STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

IN THE MATTER OF THE DECISION
ON THE NEED FOR AN ENVIRONMENTAL
IMPACT STATEMENT FOR THE PROPOSED
CITY OF RICHMOND WASTEWATER TREATMENT FACILITY EXPANSION, STEARNS COUNTY RICHMOND, MINNESOTA

FINDINGS OF FACT

Pursuant to Minn. R. 4410.1000 - 4410.1600 (2001), the MPCA staff has prepared an Environmental Assessment Worksheet (EAW) for the proposed project. Based on the Minnesota Pollution Control Agency (MPCA) staff environmental review, 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:

FACILITY HISTORY

Overview
The city of Richmond Wastewater Treatment Facility (WWTF) currently consists of a package plant, two polishing clarifiers, chlorination/dechlorination, and two sludge holding tanks. The existing WWTF has an Average Wet Weather (AWW) design flow of 127,800 gallons per day (gpd).

Permitting History
The National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit has been reissued several times, most recently on April 19, 1991.

Previous Environmental Review
An Environmental Assessment Worksheet was prepared in 1999, however, the proposed project was not constructed. The proposed 1999 project was provided for increasing the biosolids treatment capacity.

Compliance/Enforcement History
The MPCA noted that the WWTF was in violation of state effluent discharge limits and biosolids reporting during a February 21, 2002, and a March 13, 2002, Compliance Monitoring Survey. The MPCA issued an Administrative Penalty Order (APO) to the City on August 28, 2002, which included corrective actions that would bring the WWTF back into compliance. The City has addressed several of the violations. The proposed expansion is part of the corrective actions designed to correct the remaining compliance issues.
PROPOSED PROJECT DESCRIPTION

Proposed Project
The AWW design flow capacity for the entire wastewater treatment system after the expansion is complete will be 310,000 gpd, with a peak hourly wet weather flow of 570,000 gpd. The proposed expansion will include the addition of the following major structures and unit processes to the existing WWTF: headworks building and Parshall flume, screening, grit removal, office space, electrical room and future capabilities; biological treatment; settling; disinfection; sludge control building; phosphorus treatment; discharge; and, reed beds. The plant upgrades to the existing Facility include improvements to the existing control building, clarifiers, and sludge treatment/storage.

Sludge generated in the treatment process will be transferred to an aerobic digester and then applied to reed beds. Stabilized biosolids will be removed from the reed beds every five to seven years and land applied on agricultural land that meets with the MPCA’s approval.

Environmental Concerns
Typical environmental concerns from WWTFs include the potential for noise and dust during the construction phase; odors; erosion and sedimentation; and water quality impacts to surface water.

Permitting Requirements
Required permits are listed in Paragraph 21 below. Construction for the proposed project will not start until all permits are issued. These permits will mandate that the WWTF operate in compliance with all applicable regulatory requirements.

PROCEDURAL HISTORY

1. Pursuant to Minn. R. 4410.4300, subp. 18.B., an EAW was prepared by MPCA staff on the proposed project. Pursuant to Minn. R. 4410.1500 (2001), the EAW was distributed to the Environmental Quality Board (EQB) mailing list and other interested parties on February 27, 2004.

2. The MPCA notified the public of the availability of the EAW for public comment. A news release was provided to Stearns County, as well as, other interested parties on March 4, 2004. In addition, the EAW was published in the EQB Monitor on March 1, 2004, and available for review on the MPCA Web site at http://www.pca.state.mn.us/news/eaw/index.html on March 1, 2004.

3. The public comment period for the EAW began on March 1, 2004, and ended on March 31, 2004. During the 30-day comment period, the MPCA received one comment letter from a government agency and received three comment letters from citizens.

4. The MPCA prepared responses to all comments received during the 30-day public comment period. Comment letters received have been hereby incorporated by reference as Appendix A to these Findings. The MPCA responses to comments received are hereby incorporated by reference as Appendix B to these Findings.
CRITERIA FOR DETERMINING THE POTENTIAL FOR SIGNIFICANT ENVIRONMENTAL EFFECTS

5. Under Minn. R. 4410.1700 (2001), the MPCA must order an Environmental Impact Statement (EIS) for projects that have the potential for significant environmental effects that are reasonably expected to occur. 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 (2001). These criteria are:

A. the type, extent, and reversibility of environmental effects;
B. cumulative potential effects of related or anticipated future projects;
C. the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority; and,
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

6. The first criterion that the MPCA must consider, when determining if a project has the potential for significant environmental effects that are reasonably expected to occur, is the "type, extent, and reversibility of environmental effects" Minn. R. 4410.1700, subp. 7.A (2001). The MPCA findings with respect to each of these factors are set forth below.

7. Reasonably expected environmental effects of this project to water quality:

   • Impacts to the Sauk River due to the discharge of treated effluent from the Facility.
   • Surface-water runoff.

8. The extent of any potential water quality effects that are reasonably expected to occur:

   Impacts to the Sauk River
   The impact on Sauk River will be negligible because the proposed WWTF Expansion is being designed to meet effluent limitations based on Minn. R. ch. 7050.0211. The City is also being required to meet a 1.0 milligrams per liter phosphorus discharge effluent limit which is included in the NPDES Permit.
Surface-water runoff
The quality and quantity of runoff produced by this site will not be noticeably altered by the proposed project, which will only slightly increase the amount of impervious surface. The NPDES General Stormwater Construction Activity Permit from the MPCA has specific requirements for the treatment and overall management of stormwater prior to discharge from the site. The permit also requires that a Stormwater Pollution Prevention Plan (SWPPP) be developed to manage pollutants in stormwater runoff from the site that will occur during construction and after construction is complete. Temporary erosion control measures, such as silt fences and rock dam checks, will be utilized to prevent runoff and sedimentation. After construction is completed, turf will be established immediately. SWPPP and Best Management Practice (BMPs) implementation strategies must be prepared prior to submitting a permit application. Any runoff produced by rains is expected to be contained by the dike surrounding the WWTF.

9. The reversibility of any potential water quality effects that are reasonably expected to occur:

The MPCA finds that any potential effect that is reasonably likely to occur from this project would be reversible. As discussed above, the expected effects on water quality are minimal. There is no reason to believe that this project is reasonably expected to cause a significant negative effect on water quality.

10. The MPCA did not receive any comments that expressed concerns regarding potential effects to water quality. As previously discussed above in sections 8 and 9, the analysis indicates that the effects on water quality that are reasonably expected to occur are not significant.

11. The MPCA finds that the environmental review is adequate to address the concerns because:

All potential impacts to water quality that are reasonably expected to occur from the proposed expansion of this Facility have been considered during the review process and a method to prevent these impacts has been developed.

12. The MPCA finds that the project as it is proposed does not have the potential for significant environmental effects on water quality based on the type, extent, and reversibility of environmental effects reasonably expected to occur.

13. Reasonably expected environmental effects of this project to air quality:

A. Odors
B. Noise
C. Dust
14. The extent of any potential air quality effects that are reasonably expected to occur:

   A. Odors
      Sludge will be stabilized through aerobic digestion before application to reed beds. Odors from reed beds during spring months may occur, but any odors would decrease as spring progresses and oxygen is incorporated into the beds. Odor from the reed beds would not be strong and similar WWTFs have not had significant odor nuisance problems. Odors that may be given off during spring thaw are expected to be far less problematic than those created by stabilization pond systems. Odors from the expanded facility are not expected to cause significant impacts. The MPCA does not have any record of odor complaints from the existing WWTF.

   B. Noise
      Noise will be generated by heavy equipment and truck traffic during the expansion of the WWTF. Construction activity will be limited as much as possible to standard working hours to reduce noise disturbance to neighbors. Operation of the completed expansion is not expected to be the source of significant noise.

   C. Dust
      Dust may be generated during construction from truck traffic and from construction activities at the project site, depending upon weather conditions. The contractor will be required to minimize dust from the site and mitigation typically involves the use of water, as needed. As a result, dust should not pose a significant environmental effect within the community during construction of the proposed WWTF expansion. Disturbed areas will be re-vegetated as soon as possible after construction. The operation of the completed WWTF will not generate dust.

15. The reversibility of any potential air quality effects that are reasonably expected to occur:

   The MPCA finds that any potential effect that is reasonably likely to occur from this project would be reversible. Any air emissions or noise released to the atmosphere would not be recovered, but further emissions or noise could be stopped, if necessary. However, as discussed above, there is no record evidence indicating that this project is reasonably expected to cause a significant negative effect on air quality.

16. The MPCA finds that the environmental review is adequate to address the concerns because:

   All potential impacts to air quality that are reasonably expected to occur from the proposed expansion of this WWTF have been considered during the review process and methods to prevent these impacts have been developed.

17. 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 environmental effects reasonably expected to occur as a result of its air emissions.
Cumulative Potential Effects of Related or Anticipated Future Projects

18. The second criterion that the MPCA must consider, when determining if a project has the potential for significant environmental effects that are reasonably expected to occur, is the "cumulative potential effects of related or anticipated future projects," Minn. R. 4410.1700, subp. 7.B (2001). The MPCA findings with respect to this criterion are set forth below.

19. 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 identify any potential cumulative environmental impacts that are reasonably expected to occur.

A. Enabled Development
The availability of an expanded wastewater service will allow additional development within the City. An increase in development would result in an increase in traffic, air pollution, stormwater runoff, the generation of solid waste and result in a reduction in the amount of open space and wildlife habitat in the area. Given the pace of change in the area, the City will need to regularly assess and address impacts that occur due to secondary development. Enforcement of local, state, and federal ordinances, regulations and permit terms and conditions will mitigate the potential environmental impacts from enabled development.

20. The MPCA did not receive any public comments concerning cumulative impacts. Based on MPCA staff experience, available information on the project, including a specific project review including an analysis of receiving waters, the MPCA does not reasonably expect significant cumulative effects from this project.

21. In considering the cumulative potential effects of related or anticipated future projects, the MPCA finds that the reasonably expected effects from this project will not be significant.

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

22. The third criterion that the MPCA must consider, when determining if a project has the potential for significant environmental effects that are reasonably expected to occur, is "the extent to which the environmental effects are subject to mitigation by ongoing public regulatory authority," Minn. R. 4410.1700, subp. 7.C (2001). The MPCA findings with respect to this criterion are set forth below.

23. The following permits or approvals will be required for the project:

<table>
<thead>
<tr>
<th>Unit of Government</th>
<th>Permit or Approval Required</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. MPCA</td>
<td>NPDES Permit</td>
<td>Submitted November 5, 2003</td>
</tr>
<tr>
<td>B. MPCA</td>
<td>NPDES Construction Stormwater Permit</td>
<td>To be submitted</td>
</tr>
<tr>
<td>C. Minnesota Department of Natural Resources (DNR)</td>
<td>Water Appropriations Permit (if required)</td>
<td>To be submitted</td>
</tr>
</tbody>
</table>
24.

A. **MPCA - NPDES Permit**
   An NPDES Permit will be prepared and issued by the MPCA following a 30-day public comment period. The NPDES Permit authorizes a maximum discharge flow and pollutant loading allowed from the Facility. Effluent limitations established within the permit ensure that water quality in the receiving waters is protected.

B. **MPCA – NPDES Stormwater Construction Permit**
   A general NPDES Stormwater Construction Permit is required when a project disturbs one or more acres. It provides for the use of Best Management Practices, such as silt fences, bale checks, and prompts revegetation to prevent eroded sediment from leaving the construction site. The proposer must have a sediment and erosion control plan that will provide more detail as to the specific measures to be implemented and will also address: phased construction; vehicle tracking of sediment; inspection of erosion control measures implemented; and, timeframes in which erosion control measures will be implemented. The general permit also requires adequate stormwater treatment capacity be provided to assure that water quality will not be impacted by runoff once the project is constructed.

C. **DNR – Water Appropriation Permit**
   A water appropriation permit is required from the DNR for the use of more than 10,000 gpd or one million gallons per year. The purpose of the permit program is to ensure water resources are managed so that adequate supply is provided to long-range seasonal requirements for domestic, agricultural, fish and wildlife, recreational, power, navigational, and quality control. The program exists to balance competing management objectives including both the development and protection of water resources.

25. The MPCA finds that ongoing public regulatory authority will address any significant potential environmental effects that were identified as reasonably expected to occur.

**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.**

26. 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 (2001). The MPCA findings with respect to this criterion are set forth below.
27. The following documents were reviewed by MPCA staff as part of the potential environmental impact analysis for the proposed expansion of the City’s Facility. This list is not intended to be exhaustive. The MPCA also relies on information provided by the project proposer, commentors, staff experience, and other available information.

- EAW Data
- Permit Application
- Facility Plan

28. There are no elements of the project that pose the potential for significant environmental effects that cannot be addressed in the project design and permit development processes, or by regional and local plans.

29. Based on the environmental review, previous environmental studies, and MPCA staff expertise on similar projects, the MPCA finds that the environmental effects of the project that are reasonably expected to occur can be anticipated and controlled.

CONCLUSIONS OF LAW

30. The MPCA has jurisdiction in determining the need for an EIS for this project. The EAW, the permit development process, the facility planning process, responses prepared by MPCA staff in response to comments on the city of Richmond Wastewater Treatment Facility Expansion EAW, 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.

31. Areas where the potential for significant environmental effects may have existed have been identified and appropriate mitigation measures have been incorporated into the project design and permits. The project is expected to comply with all MPCA standards.

32. Based on the criteria established in Minn. R. 4410.1700 (2001), there are no potential significant environmental effects reasonably expected to occur from the project.

33. An EIS is not required.

34. 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 city of Richmond Wastewater Treatment Facility Expansion Project and that there is no need for an Environmental Impact Statement.

IT IS SO ORDERED

______________________________
Sheryl A. Corrigan, Commissioner
Minnesota Pollution Control Agency

______________________________
Date
Minnesota Pollution Control Agency

City of Richmond Wastewater Treatment Facility Expansion
Environmental Assessment Worksheet (EAW)

RESPONSES TO COMMENTS ON THE EAW

   
   Comment 1-1: Commentors are concerned with the cost of the proposed City of Richmond Wastewater Treatment Facility Expansion Project (Project).

   Response: While it is understood that the cost of any publicly-funded project is a concern to any community, the cost of a project, either privately or publicly-funded, is not within the realm of environmental review.

   Comment 1-2: Commentors want to know why the citizens were not informed about the proposed Project.

   Response: Based on the nature of the question, it is not clear if the commentor is referring to the Minnesota Pollution Control Agency (MPCA) or the city of Richmond (City). The MPCA provided a public comment period for this Project beginning on March 1, 2004, and ending on March 31, 2004. An MPCA press release was also provided to the various media within Stearns County. The MPCA is not able to comment on the public information process regarding the City.

   Comment 1-3: Commentors would like to know why the City would not hook up with the nearby Cold Springs project in order to reduce costs.

   Response: Ultimately, this was not an alternative chosen by the City. EAWs evaluate the projects that are proposed.

2. Comments by Lori Klehr, Shear Perfection, Inc., 10 Main Street East, P.O. Box 598, Richmond, MN 56368. Letter received on March 30, 2004.

   Comment 2-1: Commentor is concerned with the cost of the proposed Project.

   Response: Please refer to Response 1-1.

   Comment 2-2: Commentor would like a cost estimate of the final Project as well as an operational cost in terms of each citizen.

   Response: The comment is noted. Please refer to Brain Mehr, Public Works Director, at (320) 597-7448, for further financing questions as this issue is beyond the scope of environmental review.

   Comment 2-3: The Commentor indicates that the cost of hooking into the existing Cold Spring system would reduce Project cost by five million dollars.
Response: So noted. Please refer to Response 2-2.

Comment 2-4: Commentor is concerned that the City has not done enough to inform the public of the proposed Project.

Response: Public comment is an important component of any governmental process. The MPCA did provide a 30-day public comment period and sent press releases on the WWTF to the local media (Please refer to Response 1-2). It is not clear what type or level of public participation was extended to the community by the city of Richmond regarding the WWTF expansion, however, the MPCA acknowledges your concern. In light of this situation, it would be beneficial for you to contact James Wurm, Mayor of the city of Richmond, to discuss this issue directly. He can be contacted at (320) 597-2075.

Comment 2-5: The Commentor would like to have more investigation of possible alternatives to the proposed Project.

Response: A list of alternatives considered by the City can be found in Section 31 [Summary of Issues] of the EAW. Additional investigation of alternatives is generally conducted only if an Environmental Impact Statement (EIS) is conducted. In light of the results of the environmental assessment for this Project, an EIS will not be required by the MPCA.

3. Comments by Jeanette Hennen, P.O. Box 632, Richmond, MN 56368. Letter received on March 30, 2004.

Comment 3-1: The Commentor is concerned that the citizens have not been informed of the cost of the proposed Project.

Response: While the cost of publicly-funded projects is an issue of concern to taxpayers, this analysis is not an element of environmental review. Please refer to Responses 1-2 and 2-4.

Comment 3-2: Commentor would like to know about possible alternatives to the Project including hooking into an existing system (e.g., Cold Springs or Rockville).

Response: Please see the Response 2-5.

Comment 3-3: The Commentor would like the MPCA to withhold issuing any permits until these questions are answered and the taxpayers understand the impact of the proposed Project to the community.

Response: The MPCA does not have the authority to withhold permits from an applicant regarding the issues presented by the commentor.


Comment 4-1: “From a natural resources management perspective, the proposed Project does not appear to have the potential for significant environmental effects.”

Response: The comment is noted.