



REGION 5
CHICAGO, IL 60604

REPLY TO THE ATTENTION OF:

W-15J

PRELIMINARY FINDING OF NO SIGNIFICANT IMPACT

In accordance with the Council of Environmental Quality's (CEQ) regulations for implementing the procedural provisions of the National Environmental Policy Act (NEPA) (40 CFR parts 1500 – 1508) and the U.S. Environmental Protection Agency's (EPA) procedures for implementing NEPA (40 CFR part 6), EPA has completed an environmental review of the following proposed action:

Fiscal Year 2023 Shakopee Mdewakanton Sioux Community, MN Recycling Project

In the environmental assessment (EA), EPA evaluated the issuance of a grant award to Shakopee Mdewakanton Sioux Community (SMSC) to complete a water reclamation system at the SMSC Organics Recycling Facility.

The following mitigation conditions will be followed and implemented by the applicant:

Impacts and Mitigations Measures

The following impaired waters are within one mile of the Project:

Table 6: Impaired Waters Located within One Mile of the Project

Impaired Water	Impairments	Impaired Use	Location
Minnesota River Carver Creek to RM 22	Mercury in fish tissue, Mercury in Water Column, Turbidity, Nutrients, PCB in fish tissue	Aquatic Life, Aquatic Consumption	1 mile downgradient, west of Project
Chaska Creek	Fecal Coliform	Aquatic Recreation	1 mile northwest

The CSW Permit will require SMSC to develop and implement a Stormwater Pollution Prevention Plan (SWPPP) to prevent erosion and control sediment using best management practices (BMPs) to mitigate stormwater impacts. The CSW Permit will require additional BMPs to protect downstream impaired waters. Additionally, an Industrial Stormwater Permit (ISW) is anticipated to manage all precipitation up to the volume from the 100-year flood design (the required design per MN Statute is a 25-year, 24-hour event).

SMSC will obtain an MPCA National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) General Construction Stormwater Permit (CSW Permit) prior to construction of the Project.

The Project will include construction and operation of one contact water reclamation building and two stormwater basins. The stormwater basins will serve as permanent stormwater management BMPs that provide stormwater quality and quantity control to mitigate the increased stormwater volume created by the Project.

The Project, as proposed, does not have the potential for significant environmental effects based on the type, extent, and reversibility of impacts to surface water quality related to stormwater runoff, which are reasonably expected to occur. However, if they were to occur, SMSC must modify operations and management of the Project according to its Industrial Storm Water Permit. Therefore, the Minnesota Pollution Control Agency (MPCA) found impacts to surface water quality to be reversible.

The impacts on groundwater related to groundwater appropriation that are reasonably expected to occur from the proposed Project have been considered during the review process and methods to prevent significant adverse impacts have been developed. The Project, as it is proposed, is not anticipated to have the potential for significant environmental effects based on the type, extent, and reversibility of groundwater impacts related to water appropriation that are reasonably expected to occur from the Project. Any groundwater impacts related to groundwater appropriation that may occur from the Project are anticipated to be reversible.

The results of the refined air dispersion modeling and AERA concluded the Project will not adversely impact air quality, that the air emissions from the Project would meet the National Ambient Air Quality Standards (NAAQS) and would not pose any acute inhalation health hazards or any sub-chronic or chronic multi-pathway health hazards to the public. Furthermore, the proposed Project would not pose significant excess lifetime cancer risks to the public. The results presented in the AERA show that the health risks and hazards for the Project meet the thresholds set by the Minnesota Department of Health.

The information presented in the environmental review record is adequate to address the concerns related to air emissions. The Project, as it is proposed, is not anticipated to have the potential for significant environmental effects based on the type, extent, and reversibility of impacts related to air emissions that are reasonably expected to occur from the Project. The impacts related to air emissions that are reasonably expected to occur from the proposed Project have been considered during the review process and methods to prevent significant adverse impacts have been developed.

The Covered Aerated Static Pile (CASP) composting process is designed to minimize, capture, and treat odors. SMSC will implement additional odor suppression technology including the installation of portable odor mitigation fogging units, and the contact water and stormwater pond will have an aeration system to further minimize odors. These are expected to mitigate odors from the Project.

The Project is not expected to contribute significantly to adverse cumulative potential effects on odors nor effects on traffic. The Project, as proposed, does not have the potential for significant environmental effects based on the type, extent and reversibility of impacts related to emissions of greenhouse gasses, which are reasonably expected to occur.

Based on the environmental impacts analysis in the EA, EPA determined that no significant environmental impacts are anticipated from the issuance of the grant and the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment, making the preparation of an environmental impact statement (EIS) unnecessary. Therefore, I am issuing this preliminary Finding of No Significant Impact (FONSI) to document this determination.

An electronic copy of the EA is available for download from EPA's NEPA Compliance Database at

Comments regarding this preliminary decision may be submitted for consideration to:

Felicia L Gaines
77 West Jackson Boulevard
Chicago, Illinois 60604
Gaines.felicia@epa.gov
(312) 886-0139

After evaluating any comments received, EPA will make a final decision. This preliminary decision and finding will then become final after the 30-day comment period expires if no new significant information is provided to alter this finding.

2/14/2024

X Steve Marquardt

Signed by: STEVE MARQUARDT

Steve Marquardt, Branch Manager
State and Tribal Programs and Support Branch
Water Division, USEPA Region 5

Enclosure: EA for Fiscal Year 2023 Recycling Project, Shakopee Mdewankanton Sioux Community, MN