Krishna Woerheide, Grand Portage Band of Ojibwe (electronic)(w/attachments)  
Margaret Watkins, Grand Portage Band of Ojibwe (electronic)(w/attachments)  
Rob Hull, Grand Portage Band of Ojibwe (electronic)(w/attachments)  
Jason Helgeson, Leech Lake Band of Ojibwe (electronic)(w/attachments)  
Jeff Harper, Leech Lake Band of Ojibwe (electronic)(w/attachments)  
Brandy Toft, Leech Lake Band of Ojibwe (electronic)(w/attachments)  
Kelly Applegate, Mille Lacs Band of Ojibwe (electronic)(w/attachments)  
Susan Klapel, Mille Lacs Band of Ojibwe (electronic)(w/attachments)  
Mike Wilson, Mille Lacs Band of Ojibwe (electronic)(w/attachments)  
Charlie Lippert, Mille Lacs Band of Ojibwe (electronic)(w/attachments)  
Brian Scheinost, Mille Lacs Band of Ojibwe (electronic)(w/ attachments)  
Tony Pike, Mille Lacs Band of Ojibwe (electronic)(w/attachments)  
John Coleman, Great Lakes Indian Fish and Wildlife Commission (electronic)(w/attachments)  
Esteban Chiriboga, Great Lakes Indian Fish and Wildlife Commission (electronic)(w/attachments)  
Molly Mehl, NRCS Tribal Liaison (electronic)(w/attachments)  
Scott Doig, Tribal Liaison (electronic)(w/attachments)  
Vanessa Alberto, Tribal Liaison (electronic)(w/attachments)  
Melanie Nowin, Tribal Liaison (electronic)(w/attachments)  
Allison Smart, Tribal Liaison (electronic)(w/attachments)  
Walt Ford, Tribal Liaison (electronic)(w/attachments)  
Alan Walts, Tribal Liaison (electronic)(w/attachments)  
Billie Isham, Tribal Liaison (electronic)(w/attachments)  
Jolynn Shopteese, Tribal Liaison (electronic)(w/attachments)  
Jackie Dionne, Tribal Liaison (electronic)(w/attachments)  
Chase Christopherson, Tribal Liaison (electronic)(w/attachments)  
Ravyn Gibbs, Tribal Liaison (electronic)(w/attachments)  
Bradley Harrington, Tribal Liaison (electronic)(w/attachments)  
Mat Pendleton, Tribal Liaison (electronic)(w/attachments)  
James Clark, Tribal Liaison (electronic)(w/attachments)  
Levi Brown, Tribal Liaison (electronic)(w/attachments)  
Amanda Wold, Tribal Liaison (electronic)(w/attachments)  
Melissa King, Tribal Liaison (electronic)(w/attachments)  
Isaac Weston, Minnesota Indian Affairs Council (electronic)(w/attachments)  
Shannon Kesner, Tribal Liaison (electronic)(w/attachments)  
Gary Griffin, Crow Wing County Planning and Zoning (electronic)(w/attachments)  
Chris Pence, Crow Wing County (electronic)(w/attachments)  
Jessica Shea, Project Proposer (electronic)(w/attachments)  
Tonya Koller, Consultant (electronic)(w/attachments)  
Kate Fairman, Department of Natural Resources (electronic)(w/attachments)  
Dave Benke, MPCA (w/attachments)  
Nicole Blasing, MPCA (w/attachments)  
Brian Timerson, MPCA (w/attachments)  
Dan Card, MPCA (w/attachments)  
Beth Gawrys, MPCA (w/attachments)  
Heidi Kroening, MPCA (w/attachments)  
Lisa Mojsiej, MPCA (w/attachments)  
Scott Lucas, MPCA (w/attachments)  
Chris Green, MPCA (w/attachments)

**STATE OF MINNESOTA  
MINNESOTA POLLUTION CONTROL AGENCY**

**In The Matter Of The Decision  
On The Need For An Environmental  
Impact Statement For The Proposed  
Crow Wing Mixed Municipal Solid Waste Landfill SW-376 Project  
City of Brainerd, Crow Wing County, Minnesota**

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

**INTRODUCTION**

Pursuant to Minn. ch. 4410, the Minnesota Pollution Control Agency (MPCA) staff prepared and distributed an Environmental Assessment Worksheet (EAW) for the proposed Crow Wing Mixed Municipal Solid waste (MMSW) Landfill (Project) at Brainerd, Crow Wing County, Minnesota. 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 (FOF), Conclusions of Law, and Order.

**FINDINGS OF FACT**

**Project Description**

1. Crow Wing County (County) is proposing to increase the capacity of its existing municipal solid waste landfill. The County is proposing an expansion to the north and west of the current landfill, resulting in a request for 3,837,000 cubic yards (cy) of additional permitted capacity through Cell 7 (Project). The expansion will include composite liners, leachate collection systems, leak detection, environmental monitoring, stormwater management, and landfill gas collection systems. The facility has been in operation since 1991 used for waste disposal.
2. Solid Waste Permit SW-376 expired on April 2, 2025, but an application received on January 18, 2024, allowed operations to continue under the expired permit. The application and subsequent response reviews are currently underway.

**Procedural History**

3. 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. Pursuant to Minn. R. 4410.4300, subp. 17(F), Crow Wing County submitted a mandatory draft EAW to the MPCA for the proposed expansion project on May 31, 2023. Subsequently, an EAW on the Project was prepared by MPCA staff for publication. The MPCA provided public notice of the Project as follows:
  - The Environmental Quality Board (EQB) published the notice of availability of the EAW for public comment in the *EQB Monitor* on July 1, 2025, as required by Minn. R. 4410.1500.
  - The EAW was available for review July 1-July 31, 2025, on the MPCA website at: <https://mpca.commentinput.com/comment/search>.
  - The MPCA provided a news release to media and other state-wide parties on July 1, 2025.
4. During the 30-day comment period on the EAW ending on July 31, 2025, the MPCA received comments from two community members and the Minnesota Department of Natural Resources (DNR).

5. On August 6, 2025, the MPCA requested and was granted approval from the EQB for a 15-day extension of the decision-making process on the need for an EIS for the Project in accordance with Minn. R. 4410.1700, subp. 2(B).
6. The list of comments received during the 30-day public comment period is in Appendix A to these Findings. The MPCA prepared written responses to the comments received during the 30-day public comment period. These responses are in Appendix B to these Findings.

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

7. The MPCA must 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 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. The four 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 the 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**

#### **A. Type, Extent, and Reversibility of Environmental Effects**

8. 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.
9. A summary of the types of impacts the MPCA finds may be reasonably expected to occur from the Project include:
  - Greenhouse Gas (GHG) emissions;
  - surface water and groundwater quality; and
  - odor emissions.
10. Public comments received during the comment period that raised additional issues include:

- natural resources.

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

12. Description of the types of impacts the MPCA finds may be reasonably expected to occur:

**12.1. GHG emissions**

12.1.1. The MPCA considered GHG emission sources that are within the scope of the Project.

12.1.2. The Project will directly release GHG emissions, which can widely disperse within the atmosphere, and which vary both in terms of their global warming potential and their persistence in the atmosphere.

12.1.3. To provide a common unit of measure, the MPCA uses the individual global warming potential of methane and nitrous oxide to convert to carbon dioxide equivalency (CO<sub>2</sub>e).

12.1.4. Using U.S. Environmental Protection Agency (EPA) emission factors, Scope 1 Construction Sources, Source 1 Mobile Equipment Combustion, Scope 1 Stationary Equipment Combustion of 61 tpy, Scope 2 Fugitive Emissions of 160 tons per year (tpy), and Scope 2 Off-site Electricity, the Project will release 13.1 tpy of CO<sub>2</sub>e during construction over the course of three years. Further, the Project will release an additional 17,205 tpy of CO<sub>2</sub>e during operation. CO<sub>2</sub> (carbon dioxide) emitted to the atmosphere from combustion of biomass, such as wastewater treatment sludge, is considered biogenic CO<sub>2</sub> as defined in Table 4 of the Environmental Quality Board's EAW climate guidance and considered carbon neutral.

12.1.5. There are no Minnesota or National Ambient Air Quality Standards (NAAQS) for GHGs.

12.1.6. Currently, there are no federal or Minnesota thresholds of GHG significance for determining the impacts of GHG emissions from an individual project on global climate change.

12.1.7. In the absence of a threshold of GHG significance, the MPCA looks to existing regulation. Minn. R. 4410.4300, subp. 15(B), establishes a mandatory category requiring preparation of an EAW for stationary source facilities generating 100,000 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 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 below 100,000 tpy are not considered significant.

12.1.8. The MPCA finds that information presented in the EAW and other information in the environmental review record is adequate to assess potential GHG impacts that are reasonably expected to occur to and from the Project.

12.1.9. The MPCA finds the Project, as proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts related to emissions of GHG, which are reasonably expected to occur.

**12.2. Surface and groundwater quality**

12.2.1. Under existing conditions, Crow Wing County anticipates no additional waste could be accepted beyond 2026. The project would accommodate approximately 15 years of additional waste disposal capacity based on the existing waste flows to the landfill compared to existing conditions, thereby extending the possibility of water resource contamination.

12.2.2. A groundwater monitoring program has been established at the site and any future corrective action program, although not expected, will be developed based upon monitoring results and hydrogeological information.

12.2.3. The Mississippi River is 0.6 miles northwest of the proposed landfill boundary.

12.2.4. No DNR Public Waters or wetlands are present within the Project area.

12.2.5. There are no public waters or Waters of the State present within the site.

12.2.6. There are no floodplains in the nearby area.

12.2.7. Existing stormwater ponds use emergency overflow discharge to the existing infiltration pond east of the railroad and the city storm sewer.

12.2.8. Stormwater runoff quantity and quality are not expected to be significantly altered by the Project. Stormwater runoff will be routed through conveyance structures to avoid the Landfill active area, roads, and other Project areas susceptible to erosion. These structures include ditches/berms on the final cover, a perimeter ditch around the Landfill, and drainage ditches/culverts along access roads. These facilities are sized to accommodate a 25-year, peak 24-hour storm to reduce leachate generation, minimize erosion damage, and provide extra capacity for spring snow-melt conditions.

12.2.9. The MPCA finds that information presented in the EAW and other information in the environmental review record is adequate to assess potential impacts to the quality of surface and groundwater expected to occur from the Project.

12.2.10. The MPCA finds 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 and groundwater, which are reasonably expected to occur.

### **12.3. Odor emissions**

12.3.1. During active Landfill operations, the primary air emissions will be odor from the MMSW brought into and disposed of onsite.

12.3.2. Emissions from uncollected and uncontrolled LFG will also be emitted.

12.3.3. Leachate treatment will generate odors like those found at a municipal wastewater treatment plant.

12.3.4. Odors and dust at the Landfill will be controlled by placing and compacting waste at the time it arrives at the Site, minimizing the working face area, and covering waste with daily cover (soil or Alternative Daily Cover). During operations, litter could blow away from the active fill area. Daily cover will minimize this problem, and litter will be picked up.

12.3.5. The MPCA finds that information presented in the EAW and other information in the environmental review record is adequate to assess potential impacts of odor emissions, which are expected to occur from the Project.

12.3.6. The MPCA finds the Project, as proposed, does not have the potential for significant environmental effects based on the type, extent and reversibility of impacts related to odor emissions, which are reasonably expected to occur.

## **B. Cumulative Potential Effects**

13. 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 effect; 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 below.
14. The EAW, public comments, and the MPCA follow-up evaluation did not disclose related or anticipated future projects that may interact with this Project in such a way as to result in significant cumulative potential environmental effects. However, landfills, such as Crow Wing County Landfill are expected to expand until they are closed. Additional expansions will be subject to environmental review.
15. The EAW addressed the following areas for cumulative potential effects for the proposed Project:

### **15.1. GHG emissions**

15.1.1. Cumulative potential effects related to GHG emissions were discussed in item 18 of the EAW. Findings 12.1 through 12.1.9. are incorporated herein as part of MPCA’s cumulative potential effects evaluation for greenhouse gas emissions.

15.1.2. The MPCA finds the information presented in the EAW and other information in the environmental review record does not demonstrate that the Project has the potential for significant environmental effects to air quality based on significant cumulative potential effects.

15.1.3. The MPCA finds that for the reasons stated in items 12.1 through 12.1.9., the cumulative potential effect of Project GHG impacts, as proposed, does not have the potential for significant environmental effects related to cumulative potential effects.

Therefore, the MPCA finds that the Project is not expected to contribute significantly to adverse cumulative potential effects on greenhouse gas emissions.

### **15.2. Surface and groundwater quality**

15.2.1. Cumulative potential effects related to Surface and Groundwater Quality were discussed in item 12 of the EAW. Findings 12.2. through 12.2.10. are incorporated herein as part of MPCA’s cumulative potential effects evaluation for surface and groundwater quality.

15.2.3. The MPCA finds the information presented in the EAW and other information in the environmental review record does not demonstrate the Project has the potential for significant environmental effects to surface and groundwater quality based on significant cumulative potential effects because: the landfill liner will mitigate the release of contaminants to the environment, the landfill will not reduce groundwater, and there are no known additional impacts to surface or groundwater in the immediate area.

15.2.4. The MPCA finds that for the reasons stated in item 12, the cumulative potential effect of surface and groundwater impacts, as proposed, does not have the potential for significant environmental effects related to cumulative potential effects.

15.2.5. Therefore, the MPCA finds that the Project is not expected to contribute significantly to adverse cumulative potential effects on surface and groundwater quality.

**15.3. Odor emissions**

15.3.1. Cumulative potential effects related to odor emissions were discussed in item 7 and 18 of the EAW. Findings 12.3. through 12.3.6. are incorporated herein as part of MPCA's cumulative potential effects evaluation for odor emissions.

15.3.2. The MPCA finds the information presented in the EAW and other information in the environmental review record does not demonstrate the Project has the potential for significant environmental effects to air quality based on significant cumulative potential effects because odors and dust at the Landfill will be controlled by placing and compacting waste at the time it arrives at the Site, minimizing the working face area, and covering waste with daily cover (soil or Alternative Daily Cover). During operations, litter could blow away from the active fill area. Daily cover will minimize this problem, and litter will be picked up.

15.3.3. The MPCA finds that for the reasons stated in items 7 and 18, the cumulative potential effect of Project odor emissions, as proposed, does not have the potential for significant environmental effects related to cumulative potential effects.

15.3.4. Therefore, the MPCA finds that the Project is not expected to contribute significantly to adverse cumulative potential effects on odor emissions.

**Cumulative Effects Summary**

16. Based on information on the Project obtained from information in the EAW and professional experience on greenhouse gas emissions, surface water or groundwater quality, odor emissions presented in the EAW, and consideration of potential effects due to related or anticipated future projects, the MPCA does not expect significant cumulative effects from this Project.
17. The MPCA finds the Project, as proposed, does not have the potential for significant environmental effects related to cumulative potential effects that are reasonably expected to occur.

**C. The Extent to Which the Environmental Effects are Subject to Mitigation by Ongoing Public Regulatory Authority**

18. 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.
19. The following permits or approvals will be required for the Project:

**Permits and approvals.**

Unit of Government	Type of Application	Status
EPA	New Source Performance Standards	Will be required once the capacity exceeds 2.5 million megagrams or metric tons



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City of Brainerd, Crow Wing County, Minnesota

Findings of Fact  
Conclusions of Law  
and Order

Minnesota Pollution Control Agency	Waste Management Plan Update and Certificate of Need	SWMP approved on April 5, 2024 Preliminary CON approved April 4, 2024
Minnesota Pollution Control Agency	Solid Waste Facility Permit	Under Review
Minnesota Pollution Control Agency	General Construction Stormwater NPDES Permit	To be submitted prior to construction
Minnesota Pollution Control Agency	General Industrial NPDES Stormwater Permit	Existing (revised as needed)
Metropolitan Council Environmental Services	Leachate Discharge to Wastewater Collection System	Approved
Brainerd Public Utility Commission	Leachate Discharge to Wastewater Collection System	Pending
St. Cloud Wastewater Treatment Facility	Leachate Discharge to Wastewater Collection System	Approved
Crow Wing County	Building/Construction Permit	To be submitted prior to construction
Crow Wing County	Conditional Use Permit	Approved
Crow Wing County	Wetland Conservation Act Joint Application, Wetland Boundary/Type	Approved
Crow Wing County	Wetland Conservation Act Joint Application, Exemption	Approved with Conditions

20. The above-listed permits include general and specific requirements for the mitigation of the environmental effects of the Project. The MPCA finds that the environmental effects of the Project are subject to mitigation, as explained in these Findings and the EAW, by ongoing public regulatory authority.

**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**

21. 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.
22. 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;
  - permits and environmental review of similar projects; and
  - MPCA PFAS (Per- and Polyfluoroalkyl Substances) Monitoring Plan.
23. The MPCA also relies on information provided by Crow Wing County, persons commenting on the EAW, staff experience, and other available information obtained by staff.
24. 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. No elements of the Project pose the potential for significant environmental effects that are not addressed or mitigated by the requirements of the permits listed above or in the EAW.

25. 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.
26. 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

27. 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.
28. The MPCA identified areas for potential significant environmental effects. The Project design and permits ensure Crow Wing County will take appropriate mitigation measures to address significant effects. The MPCA expects the Project to comply with all environmental rules, regulations, and standards.
29. 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.
30. An EIS is not required for the proposed Crow Wing County MMSW Landfill SW-376.
31. Any Findings that might properly be termed conclusions and any conclusions that might properly be termed Findings are hereby adopted as such.

### ORDER

The Minnesota Pollution Control Agency determines that there are no potential significant environmental effects reasonably expected to occur from the Crow Wing County MMSW Landfill SW-376 and that there is no need for an Environmental Impact Statement.

### IT IS SO ORDERED

September 11, 2025  
Date signed



Katrina Kessler, P.E.  
Commissioner  
Minnesota Pollution Control Agency

**STATE OF MINNESOTA  
MINNESOTA POLLUTION CONTROL AGENCY**

**Crow Wing Mixed Municipal Solid Waste Landfill SW-376 EAW**

**Appendix A  
List of Comment Letters Received**

- 1.** Christa Eickhoff. Letter received July 5, 2025.
- 2.** Brett Ballavance. Letter received July 23, 2025.
- 3.** Jessica Parsons, Minnesota Department of Natural Resources. Letter received July 31, 2025.

## Christa Eickhoff

I am glad to hear about the proposed methane gas program and monitoring program for PFAS with the water regulation. I am very interested in expansion of the recycling program to include more plastics, empty aerosol cans and more products than currently allowed. Areas in the Twin Cities are also adding compost programs to help with methane gas prevention and even styrofoam recycling - anything to help our planet that could be added would be great! Thanks!

## Brett Ballavance

Does the expansion capacity listed in this EAW trigger the need for the landfill to get an air emissions permit from the agency in addition to the solid waste permit major mod? Then also did this EAW project trigger the need for an Air Emissions Risk Analysis or AERA?

## DNR (Jessica Parsons)

Question 14c, last paragraph states:

“The Project construction and operations will take place within the site boundaries, no new species of plants or animals will be introduced to the site as part of the Project, and the surrounding environments are homogenous with the environment on the site that will be developed during the project. Due to this, no introduction and/or spread of invasive species from the project construction and operation are anticipated.”

Even though the proposer will be working with materials on site, there is still a chance to introduce invasive species when equipment/vehicles are brought into the site. MNDNR recommends that the proposer implements a procedure to inspect and clean equipment prior to operation and follow the attached recommendations to prevent the spread of invasive species. This is particularly important as the project expansion may impact an area of high biodiversity significance, as designated by the Minnesota Biological Survey (MBS). If the expansion displaces any surrounding recreational trails, consider relocating any trail reroutes outside of the high MBS site. This would help reduce additional habitat damage, and introduction of invasives into the high-quality habitat and native plant communities.

Despite the IPAC’s conclusion that the project is not likely to impact Northern Long-eared Bats, MNDNR still recommends that the project proposer avoids (or minimizes) tree removal from June 1 – July 31. This would reduce the potential to disturb adult females with pups. The females with young tend to target snags and/or partially decaying, jagged/wolfy trees; these are particularly important to avoid/inspect.

DNR is supportive of the Blandings Turtle Avoidance Plan provided in the EAW. If Blanding’s turtles are observed nesting or a nest is found, please contact MNDNR Non-Game Specialist Spencer Rettler (Spencer.Rettler@state.mn.us) as soon as possible. Nesting activity has been documented very close to the project area and MNDNR would be interested in installing a temporary cage around nests. Please see the attached “Caution” flyer that includes some color photos of Blanding’s turtles that would help with identification.

**STATE OF MINNESOTA  
MINNESOTA POLLUTION CONTROL AGENCY**

**Crow Wing County Landfill Expansion EAW**

**Appendix B  
Responses to Comments on the EAW**

**1. Comments by Christa Eickhoff. Letter received July 5, 2025.**

Comment 1-1: I am glad to hear about the proposed methane gas program and monitoring program for PFAS with the water regulation. I am very interested in expansion of the recycling program to include more plastics, empty aerosol cans and more products than currently allowed. Areas in the Twin Cities are also adding compost programs to help with methane gas prevention and even styrofoam recycling - anything to help our planet that could be added would be great! Thanks!

Response: Comment noted.

**2. Comments by Brett Ballavance. Letter received July 23, 2025.**

Comment 2-1: Does the expansion capacity listed in this EAW trigger the need for the landfill to get an air emissions permit from the agency in addition to the solid waste permit major mod?

Response: It is Crow Wing County's responsibility to follow state and federal regulations and thus their responsibility to apply for an Air Quality (AQ) Permit if they are subject. The information provided by Crow Wing County is not sufficient for Air Quality Permitting to determine if the Proposer needs an Air Quality Permit.

MPCA Environmental Review staff determined that there would be no increase in air emissions as a result of the Project based on information provided by the Proposer. As such, MPCA did not require an air dispersion modeling or an Air Emissions Risk Analysis (AERA) for the EAW, and therefore did not require the Proposer to submit an Air Quality Permit Applicability Determination.

Comment 2-2: Then also did this EAW project trigger the need for an Air Emissions Risk Analysis or AERA?

Response: The MPCA staff determined, based upon the information provided, that an AERA was not necessary for this Project. However, if it is found that Crow Wing County needs an air permit, an AERA may be necessary as part of the air permitting process.

**3. Comments by Jessica Parsons, Minnesota Department of Natural Resources. Letter received July 31, 2025.**

Comment 3-1: Question 14c, last paragraph states: "The Project construction and operations will take place within the site boundaries, no new species of plants or animals will be introduced to the site as part of the Project, and the surrounding environments are homogenous with the environment on the site that will be developed during the project. Due to this, no introduction and/or spread of invasive species from the project construction and operation are anticipated."

Even though the proposer will be working with materials on site, there is still a chance to introduce invasive species when equipment/vehicles are brought into the site. MNDNR recommends that the proposer implements a procedure to inspect and clean equipment prior to operation and follow the attached recommendations to [prevent the spread of invasive species](#). This is particularly important as the project expansion may impact an area of high biodiversity significance, as designated by the Minnesota Biological Survey (MBS). If the expansion displaces any surrounding recreational trails, consider relocating any trail reroutes outside of the high MBS site. This would help reduce additional habitat damage, and introduction of invasives into the high-quality habitat and native plant communities.

Response: Comment and information relayed to the Project Proposer.

Comment 3-2: Despite the IPAC's conclusion that the project is not likely to impact Northern Long-eared Bats, MNDNR still recommends that the project proposer avoids (or minimizes) tree removal from June 1 – July 31. This would reduce the potential to disturb adult females with pups. The females with young tend to target snags and/or partially decaying, jagged/wolfy trees; these are particularly important to avoid/inspect.

Response: Comment and information relayed to the Project Proposer.

Comment 3-3: DNR is supportive of the Blandings Turtle Avoidance Plan provided in the EAW. If Blanding's turtles are observed nesting or a nest is found, please contact MNDNR Non-Game Specialist Spencer Rettler ([Spencer.Rettler@state.mn.us](mailto:Spencer.Rettler@state.mn.us)) as soon as possible. Nesting activity has been documented very close to the project area and MNDNR would be interested in installing a temporary cage around nests. Please see the attached "Caution" flyer that includes some color photos of Blanding's turtles that would help with identification.

Response: Comment and information relayed to the Project Proposer.