STATE OF MINNESOTA
MINNESOTA POLLUTION CONTROL AGENCY

IN THE MATTER OF THE DECISION
ON THE NEED FOR AN ENVIRONMENTAL
IMPACT STATEMENT FOR THE PROPOSED
ROYALTON WASTEWATER TREATMENT
FACILITY EXPANSION
ROYALTON TOWNSHIP, BENTON COUNTY
ROYALTON, MINNESOTA

FINDINGS OF FACT

Pursuant to Minn. R. 4410.1000 - 4410.1600 (2003), the Minnesota Pollution Control Agency (MPCA) staff has prepared an Environmental Assessment Worksheet (EAW) for the proposed project. Based on the 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 Royalton’s (City) existing wastewater treatment facility (WWTF) has been in operation for approximately 35 years. The original stabilization ponds were constructed in 1969 and then reconstructed in 1989. The WWTF currently consists of a primary and a secondary stabilization pond. The primary treatment pond is approximately 8 acres in size. The secondary treatment pond is approximately 4 acres in size. The existing ponds are constructed of earth and are lined with polyvinyl chloride (PVC) liners to protect ground water. The treatment system is sized to treat approximately 75,000 gallons per day (gpd) average wet weather flow of normal municipal strength waste.

Permitting History

The WWTF obtained its first National Pollutant Discharge Elimination System Permit (NPDES) in 1969. The permit was reissued in 1989 and in 1993. A permit modification was issued in 1995, requiring year-round fecal coliform monitoring. A general stabilization pond permit was issued in 2000.

Previous Environmental Review

This WWTF has never before undergone the environmental review process since it has never had a capacity large enough to reach any mandatory thresholds requiring the development of an EAW.
Compliance/Enforcement History

The WWTF was issued Notices of Violation in 1985, 1990, and in 2004. The design and construction of the WWTF expansion is intended to address compliance problems related to the operation of the treatment facility.

PROPOSED PROJECT DESCRIPTION

Proposed New Construction/Proposed Modification

Proposed Expansion

Royalton plans to expand and upgrade its existing WWTF. The WWTF will be designed to have three new aerated primary treatment ponds, two secondary treatment ponds, a chlorination and a dechlorination system, and two sand filters.

A. Primary Treatment Ponds

Raw wastewater will enter the primary treatment ponds first. Primary treatment ponds remove solids and provide the initial level of treatment for wastewater. Two of the three new 1-acre aerated primary treatment cells will have dimensions of 381 feet (length) by 126 feet (width) by 16.5 feet (depth). The third new primary aerated pond will have dimensions of 381 feet by 136 feet.

The ponds will be built in an area where there are primarily sandy soils, which are highly permeable. To prevent an unacceptable level of leakage from the ponds, each will be lined with a PVC liner, similar to those which have been used in the existing ponds. The liner would then be covered with a foot of clean sand. Liners would ensure that the ponds do not leak at a rate greater than 500 gallons per acre per day (gpad), which is a state standard for stabilization ponds.

The dike slopes of the pond will be constructed using normal earth moving equipment. Bulldozers, backhoes, excavators, dump trucks, scrapers, and other similar equipment will be used to construct them.

B. Secondary Treatment Ponds

After primary treatment, wastewater will be discharged to the secondary treatment ponds. The two existing ponds would be converted to secondary treatment ponds. Additional wastewater treatment and polishing will occur within these ponds. Their dimensions will remain the same at 150 feet (length) by 150 feet (width) by 4.5 feet (depth). The ponds will be equipped with a submerged aeration system to allow for treatment of additional wastewater as the community grows. Chlorination (to destroy bacteria and pathogens) and dechlorination (to reduce chlorine levels) will also occur within these ponds. Removal of residual chlorine is required for the protection of aquatic life.
C. Sand Filters

Two half-acre sand filters will also be constructed to filter water leaving the secondary treatment ponds. These filters would be used when necessary to meet water quality standards. The filters will be equipped with an alum feed to assist in the removal of phosphorus when needed. Treated water will be discharged to the Platte River. The reconfigured and expanded WWTF will be capable of meeting all state water quality standards, including a new requirement to meet a one milligrams per liter (mg/L) phosphorus effluent limit.

Construction Schedule
The expansion would begin and be completed during the 2005 construction season, after all necessary approvals have been received.

Environmental Concerns

The following environmental concerns associated with the proposed construction of the WWTF were identified and addressed in the EAW:

- Potential for noise, odor, and dust during and after the construction process;
- Stormwater runoff and erosion and sedimentation during and after the construction phase;
- Impacts of the discharge of treated wastewater on water quality; and
- Potential to impact endangered species downstream of the City’s WWTF.

Additional Concerns Described in Comment Letters

- Inconsistent information in the EAW regarding Archeological and Historic Resources.

PROCEDURAL HISTORY

1. Pursuant to Minn. R. 4410.4300, subp. 18, an EAW was prepared by MPCA staff on the proposed project. Pursuant to Minn. R. 4410.1500 (2003), the EAW was distributed to the Environmental Quality Board (EQB) mailing list and other interested parties on April 22, 2005.

2. The MPCA notified the public of the availability of the EAW for public comment. A news release was provided to one county as well as other interested parties on April 25, 2005. In addition, the EAW was published in the EQB Monitor on April 25, 2005, and is available for review on the MPCA Web site at http://www.pca.state.mn.us/news/eaw/index.html on April 25, 2005.

3. The public comment period for the EAW began on April 25, 2005, and ended on May 25, 2005. During the 30-day comment period, the MPCA received one comment letter from a government agency and received no comment letters from citizens.

4. The MPCA prepared responses to all comments received during the 30-day public comment period. Comment letters received and responses to comments have been hereby incorporated by reference as Appendix A to these findings.

CRITERIA FOR DETERMINING THE POTENTIAL FOR
SIGNIFICANT ENVIRONMENTAL EFFECTS

5. Under Minn. R. 4410.1700 (2003), 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 (2003). These criteria are listed:

   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 (2003). The MPCA findings with respect to each of these factors are set forth below.

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

   • Odors

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

   • Odors

Wastewater ponds can cause some odors for a few weeks in the spring and fall. Typically these odors are not noticed beyond the WWTF property boundaries. These odors are primarily nuisances and do not pose a known health threat. The City plans to construct a continuous aeration system in the primary treatment ponds will, in all likelihood, reduce the amount of odor generated by the ponds each year.
To date, this WWTF has had no odor complaints from neighbors. Impacts from odors should continue to be negligible given the location of the WWTF, the lack of nearby receptors, and the constant aeration of the primary stabilization ponds.

A new housing development is planned across the road from the WWTF site. The City’s consultant has stated that prospective buyers will be notified of the existence of the WWTF prior to the sale of any homes.

9. 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. As discussed above, the expected effects on air quality are minimal. There is no reason to believe that this project is reasonably expected to cause a significant negative effect on air quality.

10. Comments received that expressed concerns regarding potential effects to air quality:

No concerns were raised about air quality.

11. 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 project have been considered during the review process and methods to prevent these impacts have been developed.

12. 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.

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

- Water use
- Stormwater runoff
- Water quality impacts to the Platte River

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

**Water Use**

All new stabilization ponds will have to pass a water balance test prior to first use. A Department of Natural Resources (DNR) Temporary Water Appropriation Permit will be required during the time that the pre-fill water balance tests are conducted on the new ponds. In order to conduct this test, the City will have to withdraw 7.5 million gallons of water from the Platte River and use that to fill the new ponds to a 13.5-foot depth. The water will be withdrawn from the river in an area approximately 500 feet southeast of the existing ponds. No permanent impacts to the Platte River are anticipated as a result of water withdrawal. The water balance test will determine whether the new ponds are leaking at an unacceptable rate. If they are found to leak at a rate that exceeds 500 gpad, changes to the lining systems would have to be made.
Water removed from the Platte River will eventually be returned to the river prior to the start-up of the newly expanded WWTF.

**Stormwater Runoff**
At the present time, a portion of the site of the existing WWTF is being used for row crop agriculture. This land use typically contributes nonpoint sources of pollution to surface water, although it has never been quantified at this site. The new WWTF will take approximately 5.5 acres of cropland out of production, potentially reducing the amount of fertilizers, nutrients, and soil that could reach surface water. The expanded number of ponds would serve as new catchments for precipitation, reducing surface runoff to some degree. Precipitation would be released to the Platte River at a controlled rate rather than at the unpredictable levels that can occur presently.

There are no steep slopes or highly erodible soils on the project site. The soils on the site are quite sandy. A large area will be disturbed during construction of the ponds. While this activity is taking place, the City will install silt fencing, berms, and vegetated buffer strips to control erosion and sedimentation. Once the ponds have been completed, all disturbed areas will be reseeded or sodded. This should significantly reduce the potential for soil erosion after the WWTF is operating. The majority of the precipitation falling on this site should remain there, either within the ponds or infiltrated into the grassy areas around them.

Should runoff move offsite, it would move east toward the Platte River. Prior to reaching the river, the runoff will move over grassed and vegetated areas where infiltration and some filtration will occur. Runoff, once in the Platte River, would eventually reach the Mississippi River. Runoff from this project will have negligible effects on the Platte and Mississippi Rivers.

**Water Quality Impacts to the Platte River**
The proposed expansion will include the construction of three new 1-acre aerated primary treatment cells, each approximately 16.5 feet (in depth). The soils in the area are primarily sands, which are highly permeable. To prevent unacceptable levels of leakage from the ponds, all will be lined with PVC liners, similar to those which have been used in the existing ponds. Liners would then be covered with one foot of clean sand. Liners would ensure that the ponds do not leak at a rate greater than 500 gpad, which is a state standard for stabilization ponds. The ponds would be constructed such that the pond bottom meets or exceeds the required separation distance of four feet from ground water.

Within primary treatment ponds, natural physical and chemical processes break down some pollutants. By continuously aerating wastewater in the primary ponds, bacteria and other microorganisms can more efficiently remove wastes from the water. Aerated ponds provide faster waste treatment, allow for shorter detention times, and allow a smaller facility footprint. The primary treatment ponds would hold wastewater for up to 46 days. Water would then be discharged to the secondary treatment ponds.
The dimensions of the secondary ponds would remain the same at 150 feet (length) by 150 feet (width) by 4.5 feet (depth). As partially treated wastewater enters the secondary treatment ponds, liquid alum would be added to reduce phosphorus levels and remove additional solids. After an appropriate detention time, wastewater would be chlorinated to kill harmful bacteria, then dechlorinated to protect aquatic life in the Platte River.

The water would then move to 2 half-acre sand filters which will be constructed for final polishing of the wastewater. The filters, each 150 feet (length) by 150 feet (width) by 4.5 feet (depth), will be used when necessary to meet water quality standards. The filters would typically be used if there was a concern that solids or phosphorus levels in the effluent would be too high. After final polishing, effluent would be discharged to the Platte River on a continuous basis, 365 days per year.

Proposed Effluent Limitations
This reach of the Platte River is classified as 2B (Aquatic Life and Recreation Category), 3B (Industrial Consumption Category), 4A (Crop Irrigation Category), 4B (Livestock and Wildlife Watering Category), 5 (Aesthetic Enjoyment and Navigation Category), and 6 (Other Uses) waters. The quality of these waters should permit the propagation and maintenance of a healthy community of cool or warm water fish and their related habitat. These waters should also be safe for direct body contact.

The reconfigured WWTF will be capable of meeting all state water quality standards, including a new requirement to meet a one mg/L phosphorus effluent limit. The treated wastewater that is discharged to the Platte River must meet the following effluent limitations:

<table>
<thead>
<tr>
<th>Parameter</th>
<th>Limit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Biochemical Oxygen Demand</td>
<td>25 mg/L</td>
</tr>
<tr>
<td>Total Suspended Solids</td>
<td>45 mg/L</td>
</tr>
<tr>
<td>Fecal Coliform</td>
<td>200 organisms/100 milliliters</td>
</tr>
<tr>
<td>Phosphorus</td>
<td>1 mg/L (monthly average)</td>
</tr>
<tr>
<td>Potential of Hydrogen (pH range)</td>
<td>6-9 standard units</td>
</tr>
<tr>
<td>Ammonia as Nitrogen</td>
<td>17 mg/L (June – September)</td>
</tr>
</tbody>
</table>

Once water leaves the WWTF outfall, it would travel 5.5 miles to the confluence of the Mississippi River. The Mississippi River is an outstanding resource value water (ORVW) at the confluence of the Platte River. Effluent limitations proposed for the expanded WWTF are expected to assure no deterioration in the quality of this downstream ORVW. Also, the ORVW designation for this reach of the Mississippi River terminates one-half mile downstream at the county line between Morrison and Sherburne Counties.

Lake Pepin, a lake on the Mississippi River near Lake City, Minnesota, is also downstream of the proposed discharge. Lake Pepin was placed on the 2002 MPCA Clean Water Act Section 303d Total Maximum Daily Load (TMDL) list of impaired waters due to excess algal growth in Lake Pepin. Federal regulations (40 CFR 122.4(I)) state that NPDES Permits for new or expanded discharges are not to be issued if the discharge causes or contributes to violation of a water quality standard for a TMDL listed water.

In an effort to protect the receiving waters from further degradation, increases in phosphorus loading upstream of Lake Pepin will be limited to reduce degradation of this important resource. Once a TMDL is established for Lake Pepin, additional controls or limits may be
required. The policy for new or expanded discharges upstream of Lake Pepin is still under development at this time. In the interim, the MPCA phosphorus strategy is utilized to set phosphorus limits for facilities upstream of Lake Pepin.

Due to the fact that this is an expanding discharge upstream of Lake Pepin where phosphorus is a concern due to cumulative sources, and that the WWTF would cause an increased loading of phosphorus greater than 1,800 pounds per year (the “de minimus level”), the MPCA phosphorus strategy indicates a phosphorus limit must be assigned. Lower phosphorus limits may be established at some time in the future if it can be shown that it will protect water quality in the Mississippi River and Lake Pepin.

15. 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.

16. Comments received that expressed concerns regarding potential effects to water quality:

No concerns were raised with respect to water quality.

17. 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.

18. 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.

19. Reasonably expected environmental effects of this project to **archaeological and historic resources:**

- Impacts to historic resources

20. The extent of any potential effects to archeological and historic resources that are reasonably expected to occur:

**Impacts to Historic Resources**

The expanded WWTF is in the vicinity of the Red River State Trail. The project proposer’s consultant has reviewed the project and its potential impacts to the trail. The trail is located approximately three-eighths of a mile from the WWTF property. The consultant notified the State Historic Preservation Office (SHPO) staff of the proposed project and noted that as result of the distance between the WWTF and the state trail, no impacts are likely to occur. No additional concerns were raised by SHPO staff other than the fact that they had not reviewed the project for federal or state preservation requirements. Given that this project will be completely paid for with
local funds, no federal or state preservation requirements will apply. No formal comments on the EAW were submitted by the Minnesota Historical Society during the public comment period.

21. The reversibility of any potential effects to archaeological and historic resources 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 archeological and historic resources are minimal. There is no reason to believe that this project is reasonably expected to cause a significant negative effect on archeological and historical resources.

22. Comments received that expressed concerns regarding potential effects to archaeological and historic resources:

- A concern was expressed that the EAW may be inconsistent with respect to impacts on archaeological and historic impacts.

23. As discussed above in Findings 21 and 22, the analysis indicates that the effects on archaeological and historic resources that are reasonably expected to occur are not significant.

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

All potential impacts to archaeological and historic resources 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.

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

Cumulative Potential Effects of Related or Anticipated Future Projects

26. 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 (2003). The MPCA findings with respect to this criterion are set forth below.

27. 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.

Based on MPCA staff experience and available information on the project, including the Draft Completed Data Portion, Draft NPDES Permit application, and information presented by the commentors, the MPCA does not reasonably expect significant cumulative effects from this project.

28. 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

29. 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 (2003). The MPCA findings with respect to this criterion are set forth below.

30. 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>Sanitary Sewer Extension Permit</td>
<td>Approval pending</td>
</tr>
<tr>
<td>B. MPCA</td>
<td>NPDES Permit</td>
<td>Submitted, permit drafted.</td>
</tr>
<tr>
<td>C. MPCA</td>
<td>Facility Plans</td>
<td>Approval pending</td>
</tr>
<tr>
<td>D. MPCA</td>
<td>Plans and Specifications</td>
<td>Approval pending</td>
</tr>
<tr>
<td>E. DNR</td>
<td>Temporary Water Appropriations Permit</td>
<td>Pending</td>
</tr>
<tr>
<td>F. City Bond Council</td>
<td>Financing</td>
<td>Pending</td>
</tr>
<tr>
<td>G. Public Facilities Authority</td>
<td>Financing</td>
<td>Pending</td>
</tr>
<tr>
<td>H. MPCA</td>
<td>General Permit for Construction</td>
<td>Pending</td>
</tr>
</tbody>
</table>

31. 

A. **Sanitary Sewer Extension Permit**
   After the completion of administrative and technical reviews by MPCA staff, State Disposal System Permits will be required for the interceptor and for each lateral sewer that will connect to it. Review of sewer extension permits will verify that hydraulic capacity exists in the receiving wastewater interceptor systems and treatment facility.

B. **NPDES Permit**
   A 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 NPDES Permit ensure that water quality in the receiving water is protected.

C. **Facility Plans**
   This document analyzes the physical conditions of the community’s existing WWTF and discusses various alternatives for bringing the WWTF into compliance with state and federal water quality regulations.

D. **Plans and Specifications**
   Construction plans and specifications for the project are submitted to the MPCA for technical review and approval. This review is performed to ensure that the facility design is consistent with good engineering practice and state and federal criteria.
E. **Temporary Water Appropriations Permit**

This permit is for certain temporary appropriations for construction dewatering, landscaping and hydrostatic testing projects involving less than 50 million gallons. Temporary water appropriation applies to projects involving a one-time, limited time (not more than 12 months), non-recurring appropriation of state water totaling 1 million gallons per year or 10,000 gpd. Examples of work requiring this permit include road construction, hydrostatic testing, dust control, and dewatering.

F. **Royalton Financing Approval**

The City council must approve an assessment to local residents to fund construction of a new or expanding WWTF.

G. **Financing Approval**

The Public Facilities Authority must approve of the proposed project prior to providing grants and loans that assist in the construction of a new or expanded WWTF.

H. **NPDES General Permit for Construction**

A General NPDES Stormwater Construction Permit is required when a project disturbs 1 or more acres. It provides for the use of Best Management Practices such as silt fences, bale checks, and prompt 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 require adequate stormwater treatment capacity be provided to assure that water quality will not be impacted by runoff once the project is constructed.

32. 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.

33. 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 (2003). The MPCA findings with respect to this criterion are set forth below.

34. The following documents were reviewed by MPCA staff as part of the potential environmental impact analysis for the proposed expansion of the Royalton Wastewater Treatment 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.

- Draft Completed Data Portion
- Draft NPDES Permit Application

35. 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.

36. 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

37. 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 Royalton WWTF 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.

38. 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.

39. Based on the criteria established in Minn. R. 4410.1700 (2003), there are no potential significant environmental effects reasonably expected to occur from the project.

40. An EIS is not required.

41. 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 Royalton 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
Appendix A

Minnesota Pollution Control Agency (MPCA)

Royalton Wastewater Treatment Facility (WWTF) Expansion
Environmental Assessment Worksheet (EAW)

COMMENT LETTER RECEIVED

1. Thomas Balcom, Supervisor, Minnesota Department of Natural Resources. Letter received May 25, 2005.

RESPONSE TO COMMENTS EAW

2. Thomas Balcom, Supervisor, Minnesota Department of Natural Resources. Letter received May 25, 2005.

Comment 1: The Department of Natural Resources determined from a natural resources management perspective that the project does not appear to have the potential for significant environmental effects.

Response 1: No response necessary.

Comment 2: There is slightly inconsistent information in the EAW regarding Item 25a. (archaeological, historical, or archaeological resources) and the specific information provided by the State Historic Preservation Office shown on Figure 7. If warranted, the MPCA could further clarify this information.

Response 2: The letter included as an attachment to the EAW, only partially documented the conversations and correspondence between the project’s consultant and the State Historic Preservation Office (SHPO) staff. Attached in Figure 1 is a letter from the consultant to the SHPO staff stating that the project is not expected to impact the remaining portion of the Red River Trail near the project site. Based on this letter SHPO staff did not follow up with other concerns, other than stating that they had not reviewed the project for federal or state preservation requirements. Given that this project will be completely paid for with local funds, no federal or state preservation requirements will apply. No formal comments on the EAW were submitted by the Minnesota Historical Society during the public comment period.