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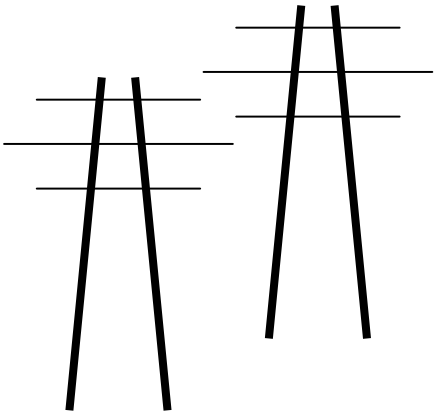

January 4, 2017

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RE: Comment of Tyler Hills Neighbors
Lab USA's Ash Processing Project – Red Wing

Dear Commissioner Stine, Mr. Kain, Ms. Nachtigal, and Mr. Aamodt:

Thank you for the opportunity to provide comments on the Environmental Assessment Worksheet for Lab USA's Ash Processing Project proposed for Red Wing. These are the comments and exhibits of the "Tyler Hills Neighbors" regarding the EAW, and include comments regarding the accuracy and completeness of information, potential impacts that warrant further investigation, and the need for an EIS. Comments and Petitions regarding the two Solid Waste Draft Permits, Xcel Energy SW-307 and Lab USA SW-670-001 are filed

separately and attached for your review. The EAW and Solid Waste Permits, together with the City of Red Wing Conditional Use Permit, and ash waste from Xcel Energy's French Island incinerator in La Crosse are inextricably linked.

The Tyler Hills Neighbors own property and live on Red Fox Drive and Cougar Court, directly south and west of the site of the proposed project:

As the above screenshot of the City of Red Wing Parcel Viewer demonstrates, there are five parcels contiguous to the site of the project. Tyler Hills Neighbors have legitimate concerns about the impacts of the project, particularly the potential for air emissions, release of toxic and hazardous materials into surface and ground water, noise of processing and operations, and reduction in property values due to the potential impacts of this project.

The novel nature of this "ash mining" process has led to omissions, lack of disclosure, and erroneous unfounded assumptions that mask the proposed facility's impact and Potential to Emit.

The Tyler Hills Neighbors have reviewed the EAW and the proposed project and have found that there is potential, and likelihood, of significant environmental impact. The level of review and analysis in the EAW is inadequate for this project, and there are many material issues that require further investigation. The Tyler Hills Neighbors request an Environmental Impact Statement be prepared for this project.

Categorization of EAW as "Discretionary" Proposer Initiated EAW

The Tyler Hills Neighbors have reviewed the EAW and the proposed project and have found that there is potential, and likelihood, of significant environmental impact. The level of review and analysis in the EAW is inadequate for this project, and the Tyler Hills Neighbors request an Environmental Impact Statement be prepared for this project.

Further, the EAW states that this EAW is a "Discretionary" proposer initiated EAW:

> The proposed combustor ash process facility does not trigger a mandatory requirement for the preparation and completion of an Environmental Assessment Worksheet (EAW), or an Environmental Impact Statement (EIS), as outlined in Minn.

> R. 4410.4300, subp. 17, however, Lab USA has elected to complete a discretionary EAW in conjunction with the application to obtain a solid waste permit.

EAW, p. 4. First, Minn. R. 4410.4300, subp. 17 addresses only mandatory EAWs and does not address need for an EIS. However, Minn. R. 4410, subp. 17 does address a facility receiving incinerator ash:

> G. For construction or expansion of a mixed municipal solid waste energy recovery facility ash landfill receiving ash from an incinerator that burns refuse-derived fuel or mixed municipal solid waste, the PCA is the RGU.

The EAW does not adequately explain why Minn. R. 4410, subp. 17(G) would not apply to the Lab USA facility, and why this project does not fall into the "Mandatory EAW" at the very least.

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The Comment Periods for this EAW and Lab USA and NSP/Xcel – Red Wing Draft Solid Waste Permits must be extended – Information was first disclosed 12/30/2016!

Lab USA's Solid Waste Application and supporting documentation was not available through most of the noticed comment period – the Application was not made available until 12/13/2016, and it is not known if this was available to the general public. Because it was not available, a Data Practices Act Request was made on December 22, 2016 to obtain these documents from the MPCA. It is difficult to comment on the EAW and/or the Solid Waste permits without that background information. Failure to make these documents public at the outset is not in keeping with the Minnesota Environmental Policy Act and the state's commitment to promotion of public participation in permitting issues. Without the primary documents available for review, the Notice is ineffective. The MPCA's extension of the comment period to January 19, 2017, is greatly appreciated, but equity demands that it be extended until January 30, 2017.

In addition, the City of Red Wing's interests in this project clearly identified and disclosed. A copy of the leases, agreements, and economic costs and benefits should be incorporated into the EAW. The economics and financial aspects must be made public and available for comment.

At this time, the Tyler Hills Neighbors request that the comment period for both the Lab USA EAW and the Draft Permits of Lab USA (SW-670-001) and NSP/Xcel – Red Wing (SW-307) be extended until at least January 30, 2017, which is 30 days after the Lab USA Application and supporting documents were provided to this writer directly (12/30/2016), and request that the EAW and both the Lab USA and NSP/Xcel Draft Permits be renoticed for comment reflecting this comment period extension to January 30, 2017.

I. INFORMATION IN THE EAW IS INACCURATE AND/OR INCOMPLETE.

The EAW is missing a descriptor in paragraph 6.a., line 2, after "150,000" which is likely "tons" as reported further into the document. See also EAW p. 2, 6.b., l. 1.

The EAW reports that waste combustor ash sources "are the Xcel Energy Generating Plant and Xcel Energy Ash Landfill." See, e.g., EAW, p. 2, p. 5. This is not correct. An important newer

source of waste combustor ash is the Xcel Energy French Island incinerator, in La Crosse, Wisconsin. See Public Notice of Intent to Reissue, Solid Waste SW-307, p. 1, December 5, 2016. This is a material fact because the incinerator "fuel" at that location is roughly 50% used railroad ties, coated and soaked with creosote. Burning these ties releases emissions of dioxin and other toxic and hazardous materials, and creates waste combustor ash of a decidedly different character and higher concentration of toxic and hazardous materials than an incinerator burning municipal solid waste. The EAW must disclose that French Island is a source of waste combustor ash; the percentage of waste combustor ash past and present from City of Red Wing, Xcel Red Wing and Xcel French Island incinerators; the commencement date of acceptance of French Island combustor ash; the locations of that waste in the landfill; whether French Island ash waste is confined or isolated in a particular location in the landfill; and testing of French Island waste to determine composition.

In each instance where only Xcel's Red Wing incinerator is listed as a generating plant ash source, the EAW must also disclose and list Xcel's French Island incinerator as a contributor, a source of combustor ash.

The EAW states that the landfill contains "air quality control system residuals," fly ash, which by definition would be concentrated toxic and hazardous materials. EAW, p. 3. The composition and magnitude of these "residuals" must be disclosed, and potential impacts analyzed.

The EAW does not provide specifics on ash residual and/or leachate collector and removal system, and should.

The EAW states that "Stormwater will not contact combustor ash during off loading, loading or processing" which logically occurs inside the building. EAW, p. 3. However, logically, when excavating, loading, and transporting to the building, stormwater will contact combustor ash, and the EAW must address how contaminated stormwater will be treated.

The Permit Application includes this Lab USA (SEH) produced this map:

SEH Correspondence, 8/3/2016, Stormwater Pond Discharge Location, Figure 1. This map shows no connection between the proposed facility location and the "Discharge Location" and

does not address the flow via a culvert from the "Discharge Location" under CSAH 1 to a wetland east of CSAH 1. The EAW is inadequate because stormwater is not sufficiently addressed.

That same 8/3/2016 SEH narrative response to MPCA staff questions, regarding stormwater, also fails to disclose stormwater plans, and puts the onus on Red Wing for stormwater:

> ***Comment No. 6:*** *Design Report -Appendix E, and Sheet C300: When will the city finalize the design of the stormwater pond? Please submit this additional information when it is complete. Please update C300 to illustrate the path that the pond outfall will take until it reaches Bench Street (with topo lines). The report indicates that the pond will have a minimum volume that is greater than 1,800 cubic feet per acre drained, but it doesn't indicate what the design number is for the pond. Please provide the volume of the pond (i.e. cubic feet per acre drained).*
>
> **Response:** The City of Red Wing has not finalized the design of their laydown area or the associated stormwater pond. A schedule for construction of the City's Laydown area hasn't been established. We will provide the stormwater basin design after the City completes their site and stormwater design and prior to construction of the transfer station. The discharge location for the pond is shown on the attached Figure 1.
>
> The final pond design will meet the City of Red Wing's MS4 Stormwater Permit requirements and provide rate control to ensure post-development runoff rates less than or equal to existing flows. The combined catchment area for both the Lab USA site that is defined in this permit and the adjacent City laydown area is approximately 7.8 acres; resulting in a pond sized at approximately 14,000 cubic feet.

This Comment and Response raise questions:

- Will the project's stormwater have an impact on rate control via the stormwater ponds?
- Will the rate control provide adequate mitigation?
- Is stormwater plan (as yet unknown!) and removal of water from site sufficient to preserve groundwater recharge?
- How will increased sedimentation due to runoff increase filling of stormwater ponds?

The EAW should address whether rate control is sufficient, and should discuss use of a higher standard of rate control.

The EAW states that "The Process Building is designed so that any excess water in the combustor ash will be collected and treated as wastewater through the City wastewater treatment facility (WWTF). EAW, p. 3, pps. 11-12. There is no information provided on the impact, specifically on the quantity, of wastewater from this project on the WWTF.

The EAW states that process water and water used to wash off equipment will be within the building, to be collected and removed, but the amounts of water expected is not specific, and the itemized water quantities from each source are not stated, nor is there basis for any determination of quantity provided in the EAW. See, e.g., EAW p. 3,

Again, process wastewater treatment is not adequately addressed in the EAW, which raises questions:

- Is there a design basis for treatment of this waste at the City WWTF?
- Typically industrial wastewater requires pretreatment before release into the City system

– is this anticipated?
- Often industrial wastewater is treated separately – is this anticipated?
- What is the factual basis to believe that this combustor ash wastewater can be released directly into the City system and that treatment at the City WWTF would be sufficient?
- Will the volume of project discharges increase the volume of discharges from the WWTF, and/or affect its removal efficiency?

As above, the EAW is inadequate because the project's storm water, and waste water collection or removal is not specifically addressed.

The EAW addresses the ash transport process including excavation, loading, and offloading in the processing plant, loading of processed ash, and returning it to the landfill. EAW, p. 3. With each disturbance of the waste combustor ash, there is the opportunity for dispersion of dust, liquid, and gas. The EAW does not address these many opportunities for release.

The EAW specifies use of "off road trucks." This implies use of trucks that are not compliant with USDOT standards. The specifics should be addressed, including whether they will use low sulfur fuel, whether there are policy and/or regulatory idling limits, size of engines and muffler/convertor specifications, noise levels and air emissions from the "off road" trucks. See p. 5, p. 19.

The EAW notes that Xcel generated ash will be brought directly to the Process building, and then returned to the Xcel ash pit. EAW, p. 4. However, it does not specify if this relates to the Red Wing Xcel incinerator, the French Island incinerator, or both. It appears that this is to be a "real time" delivery, but if so, it should be specified.

The EAW states that "The tipping floor and loading area has sufficient storage capacity for delivered ash to manage weekend and holiday schedules." EAW, p. 4. It is not clear what this means, i.e., whether this means there is sufficient room when processor is not operating to store the real time deliveries, The EAW should clarify.

The EAW notes that trucks will unload under cover, inside the building. While this is nominally better for dust containment and noise, this can create a safety hazard and logistics nightmare, as both "off road" and trucks hauling from the incinerators will be unloading. EAW, p. 4. Experience at SKB in Rosemount has proven that outside unloading is recommended because trucks can tip over if the load is frozen, which is possible in trips from the Xcel Red Wing or French Island in cold weather:

> SKB and Gem-Ash have stated that the dumping of the waste outdoor is safer than dumping indoor because trucks have tipped over when dumping of the waste is partially frozen. If part of the waste is frozen to the side of the trailer the truck can become unbalanced and potentially tip on its side. A truck tipping inside could be less safe and it is easier to return a truck to its wheels with a crane or tow truck when it is outdoors.

Exhibit A, Rosemount City Council packet 6/17/2014, p. 3.

The EAW should address this "truck tipping" issue and impact on choice of unloading area inside the building, and plan for truck tipping event, because, as noted in the SKB Gem-Ash documents, it will be difficult to right the truck inside a building!

The EAW notes that "Detailed operation procedures of the processing equipment will be established during the final design, installation, and initial operations of the Processing Building…" and then lists "general processing operations." EAW, p. 4. This is insufficient, not credible, and indicative of a lack of planning. The EAW must be more specific.

The section labeled "Project magnitude" considers only the physical size of the project, with not a word about excavating, loading and unloading, moving to the Process Building and back of the 150,000 tons of ash planned to be processed, or the toxic and hazardous chemicals contained in that ash and its dust, leachate, and residue. EAW, p. 4. This is misleading and must be corrected.

At the bottom of page 4, paragraph 6(d) the EAW Questionnaire states "Explain the project purpose; if the project will be carried out by a governmental unit, explain the need for the project and identify its beneficiaries." It is unclear in the EAW whether the City of Red Wing is participating in this project, and if so, how it is participating. The EAW must address Red Wing's role and identify the City of Red Wing's interests in this project.

It is clear is that this would not be "a project" but for the City's participation. The Lab USA project has been couched as "a joint partnership between the City, Xcel Energy, and Lab USA."[1] The city has many potential roles:

- The City of Red Wing changed "conditional uses" of the land in question to allow for the Lab USA project at the proposed site.
- The City of Red Wing has authorized a City Laydown Yard and crushing operation to be constructed and operated on Lot 1.
- The City of Red Wing staff characterized the Lab USA project as being similar to a Public Works Storage yard in effort to fit project in zone where the use would not otherwise be allowed.
- The City's Planning Commission has yet to make a recommendation
- The City of Red Wing could gain or lose money, depending on participation:
    - Red Wing has authorized and executed a lease with Xcel Energy for Lots 1 and 2, ostensibly to turn around and lease to Lab USA for the combustor ash project that is the subject of this Draft Solid Waste Permit.
    - Red Wing would/will pay Xcel under the terms of the executed lease.
    - Red Wing would/will receive lease revenue from Lab USA.
    - If participating, Red Wing would receive revenues from Lab USA for tipping fees and metal recovery if the City Dump is mined.
- Upon information and belief, the lease between the City of Red Wing and Lab USA has yet to be executed.
- It has been stated that Red Wing "would be an add-on" to the Lab USA project, and that the city would have one year's worth of its city incinerator waste processed by Lab USA,

[1] Minutes, p. 1, Red Wing City Council Workshop, November 9, 2015.

> and conversely, at a recent public meeting, it was stated that the City of Red Wing would not participate directly in the project, that it's incinerator ash would not be processed, due to time constraints.

As above, the details of the City's role and interests must be fully and clearly disclosed, together with the City's costs and revenue, and the City's financial and other interests in this project clearly identified and disclosed. A copy of the leases, agreements, and economic costs and benefits should be incorporated into the EAW.

The EAW requests information on stages of development, relationship(s) between this Lab USA project and others, development of other property, etc., and the response is inadequate. EAW, p. 5. This Lab USA project that's the subject of this EAW, is a phased and connected action, with past, present, and future relationships to other projects, specifically including but not limited to the Red Wing Laydown Yard in Lot 1; the Red Wing Crusher (which is also the subject of the sound study, EAW Appendix C); the closure of the Goodhue County/Red Wing landfill, the Red Wing stormwater pond to be designed and built in conjunction with this Lab USA project; the lease of Xcel Energy land by the City of Red Wing for this project; the continued burning of garbage at Xcel Energy's Red Wing incinerator; the continued burning of garbage at Xcel Energy's French Island incinerator in La Crosse; the securing of Xcel Energy Renewable Development Fund money for a garbage grinder (PUC Docket 12-1278) by the City of Red Wing; the shutdown and planned decommissioning of the City of Red Wing incinerator, etc. The response of the EAW is inadequate and misleading in its omissions. EAW, p. 5.

In the description of "Cover Types," the chart in the EAW should note that the addition of 0.3 acres of drainage ditch is a detrimental impact, and more clearly indicate that "stormwater ponds" are not included in consideration of cover types. Table, EAW, p. 5. It should also be clearer that adding 1.9 acres of impervious surface is taking up more than half of the 3.4 acres of the project site. Id.

The EAW notes that stormwater detention ponds "will be developed" but these plans are not but should be part of the EAW both because of the need for them to provide stormwater management. EAW, p. 5.

The EAW notes that 1.9 acres of crop land will be lost. The EAW should identify the monetary value of this economic activity, the lease value, the crop value, and include that loss of economic activity in the balance of impacts. Table, EAW, p. 5.

On the following page, under "Land Use," the EAW notes that Xcel will not continue to lease the farmland. That means that the table of "Cover Types" should reflect an "After" for "Cropland" of "0." Again, in the narrative, the EAW should note that this is designated as "prime farmland," and identify the monetary value of this loss of cropland, loss of economic activity, the lease value, the crop value, and include that loss of economic activity in the balance of impacts. Table, EAW, p. 5.

In the description of "Cover Types," the EAW should list the scenic easement specifically and the trees expected to provide a buffer between the project and the residents of Tyler Hills

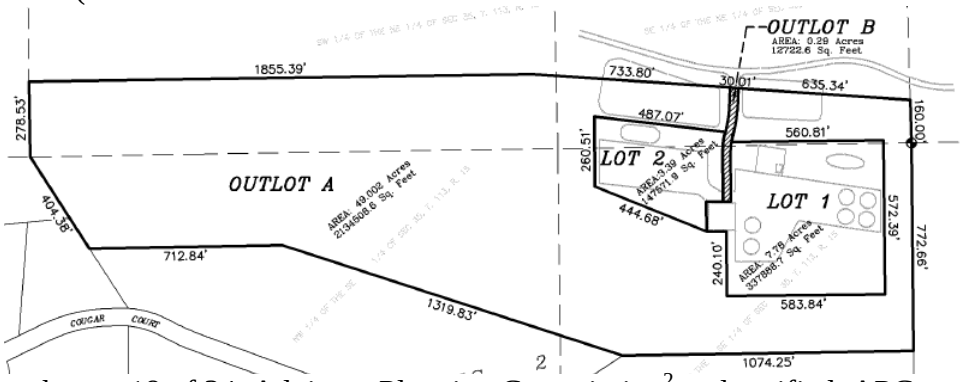
subdivision, whether they will be cut or remain, whether additional trees will be planted, whether coniferous trees would be planted. EAW, p. 5; see also attached Exhibit B, Scenic Easement.

Noteworthy, in light of this scenic easement and undeveloped land below Tyler Hills, is a statement by city officials that the original platting of Tyler Hills was dependent on the buffer of the outlots, now "Lots 1 and 2," between the landfill and residential development:

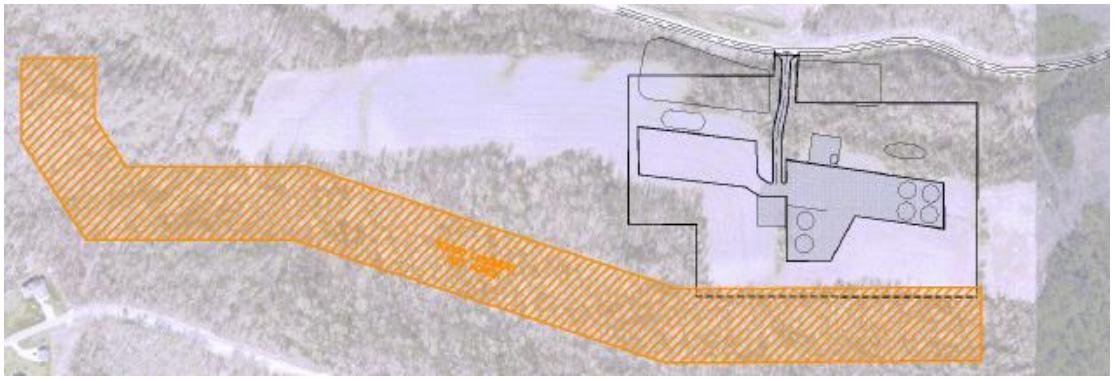
> The Tyler Hills development was platted by the City with the understanding by the City that landfill developments were located below the development and that there was adequate undevelopable land to buffer from the land uses that are accessed off of Bench Street.

Exhibit C, Memo of Tina Folch, p. 2-3, Sustainability Commission to Red Wing City Council, for April 25, 2016 meeting. This project is contrary to the "understanding" of an intentional buffer for the Tyler Hills development, and would remove that protective buffer from land uses off of Bench Street (landfill and solid waste operations). The EAW should recognize this protective intent and address this sleight of hand in the attempts to develop this buffer with industrial land uses.

From the City's documents, it appears that the City's Lot 1 development encroaches on the scenic easement (772.66 feet minus 572.30 feet is less than 250 feet for the scenic easement):



3/15/2016 packet, p. 18 of 34, Advisory Planning Commission[2] and verified, APC packet, p. 21:



Id., p. 21 of 3/15/2016 APC packet. The EAW notes in the chart of permits required that a utility

[2] Red Wing APC 3/15/2016 packet online: http://lf.ci.red-wing.mn.us/WebLink8/DocView.aspx?id=108731&dbid=0

permit is required on the City Right of Way. The table of "Cover Types" should include "utility easement" if it is above ground easements or ground disturbance at issue, and the narrative should include the location, cost and impacts of additional utility infrastructure. Or ground

In the narrative regarding land use, the questionnaire requests a description of land use of the site "as well as areas adjacent to and near the site." In this section of three paragraphs, there is no mention of the adjacent, contiguous and nearby residential development and use. EAW, p. 6. The EAW must be corrected.

The EAW does not address the impact this impairment and/or compromise of the scenic easement and whether it will have an impact on landowners' use and enjoyment of their land in Tyler Hills subdivision. The EAW must be supplemented to address the scenic easement and buffer of undevelopable land that is planned to be used for this project.

In the EAW section regarding land use plans, the narrative mentions "higher density residential" but makes no mention of the low density, large lot, higher income development begun and continuing adjacent and contiguous to the south and southwest, and newer moderate income townhome development to the north adjacent and contiguous to the Xcel landfill. EAW, p. 7. The EAW must be corrected to show the new developments surrounding this project area.

The EAW states that at the end of the lease, "the City will use the Project Site for public work activities." EAW, p. 7. The EAW should disclose the value to the City of the project building and any outbuildings and equipment and any demolition and/or clean-up costs. The EAW should also make note of any required decommissioning fund or lack thereof.

The City of Red Wing has claimed a benefit in taking possession of the Lab USA process building at the expiration of the term of the lease. However, Red Wing is leasing the land, and is not an owner. Further, SEH states that Xcel Energy will become the owner:

- The property leasing agreement indicates that ownership of the building will convert to Xcel Energy upon closure.

See SEH Correspondence to MPCA, p. 4, August 3, 2016. Considering the conflict of opinions of building ownership post-lease, the EAW must clarify the fate of the Lab USA process building upon the end of the term of the lease.

The EAW has a discussion of "nearby land uses, zoning, and plans," and claims that this property is zoned "Agriculture Residential," and that the project use is a "Conditional Use." EAW, p. 7. The EAW should note that the City Council never changed the zoning to allow the "Conditional Use," for a Waste Transfer Facility. This is inaccurately addressed in the EAW

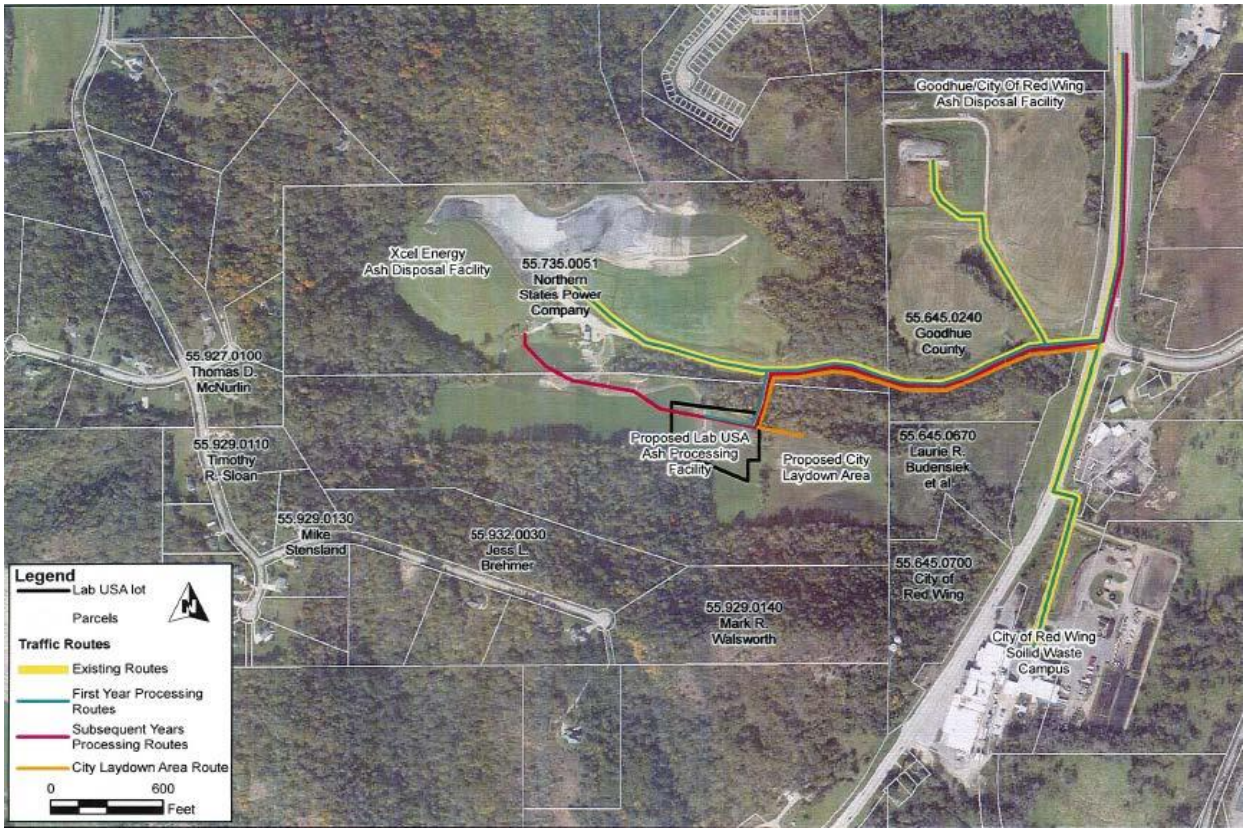
The original platting of Tyler Hills, which was dependent on both the scenic easement and "undevelopable" buffer of the outlots, now "Lots 1 and 2," between the landfill and residential development:

> The Tyler Hills development was platted by the City with the understanding by the City that landfill developments were located below the development and that

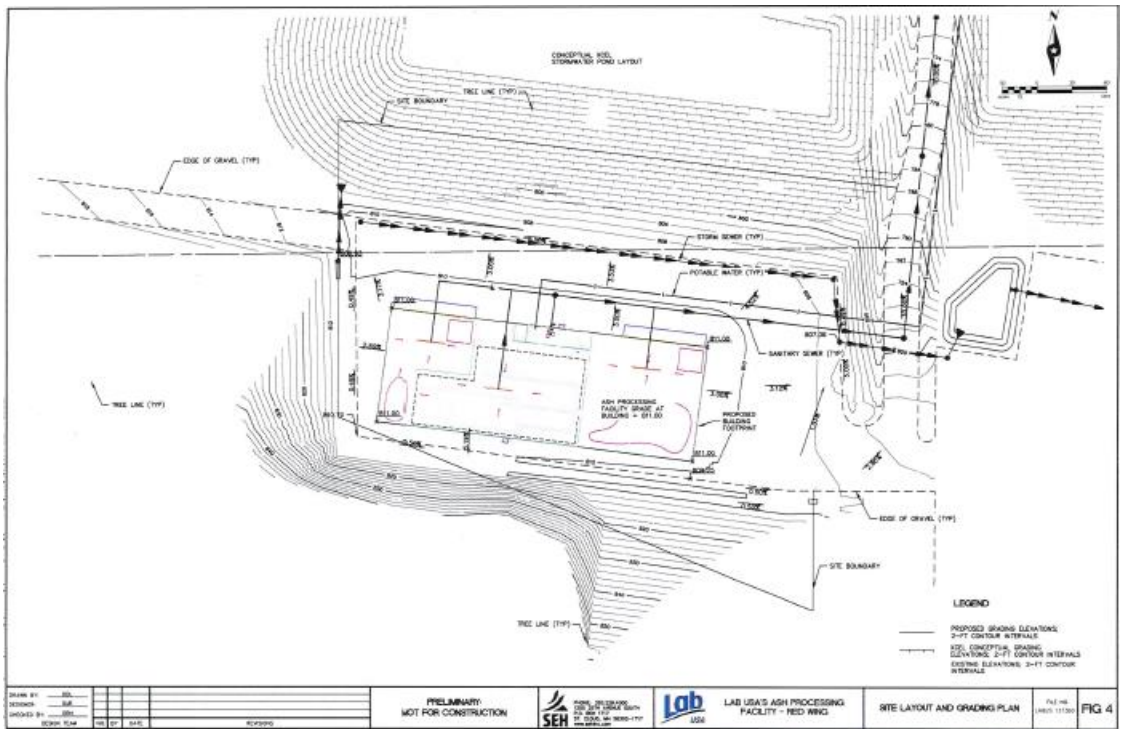
there was adequate undevelopable land to buffer from the land uses that are accessed off of Bench Street.

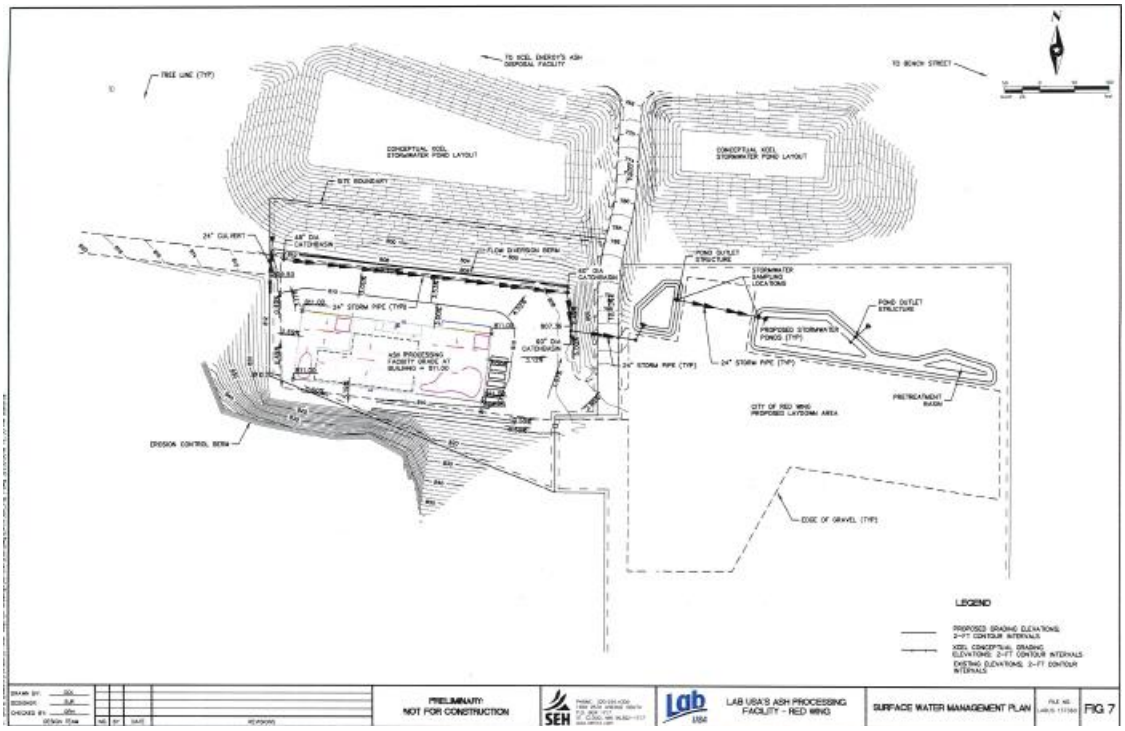
Exhibit C, Memo of Tina Folch, p. 2-3, Sustainability Commission to Red Wing City Council, for April 25, 2016 meeting. This declaration of "Conditional Use" removes the buffer, and the EAW should clearly disclose this change and its impact.

In discussing "nearby land uses, zoning, and plans," the EAW minimizes the relationship of the project site to the Tyler Hills development, stating that "the nearest home… is approximately 1400 feet from the proposed development." The Tyler Hills development is contiguous to the Outlot A, and the property lines go right to the edge of the bluff. It also states that the nearest residential site in Rivers Ridge development to the north is 1700 feet distant. Id. The EAW should include a map showing the surrounding residential areas, e.g., EAW Traffic, Figure 18:



On the other hand, the EAW also contains information regarding stormwater collection and handling that is very different than these depictions. For example, in the EAW, Figure 4 and Figure 7 show piping to various locations, and proposed locations for stormwater ponds that are not near the "Discharge Location" shown on the map above:





See EAW, Figures 4 and 7. These differences should be clarified.

The Figures above label the stormwater ponds as "Xcel" stormwater ponds, yet the EAW states that Red Wing is to supply the plan and construct the stormwater ponds. This difference must be reconciled in the EAW.

The EAW claims that project incompatibility with land uses would be mitigated by positioning of the doorways of the building to fact north, and that forested areas to the south would be maintained. EAW, p. 8. The EAW should address how this claimed "mitigation" is sufficient.

The EAW notes that there is a 250 foot scenic easement, but as above, the City's Lot 1 encroaches on the scenic easement. EAW, p. 8. Will the scenic easement be preserved if the project is constructed and operated as planned, or will the project encroach on this easement?

The Lab USA processing building is planned to be 40 feet tall. The EAW must disclose:

- How tall are the trees within the scenic easement that are to provide a buffer between the Tyler Hills subdivision and the landfill?
- Will the scenic easement provide a visual buffer for a 40 foot tall building?
- Will additional coniferous trees be planted to provide year-round buffer?

It is not plausible that the scenic easement will provide sufficient visual buffer. The EAW must address the relative heights and visual characteristics of the project in relation to the Tyler Hills elevation.

The EAW and Permit Application state that the plan is for 100,000-150,000 tons of combustor waste ash to be processed. EAW, pps. 2, 3, 15. Based on the tonnage of ash to be processed, containing the available amounts itemized below, the projected emissions are not reasonable. On review by one of the Tyler Hills Neighbors, based on the proposer's total projected tonnage to be processed and the assay provided in the EAW, the following amounts of hazardous air pollutants (HAPS) will be available for extraction, return to the landfill, and/or emissions – this amount of potential HAPS emissions requires analysis available only through a full Environmental Impact Statement:

Material	**CAS#**	**lbs./year**
Arsenic	7440-38-2	6,000
Cadmium	7440-43-9	8,400
Chrome	7440-47-3	51,900
Lead	7439-92-9	518,100
Manganese	7439-96-5	155,700
Mercury	7439-97-6	600
Nickel	7440-02-0	24,600
Selenium	7782-39-2	1,500
		766,800 lbs/year Potential HAPS

The EAW provides no information regarding the composition of concentrated and stripped ash in the various stages of processing.

Appendix B of the EAW lists information regarding Cultural Resources. This information is outdated, from 1991 and 2011, and most recently, from September, 2015, which states:

The City had previously considered development that would take place within the boundary of the mound group as it was mapped by T.H. Lewis in 1887[1]. Following coordination between the City and the Office of the State Archaeologist (OSA), a setback that is between 75' and 50' of the estimated location of Mound 23 (see **Figures 2** & **3**) was accepted as a provisional cemetery boundary. The provisional cemetery boundary has been staked by City surveyors and it will be avoided by the proposed development.

Appendix B of the EAW, above, includes Figure 14 reflects an area known as the "Water Tank Mounds" which is within the red outlined "Subject Property." The EAW should address this encroachment and whether the "Subject Property" outlined is suitable for development. Appendix B must be updated for the EAW.

The EAW discusses Bedrock Geology, p. 8-9, and soil borings of March 2016, and reports that 9 of 11 soil boring. The results of the remaining two soil borings are not reported. The EAW must report the results of all of the soil borings.

The EAW reports that currently stormwater is drained off site into a culvert, across CSAH 1 to a wetland area to the east. EAW, p. 10. The site is currently entirely pervious surface, and with construction of the project, will be primarily impervious. The EIS must more thoroughly address the impacts of increased stormwater runoff, and impact of tracking ash and other landfill detritus by trucks and other vehicles, of deposition of process ash on the site's impervious surface, and any change in composition of surface runoff and impacts on the adjacent wetland. The EAW should also address whether surface water run-off from the project site requires treatment prior to release to the wetland.

The EAW notes that groundwater is found at depths of 12-24.5 feet at the project site prior to construction, and 10-30 feet below the surface following construction.. EAW, p. 10. These levels are very close to the surface. The EAW must address groundwater monitoring and why the project's reliance on Xcel Energy landfill monitoring is sufficient.

The EAW notes that "the City of Red Wing has determined that the liquid ash wastewater " …"is

not considered a significant industrial wastewater in volume or type." EAW, p. 12. The EAW also notes that in addition to restroom facilities, water will be used for dust control and processing (EAW, p. 13), that ash will have a 22-29% moisture content, that ash will have added liquid/moisture at the Generating Plant(s) or precipitation, and that water will be used for cleaning of equipment and the building's concrete floor (Id.) Given the amount of water inherent in operations, the volume and type of wastewater should be identified, and the basis for this statement must be disclosed and addressed in the EAW.

As above, the Proposer's claim of "No Exposure" under NPDES/SDS permitting should be vetted and explained in the EAW. See EAW, p. 12.

Based on the above statement, "the Process Building would not be a significant industrial discharger and a pretreatment permit would not be required." EAW, p. 12. The EAW also states that "The Process Building is designed so that any excess water in the combustor ash will be collected and treated as wastewater through the City WWTF. EAW, p. 15. The EAW must describe in detail the City's WWTF's design and ability to treat combustor waste runoff.

The EAW states that "The Proposer does not need a water appropriation permit for the project." EAW, p. 13. Given the process requirements for water, for processing, cleaning of equipment, and dust, in addition to restroom facilities, it is not clear that a water appropriation permit is not necessary for this project. The source and volume of water to be used should be itemized in the EAW to support this determination.

The EAW states that "the Project does not require groundwater monitoring." EAW, p. 14. There is no inclusion of a liner to protect groundwater in the project design and the EAW does not mention a liner under the project nor does it explain why one is not needed to protect groundwater.

The EAW notes that, "The MPCA's database did not identify any other environmental sites in the vicinity of the Project Site." EAW, p. 14. The EAW should define what an "environmental" site is, nor does it define "vicinity."

In discussing surface waters, the EAW map and narrative notes only the drainage ditch north of the project site, into a culvert, to a wetland on the east of CSAH 1. EAW, p. 14. This section of the EAW should address whether use of an open drainage ditch into a wetland is appropriate for untreated stormwater runoff from this site where combustor ash is loaded and unloaded, tracked by trucks and equipment, blown by wind, and processed.

The EAW states that "In addition, the Proposer has designed the Project to completely enclose the processing equipment for metals recovery within the Process Building." EAW, p. 14. This is misleading, because dispersion of dust and particulate matter occurs not only in processing, but in excavating, loading, transporting, off-loading, and loading for processing, then during processing, and then loading into ash pile/containers, and loading for removal from facility, in transport to destination, offloading, and depositing into landfill or into pile for shipment to recycler. The EAW must be revised to reflect the open nature of the building and many steps where contamination through dispersion may occur.

The EAW reports that "Xcel Energy has reported their landfill has had some influence to groundwater chemistry…" EAW, p. 14-15. It further reports that "Portions of the County/City Landfill have required remedial action." Id. This means that contamination has already occurred. This project is adding to the contamination, and cumulative impacts must be addressed in the EAW and details of the past contamination and remediation must be provided.
Where prior reported contamination is an issue (EAW, p. 14-15), the EAW must address mitigation of this already existing problem, how this project will not add to the already existing contamination and pollution, permit conditions to assure contamination will not be increased or dispersed, and how this project can remediate the pre-existing contamination. If this additional project and all the connected projects will do nothing to remediate the problems already existing, the project should not be permitted.

The EAW provides information about the DNR's comments regarding Xcel's landfill expansion, and the potential for rare features on the site, including documented Bladder Pod at the landfill site. EAW, p. 17. This information should be updated for the project in and near the proposed site, not in relation to the landfill or based on landfill information and/or inventory. It is easy enough to survey the site in question.

The EAW addresses the Xcel landfill, but it does not state whether or not Bladder pod or any other rare feature is found in the area to be excavated for the proposed project. The EAW must address whether this and/or any other rare feature are in the area to be excavated, with the DNR review and comments incorporated into the EAW.

The EAW addresses scenic views and vistas. EAW p. 18. The EAW must be more specific in its information on impacts of vistas and views.

The EAW specifically states "The proposer's construction and operation of the Project would not significantly modify existing land use." EAW, p. 18. This is a false statement. The EAW must not include this sentence.

The EAW section on "Visual" is misleading because the land in question was to be "undeveloped" and provide a buffer between the Tyler Hills subdivision and the landfill. EAW, p. 18. Building and operating this project, developing this land, would represent a significant change.

The EAW also confirms the 250 foot conservation easement but conflicts with the Red Wing CUP Permit application that states that trees will be cut. EAW, p. 18.

The EAW is also misleading because it states that "All processing activities including offloading and loading of trucks occurs inside the Process Building." EAW, p. 18. This sentence is misleading by omission as it does not address "operational" activities, such as excavating, loading, truck trips to and from landfill, and truck trips to and from Red Wing and French Island incinerators – not all project activities occur within the building.

The Daryl Heaps noise study for the Red Wing crusher, included in the Lab USA EAW as Appendix C, is inapplicable to the Lab USA project, because it is one noise source, but not the

noise source in question, and this information should only be utilized as a consideration as a connected action with cumulative impact to the instant project.

The EAW, and the MPCA's "determination letter" of November 28, 2016, does not address the potential for releases to the air. EAW, p. 19-20. Releases to the air can, and would likely occur, through processing or project operations, due to open air excavation, loading, transport, and back to the landfill loading, transport and unloading, and processing (loading into process equipment, processing, and dumping post processing) in an open building, with openings without doors and with "ventilation openings at the top of the east and west walls." See EAW, p. 3. "Ventilation" is release of whatever is inside to the air outside, and a design with ventilation openings means that something inside is hazardous in some way if confined inside the building.

The EAW is silent regarding any pollution control equipment, filters, air quality systems, and there is nothing shown in the building drawings. EAW, p. 3, 18-19, and Figures. This project requires pollution control equipment to address the process operational releases inside the building.

The EAW uses a "trucks per day" which is not the same as the typical consideration of "trips per day." EAW, p. 19. This must be corrected. One "off road" truck can make many trips back and forth within the landfill to the process building, and other trucks can make many trips back and forth to the Red Wing incinerator and a couple trips back and forth to the La Crosse incinerator. The EAW must express truck use with a "trips per day" allocation.

- 20 trucks per day to the landfill implies 40 trips (or more). Id.
- The 20 trucks at 40 trips per day are presumably off road, but this needs verification.
- 3 trucks to remove roll-offs implies 6 trips (or more). Id.
- 15 additional trucks per day during construction implies 30 trips (or more) and likely the 20 and the 3 trucks above will not be running during construction. Id.
- It appears that there will be at least 40 trips for offroad trucks when operational.
- It appears that there will be at least 6 trips per day to Red Wing incinerator and it should be clarified if these trucks are operating now to and from landfill.
- It is unknown how many trips to and from La Crosse are occurring now, how many when project is operational.
- It appears there will be at least 30 trips per day during construction, but many of these trucks could be making more than two trips daily.

The EAW notes that trucks idling would cause temporary periods of idling emissions. EAW, p. 19. There is no excuse for idling trucks at any time. Trucks should always be turned off when not rolling or when engine is not needed to power offloading.

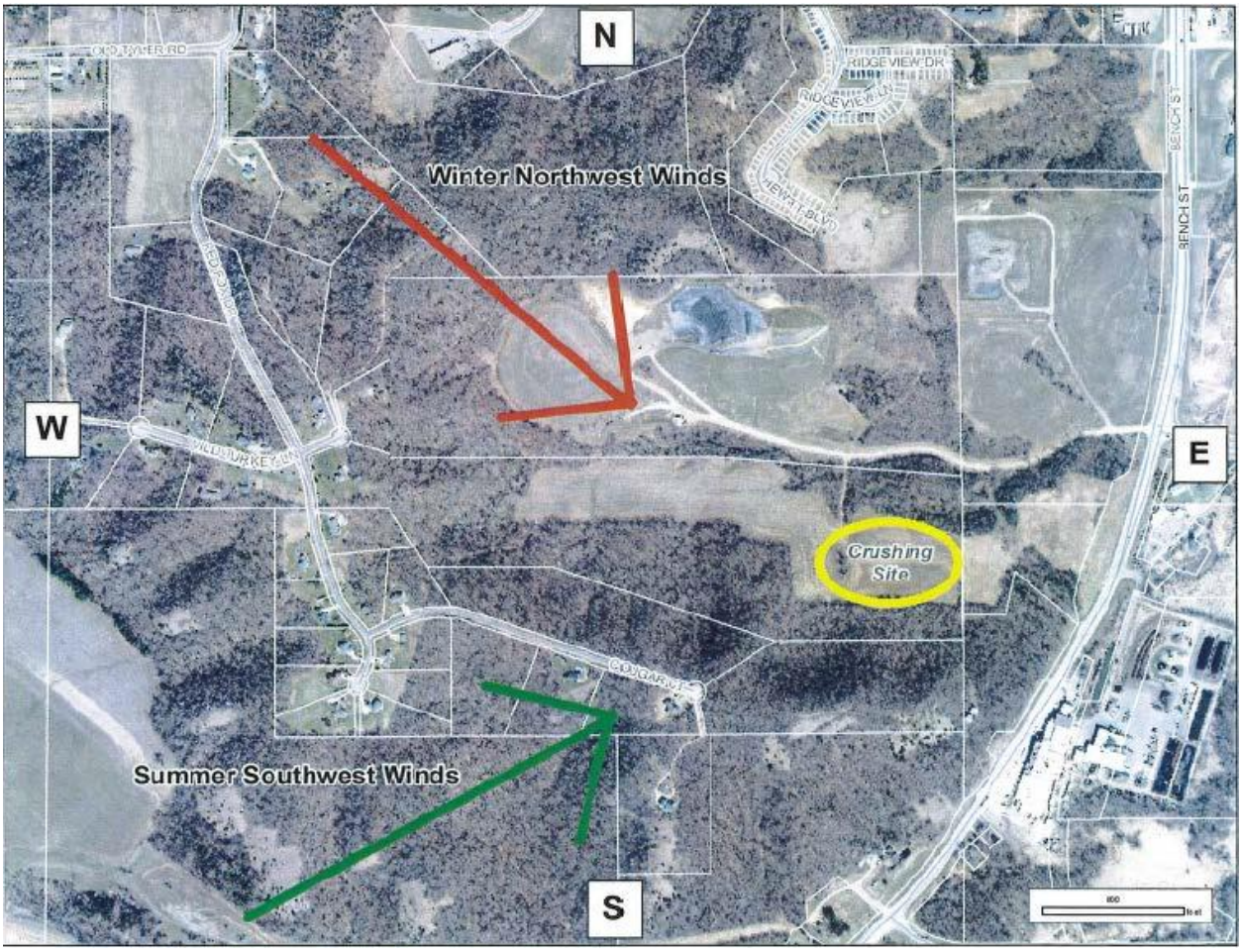
The EAW notes potential for "road dust." EAW, p. 19. This "road dust" is not everyday "dirt" but is landfill excavation detritus, which is being released into the atmosphere as dust, and/or tracked around the landfill, into the impervious surface area surrounding the process building, onto the floors of the unloading area. Much combustor ash will be distributed this way. The EAW must address this dust.

The EAW states that "combustor ash is not considered a dust source. EAW, p. 19. Provide citation. If combustor ash is not considered a dust source, what is it considered as? Hazardous material? Hazardous particulate matter emissions? The EAW should explain how these dust emissions are considered.

The EAW improperly minimizes potential for release into the air, stating that "… activities will occur inside the Process Building." EAW, p. 19. Again, this is not a contained building and there is no pollution control equipment planned. The building is OPEN, with large 25' x 25' open holes in the building and ventilation openings on the east and west sides.

The EAW states that "[t]here is no definitive research that specifies a threshold moisture content as which exposed dried ash becomes susceptible to wind erosion…" EAW, p. 19. First, this ash is not necessarily dried ash in large "self-cementing" clumps. See EAW, p. 20. This ash is to be excavated, loaded, transported, off loaded, processed, piled, loaded again, transported again, and dumped again into the landfill. There are many opportunities for dispersion into the atmosphere. The EAW must address this.

The EAW does not address the prevailing winds. Red Wing documents show that wind from the NW in the winter and SW in the summer, and potential impacts downwind:

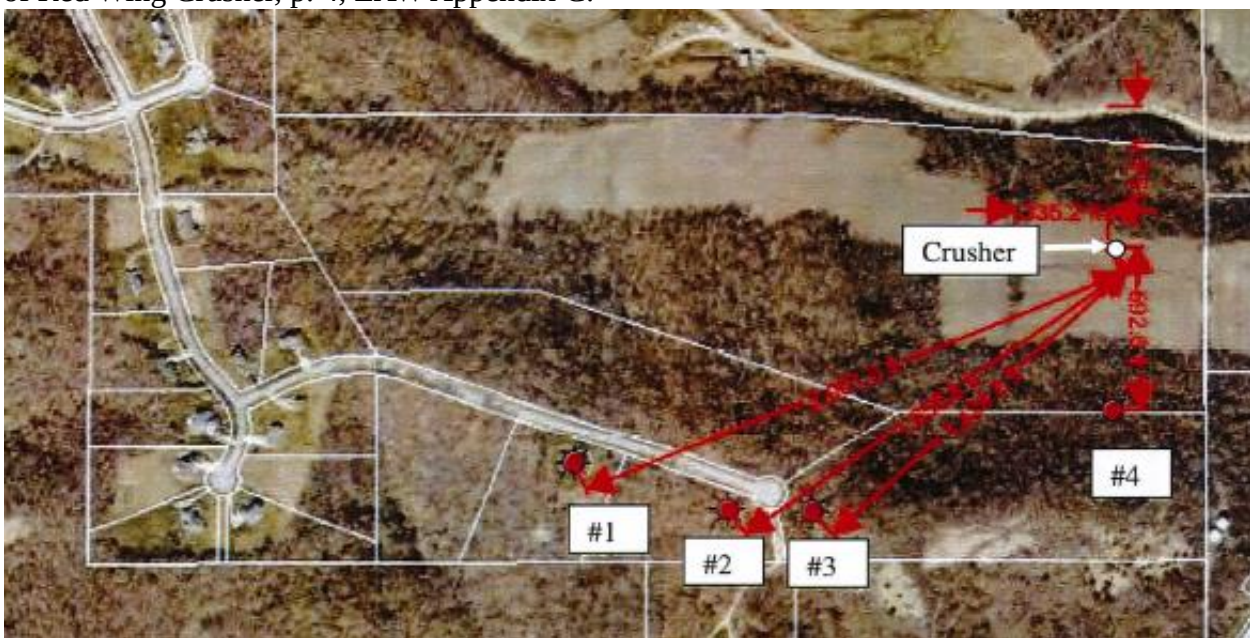


The EAW does not adequately address wind. A wind rose should be incorporated into the EAW.

The EAW notes various wind speeds at which dispersion is likely at various moisture contents. There is nothing in the EAW regarding covering of trucks. The trucks will be moving at what speed in what wind speeds? The EAW must take these factors into consideration. The EAW must address this.

When loading and unloading, the ash is literally falling through the air, and it is highly likely there will be dispersion of particulate matter into the air. The EAW must address this.

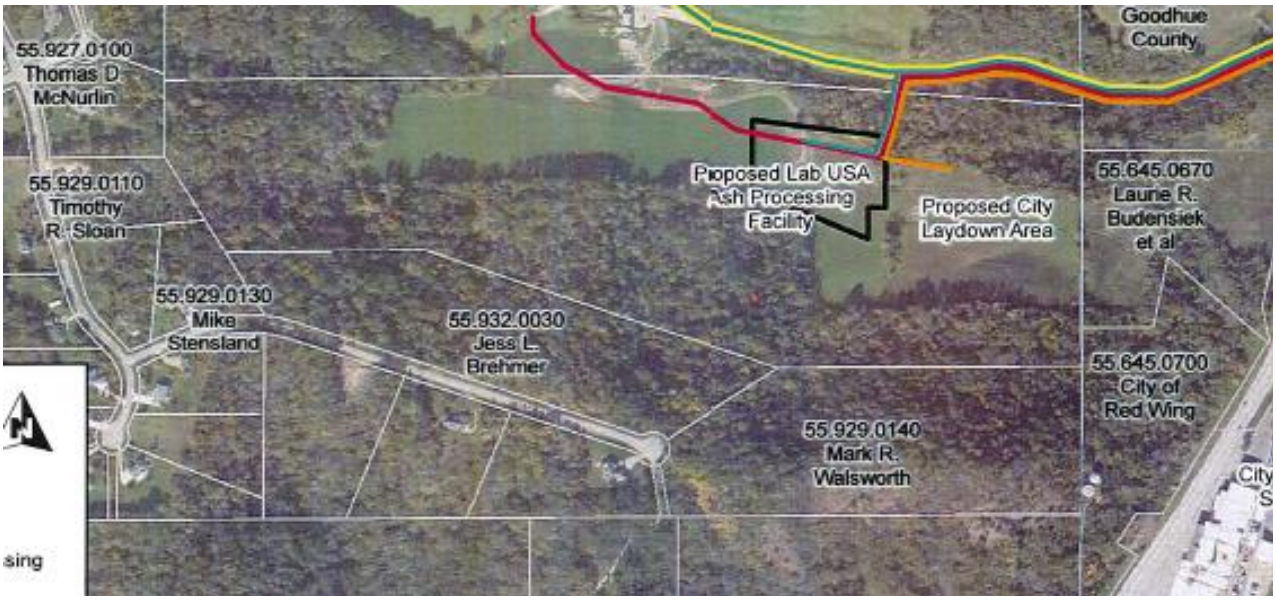
The Red Wing crusher noise study is also inapplicable because the sound measurements are not compliant with the MPCA's noise methodology. Measurements and modeling must be taken or modeled at the source, and at the "point of human activity which is nearest to the noise source." See Minn. R. 7030.0060 MEASUREMENT METHODOLOGY. See map, Daryl Heaps on City of Red Wing Crusher, p. 4, EAW Appendix C:



The Red Wing crusher is located to the east of the proposed Lab USA facility, the point used for modeling was the furthest east of that lot. Aerial map, EAW Appendix C. Using a central Lab USA location would significantly lessen the distance to the homes labeled #1, #2 and #3, and logically, the modeling results would also be significantly different. Using the "where human activity occurs" standard of the rule, the parcel to the north of Cougar Court and at the end, #4, are significantly closer than the Heaps map indicates.

The maps of the site, when compared with the crusher noise modeling map, EAW Appendix C, graphically demonstrates that the crusher modeling is inapplicable to this project except as consideration of the addition of the crusher to expected noise levels, a cumulative impact of these connected projects, and demonstrate that modeling of this specific Lab USA project, including the crusher project, is necessary. The siting of the two projects, as shown below, reflects the Lab

USA project's position closer than the City Laydown yard, in relation to the surrounding neighbors:



Another reason the EAW Appendix C noise modeling for the crusher is inadequate and inapplicable to the Lab USA project is that much of the noise expected with this project is impulsive noise, that of trucks unloading, banging and clanging, loaders banging into trucks and the floor, etc.. The noise standard found in Minn. R. 7030 is for continuous noise, not impulsive noise, and there is no impulsive noise standard protecting nearby residents.

Yet another reason the EAW Appendix C crusher noise modeling is inadequate is that much of the noise expected with this Lab USA project is low frequency noise, and very low frequency noise (infrasound). Low frequency sound travels further because of the large wavelength that is the nature of low frequency sound waves. Of particular interest are the lower frequencies in Heaps' report (p. 2), where it starts with high sound levels at low (frequencies below 31Hz should be modeled) and the sound level increases to125 Hz, and then decreases:

Freq (Hz)	100 ft	200 ft
31	78	72
63	81	75
125	87	81
250	83	77
500	81	75
1000	83	77
2000	73	67
4000	75	69
8000	66	60
16000	60	54
dBA	85	79
Red Wing	81	75

The EAW is inadequate, and the Appendix C crusher sound modeling is inadequate because it does not model very low frequencies. Infrasound, levels at very low (frequencies below 31Hz should be modeled), specifically, C weighted modeling should be used.

The noise standard found in Minn. R. 7030 does not include standards for infrasound, noise of such low frequency it is often felt, not heard. There is no infrasound noise standard, no regulation protecting nearby residents. This omission in the MPCA rules is a common issue regarding wind turbine noise,[3] and of which the MPCA staff and Commissioner are well aware. The EAW should address the lack of noise standards applicable to this project.

The EAW is also inadequate for the following reasons:

- There is no discussion of characteristics of individual waste streams in the process, particularly the concentrated final waste stream going back to the landfill;
- There is no clear statement regarding volume of HAPS processed and resulting potential to emit, and assumptions are erroneous for the eddy current separator;
- There is no hazardous waste determination regarding the concentrated final waste stream;
- There is no discussion of lead or HAPS management generally or specifically regarding public and worker safety;
- There is inadequate modeling for an air permit determination;
- There is inadequate factual basis for a determination regarding necessity of pre-treatment of water waste prior to use of City of Red Wing's waste water treatment facility;
- The EAW claim of 99.99996% lead containment with no active controls and no monitoring is not credible.

Upon information and belief, Red Wing has taken on that liability in the lease with Xcel Energy for the property on which this project is proposed. The ongoing liability for the Lab USA environmental impacts must be clarified in the EAW.

II. POTENTIAL IMPACTS WARRANT FURTHER INVESTIGATION.

There are many potential impacts that warrant further investigation, including, but not limited to those in the following narrative.

The process proposed by Lab USA is new to North America. Lab USA has only one such project, located in rural Washington, far from residential areas, and it has been operating for less than one year. A similar project in Minnesota, SKB's Gem-Ash in Rosemount is a "demonstration project." The record and experience of Lab USA's Washington project, and SKB's Gem-Ash should be incorporated into this environmental review and project permitting proceedings underway at MPCA and City of Red Wing. It is likely that there are "lessons learned" that should be incorporated into this project and considered.

French Island waste combustor ash warrants further investigation and analysis, specifically:

- consideration of the percentage of waste combustor ash past and present from City of Red Wing, Xcel Red Wing and Xcel French Island incinerators;

[3] See Minnesota Department of Health Report "Public Health Impact of Wind Turbines" and PUC Docket 09-845.

- the commencement date of acceptance of French Island combustor ash;
- whether French Island combustor ash is segregated in the landfill or mixed with other ash;
- the locations of French Island waste in the landfill; and
- testing of French Island waste to determine composition.

The character and impacts of Xcel's French Island combustor waste and its impact on the nature and potential impacts of this project warrants further investigation.

The EAW discussion of storage inside the "Process Building" relates that it is an open building, with two large openings, 25 x 25 feet, on each end of the north side, and with "ventilation openings along the top of the east and west walls." EAW, p. 3. There is no pollution control equipment planned for the building. The EAW states that "The building structure allows for sufficient storage under cover and is contained by berms in accordance with Minn. R. 7035.2855," but that rule requires that "the storage area is designed and operated to control dispersion of the waste by wind by means other than wetting…" Open doors and "ventilation openings" would disperse waste by wind, contrary to Minn. R. 7035.2855, Subp. 1(c)(2). This warrants further investigation.

The EAW states that "The building structure allows for sufficient storage under cover and is contained by berms in accordance with Minn. R. 7035.2855" but this statement implies that storage within the building is contained by berms! EAW p. 3. And secondly, berms would not "control dispersion of the waste by wind." In this respect, again, the design is not compliant with Minn. R. 7035.2855, Supb. 1(c)(2). Subp. 3(f). This warrants further investigation.

The open nature of the building, dependent on the open doors and "ventilation openings along the top of the east and west walls" would allow gas releases, and is not compliant with Minn. R. 7035.2855, Supb. 1(c)(3). EAW, p. 3. This warrants further investigation.

The storage area within the building is described, but does not address a liner for this storage area, and in this respect is also not compliant with the rule. EAW, p. 3. The rule requires a liner, specifically "a liner that is designed, constructed, and operated to prevent any migration of waste or leachate into the adjacent subsurface soil, ground water, or surface water at any time during the active life, or the closure period, of the facility." Minn. R. 7035.2855, Subp. 3. This warrants further investigation.

The purpose of a liner is to collect and direct runoff and other liquids to a collection and removal system, and the EAW does not provide specifics on this collection and removal system for the project. Minn. R. 7035.2855, Subp. 3. This warrants further investigation.

As above, the EAW states that "Stormwater will not contact combustor ash during off loading, loading or processing" which would occur inside the building. EAW, p. 3. However, logically, when excavating, loading, and transporting to the building, stormwater will contact combustor ash left/dispersed by the excavation, loading, transporting, and unloading processes, and the EAW must address how that contaminated stormwater will be collected and treated. This warrants further investigation.

As above, the EAW states that "The Process Building is designed so that any excess water in the combustor ash will be collected and treated as wastewater through the City wastewater treatment facility (WWTF). EAW, p. 3. There is leachate from the existing landfill – how is that leachate handled? Where there is 22-29% moisture in the landfill ash, how much is liquid subject to runoff, dripping, pooling? Is there a design basis for treatment of this process wastewater at the City WWTF? Typically industrial wastewater requires pretreatment before release into the City system – is this anticipated? Often industrial wastewater is treated separately – is this anticipated? What is the basis to believe that this combustor ash wastewater can be released directly into the City system and that treatment at the City WWTF would be sufficient? This warrants further investigation.

As above, the transport process provides opportunity for dispersion of dust, contaminated water and leachate, and gas, including excavation, loading, and offloading in the processing plant, loading of processed ash, and returning it to the landfill. EAW, p. 3. This warrants further investigation.

The specifics should be addressed, including whether they will use low sulfur fuel, whether there are idling limits, size of engines and muffler specifications, DOT and OSHA compliance, and noise levels and air emissions from the "off road" trucks warrants further investigation.

The claim that"[d]etailed operation procedures of the processing equipment will be established during the final design, installation, and initial operations of the Processing Building…" and then lists vague "general processing operations." EAW p. 4. This is insufficient, and warrants further investigation. EAW, p. 4.

Rate control as means of stormwater handling and the impacts of stormwater sediment on the proposed ponds should be demonstrated, the EAW should show this work, The City's plan should be incorporated into the EAW for this project, which is dependent on it. Further investigation is warranted.

The EAW must identify with specificity the project's purpose and the City's changing role in this project must be clarified. This warrants further investigation.

All cumulative and connected projects and actions must be identified, disclosed, and impacts addressed in the EAW. This warrants further investigation.

The discontinuation of farming on part of Outlot A must be addressed in the EAW, including aspects such as economic impacts and revenue losses, change of land cover, and change of land use. This is not accurately depicted in the EAW and warrants further investigation.

The EAW does not adequately address the existence, location, and purpose of the scenic easement and the related city commitment to holding Outlot A as an undevelopable barrier between the landfill and Tyler Hills. See Exhibit B and C, attached. This warrants further investigation.

The possession and ownership of the Lab USA process building is not clear and must be identified in the EAW. This warrants further investigation.

The EAW identifies numbers of trucks at the site, and different types of trucks, but a traffic study is needed to identify the number of trips, routes, purpose, and characteristics of the different types of trucks to be used. This warrants further investigation.

The EAW shows the modeled composition of the incinerator ash, but it is not evident that the French Island ash has been tested and/or included in the assay. The French Island incinerator ash must be tested and results made public due to the high percentage of chemically treated railroad ties burned as "fuel" at the plant. This warrants further investigation.

The composition of the incinerator ash, when considered in terms of the total tons of ash to be processed, could result in very high amounts of toxic and hazardous materials released into the air and water. The modeling of potential HAPS and water pollutants must be reworked for accuracy. This warrants further investigation.

The EAW provides no information regarding chemical composition of concentrated and stripped as in the various stages of processing. This warrants further investigation.

The proximity of the "Water Tank Mounds" is only presented in terms of the Xcel parcel, and must be clarified and a specific determination made whether the Lab USA project may be built where proposed. This warrants further investigation.

The EAW must report findings of ALL soil borings, not just 9 of 11. This warrants further investigation..

The water table, at 12-24.5 feet, requires protection, and it appears that no liner is proposed under the Lab USA concrete floor. This is not acceptable and warrants further investigation.

The EAW notes that "the City of Red Wing has determined that the liquid ash wastewater" … "is not considered a significant industrial wastewater in volume or type." EAW, p. 12. The EAW must provide the basis for this decision and the authority under which this "determination" was made. This warrants further investigation.

Similarly, the claim of "No Exposure" under NPDES/SDS permitting, the claim that "the Process Building would not be a significant industrial discharger and a pretreatment permit would not be required," the statement that "The Proposer does not need a water appropriation permit for the project," and "the Project does not require groundwater monitoring," should be independently vetted and explained. This warrants further investigation.

The Proposer states that the Process Building is closed, but on the north end there are to be two 25' x 25' doors, and ventilation openings on both the east and west sides of the building. The potential for release of particulate matter of all types, and of wind and water getting in through the openings, and draining out through the open doors and any other openings, must be addressed with specificity. This warrants further investigation.

The existing contamination at the Xcel and County/City landfills must be addressed in detail, and this project as a connected action and with potential for cumulative impacts. This warrants further investigation.

The sound study, EAW Appendix C, is for the Red Wing Crusher, and is in applicable to the Lab USA project. Sound modeling must be performed that addresses the cumulative impacts of these projects, and accurately plots the location of the Lab USA Process Building and operations, and which utilizes the MPCA's measurement methodology, focused on the "point of human activity which is nearest to the noise source," which should be the property line. This warrants further investigation.

The project proposers fail to incorporate any pollution control equipment, filters, air quality systems, and there is nothing shown in building drawings and plans, other than very large open doors an open ventilation on two sides of the building, and excavating and loading/unloading in the open, all of which are locations where wind and water can get in and where combustor ash can be released. The project must incorporate pollution control systems and/or demonstrate why this is not needed. This warrants further investigation.

The chemical composition of "road dust" must be identified, and impacts such as release into the atmosphere, tracking into the building and around the landfill on impervious surfaces, must be addressed. This warrants further investigation.

As above, based on the assay information provided in the EAW and tonnage per year estimates having the potential of 766,800 pounds per year of HAPS emissions in one form or another, further investigation is warranted.

The City's level of participation must be disclosed, including communications between Red Wing and MPCA regarding Red Wing participation, details of costs and revenue, and the City's interests in this project clearly identified and disclosed. A copy of the leases, agreements, and economic costs and benefits should be incorporated into the EAW. The economics and financial aspects must be made public and available for comment. This warrants further investigation.

The EAW is inadequate because the project stormwater collection and removal is not specifically addressed. This warrants further investigation.

Noise modeling must be performed as directed by MPCA rules, using a central location as the source and "where human activity occurs" as the locations of nearby "receptors." This warrants further investigation.

There is a conflict of opinions regarding the Lab USA building possession and ownership after the term of the project's lease. The EAW must clarify the fate of the Lab USA process building.

The Figures in the EAW label the stormwater ponds as "Xcel" stormwater ponds, yet the EAW states that Red Wing is to supply the plan and construct the stormwater ponds. This difference warrants further investigation.

Because of the several steps in processing, concentrating the ash, and the more toxic nature of the French Island incinerator ash, the assumptions and resulting percentages of resulting HAPS and potential to emit estimates are questioned. The assumptions of the assay, beginning on p. 77 of the EAW, must be recalculated, specifically, the inputs and the modeling assumptions reviewed and revised as necessary. This warrants further investigation.

The EAW improperly utilized aggregate and mineral processing models, which is not close enough to capture the character and potential to emit as is necessary for this project. Specifically:

- particulate matter is significantly smaller;
- specific gravity will be different in the streams as they are processed;
- moisture will be different in the processing streams;
- lead content must be considered, and is not;
- there is no plan for particle control, and dispersion is more likely with Eddy Current acceleration and separation.

There is no basis for the modeling assumptions, and as above, the modeling must be reviewed and revised. This warrants further investigation.

The EAW, and the MPCA's "determination letter" of November 28, 2016, does not address the potential for releases to the air. EAW, p. 19-20. The open building, with 25 x 25 doors (plural) and ventilation openings on east and west side of buildings, means that something inside is ushered out through those openings, and that something inside the building is hazardous in some way if confined inside the building. This warrants further investigation.

This project requires pollution control equipment to address the process operational releases inside the building. This warrants further investigation.

The ongoing liability for the Lab USA environmental impacts must be clarified and warrants further investigation. Upon information and belief, Red Wing has taken on that liability in the lease with Xcel Energy for the property on which this project is proposed.

The EAW is also inadequate for the following reasons and the following matters require further investigation:

- There is no discussion of characteristics of individual waste streams in the process, particularly the concentrated final waste stream going back to the landfill;
- There is no clear statement regarding volume of HAPS processed and resulting potential to emit, and assumptions are erroneous for the eddy current separator;
- There is no hazardous waste determination regarding the concentrated final waste stream;
- There is no discussion of lead or HAPS management generally or specifically regarding public and worker safety;
- There is inadequate modeling for an air permit determination;
- There is inadequate factual basis for a determination regarding necessity of pre-treatment of water waste prior to use of City of Red Wing's waste water treatment facility;
- The EAW claim of 99.99996% lead containment with no active controls and no monitoring is not credible.

III. AN EIS IS WARRANTED TO ADDRESS INACCURATE AND INCOMPLETE ASPECTS OF THE EAW AND TO ADDRESS THE POTENTIAL IMPACTS THAT WARRANT FURTHER INVESTIGATION.

As specified above, there are many substantive areas and material issues that are not adequately explained, correctly described, or sufficiently disclosed. There are also many material substantive issues that require further investigation. This EAW is inadequate. An EIS and its iterative process is necessary to fully and openly consider and analyze the impacts of this project.

IV. THE COMMENT PERIOD FOR THE EAW AND SOLID WASTE PERMITS SHOULD BE EXTENDED TO JANUARY 30, 2017.

The MPCA's extension of the comment period to January 19, 2017, is greatly appreciated, but because the primary documentation necessary to meaningfully consider and analyze this project was not provided until December 30, 2017, the Tyler Hills Neighbors request that it be extended until January 30, 2017.

Again, thank you for the opportunity to provide these comments. If you have any questions, or require anything further, please let us know.

Very truly yours,

Carol A. Overland
Attorney at Law

Attachments:

Exhibit A: Rosemount City Council packet, June 17, 2014 (selected).
Exhibit B: Scenic Easement
Exhibit C: Memo of Tina Folch, p. 2-3, Sustainability Commission to Red Wing City Council, for April 25, 2016 meeting.

Exhibit A

Rosemount City Council Packet – 6/17/2014 Meeting

SKB-Gem Ash IUP (selected)

p. 3 of 5 – Tipping Trucks:

The recycling facility is designed to process the MSW ash waste (both existing ash waste within the landfill cell and future ash waste being brought to the site) through a series of machines that will remove non-ferrous (e.g. non-magnetic) metals from ash. Magnetic metals are removed from the ash before it is trucked to the SKB facility. The recycling process will begin by trucks bringing ash waste to the outdoor concrete pad and dumping ash waste on the pad. SKB and Gem-Ash have stated that the dumping of the waste outdoor is safer than dumping indoor because trucks have tipped over when dumping of the waste is partially frozen. If part of the waste is frozen to the side of the trailer the truck can become unbalanced and potentially tip on its side. A truck tipping inside could be less safe and it is easier to return a truck to its wheels with a crane or tow truck when it is outdoors.

p. 4 of 5 – Outdoor Waste and Leachate Contamination:

Outdoor Waste and Leachate Containment

City staff is concerned with waste being handled outdoors because of the chance for the waste to be carried off site by wind or by contact with rainwater. As discussed earlier, the twelve (12) concrete walls will lessen the wind affecting the waste and the operation plan calls for tarps being available to temporarily cover the waste on the concrete pad if significant wind or rain were to happen. Staff is particularly concerned about rain contact with the waste because that would turn the run-off water into waste leachate that must be collected and treated separately from stormwater.

Any leachate from the concrete pad will be collected and added to the leachate from landfill. Leachate from the SKB waste facility is analyzed and transported to the Metropolitan Council's wastewater treatment plant for treatment. The leachate from the concrete pad will be collected by a trench drain on the southwest and southeast side of the concrete pad. To assist the trench drain, a surmountable curb is installed at the southwest and southeast edges of the site. The trench drain will collect the leachate generated by a 100-year storm even with the trench drain half cogged with sediment. For secondary containment if the trench drain were completely clogged or the storm is greater than a 100-year event, a depressed basin will be installed to the southwest of the concrete pad. At the bottom of the basin will be two outlets, one leading to the leachate collection system for the landfill and one leading to the stormwater basins. Normally, both outlets will be closed. When rain would fall at a rate to collect in the basin, SKB staff can test and evaluate the water within the basin and open the appropriate outlet to treat it either as leachate or as stormwater. The issue of waste leachate was a topic discussed with Dakota County and the city engineering staff. The County has indicated the modifications to the proposal since the application addresses their concerns. With the infrastructure shown in the May 9 Conestoga-Rovers memorandum and drawings; staff finds that the outdoor concrete pad appropriately addresses the possibility of wind and rain contact with the ash waste.

ROSEMOUNT

CITY COUNCIL

EXECUTIVE SUMMARY

City Council Meeting Date: June 17, 2014

AGENDA ITEM:	**Case 14-24-IUP** Request by SKB Environmental to Amend their Interim Use Permit to Allow the Construction and Operation of Recycling Facility	**AGENDA SECTION:** Consent
PREPARED BY:	Eric Zweber, Senior Planner	**AGENDA NO.** 6.h.
ATTACHMENTS:	Resolution Location Map; Operations and Closure Plan dated March 2014; Appendix A Section 14 Operations Plan Dated March 2014; Conestoga-Rovers Memorandum dated May 9, 2014; Recycling Facility Site Plan revised May 2014; SKB IUP Resolution 2013-93; Interim Use Permit Agreement; 2013 SKB IUP Recycling Facility; 2013 Landfill Stormwater Plan (Drawing CL-07); 2013 Recycling/Transfer Facility Plan (Drawing CI-23); City Engineers Memorandum dated May 21, 2014; Excerpt of the Draft May 27 Planning Commission Meeting Minutes.	**APPROVED BY:** DD
RECOMMENDED ACTION: Motion to adopt a resolution approving the amendment to the SKB Environmental, Inc. Interim Use Permit to allow the operation of a MSW ash recycling facility.		

ISSUE

SKB Environmental, Inc. (SKB) has proposed an 11,520 square foot building for Gem-Ash Processing, LLC to operate a non-ferrous metal recycling facility. The recycling facility will include a 4,200 square foot outdoor concrete pad for trucks to deposit the waste to be recycled. This outdoor pad is inconsistent with the 2013 Waste Facility Interim Use Permit (IUP) that included an indoor recycling/transfer facility. SKB is requesting an amendment to their 2013 IUP to allow for a recycling facility up to 14,976 square feet and a 4,200 outdoor waste depositing pad.

MAY 27 PLANNING COMMISSION MEETING

The Planning Commission reviewed and conducted a public hearing for the SKB recycling facility request on May 27. No residents spoke during the public hearing. Chairperson Miller questioned SKB about a number of regulatory provisions required by the Minnesota Pollution Control Agency regarding waste management operations. Chairperson Miller and Commissioner Husain questioned the description of tire recycling. John Domke, representing SKB, responded that tire recycling is a possible use of the building if the non-ferrous metal recycling operation were to stop, but that tire recycling and non-ferrous metal recycling would not both occur at the same time. The Planning Commission recommended approval of SKB IUP Amendment on a 4-0 vote. Commissioner Kurle was absent from the meeting.

SUMMARY

SKB Environmental, Inc. (SKB) owns and operates an industrial, construction and demolition waste landfill at 13425 Courthouse Blvd. On November 19, 2013, the City approved a new five (5) year interim use permit (IUP) for the landfill that included plans for an enclosed recycling/transfer facility. Since that approval, SKB has proposed a recycling facility that will remove non-ferrous (non-magnetic) metals from municipal solid waste (MSW) ash at the landfill. SKB currently accepts MSW ash and this process removes additional solids that have an economic market. The proposal includes an outdoor drop off area where trucks would drop MSW ash and then the ash would be brought into the facility with a front end loader. SKB has indicated the outdoor concrete pad is necessary because semi-trailers can tip over when dumping their loads if waste is partially frozen. This outdoor drop off was not considered in their 2013 IUP and therefore SKB is requesting an amendment to their IUP to allow this outdoor activity.

Applicant:	SKB Environmental, Inc.
Operator:	Gem-Ash Processing, LLC
Location:	13245 Courthouse Blvd (MN Highway 55); about 1 ½ miles southeast of US Highway 52 and about 1 mile northwest of County Road 42.
Site Area:	236 Acres
Existing Zoning District:	WM: Waste Management
Comprehensive Plan:	WM: Waste Management
Surrounding Land Uses:	North: General Industrial (Spectro Alloys and Endres) East: Agriculture South: Agriculture West: Public/Institutional (Rosemount Wastewater Treatment Plant) and Agriculture
Planned Land Uses:	North: General Industrial East: Light Industrial South: Light Industrial West: Public/Institutional and General Industrial

Legal Authority

The interim use permit approval is a quasi-judicial action, meaning that if the application meets the City Code and interim use permit regulations, then the interim use permit must be approved. Staff supports approval of this interim use permit and finds that it is substantially in conformance with the approved interim use permit regulations with recommended conditions. The detailed analysis of this finding is provided below.

Site Layout

The proposed recycling facility is located on the northwest side of the SKB landfill about 800 feet southwest of MN Highway 55 and about 125 feet southeast of the Union Pacific railroad spur. The recycling facility will be about 200 feet southwest of the existing office building, lab building and scales. Due to the distance from MN Highway 55, the existing berm and trees, and the siting of the lab and office building, it is unlikely that the recycling facility, other than its roof, would be visible from MN Highway 55.

The proposed recycling facility is an 11,520 square foot (144 feet long by 80 feet wide) building with a 4,200 square foot (70 feet by 60 feet) waste depositing pad located to the southwest of the building. The building is designed for expansion to the southeast by 24 feet in the future; for a total size of 14,976 square feet. To the southeast of the recycling facility is the access road between the MSW ash cells and the main access to MN Highway 55. The location of this facility is consistent with the location of the recycling facility within the 2013 IUP. It is the proposed outdoor concrete waste depositing pad which is inconsistent with 2013

IUP and prompts the current amendment. The management of the waste depositing pad is discussed in detail below.

The rest of the site as designed and approved within the 2013 IUP is used for the existing lab and office buildings, truck access road, lined landfill cells, and stormwater management. With this building all space on the site is used for current operations and to address ordinance standards and regulations. For this reason, staff has included a recommended condition that no other recycling/transfer facilities are allowed at the SKB waste facility site.

The recycling facility is designed to process the MSW ash waste (both existing ash waste within the landfill cell and future ash waste being brought to the site) through a series of machines that will remove non-ferrous (e.g. non-magnetic) metals from ash. Magnetic metals are removed from the ash before it is trucked to the SKB facility. The recycling process will begin by trucks bringing ash waste to the outdoor concrete pad and dumping ash waste on the pad. SKB and Gem-Ash have stated that the dumping of the waste outdoor is safer than dumping indoor because trucks have tipped over when dumping of the waste is partially frozen. If part of the waste is frozen to the side of the trailer the truck can become unbalanced and potentially tip on its side. A truck tipping inside could be less safe and it is easier to return a truck to its wheels with a crane or tow truck when it is outdoors.

Once the ash waste is deposited on the concrete pad, a front end loader will bring the waste into the southwest corner of the recycling building and drop it onto a conveyer that will run the ash through a series of machines. Towards the end of the process are two machines that recycle the non-ferrous metals from the ash waste using eddy currents. The two machines remove metals of different sizes. The building has the ability to be expanded by 24 feet to the southeast in the future. If the expansion were to occur, a third machine would be installed to remove even smaller sizes of metal than the first two machines. The recycled metals and the remaining ash waste are conveyed out the southeast side of the building into roll off boxes. Trucks will pick of these boxes when they are full. The recycled metals will be trucked off site and sold while the remaining waste will be trucked into the landfill and deposited or re-deposited.

Building Design

The recycling building is a 35 foot tall building with a metal roof. On the northeast, northwest and southwest sides of the building, the lower 17 feet of the building will be precast concrete panels. On the northeast and southwest sides of the building, the upper 18 feet will be metal siding. On the northwest side of the building, the upper eight (8) feet will be translucent panels to allow some sunlight into the building and the middle ten (10) feet will be the same metal siding as the rest of the building. The southeast side of the building is proposed to be 100% metal because of the future building expansion possibility. The City has approved lesser building materials on walls that will be removed for future expansion, such as the Fairview clinic that has EIFS on the northwest side of the clinic to allow for a future addition. The southeast side of the recycling building faces the landfill.

To the southwest of the recycling building is a 70 foot by 60 foot concrete pad where the ash waste will be deposited. A twelve (12) foot tall concrete wall (bunker) will be constructed around the northwest 30 feet of the concrete pad. At least 22 feet above the bunker will be a metal shed roof of the same material as the roof on the building. The roof will be supported by metal support columns and the roof is sloped to drain to the northwest and away from the concrete pad. The twelve (12) feet tall concrete walls will be used by the front end loader and the roof will reduce the amount of rain that falls on the pad and the waste. At the end of the work day, the ash waste will be pushed under the roof and within the concrete walls. This will reduce the chance that rain or wind would affect the stored waste.

Outdoor Waste and Leachate Containment

City staff is concerned with waste being handled outdoors because of the chance for the waste to be carried off site by wind or by contact with rainwater. As discussed earlier, the twelve (12) concrete walls will lessen the wind affecting the waste and the operation plan calls for tarps being available to temporarily cover the waste on the concrete pad if significant wind or rain were to happen. Staff is particularly concerned about rain contact with the waste because that would turn the run-off water into waste leachate that must be collected and treated separately from stormwater.

Any leachate from the concrete pad will be collected and added to the leachate from landfill. Leachate from the SKB waste facility is analyzed and transported to the Metropolitan Council's wastewater treatment plant for treatment. The leachate from the concrete pad will be collected by a trench drain on the southwest and southeast side of the concrete pad. To assist the trench drain, a surmountable curb is installed at the southwest and southeast edges of the site. The trench drain will collect the leachate generated by a 100-year storm even with the trench drain half cogged with sediment. For secondary containment if the trench drain were completely clogged or the storm is greater than a 100-year event, a depressed basin will be installed to the southwest of the concrete pad. At the bottom of the basin will be two outlets, one leading to the leachate collection system for the landfill and one leading to the stormwater basins. Normally, both outlets will be closed. When rain would fall at a rate to collect in the basin, SKB staff can test and evaluate the water within the basin and open the appropriate outlet to treat it either as leachate or as stormwater. The issue of waste leachate was a topic discussed with Dakota County and the city engineering staff. The County has indicated the modifications to the proposal since the application addresses their concerns. With the infrastructure shown in the May 9 Conestoga-Rovers memorandum and drawings; staff finds that the outdoor concrete pad appropriately addresses the possibility of wind and rain contact with the ash waste.

2013 IUP

The 2013 IUP for SKB to operate a waste facility included the plans and regulations for the operation and development of the site including vehicular access, hours of operation, screening and stormwater management. The 2013 IUP included plans for the eventual construction of a recycling/transfer facility. Staff does not believe that any elements of the 2013 IUP needs to be revised beyond those provided in the 2014 Recycling/Transfer Facility request with the modification included in the May 9, 2014 Conestoga-Rovers Memorandum.

Interim Use Permit Regulations

11-10-8 E. 1. The extent, location and intensity of the use will be substantially in compliance with the Comprehensive Plan: A recycling facility is allowed within the WM: Waste Management land use designation and is an interim use within the WM: Waste Management zoning district.

11-10-8 E. 2. The use will provide adequate ingress and egress to minimize traffic congestion in the public streets: MN Highway 55 within Rosemount provides access to numerous industrial businesses, including Hawkins Chemical, Spectro Alloy and Endres. With the accesses to MN Highway 55 and the emergency option of access from 140th Street east, staff finds that the facility has adequate ingress and egress.

11-10-8 E. 3. The use will not be detrimental to the existing character of the development in the immediate neighborhood or endanger the public health, safety, and general welfare: Staff is concerned that the outdoor depositing of waste could endanger public health and general welfare is not managed properly. With the proposed leachate management infrastructure and the May 9, 2014 modifications to the operations plan, staff finds that the recycling facility will not be detrimental.

11-10-8 E. 4. The use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district: In 2013, the City adopted the IUP for SKB to operate a Waste Facility with the finding that will not impede development.

11-10-8 E. 5. The use shall, in all other respects, conform to the applicable regulations of the district in which it is located: With the recommended conditions, staff finds that the request will conform to the applicable regulations.

CONCLUSION & RECOMMENDATION

Staff recommends that the City Council approve the Amendment of the SKB IUP to allow the operation of a recycling facility that includes the outdoor dumping of MSW ash waste. This recommendation is based on the information submitted by the applicant, findings made in this report, and the conditions detailed in the attached memorandums.

Exhibit B

Scenic Easement on Outlot A

DOC#: A- 606658

Certified, Filed, and or Recorded on:
July 01, 2013 1:31 PM
Signed: _____ Deputy
LISA M HANNI
GOODHUE COUNTY RECORDER
Fee Amount: $46.00

CONSERVATION EASEMENT

THIS EASEMENT ("Easement") dated effective the 24th day of June, 2013 is by and between **Northern States Power Company**, a Minnesota corporation, d/b/a Xcel Energy (hereinafter referred to as "NSP") with an address of 414 Nicollet Mall, Minneapolis, Minnesota 55401 and the **City of Red Wing,** a statutory city under the laws of the State of Minnesota (hereinafter referred to as "City"), County of Goodhue, State of Minnesota, with an address of 315 West 4th Street, Red Wing, Minnesota 55066.

WITNESSETH:

WHEREAS, NSP is the owner of that certain tract or parcel of land situated in the County of Goodhue, State of Minnesota legally described as follows and hereinafter referred to as "Property":

Outlot A of Tyler Hills 2nd according to the plat thereof on file and of record in the office of the County Recorder for the County of Goodhue and State of Minnesota.

WHEREAS, City has requested from NSP a Conservation Easement, hereinafter referred to as "Easement" in order to preserve and control the use of that portion of the "Property" described as follows and hereinafter referred to as "Easement Property":

The Southerly, Southwesterly and Westerly 250 feet of Outlot A of Tyler Hills 2nd.

NOW, THEREFORE, in consideration of the sum of One Dollar and no/100 ($1.00) in hand paid, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, NSP does hereby grant and convey, in perpetuity, subject to the conditions and restrictions hereinafter set forth, and City hereby accepts from NSP, the Easement Property for the purpose of preserving, for the benefit of the City and others, said Easement Property.

The restrictions hereby imposed upon the use of said Easement Property and the acts which NSP does covenant to do or to refrain from doing upon said Easement Property are as follows:

1. No residential development.
2. No trailer shall be used as a substitute for residential building or other structure.
3. No group facilities, recreation, leisure or commercial support facilities.

4. No major public utility installations such as electric generating plants, electric power substations, gas generating plants, gas storage tanks, microwave relay stations or telephone exchanges.
5. No advertising signs shall be displayed or placed upon the Easement Property with the exception of signs connected with the management of the land.
6. No trees shall be cut except where the removal of over mature, dead, diseased or injured trees is necessary for the protection of persons or property or for sound forest management.
7. It is understood and agreed that imposition of the covenant and restrictions set forth herein in no way grants the public the right to enter the Easement Property for any purpose.
8. Nothing herein contained shall be deemed to affect any mortgage, lien or other interest in the Property which are of record as of the date of this instrument.

IN WITNESS WHEREOF, the forgoing **NORTHERN STATES POWER COMPANY** has caused these presents to be executed in its corporate name by its property office thereunto duly authorized and its corporate seal to be hereunto affixed this 24th day of June, 2013.

NORTHERN STATES POWER COMPANY

By _____
Greg P. Chamberlain, Director
Portfolio Delivery & Integration
Xcel Energy Services Inc.
Authorized Agent for Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy

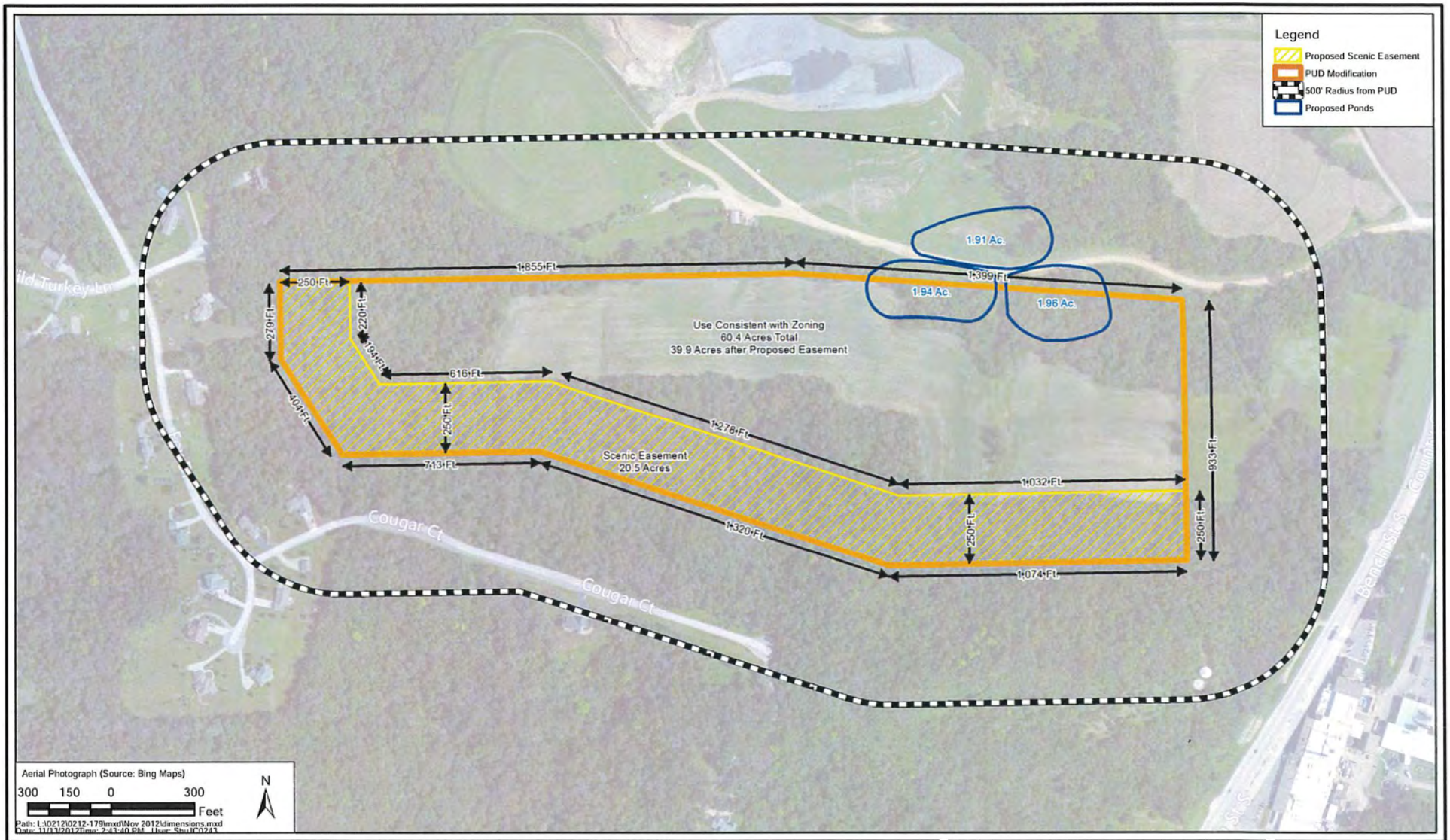
STATE OF MINNESOTA)
) **ss.**
COUNTY OF HENNEPIN)

The foregoing instrument was acknowledged before me this 24th day of June, 2013, by Greg P. Chamberlain Director, Portfolio Delivery & Integration, Xcel Energy Services Inc., as Authorized Agent for Northern States Power Company, a Minnesota corporation, d/b/a Xcel Energy on behalf of the corporation.

_____
Notary Public

CHAD T. PETERSON
NOTARY PUBLIC
MINNESOTA
My Commission Expires Jan. 31, 2014

This instrument was drafted by: DJF
Northern States Power Company
414 Nicollet Mall MP 7
Siting and Land Rights
Mpls., MN 55401



XCEL ENERGY - RED WING RDF ASH DISPOSAL FACILITY

PUD and Scenic Easement Dimensions Map

Wenck
Engineers - Scientists
Business Professionals
www.wenck.com
1800 Pioneer Creek Center
Maple Plain, MN 55359-0429
1-800-472-2232

NOV 2012

Figure 7

Exhibit C

Red Wing City Council Packet 4/25/2016 Meeting

Sustainability Commission Report for Meeting

p. 2-3 – City of Red Wing platting of Tyler Hills with specific intent of maintaining undevelopable land as buffer:

4. Is the proposed site too close in proximity to the residential areas?

Response: The City has documented the fact that the proposed site is a substantial distance from residential properties and there is also a major elevation difference. The detailed noise assessment completed by David Braslau Associates, Inc. indicated that the nearest homes to the site are 1428 feet, 1659 feet, and 2061 feet from the concrete crushing site. This resulted in expected sound levels well below State regulatory standards. In addition, Xcel Energy granted the City a 250 foot conservation easement over the wooded bluff side of Outlot A of Tyler Hills Second Addition in order to provide buffer between residential properties and future land uses on Outlot A. To provide context, homes in the western section of the old Fairgrounds neighborhood are separated by less than 200 feet of horizontal distance from the Clay City Industrial development. The Tyler Hills development was platted by the City with the understanding by the City that landfill developments were located below the development and that there was adequate undevelopeable land to buffer from the land uses that are accessed off of Bench Street.

TO: Honorable Mayor and City Council Members

FROM: Tina Folch, Sustainability Commission Staff Liaison; 4/20/16

Meeting Date: April 25, 2016

Agenda Item: Conditional Use Permit (CUP) to operate a Public Works (P.W.) Maintenance Shop and Yard on the Tyler Hills 4th Addition Lot 1 and Lot 2 – Material Storage and Concrete/Asphalt Crushing Operation.

Action Requested

Accept Sustainability Commission Recommendation to Support Approval of the City of Red Wing CUP to Operate a P.W. Maintenance Shop and Yard – Material Storage and Concrete/Asphalt Crushing Operation on property known as Outlot A of Tyler Hills Second Addition

Attachments

- Rick Moskwa Report that addresses concerns raised by Alyssa Walsworth concerning sound study

Background

On March 28, 2016, the City Council tabled action on a CUP application and referred it to the Sustainability Commission for review and a recommendation. The application had already been taken into consideration at two Advisory Planning Commission meetings prior to the City Council hearing the matter. For further background information on the topic, please reference the Planning Commission support materials.

At the April 12th Sustainability Commission Special Meeting, the group held a public meeting to review this project. After receiving an overview presentation by Rick Moskwa, P.W. Director, the Commission took public comments and questions. Eleven Red Wing residents spoke at the public meeting and listed a number of concerns. Once all of the resident comments and concerns were listed, the Sustainability Commission asked staff and the consultant team to address the concerns. Below is a summary of the concerns that were listed and responses to each concern.

1. Has the process been transparent enough for residents?

Response: The initial public hearing notice that went to property owners announcing the February 15, 2016 Advisory Planning Commission public hearing could have provided additional detail about the proposed conditional use permit. With that in mind, the City Council referred the matter back to the Advisory Planning Commission and a second public hearing was conducted on the matter at their March 15, 2016 meeting. In addition, citizens were notified and encouraged to attend a site visit on Cougar Court and at the Luhman Gravel operation in order to view and listen first-hand to simulated operations. In addition, the Council forwarded the matter to the Sustainability Commission to also review and consider the matter. The City staff, commissions, and city council have demonstrated a strong interest in conducting an open process and providing information that addresses citizen concerns.

2. Were other sites taken into consideration for hosting this operation other than the Xcel Landfill?

Response: Several sites were listed and citizens questioned whether the City had fully evaluated other potential sites for the facility. Public Works and Planning Department staff are very familiar with potential sites. The sites shown to the Sustainability Commission had a variety of restrictions that made them infeasible, including: Pepin Avenue Sites – severe archaeological constraints; Moundview industrial sites – severe archaeological restrictions on some sites, other sites are too small and located too far out of the center of the city; Clay City sites – city owned property has flood plain and wetland restrictions, developable site is owned privately and actually located closer to residential development than the proposed site; several citizens suggested that the City should locate the use on 40 acres outside of the City – these sites would be privately owned with other neighboring property owners and would not be located centrally in the City to meet the Public Works needs. In addition, there are benefits to the Public Works operation from having this use located near the solid waste campus.

3. Will the City economically benefit from the project?

Response: The public works staff responded that the City does benefit economically by using crushed concrete and asphalt as base material for road construction projects.

4. Is the proposed site too close in proximity to the residential areas?

Response: The City has documented the fact that the proposed site is a substantial distance from residential properties and there is also a major elevation difference. The detailed noise assessment completed by David Braslau Associates, Inc. indicated that the nearest homes to the site are 1428 feet, 1659 feet, and 2061 feet from the concrete crushing site. This resulted in expected sound levels well below State regulatory standards. In addition, Xcel Energy granted the City a 250 foot conservation easement over the wooded bluff side of Outlot A of Tyler Hills Second Addition in order to provide buffer between residential properties and future land uses on Outlot A. To provide context, homes in the western section of the old Fairgrounds neighborhood are separated by less than 200 feet of horizontal distance from the Clay City Industrial development. The Tyler Hills development was platted by the City

with the understanding by the City that landfill developments were located below the development and that there was adequate undevelopeable land to buffer from the land uses that are accessed off of Bench Street.

5. Is "Fugitive Dust" that is created from the concreate crushing process going to be mitigated?

Response: A detailed air emissions evaluation was prepared by S.E,H., dated March 23, 2016 and provided for the Sustainability Commission meeting. On page two of the report, all projected air emissions are shown in Table 1 and clearly indicate how the project meets Minnesota State Air Permit Thresholds. After hearing residents' comments, the Sustainability Commission members posed their own supplemental questions.. Furthermore, when Commissioner Richard Huelskamp asked, "If the City could do at least 10 percent better" than the State regulation requirements for controlling such a site the S.E.H engineer responded that the anticipated air particles that would be created by the operations "were already one-one thousandth below the standard right at the crushing operation."

6. Where does the data behind the reports provided about the site come from and what assumptions were made?

Response: The city explained that a more detailed response to this question would be developed. Attached is a report from Public Works Director Rick Moskwa that summarizes this response.

7. What are the health risk for the apartments and townhomes north of the site?

Response: Based on the analysis provided, there are no known health risks for the apartment and townhomes north of the site; or any other neighboring property; or to employees and works on the site.

8. How much noise will the operation cause for residents in close proximity?

Response: Expected sound levels from the concrete/asphalt crushing operation are analyzed in the report from David Braslau, dated March 31, 2016 and indicate sound levels with and without tree leaves that are well below the Minnesota State standard of 60 dBA.

9. What risk of silica exposure will be produced?

Response: Questions about silica exposure are essentially a question about small particle material emissions into the air. The S.E.H. report of March 23, 2016 addresses small particles emissions of less than 10 microns in diameter expected from the operations related to roadway use, the crushing operation, and handling the material to be far below Minnesota State Air Permit Thresholds (See Table 1).

10. Are the ground-water wells for the residents nearby at risk for concrete/Asphalt related materials seeping into the drinking water?

Response: Bob Stark P.E., Deputy Public Works Director – Utilities, addressed concerns about potential water contamination. Mr. Stark provided detailed information about the geologic formations and ground water movement and information that has

been developed form drilling logs for water supply wells for residents, drilling logs for the existing Xcel monitoring wells and descriptions from the recently completed City Well Head Protection Plan. Mr. Stark concluded that he has no concerns that the proposed development will in any way pollute private or public drinking water sources.

Sustainability Commission Recommendation

Commissioner Randy McLaughlin made a motion for the Sustainability Commission to recommend that the City Council support the City of Red Wing's CUP application for a Public Works Maintenance Shop and Yard. After discussion, Commissioner Richard Huelskamp seconded the motion. The group unanimously (5:0) approved the motion of support.