August 9, 2016

TO: INTERESTED PARTIES

RE: City of Morgan – Construction of Wastewater Stabilization Pond Facility

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 proposed City of Morgan – Construction of Wastewater Stabilization Pond Facility, Redwood County. 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 and Marshall; the Minneapolis Public Library at 300 Nicollet Mall, Minneapolis; and the Marshall-Lyon County Library at 200C Street, Marshall. The documents can also be viewed on our MPCA website at 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,

[Signature]

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

DRC:bt
IN THE MATTER OF THE DECISION
ON THE NEED FOR AN ENVIRONMENTAL
IMPACT STATEMENT FOR THE PROPOSED
CITY OF MORGAN – CONSTRUCTION OF
WASTEWATER STABILIZATION POND FACILITY
REDWOOD 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 City of Morgan – Construction of a three cell stabilization pond wastewater treatment facility ("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 Morgan ("City") currently holds National Pollutant Discharge Elimination System/State Disposal System Permit MN0020443 ("NPDES/SDS Permit") issued by the MPCA to treat domestic strength wastewater at its existing mechanical wastewater treatment facility ("Mechanical WWTF") located in Morgan, Minnesota. The NPDES/SDS Permit authorizes the City to discharge treated wastewater to Redwood County Ditch 109. The City designed its Mechanical WWTF to treat a design average wet weather flow ("AWWF") of 360,000 gallons per day ("gpd").

2. The Project consists of the City constructing a new three-cell wastewater stabilization pond treatment facility. There are two primary cells, each with a surface area of 7.2 acres and a design operating depth of two to six feet; one secondary pond with a surface area of 14.2 acres and a design operating depth of two feet to eight feet; and an aeration system. The Project also includes construction of new discharge outfall from the Project to Redwood County Ditch 109. The City is proposing the Project to replace the City's Mechanical WWTF, which is aging.

3. The City has designed the Project to treat a design AWWF of 260,000 gpd, to have 210 days of wastewater storage, and to have a controlled discharge in spring and/or fall of each year to the Redwood County Ditch 109. The City has designed the Project to avoid discharging from June 1 through September 30 of each year.

4. The MPCA requires reissuance of the NPDES/SDS Permit to: a) operate the Mechanical WWTF, b) construct, operate and discharge treated wastewater from the Project, and c) close the Mechanical WWTF and discharge infrastructure once the Project is operating and discharging to Redwood County Ditch 109. The MPCA has drafted a re-issued NPDES/SDS Permit which includes effluent
limits and closure requirements for the Mechanical WWTF, and effluent limits and construction requirements for the Project. The draft NPDES/SDS Permit includes effluent limits for the Project: five-day biochemical oxygen demand ("CBOD5"), total suspended solids ("TSS"), fecal coliform, pH, and phosphorus, along with future limits for chlorides, bicarbonates (HCO₃), total dissolved solids, total hardness, and specific conductance.

5. The Project consists of construction and installation of the following components:
   a) a new lift station at the Mechanical WWTF location, b) a new forcemain connecting the new lift station to the Project, c) two primary stabilization pond cells, d) a new secondary stabilization pond cell with associated transfer pumps and control structures and piping, e) a new discharge pipe at the Project connecting to a new outfall and location at Redwood County Ditch 109, and f) a new backup generator to ensure continued pumping of wastewater to the Project in case of a power outage.

   **Environmental Review of the Project**

6. The City submitted an NPDES/SDS Permit application for the proposed Project on February 9, 2015.

7. Pursuant to Minn. R. 4410.4300, subp 18(B), the MPCA determined the Project exceeded the mandatory EAW threshold for the construction of a new wastewater treatment facility. The MPCA is the Responsible Government Office ("RGU") for the EAW.

8. Pursuant to Minn. R. 4410.1500, subp. 13(B) MPCA staff prepared an EAW on the Project.

9. Pursuant to Minn. R. 4410.1500, the EAW was distributed to the Environmental Quality Board ("EQB") mailing list and other interested parties on April 29, 2016.

10. The MPCA notified the public of the availability of the EAW for public comment. The MPCA provided a news release to media in the southwest region of the state as well as other interested parties, on April 29, 2016. The MPCA published notice of the availability of the EAW in the EQB Monitor on May 2, 2016, and the MPCA made the EAW available for review on the MPCA website at [http://www.pca.state.mn.us/news/eaw/index.html](http://www.pca.state.mn.us/news/eaw/index.html).

11. The public comment period for the EAW began on May 2, 2016, and ended on June 1, 2016. During the 30-day comment period, the MPCA received comments from two government entities. One comment came from the U.S. Army Corps of Engineers, St. Paul Branch, and one from the Minnesota Department of Transportation. The MPCA did not receive any comments from citizens. A copy of comments received is included as Appendix A to these Findings.

12. The MPCA prepared written responses to the comment received during the 30-day public comment period. The responses to the comments are also included in Appendix A to these Findings.
Criteria for Determining the Potential for Significant Environmental Effects

13. Under Minn. R. 4410.1700, the MPCA must order an Environmental Impact Statement ("EIS") for projects that have the potential for significant environmental effects. 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 following factors shall be considered:

14. 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 MPCA finds that the types of impacts that may reasonably be expected to occur from the Project include the following:
   - Surface water quality impacts related to the Project discharge;
   - Surface water quality impacts related to stormwater runoff; and
   - Surface water quality impacts related to wetlands.

17. Written comments received during the comment period did not raise any issues of concern.

18. The MPCA makes the following findings on the extent and reversibility of impacts that are reasonably expected to occur from the Project.
Findings of surface water quality impacts related to the Project Discharge

19. The City has applied for reissuance of the NPDES/SDS Permit for continued operation of the Mechanical WWTF, construction and operation of the Project, and closure of the Mechanical WWTF once the Project is operational.

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

21. The Project involves construction of a three-cell stabilization pond WWTF with a new controlled (seasonal) discharge outfall to Redwood County Ditch 109. Redwood County Ditch 109 flows to Wabasha Creek. Waters downstream of Wabasha Creek are the Minnesota River, the Mississippi River, and Pepin Lake.

22. The City has designed the Project with treatment capabilities to meet the MPCA’s NPDES/SDS Permit discharge limits for pollutants such as: CBOD$_5$, TSS, fecal coliform, pH, and TP, along with future limits for HCO$_3$, chlorides, total dissolved solids, total hardness, and specific conductance. The NPDES/SDS Permit also requires the City to monitor treated discharge from the Project for: dissolved and total mercury, nitrite, nitrate, total Kjeldahl nitrogen, total nitrogen, total dissolved solids, total calcium, total chloride, calculated calcium and magnesium hardness, total magnesium, total potassium, total sodium, and specific conductance.

23. The City will operate the Project to comply with the NPDES/SDS Permit, applicable state rules, and federal regulations. The MPCA does not expect the Project to exceed permitted effluent limits; however, if the City exceeds those effluent limits, or noncompliance with other NPDES/SDS Permit conditions occurs, the City will take corrective actions to improve operations as required by the NPDES/SDS Permit. Permit and WWTF modifications could be short-term or addressed through the normal five-year permit reissuance cycle. Thus, the MPCA has determined potential impacts to surface water quality from the Project discharge are temporary and reversible.

Findings of surface water quality impacts related to stormwater runoff

24. The MPCA examined the potential environmental impacts associated with stormwater runoff during and after construction of the Project. The City will construct the Project on a site that currently consists of tilled farmland under a slope that currently does not have any stormwater treatment system. Precipitation onto the Project site currently drains into the west into Redwood County Ditch 109.

25. The City will obtain a NPDES/SDS Construction Stormwater ("CSW") Permit (NPDES/SDS CSW Permit) and its contractor will prepare a Stormwater Pollution Prevention Plan ("SWPPP") for construction of the Project.

26. The NPDES/SDS CSW Permit requires the City to design and implement the SWPPP erosion prevention and sediment control best management practices ("BMPs") to mitigate stormwater
runoff impacts. The SWPPP contains BMPs designed specific to the Project site to control stormwater, minimize erosion, and prevent impacts to receiving water bodies.

27. The City will install temporary sedimentation basins at the Project site, and will temporarily grade the Project site to drain stormwater runoff into the temporary sedimentation basins.

28. If construction of the Project causes any stormwater-related impacts, they are temporary in nature and addressed through appropriate construction stormwater BMPs; the MPCA has determined the impacts are reversible.

29. The MPCA finds that the information presented in the EAW and other information in the environmental review record is sufficient to adequately assess the impacts on water quality from stormwater that are reasonably expected to occur from the Project. The City will utilize stormwater pollution prevention methods as required by the NPDES/SDS CSW Permit to prevent significant adverse impacts.

30. 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.

Findings on surface water quality impacts related to wetlands

31. The MPCA evaluated the Project for proximity to wetlands using the U.S. Fish & Wildlife Area Wetland Mapper, and did not identify any wetlands on or near the Project site.

32. The MPCA finds the Project will not impact any wetlands on or near the Project site.

33. The MPCA finds the information presented in the EAW and other information in the environmental review record is sufficient to adequately assess the impacts on water quality of wetlands that are reasonably expected to occur from the Project.

34. 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 impacts on wetland that are reasonably expected to occur from the Project.

Cumulative Potential Effects

35. 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.
36. 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.

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

**Surface water quality**

38. When developing effluent discharge limits for the NPDES/SDS 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.

39. The Mechanical WWTF currently discharges to Redwood County Ditch 109. Redwood County Ditch 109 flows to Wabasha Creek, then to the Minnesota River, the Mississippi River, and Pepin Lake.

40. The Project includes construction of a new three cell stabilization pond WWTF and a new discharge outfall to Redwood County Ditch 109 that is upstream of the Mechanical WWTF discharge. Redwood County Ditch 109 then flows to the same downstream waterbodies as the Mechanical WWTF’s current discharge: Wabasha Creek, the Minnesota River, the Mississippi River, and Pepin Lake.

41. Once the City has completed construction and initiated operation of the Project, the City will properly close the Mechanical WWTF in accordance with applicable rules and NPDES/SDS Permit conditions and eliminate the continuous Mechanical WWTF discharge from Redwood County Ditch 109.

42. The Mechanical WWTF has a continuous (daily) discharge whereas the Project will discharge treated effluent seasonally in the spring and/or fall.

43. MPCA determined Redwood County Ditch 109 and Wabasha Creek have no listed impairments.

44. MPCA has listed the Minnesota River as impaired for:
   - dissolved oxygen ("DO"),
   - mercury in fish tissue and water column,
   - fecal coliform,
   - turbidity, and
   - polychlorinated biphenyls ("PCBs") in fish tissue and water column.

   The MPCA addresses each of these impairments to the Minnesota River below.

45. DO – Minnesota River. The MPCA has a Lower Minnesota River-low DO Total Maximum Daily Load ("TMDL") approved by the U.S. Environmental Protection Agency ("EPA") in 2004. Phosphorus is a target pollutant to reduce because phosphorus, a nutrient, causes excessive algal growth, which in turn produces biochemical oxygen demand ("BOD") as a result of algal decomposition. High BOD leads to the low dissolved oxygen.
46. The MPCA developed a phosphorous annual mass water quality based effluent limit ("WQBEL") that applies to the wastewater discharge from the Project. The City will also avoid discharging treated effluent from the Project during summer months, when the receiving water has lower flow conditions. For these two reasons, the MPCA expects the Project will not contribute to an exceedance of river eutrophication standards in the Minnesota River, and that the Project will comply with the DO TMDL for the lower Minnesota River.

47. Mercury Impairment – Minnesota River. The MPCA is requiring the City to conduct mercury monitoring (total and dissolved mercury, as well as TSS associated with mercury) of the wastewater influent, and the treated wastewater effluent prior to discharge to Redwood County Ditch 109. MPCA requires this in accordance with the MPCA’s statewide Mercury Permitting Strategy.

48. Fecal Coliform – Minnesota River. The MPCA has listed the Minnesota River, from the Shanaska Creek to Rogers Creek, as impaired for fecal coliform. The MPCA has planned for development of a TMDL, but the TMDL is not yet underway.

49. Minnesota has a state discharge restriction effluent limit for fecal coliform (MPN or Membrane Filter 44.5) of 200 organisms per 100 mL for the Project. This is the same as the fecal coliform limit for the Mechanical WWTF. The state discharge restriction is found in Minn. R. 7053.0215, subp. 1 and is based on a calendar month and geometric mean. The City is closing the Mechanical WWTF and eliminating the existing treated wastewater discharge. The Project’s treated effluent will not result in an increased discharge of fecal coliform.

50. Turbidity – Minnesota River. The MPCA has developed a TSS calendar month average limit of 45 milligrams per liter ("mg/L"), which is more restrictive than the TSS concentration established as a surrogate for 25 Nephelometric Turbidity Units, the limit for the Turbidity Water Quality Standard. The MPCA has adopted Minnesota River Eutrophication Standards that have replaced the turbidity standard with new, regionally-based standards for total suspended solids.

51. PCBs – Minnesota River. The MPCA currently has no TMDLs underway for PCB impairments at this time. PCBs are considered “legacy pollutants” in that PCBs have not been manufactured in the United States since the late 1970s. PCBs tend to persist in the environment. MPCA believes the Project’s treated effluent will not contain PCBs as there is no contributing source (industry) to the City.

52. The MPCA has listed the Mississippi River as impaired for:
   - mercury in fish tissue and water column,
   - fecal coliform,
   - TSS,
   - PCBs in fish tissue, and
   - perfluoro-octanesulfonic acid ("PFOS") in fish tissue and water column.

The MPCA addresses each of these impairments to the Mississippi River below.

53. Mercury – Mississippi River. The City must conduct mercury monitoring of the influent and the Project’s treated wastewater discharge, as stated in Finding 49 above.
54. Fecal Coliform – Mississippi River. The MPCA has an Upper Mississippi River – bacteria TMDL that EPA approved in 2014. The MPCA did not assign a waste load allocation to the Project, as the Project is not located within this TMDL. The state discharge restriction as described in Finding 49 applies.

55. TSS – Mississippi River. The MPCA has completed a draft South Metro Mississippi River TMDL Turbidity Impairment. The MPCA anticipated the Project when preparing this TMDL and included reserve capacity for the Project into the TMDL; the TSS limit reflects this.

56. PCBs – Mississippi River. The MPCA has no TMDLs underway for PCB impairments at this time, and finds the Project will not discharge PCBS, for the reasons discussed in Finding above.

57. PFOS- Mississippi River. The MPCA currently has no TMDLS underway for PFOS impairments. PFOS are persistent in the environment. The MPCA believes the Project’s treated effluent will not have PFOS, as there is no direct contributing source (industry) to the Project.

58. The MPCA has listed Lake Pepin as impaired for:
   - nutrient/eutrophication on biological indicators
The MPCA addresses the impairment to Lake Pepin below.

59. DO – Lake Pepin. In January 2015, the EPA approved the site-specific standard approach for the nutrient/eutrophication on biological indicators, and the MPCA will incorporate the site-specific standards into Minnesota Rules in the next revision of Chapter 7050.

60. The MPCA has scheduled the draft Lake Pepin-Excess Nutrients TMDL to be completed in 2016-2017.

61. The MPCA has developed an annual mass phosphorus limit as a WQBEL for Lake Pepin. The Project will not discharge treated wastewater during the summer period each year. As a result, the MPCA does not believe the Project will contribute to exceedances of the river eutrophication standards or to the low flow DO TMDL for the lower Minnesota River.

62. The MPCA is requiring the Project meet technology based limits, required for minimum secondary treatment for municipal point sources, for CBOD5 and potential for hydrogen (pH) per Minn. R. 7053.0215, subp. 1.

63. The MPCA is requiring the City to monitor the Project’s treated effluent before discharge, for bicarbonates, chlorides, total dissolved solids, total hardness, and specific conductance, and will require future final daily maximum and monthly average limits for these pollutants.

64. 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.

65. The MPCA determines that the Project does not have the potential for significant cumulative potential effects. 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.

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

66. 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.

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

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<tr>
<th>Unit of Government</th>
<th>Permit or Approval Required</th>
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<tr>
<td>MPCA</td>
<td>Project Facility Plan/Design Plans and Construction Specifications</td>
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<tr>
<td>MPCA</td>
<td>NPDES/SDS Permit</td>
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<td>MPCA</td>
<td>NPDES/SDS CSW Permit</td>
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<tr>
<td>United States Department of Agriculture (“USDA”) Natural Resources Conservation Service (“NRCS”)</td>
<td>Farmland Conversion Impact Rating</td>
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<tr>
<td>Redwood County</td>
<td>Conditional Use Permit</td>
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68. **MPCA Project Facility Plan/Plans and Specifications.** The City submitted Project design plans and construction specifications to the MPCA for technical review and approval consistent with good engineering practices, NPDES/SDS permit requirements, state rules and federal regulations.

69. **MPCA NPDES/SDS Permit.** The City has applied for, and the MPCA has drafted an NPDES/SDS Permit, required for construction and operation of the Project, including the discharge of treated wastewater effluent to receiving waters. The NPDES/SDS Permit includes effluent mass and concentration pollutant limits that MPCA has developed to protected water quality in the receiving waters. The MPCA will be placing the NPDES/SDS Permit on public notice shortly.

70. **MPCA NPDES/SDS CSW Permit.** The City must obtain a NPDES/SDS CSW Permit since the Project disturbs more than one (1) acre. The City will also prepare a SWPPP, required by the NPDES/SDS CSW Permit, detailing the BMPs the City and its contractors will implement, and that will also address: phased construction; vehicle tracking of sediment; inspection of erosion and sediment controls; and Project construction timeframes. The NPDES/SDS CSW Permit requires the City to provide adequate temporary stormwater treatment to assure that Project runoff will not impact water quality.

71. **USDA-NRCS farmland impact rating.** The City must receive a determination from the U.S. Department of Agriculture (“USDA”)-Natural Resources conservation Service (“NRCS”) as to whether the Project site contains prime, unique, statewide or local important farmland. If the USDA-NRCS determines the Project site contains prime, unique, statewide, or local important
farmland, the USDA-NRCS must make the determination that the conversion is consistent with the Federal Protection Policy Act and the USDA-NRCS internal policies.

72. **Redwood County Conditional Use Permit.** The City must obtain a conditional use permit for the Project, as the Project is located in a Redwood County Agricultural Zone. According to the Redwood County Comprehensive Plan and Zoning allows projects in a Redwood County Agricultural Zone through issuance of a conditional use permit, including siting and operating a WWTF.

73. 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**

74. 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.

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

- Data presented in the EAW;
- NPDES/SDS permit application;
- MDN public waters information;
- Redwood County ordinances and zoning requirements;
- Other reports and analysis as appropriate; and
- Permits and environmental review of similar projects.

76. 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.

77. The City’s Project design and applicable regulatory authorities’ permit development and approval processes have addressed the environmental effects of the Project and ensure conformance with regional and local plans. The MPCA has determined there are no elements of the Project that pose the potential for significant environmental effects.

78. 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.
On the Need for an Environmental Impact Statement  
City of Morgan Wastewater Stabilization Pond Facility  
Redwood County, Minnesota

Findings of Fact  
Conclusions of Law  
And Order

79. 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

80. The MPCA is the governmental unit responsible for determining the need for an EIS for this Project.

81. 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.

82. The MPCA has identified the areas where the potential for significant environmental effects may have existed, and the City’s Project design and permit development and approval processes have incorporated appropriate mitigation measures. The MPCA expects the Project to comply with all applicable rules, regulations and standards.

83. 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.

84. An EIS is not required.

85. Any findings that might properly be termed conclusions and any conclusions that might properly be termed findings are hereby adopted as such.

ORDER

86. The Minnesota Pollution Control Agency determines that there are no potential significant environmental effects reasonably expected to occur from the City of Morgan – Construction of Wastewater Stabilization Pond Facility Project and that there is no need for an Environmental Impact Statement.

IT IS SO ORDERED

[Signature]
John Linc Stine, Commissioner  
Minnesota Pollution Control Agency

[Date]
8/4/2016  
Date
LIST OF COMMENT LETTERS RECEIVED

1. Lindsey Knutson, Planning Director, Minnesota Department of Transportation (“MnDOT”) District 8, Willmar. Email received May 9, 2016.

RESPONSES TO COMMENTS ON THE EAW

1. Comments by Lindsey Knutson, Planning Director, MnDOT, District 8, Willmar. Email received May 9, 2016.

   Comment 1-1: Commenter requests Proposer to contact MnDOT District 8 permit contact, Geri Vick, for permits for utilities or access for work within MnDOT Right of Way for Township Highway 67.

   Response: Comment conveyed to Proposer.

   Comment 2-1: The Minnesota Pollution Control Agency’s (“MPCA”) Environmental Assessment Worksheet (“EAW”) transportation section addresses any other concerns MnDOT may have had.

   Response: Comment noted.


   Comment 2-1: Commenter notes USACE Project Manager may request additional information from Proposer to evaluate Project.

   Response: Comment directed to Proposer’s representative.
Good Afternoon,

I’m writing to comment on the City of Morgan’s EAW to construct a wastewater stabilization pond facility.

As the project progresses, please be sure to connect with MnDOT, District 8’s permits contact, Geri Vick (geri.vick@state.mn.us or 320-214-6364) for any work within MnDOT’s Right of Way (for TH 67), such as permits for utilities or access. Your transportation section addresses any other concerns we might have had.

Thank you for the opportunity to comment.

Lindsey Knutson, AICP
Planning Director
MnDOT District 8, Willmar
2505 Transportation Road
Willmar, MN 56201
Office Phone: 320.214.6333
Cell Phone: 320.979.5534
Good Morning,

Attached, please find the subject document. If you have any questions, please contact the project manager indicated in the letter.

Thank you,

Melanie Nelson

Environmental Protection Technician
U.S. Army Corps of Engineers
180 Fifth Street East, Suite 700
Saint Paul, MN 55101-1678
(651) 290-5976
05/11/2016

THIS IS NOT A PERMIT

John Graupman
Bolton & Menk
1960 Premier Drive
Mankato, MN 56001

Dear Mr. Graupman:

We have received your submittal described below. You may contact the Project Manager with questions regarding the evaluation process. The Project Manager may request additional information necessary to evaluate your submittal.

File Number: MVP-2016-01491-PRH

Applicant: City of Morgan

Project Name: Morgan, City of / Stabilization Pond Wastewater Treatment Facility

Received Date: 05/02/2016

Project Manager: Paul Hauser

651-290-5357

Additional information about the St. Paul District Regulatory Program, including the new Clean Water Rule, can be found on our web site at http://www.mvp.usace.army.mil/missions/regulatory.

Please note that initiating work in waters of the United States prior to receiving Department of the Army authorization could constitute a violation of Federal law. If you have any questions, please contact the Project Manager.

Thank you.

U.S. Army Corps of Engineers
St. Paul District
Regulatory Branch