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**THIS IS AN OFFICIAL REQUEST FROM THE MINNESOTA POLLUTION CONTROL AGENCY THAT
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PUBLIC.**

**PUBLIC NOTICE REGARDING
A SOLID WASTE FACILITY PERMIT**

Public Notice Number: 10-SW-2157

Public Notice Issued On: October 29, 2010

Last Day to Submit Comments: November 30, 2010

Name and Address of Applicants:
Alex Rubbish & Recycling, Inc.
1301 36th Avenue West
Alexandria, MN 56308

Name and Location of Facility:
Alex Rubbish & Recycling, Inc.
2967 Pike Road NE
Alexandria, MN 56308

Douglas County Demolition & Landfill, LLC
1301 36th Avenue West
Alexandria, MN 56308

Brief Description of Facility: The applicant has submitted an application for continued operation of the above referenced existing demolition debris land disposal facility and mixed municipal solid waste (MSW) transfer facility. The application includes a change in ownership and control of the facility as well as a facility name change. If approved, the permit will allow the proposed operation for a term of five years.

MPCA staff contact:

Kathleen Holland-Hanson, P.E.
Principal Engineer
Minnesota Pollution Control Agency
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Detroit Lakes, MN 56501
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NOTICE

The Minnesota Pollution Control Agency (MPCA) has received an application for a permit to continue the operation of the solid waste facility identified above. The facility is located in Section 27, T129N, R37W, Carlos Township, Douglas County. The facility was originally authorized as a Permit-By-Rule (PBR) demolition debris facility on July 3, 1990. On October 11, 1991, the MPCA issued permit SW-406 to Alex Rubbish Service, Inc. for the construction and operation of a demolition debris landfill. This first permit was for the disposal of up to 50,000 cubic yards of debris. On August 2, 1995, permit SW-406 was modified and reissued to allow for a total capacity of 80,000 cubic yards over a six acre footprint. The permit was again modified and reissued on March 3, 2003, for a permitted airspace of 250,000 cubic yards of debris and cover materials on a twelve acre footprint.

On March 17, 1988, the MPCA issued permit SW-320 for the construction and operation of a municipal solid waste (MSW) transfer station located in a 5,000 square foot building on 5 acres. The permit was reissued on March 12, 1993, and again on February 26, 1998. On August 1, 2005, the MPCA modified and reissued permit SW-406 to allow the continued operation of the transfer station which was consolidated into one permit with the demolition debris landfill, and permit SW-320 was revoked.

The August 1, 2005, permit acknowledged a horizontal expansion of the demolition debris landfill which, when completed, will occupy a total of 14 acres and allow for an additional capacity of 306,000 cubic yards for a total airspace capacity of 556,000 cubic yards to be developed in phases 9 through 24. The permit limited the development to Phases 9 through 18 for a permitted capacity of 474,000 cubic yards. Minor modifications on November 8, 2005, and August 14, 2006, were made to correct the **Limits Tables**.

The proposed permit will authorize a change in ownership and control of the facility to Douglas County Demo & Landfill, LLC. (landowner) and Alex Rubbish & Recycling, Inc. (facility name and facility owner and operator) for the continued development of Phases 9 through 18 for a permitted capacity of 474,000 cubic yards. Additional disposal capacity may be granted through future re-permitting. The demolition landfill is an unlined fill area which accepts materials identified on the MPCA's Approved C & D List as published in the MPCA's Demolition Landfill Guidance, August 2005. As such, the facility is classified as a Class I Demolition Landfill. The facility is required to conduct groundwater monitoring and the environmental monitoring system consists of four ground water monitoring wells.

The transfer station consists of a 5000 square foot steel and concrete building. The transfer station was designed to handle 50 tons of waste per day. In addition, the facility accepts appliances, scrap metal and tires for temporary storage prior to recycling. The facility accepts yard waste for composting under a Permit-By-Rule.

After review of application materials, the Commissioner of the MPCA has made a preliminary determination to approve the application and issue the permit. The MPCA has developed a draft permit. The MPCA will mail a copy of the draft permit to an interested person upon request to the MPCA staff contact. The file with regard to this permit, including all comments received, will be available for inspection between the hours of 8:00 a.m. and 3:00 p.m. at the MPCA's office located at 714 Lake Avenue, Suite 220, Detroit Lakes, Minnesota 56501. The MPCA will make copies from this file upon request. There is a charge for copy orders greater than twenty pages. To arrange a time to review the file contact the MPCA staff contact. To request information regarding charges for copies, contact Dianne Mitzuk at (615)757-2573.

The procedures that the MPCA will follow with regard to this permit application are set forth in its operating and procedural rules, Minn. Rules chs. 7000 and 7001. Copies of these rules are available on <http://www.pca.state.mn.us/rulesregs/generalrules.html>, at most local libraries, and by request directed to the MPCA. The MPCA strongly recommends that interested persons review these rules.

COMMENTS SOLICITED

By this Notice, interested persons are invited to submit comments to the MPCA on the pending application. If this application concerns modification of an existing permit, comments will only be considered regarding the portion of the permit that is proposed to be modified. To ensure consideration, comments must be received by the last day to submit comments identified above, and should include the following:

- A. A statement of the person's interest in the permit application or the draft permit.
- B. A statement of the action the person wishes the agency to take, including specific references to sections of the draft permit that the person believes should be changed;
- C. The reasons supporting the person's position, stated with sufficient specificity as to allow the commissioner to investigate the merits of the person's positions.

Any submissions should display the public notice number, 10-SW-2157, next to the address on the envelope and on each page of any submitted comments, and include a return mailing address and telephone number. The MPCA will consider all comments received during the comment period and may modify the proposed permit based on those comments.

REQUESTS FOR PUBLIC INFORMATIONAL MEETING, CONTESTED CASE HEARING, AND/OR MPCA BOARD CONSIDERATION

Public informational meeting. A public informational meeting is an informal meeting during which interested persons can ask questions concerning the proposed facility. MPCA staff will be present to provide information. If an interested person would like the MPCA to hold a public informational meeting, the person should include all information identified above under the section of this Notice titled "Comments Solicited" and should in addition include:

- A. A statement of the reasons the person desire the agency to hold a public informational meeting.
- B. The issues that the person would like the agency to address at the public informational meeting.

The Commissioner of the MPCA will hold a public informational meeting if the Commissioner (or the MPCA Board) determines that a public informational meeting would help clarify and resolve issues regarding the Commissioner's preliminary determination to issue the permit or the terms of the draft permit. If a public informational meeting will be held, notice will be published as required under Minn. R. 7001.0120. Comments received from the public during the meeting will be considered by the MPCA.

Contested case hearing. A contested case hearing is a formal proceeding before an administrative law judge empowered to advise the MPCA regarding issues of fact. Interested persons may petition the MPCA to hold a contested case hearing on this proposed permit. To be timely, a request for a contested case hearing on a permit must be received during the public comment period established by this Notice. The rules of the MPCA establish what must be included in a petition for a contested case hearing, and the standard that the MPCA will apply in determining whether that petition should be granted. See Minn. R. 7000.1800-1900. The MPCA strongly recommends that persons petitioning for a contested case hearing review the rules before submitting a petition. If a petition for a contested case hearing is received, the MPCA Board will consider the issuance of the permit and whether the petition for the contested case should be granted.

MPCA board consideration. Interested persons may petition the MPCA Board to consider this permit by asking the Commissioner to place the matter on the MPCA Board meeting agenda, or by asking an MPCA Board member to request that the Commissioner place the matter on an MPCA Board meeting agenda. To be timely, a petition must be served by mail at least 24 days before the meeting during which a petition would like the matter to be considered, or by personal service or facsimile at least 21 days before the meeting. See Minn. R. 7000.0650. The MPCA Board will consider the matter if requested by an MPCA Board member. Names and addresses of MPCA Board members are available at <http://www.pca.state.mn.us/about/board/bdlist.html>. The Commissioner may deny a request to place a matter on the MPCA Board meeting agenda, but must inform the MPCA Board members of that decision.

PERMIT ISSUANCE

If there are no requests for a public informational meeting, contested case hearing, or MPCA board consideration, the MPCA Commissioner will make the final decision on the proposed permit. Persons who have submitted comments during the comment period will be notified of the Commissioner's decision.