



November 21, 2005



ENVIRONMENTAL ASSESSMENT WORKSHEETS

Comments due on December 21, 2005

Malcolm Avenue Recycling and Transfer Station

Description: Carl Bolander and Sons Co. is proposing to increase the amount of material handled (Project) at their Malcolm Avenue Recycling and Transfer Station (Transfer Station) in Minneapolis. The Transfer Station is currently permitted to handle 318,500 cubic yards per year of construction and demolition (C&D) waste and 40,000 tons per year (tpy) of yard waste. The proposed Project would allow the facility to handle 156,000 tpy of C&D, 156,000 tpy of Municipal Solid Waste (MSW), 61,000 tpy of yard waste, selected industrial wastes (as approved in the industrial solid waste management plan), and recyclables. No changes to the site are proposed as part of the request for additional transfer capacity.

A copy of the Environmental Assessment Worksheet will be posted on the Minnesota Pollution Control Agency website, at the following: <http://www.pca.state.mn.us/news/eaw/index.html>

RGU: Minnesota Pollution Control Agency

Contact: Susan Heffron, Project Manager, Environmental Review and Operations Section, Regional Division, 520 Lafayette Road N, St. Paul, MN 55155; 651-297-1766

James O'Connor Hog Feedlot

Description: The proposed project (Project) will include three 2,400 head (720 animal units each) wean to finish swine buildings located on two sites approximately 2.5 miles apart. Site 1, which will contain two buildings, is located in section 3 of Newry Township in Freeborn County. Site 2, which will contain one building, is located in section 29 of Blooming Prairie Township in Steele County. All three buildings will be 2,400 head (720 animal units), total confinement, and naturally ventilated barns. All barns will have under barn reinforced concrete manure storage. Manure will be land applied at agronomic rates to cropland. The total number of animal units proposed for the two sites is 2,160.

A copy of the Environmental Assessment Worksheet will be posted on the Minnesota Pollution Control Agency website, at the following: <http://www.pca.state.mn.us/news/eaw/index.html>

RGU: Minnesota Pollution Control Agency

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Vol. 29, No. 24

Next issue: December 5, 2005

Submittal deadline: November 28, 2005



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Contact: Randall Hukriede, Project Manager, Environmental Review and Operations Section, Regional Division, 520 Lafayette Road N, St. Paul, MN 55155; 218-828-6076; 1-800-657-3964

Spruce Ridge Management Facility, North Development Area

Description: Spruce Ridge Resource Management Facility proposes to construct a lined construction/demolition debris and approved waste disposal area (Project) immediately north of its existing Municipal Solid Waste Landfill in McLeod County. The Project encompasses approximately 101.5 acres of a 160 acre parcel and has an estimated life span of 40 to 50 years.

A copy of the Environmental Assessment Worksheet will be posted on the Minnesota Pollution Control Agency website, at the following: <http://www.pca.state.mn.us/news/eaw/index.html>

RGU: Minnesota Pollution Control Agency

Contact: Kevin Kain, Project Manager, Environmental Review and Operations Section, Regional Division, 520 Lafayette Road N, St. Paul, MN 55155; 651-296-7432

Barnesville Wastewater Treatment Facility of Expansion

Description: The City of Barnesville (City) is proposing to expand its existing wastewater treatment facility (WWTF) from an average wet weather flow (AWW) design capacity of 303,000 gallons per day (gpd) to 534,000 gpd. The WWTF will continue to have controlled discharges to an unnamed ditch to Whisky Creek, during two predetermined discharge windows of April 1 to June 30 and September 1 to December 15 each year.

A copy of the Environmental Assessment Worksheet will be posted on the Minnesota Pollution Control Agency website: <http://www.pca.state.mn.us/news/eaw/index.html>

RGU: Minnesota Pollution Control Agency

Contact: Kevin Kain, Project Manager, Environmental Review and Operations Section; Regional Division, 520 Lafayette Road N, St. Paul, MN 55155; 651-296-7432

Old Mill Stream Tributary Habitat Restoration/Improvement Project

The Minnesota Department of Natural Resources (MDNR) proposes a stream restoration project to improve habitat for trout and associated cold-water organisms by constructing a new meandering stream channel tributary to Old Mill Stream to replace 1,250 feet of previously altered or ditched channel. Old Mill Stream and its tributaries are MDNR-designated trout streams located within the boundaries of William O'Brien State Park in the City of Marine on St. Croix in Washington County, Minnesota.

The MDNR will accept written comments on the Environmental Assessment Worksheet (EAW) during the public review and comment period, which concludes Wednesday, December 21, 2005 at 4:30 p.m.

Written comments should be submitted to Charlotte Cohn, EAW Project Manager, Environmental Policy and Review Unit, Division of Ecological Services, Department of Natural Resources, 500 Lafayette Road, St. Paul, MN 55155-4025. Electronic or e-mail comments may be sent to environmental.review@dnr.state.mn.us with "Old Mill Stream" in the subject line. If submitting comments electronically, please include your name and mailing address.

Public review copies of the EAW are available at the following locations:



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- MDNR Library, 500 Lafayette Road, St. Paul, MN 55155;
- MDNR Regional Headquarters, 1200 Warner Road, St. Paul, MN 55106;
- MDNR William O'Brien State Park contact station, 16821 O'Brien Trail North, Marine on St. Croix, MN 55047 (park hours generally 9 a.m. to 4 p.m. but call 651-433-0500 to confirm when office is open);
- Marine Branch of Washington County Library, 121 Judd Street, Marine on St. Croix, MN 55047
- Minneapolis Public Library, Technology and Science Department, 250 Marquette Avenue, Minneapolis, MN 55401; and
- Legislative Reference Library, 645 State Office Building, 100 Rev. Dr. Martin Luther King, Jr. Blvd., St. Paul, MN 55155.

The EAW is also posted on the MDNR's website at www.dnr.state.mn.us. (Click on "Public Input", then select "Old Mill Stream Tributary Habitat Restoration Project" from the scroll-down list under "Environmental Review"). Additional copies may be requested by calling 651-259-5072.

EA/EAW AVAILABLE

Sturgeon Lake Road (MSAS 104) Reconstruction – Environmental Assessment Available; Public Hearing Scheduled:

The Prairie Island Indian Community and the City of Red Wing propose to reconstruct Sturgeon Lake Road by building an overpass spanning the existing Canadian Pacific Railroad. The project would address delay and safety issues with the existing at-grade railway crossing. Safety will also be improved through the addition of turn lanes at key intersections. A multi-use trail would be constructed to better facilitate non-motorized travel. The improved roadway will provide for decreased traffic delays, safer and more reliable movement of people, goods, and services in both motorized and non-motorized travel modes.

A combination federal Environmental Assessment and State Environmental Assessment Worksheet document has been completed for the project. Copies of the document are available at the following locations:

- Prairie Island Indian Community – 5636 Sturgeon Lake Road, Welch, MN 55089; 1-800-554-5473
- Red Wing Public Library – 225 East Avenue, Red Wing, MN 55066; general information 651-385-3673, reference 651-385-3645

A public hearing on the Sturgeon Lake Road Reconstruction project will be held at the following date, time and location:

Thursday, December 8, 2005
6:00 PM to 8:30 PM
(6:00 PM to 7:00 PM – Open House;
7:00 PM to 8:30 PM – Presentation and Opportunity for Official Comment)
Prairie Island Community Center on Buffalo Slough Trail, south from Sturgeon Lake Road
Contact the Tribal Office for additional information – 1-800-554-5473

Tribal and City of Red Wing engineering staff and consultants will be available to answer questions about the project. Citizens will be provided the opportunity to make an official statement regarding the project for the public record.

Questions regarding the Environmental Assessment or the public hearing can be directed to:

- Mr. Rick Elberts, P.E., Tribal Engineer, 5636 Sturgeon Lake Road, Welch, MN 55089; 1-800-554-5473; e-mail: relberts@piic.org
- Mr. Ron Rosenthal, City of Red Wing Engineering Director, 419 Bush Street, Red Wing, MN 55066; 651-385-3626; e-mail: ron.rosenthal@ci.red-wing.mn.us



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MINNESOTA URBAN BALLPARK EAW Extension of Comment Period and Scoping Meeting

Minnesota Urban Ballpark

Further to the notice published in the revised October 24, 2005 edition of the EQB Monitor, the RGU is extending the scoping comment period until December 9, 2005. Further, a public scoping meeting will be held on December 1, 2005, at 2 p.m. at the Hennepin County Environmental Services Building, 417 North 5th Street, Minneapolis, MN 55401. It is anticipated that the RGU will meet to decide on the final scoping decision on December 13, 2005, at which time there will be an additional opportunity for public input.

Copies of the Environmental Assessment Worksheet are available for review at the downtown Minneapolis Public Library located at 250 Marquette Avenue and in the office of the Hennepin County Housing, Community Works, and Transit Department located at 417 North 5th Street, Suite 320, Minneapolis, MN 55401. The EAW will also be available for review on the Hennepin County webpage at www.hennepin.us

RGU: Hennepin County

Contact: Charles Ballentine, Department Director, Housing, Community Works & Transit, 417 North 5th Street, Suite 332, Minneapolis, MN 55401-1362; 612-348-4216; fax: 612-348-9710; email: chuck.ballentine@co.hennepin.mn.us

PETITIONS FILED

The following petitions have been filed with the EQB requesting preparation of an EAW. The EQB has assigned the indicated unit of government to review the petition and decide on the need for an EAW.

- Communications tower in Crooked Lake Township, Cass County
- Joe Long gravel pit, Barry Township Board (Pine County)

EAW NEED DECISIONS

The noted responsible governmental unit has made a decision regarding the need for an EAW in response to a citizen petition.

- Cass County Planning Commission, Antler Ridge, Ordered.

EIS NEED DECISIONS

The responsible governmental unit has determined the following projects do not require preparations of an EIS. The dates given are, respectively, the date of the determination and the date the EAW notice was published in the EQB Monitor.

- Minnesota Pollution Control Agency, Mississippi Trunk Sanitary Sewer Expansion, October 28, 2005 (August 15, 2005)
- Ham Lake City Council, Eagle Trucking, Inc., November 7, 2005 (August 15, 2005)
- Sherburne County Board of Commissioners, Knick Knack Knoll, November 1, 2005 (August 15, 2005)



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- City of New Ulm, Wal-Mart Supercenter Store, November 1, 2005 (September 26, 2005)
- Washington County Board of Commissioners, Audubon & Miller Farms, Joint Projects, November 8, 2005 (August 15, 2005)

EIS POSITIVE DECLARATION

At their October 25, 2005 meeting, the Cass County Planning Commission, "for the record" ordered the preparation of an EIS for the plat of "Ridges of Lantern Bay". An EIS was ordered by Judge Robert B. Danforth, Ninth Judicial District, earlier this year for said plat. Westwood Professional Services, Inc. has been retained by the county for the EIS scoping process which is underway.

NOTICE

OAH Docket No. 4-2000-16862-2

STATE OF MINNESOTA

OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE MINNESOTA DEPARTMENT OF NATURAL RESOURCES

In the matter of Application of Bruce Meredith for
Amended Permit 98-3197

NOTICE AND ORDER FOR HEARING

TO: Bruce Meredith and his attorney William Peterson, Peterson Law Office, P.A., 3601 Minnesota Drive, Suite 800, Bloomington, MN 55435.

BRUCE MEREDITH IS HEREBY NOTIFIED that the Minnesota Department of Natural Resources ("Department") has initiated this action pursuant to Mr. Meredith's appeal of the Department's decision to deny Amended Permit Application 98-3197.

IT IS HEREBY ORDERED that a contested case hearing will be held on December 14 and 15, 2005, beginning at 9:00 a.m. each day in the City Hall Council Chambers in St. Cloud, Minnesota.

The Chief Administrative Law Judge, Office of Administrative Hearings, has assigned this matter to Bruce H. Johnson, Administrative Law Judge, Office of Administrative Hearings, 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401-2138, telephone (612) 341-7609.

The hearing will be conducted pursuant to the contested case procedures set out in chapter 14 of Minnesota Statutes, the Rules of the Office of Administrative Hearings, Minn. Rules 1400.5010-.8500 (2005), and Minn. Stat. §§ 103G.251, .311, and .315 (2004). A copy of these materials may be purchased from the Minnesota Book Store, telephone (651) 297-3000, or are available at www.revisor.leg.state.mn.us. Copies of the rules are also available at www.oah.state.mn.us.

The attorney for the Minnesota Department of Natural Resources, Jill Schlick, Assistant Attorney General, 445 Minnesota Street, #900, St. Paul, Minnesota 55101-2127, (651) 296-2377, may be contacted to discuss discovery or informal disposition of this matter.



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After the hearing in this matter, the record and the Administrative Law Judge's recommendations will be forwarded to the Commissioner of Natural Resources to make a final decision. Department staff involved in the hearing will not participate in the Commissioner's deliberations in this matter. In addition, the Commissioner will be advised by an attorney other than Jill Schlick.

ALLEGATIONS

1. On July 9, 1998, the Department issued Permit 98-3197 to Bruce Meredith. This permit allowed Mr. Meredith to install a 90 foot by 5 foot permanent dock, and excavate bog and wetland vegetation within a 20 foot by 15 foot area at the edge of the open water, at his property on Minnie Lake in Stearns County. Mr. Meredith's property is legally described as Lot 1, Block 1, Minnie Lake Estates, Stearns County, Minnesota.
2. On February 26, 2004, Mr. Meredith submitted a request to amend Permit 98-3197 to provide for excavation of a navigational access channel extending from the shore to open water.
3. After investigation and review of Mr. Meredith's public water permit application, the Department determined that the proposed excavation of a navigational access channel was inconsistent with applicable Minnesota statutes and rules, specifically Minn. R. 6115.0200 (2005) and Minn. R. 6115.0201 (2005). The Department's decision to deny the application was proper for several reasons, including the following:
 - A. The proposed excavation is prohibited pursuant to Minn. R. 6115.0200, subp. 3(A) (2005) because it is intended to gain access to navigable water depths and such access may be reasonably attained by alternative means resulting in less environmental impact, such as use of the existing permanent dock;
 - B. The proposed excavation does not comply with Minn. R. 6115.0201, subp. 4(A) (2005) which addresses access channels from shorelines for recreational craft. Where access to navigable depths can be reasonably attained through use of a dock, and prevalent wind, wave, and current conditions do not impair reasonable access, excavation of a channel is not allowed.
 - C. The proposed excavation violates the goal of the public waters permit program to limit excavation to preserve the natural character of public waters and their shorelands, as set forth in Minn. R. 6115.0200, subp. 1(A) (2005);
 - D. The proposed excavation is prohibited because it would be detrimental to significant fish and wildlife habitat and there are no feasible, practical, or ecologically acceptable means to mitigate the effects. *See* Minn. R. 6115.0200, subp. 3(A) (2005);
 - E. The proposed excavation does not represent the "minimal impact solution" to a specific need and exceeds a minimum encroachment, change, or damage to the environment in violation of Minn. R. 6115.0200, subp. 5 (C) (2005);
 - F. The proposed excavation is not limited to the minimum dimensions necessary for achieving the desired purpose as required by Minn. R. 6115.0200, subp. 5(D) (2005);
 - G. The proposed excavation would impact the biological character of the waters to a greater extent than the minimum degree feasible and practical and therefore violates Minn. R. 6115.0200, subp. 5(F) (2005); and
 - H. The adverse effects of the proposed excavation on the physical or biological character of the waters are not subject to feasible mitigation and therefore the project violates Minn. R. 6115.0200, subp. 4(G) (2005).
5. Bruce Meredith demanded a public hearing on August 4, 2004.



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ISSUE

Whether the denial of the application by Bruce Meredith for an amended permit is consistent with the applicable Minnesota statutes and rules, specifically Minnesota Rules 6115.0200 and 6115.0201 (2005)?

The relevant laws and rules include, but are not limited to, Minn. Stat. §§ 103A.201, 103G.245, 103G.311, and 103G.315 (2004), and Minn. R. 6115.0170-.0255 (2005).

ADDITIONAL NOTICE

1. Respondent's failure to appear at the hearing may result in a finding that the Respondent is in default, that the Department's allegations contained in this Notice and Order may be accepted as true, and its proposed action may be upheld.
2. If any party has good cause for requesting a delay of the hearing, the request must be made in writing to the Administrative Law Judge at least five days prior to the hearing. A copy of the request must be served on the other party.
3. Any party intending to appear at the hearing must file a Notice of Appearance form and return it to the Administrative Law Judge within 20 days of the date of service of this Notice and Order. A copy must be served on the Department's attorney. A Notice of Appearance form is enclosed.
4. At the hearing, all parties have the right to be represented by legal counsel, by themselves, or by a person of their choice if not otherwise prohibited as the unauthorized practice of law. The parties are entitled to the issuance of subpoenas to compel witnesses to attend the hearing. The parties will have the opportunity to be heard orally, to present evidence and cross-examine witnesses, and to submit evidence and argument. Ordinarily the hearing is tape-recorded. The parties may request that a court reporter record the testimony at their expense.
5. Persons attending the hearing should bring all evidence bearing on the case, including any records or other documents. Be advised that if data that is not public is admitted into the record, it may become public data unless an objection is made and relief is requested under Minn. Stat. § 14.60, subd. 2.
6. Requests for subpoenas for the attendance of witnesses or the production of documents at the hearing shall be made in writing to the Administrative Law Judge pursuant to Minn. R. 1400.7000. A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at www.oah.state.mn.us or by calling (612) 341-7600.
7. This case may be appropriate for mediation. The parties are encouraged to consider requesting the Chief Administrative Law Judge to assign a mediator so that mediation can be scheduled promptly.
8. The Office of Administrative Hearings conducts contested case proceedings in accordance with the Minnesota Rules of Professional Conduct and the Professionalism Aspirations adopted by the Minnesota Supreme Court. A Guide to Participating in Contested Case Proceedings at the Office of Administrative Hearings is available at www.oah.state.mn.us or by calling (612) 341-7600.
9. Any party who needs an accommodation for a disability in order to participate in this hearing process may request one. Examples of reasonable accommodations include wheelchair accessibility, an interpreter, or Braille or large-print materials. If any party requires an interpreter, including a foreign language interpreter, the administrative law judge must be promptly notified. To arrange for an accommodation or an interpreter, contact the Office of Administrative Hearings at 100 Washington Avenue South, Suite 1700, Minneapolis, Minnesota 55401, or may call (612) 341-7610 (voice) or (612) 341-7346 (TTY).



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Minnesota Environmental Quality Board
Department of Administration

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U.S. Postage
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Permit No. 171
St. Paul, MN

