



August 29, 2022

Cliff Shierk
Minnesota Pollution Control Agency (MPCA)
520 Lafayette Road N.
St. Paul, MN 55155

RE: Burnsville Sanitary Landfill (BSL) Expansion – Comments on Permit Request

Dear Mr. Shierk,

Recently, the MPCA received an application for a Solid Waste Facility Permit (Permit) from Burnsville Sanitary Landfill, Inc.. The MPCA has issued a draft Permit for public comment. Bloomington has reviewed the draft Permit, analyzed the corresponding environmental review documents, and prepared three-dimensional computer models of the proposal to better understand its impacts. As an adjacent city with many residents who would be directly impacted by the BSLI Landfill Expansion and as one of many stewards of the Minnesota River Valley, the City of Bloomington has significant concerns regarding the application. **The purpose of this letter is to share those concerns and to formally request that the MPCA deny the Permit application.**

Background

The applicant is proposing to expand the Burnsville Sanitary Landfill (BSL) by 23.6 million cubic yards, a volume that the Supplemental Environmental Impact Statement (SEIS) estimates will accommodate 21.9 million tons of waste. The expansion would result in a final volume of 45 million cubic yards. The volume of the expansion alone is equivalent to 842,857 fully loaded large garbage trucks that haul up to 28 cubic yards each.

Concerns

1. **Groundwater Impacts.** Of great concern, the SEIS points out that parts of the BSL are unlined and that, during flooding events along the Minnesota River, the water table rises and interacts with the unlined portions of the landfill. The SEIS also predicts that the future discontinuance of dewatering at the adjacent Kraemer Quarry will significantly increase the elevation of the water table, resulting in regular interaction between waste in the unlined portions of the landfill and groundwater. The SEIS states the groundwater interacting with the waste “is predicted to discharge to the anticipated future quarry lake”. Once groundwater under the landfill is contaminated, it is likely to spread to surrounding areas and to the Minnesota River. That is exactly the reason the Minnesota Pollution Control Agency (MPCA) is proposing a massive and expensive cleanup of the other two landfills in Burnsville along the Minnesota River that are now Superfund sites, the Freeway Landfill and Freeway Dump. The SEIS states: “having new waste on top of the

unlined area may impede corrective action”.

2. **Visual Impacts.** If the MPCA ultimately approves the full proposed volume of the BSL through this Permit and subsequent Permits, the design capacity of the landfill will be increased to 45 million cubic yards at buildout in 2062, a staggering volume that is difficult to visualize. To put that volume in context, the largest pyramid in Egypt has a volume of 3.37 million cubic yards. The expansion is proposed to increase the height of the landfill to an elevation of 1,082 feet above mean sea level, which is 372 feet above surrounding grade and 389 feet above the nearby Minnesota River.

The top of the landfill is proposed to be higher than Mount Gilboa, Bloomington’s highest elevation in the Hyland Ski and Snowboard Area. The top of the landfill is proposed to be more than 340 feet higher than the nearest residence in Burnsville, which is approximately 1,000 linear feet from the base of the landfill and 250 feet higher than the nearest residence in Bloomington, which is approximately 3,400 linear feet from the base of the landfill. The fact that the proposed landfill is required by the Federal Aviation Administration to have a red warning light on top to reduce the risks of airplane collisions illustrates the excessive height of proposed landfill.

If the MPCA approves this expansion, the BSL will become the dominant and defining visual feature, indeed the representative symbol, of Burnsville and the surrounding area.

3. **Surface Water Impacts.** The Final SEIS notes that, in a 500-year storm, the proposed expansion will increase the peak storm water runoff discharge rate from the site by 47% due to the increase in landfill slope proposed with the expansion. Climate change is resulting in more frequent large storm events. A significant increase in peak runoff rates will cause substantial negative impact to people and property downstream during these major rainfall events, which is the time at which faster runoff rates are most damaging.
4. **Air Quality.** The SEIS estimates that, at buildout, the landfill will generate 5,863 standard cubic feet of landfill gases **every minute**. Of that volume, 75 percent is planned to be captured and 25 percent will escape into the atmosphere. Roughly half of the captured gases will be flared on site. As a direct result of the expansion, the SEIS reports that volatile organic compounds will increase by 10.2 tons/year and hazardous air pollutants will increase by 5.4 tons/year.
5. **Environmental Justice.** The SEIS states that the project is located within an area of concern for environmental justice. The State of Minnesota flags this area for concern based on U.S. Census Bureau income data for the Burnsville neighborhood hosting the landfill.
6. **Odor.** The landfill is located within 1,000 feet of residences in Burnsville and 3,400 feet of residences in Bloomington. Depending on wind direction, odor impacts from both the trash deposits and from methane and other volatile organic compounds is anticipated. The SEIS estimates that, at buildout, 1,465 standard cubic feet of landfill gases **per minute** will not be captured or flared and instead will escape into the atmosphere.

7. **Noise.** The landfill expansion will generate noise impacts for surrounding residential uses as machinery shuttles the waste from 57 fully loaded garbage trucks per day up the steep inclines to the top of the landfill. Large earth movers will create more noise as fill is added on top of the waste.
8. **Aviation Impacts.** Landfills are notorious for attracting large birds. During a visit to the perimeter of the BSL, Bloomington staff observed numerous eagles, gulls and other large birds. The birds attracted to landfills and corresponding concerns regarding mid-air collisions with birds are the primary reason the FAA has serious concerns about placing landfills near airports. The Burnsville Sanitary Landfill expansion is proposed near MSP International and Flying Cloud Airports and directly underneath a very frequently used flyway departing MSP, one of the nation's busiest airports. The increased height of the landfill and corresponding orographic lift will bring birds closer to aircraft and may present special concerns.

Attachment G of the SEIS includes a letter from the FAA to the City of Burnsville. In that letter, an FAA representative states: *“Based on our review and utilizing the criteria in AC’s 150/5200-33B, the FAA is concerned with the initial proposed project given the location, and potential to create a wildlife hazard attractant near the Minneapolis-St. Paul International Airport (MSP).”*

Request

Based on these significant concerns and the information brought to light by the MPCA’s environmental review in the SEIS, **the City of Bloomington formally requests that the MPCA deny the Permit application to expand the landfill.** In the event that the MPCA nevertheless decides to issue a Permit, Bloomington would then request the following mitigation conditions be applied to the Permit to reduce the impacts of the landfill expansion on the surrounding environment and communities:

1. **Waste Composition.** The Final SEIS notes that, as of December 2019, 69 percent of the waste being landfilled at BSL is recoverable (such as organics and recyclables). The impacts of the proposed expansion can be partially limited by reducing the volume of waste permitted. Bloomington acknowledges the MPCA response to Bloomington’s July 2021 comments on the Draft SEIS that “the MPCA will include all applicable recycling requirements in BSL’s next solid waste disposal permit”.

Given the inherent environmental risks of adding waste in a floodplain along the Minnesota River, given environmental justice concerns of placing waste in an area of concern for environmental justice and given the significant visual impacts, simply meeting the same standard for recycling that applies to other Minnesota landfills is not sufficient. The Permit should require, as mitigation, that a higher level of organics and recyclables be removed at BSL than is required at other landfills that do not have similar environmental risks, similar environmental justice concerns and similar visual impacts. Adequately addressing these issues requires an aggressive limitation on landfilling organics and recyclables at BSL coupled with a corresponding reduction in the size of the landfill potentially permitted. Required mitigation should include the installation of equipment on-site to remove recyclables and organics from waste and to shred the remaining waste for more compact disposal prior to placement of the waste in the

landfill.

2. **Groundwater Impacts.** Given the high level of concern regarding the interaction of the water table with unlined portions of the landfill and the corresponding potential discharge of contaminants to surrounding water bodies and given that the Final SEIS states: “having new waste on top of the unlined area may impede corrective action”, Bloomington requests that the following mitigation measures be required by the Permit. Minnesota needs to learn from the expensive and potentially environmentally damaging lessons experienced at the Freeway Landfill and the Freeway Dump and not allow future corrective action to be impeded by placing additional waste over the unlined portions of the BSL.
 - a. Require waste in the unlined portions of the landfill to be relocated to portions of the site that are sufficiently lined. The MPCA is proposing this approach at Freeway Landfill and Freeway Dump using public funds. In this case, the remediation should be done using private funds by attaching conditions to the Permit for further expansion.
 - b. Require regular groundwater monitoring by the MPCA and, in the event of detection of any groundwater contamination, require both that remediation be paid for by the landfill owner and that further expansion be prohibited.
3. **Surface Water Impacts.** The Final SEIS notes that, in a 500-year storm, the proposed expansion will increase the peak storm water runoff discharge rate from the site by 47% due to the increase in landfill slope proposed with the expansion. Climate change is resulting in more frequent large storm events. A significant increase in peak runoff rates will cause substantial negative impact to people and property downstream during these major rainfall events, which is the time at which faster runoff rates are most damaging.

Bloomington requests that conditions be attached to the Permit that require design changes that restrict water runoff discharge rates from the site during a 500-year storm to current discharge rates during a similar event.

4. **Visual Impacts.** Bloomington notes the following statement in the Final SEIS: “The visual impacts of the Project could be mitigated by...reducing the height of the proposed landfill expansion”. Bloomington strongly requests that the MPCA follows through on this mitigation technique suggested by the Final SEIS and apply permanent height limits to the Permit to reduce visual impact. Rather than the temporary volume or height limit suggested by the Draft Permit, which is likely to be increased through future applications, Bloomington requests a permanent height/volume limit.
5. **Environmental Justice.** The Final SEIS states that the project is located within an area of concern for environmental justice. It is important to note that multiple nearby competing landfills are not located in areas of concern for environmental justice.

Environmental justice impacts can be avoided by not permitting further expansion of BSL. Similarly, environmental justice impacts can be reduced by reducing the amount of waste entering BSL. Bloomington requests that the MPCA avoid the environmental justice concerns identified in the SEIS by either not permitting further expansion or

substantially limiting further expansion of BSL.

6. **Air Quality.** The Final SEIS states that “the MPCA will continue to carefully consider BSL’s potential air emissions and its potential impacts to residents during the air quality permitting process for the Project”. Much of the gas created will be a result of the anaerobic degradation of organics. As a way to reduce gas creation, air pollutants and damaging greenhouse gases, Bloomington requests a condition of approval be attached to the Permit that requires organic material to be removed from the waste stream onsite prior to the waste being landfilled. Bloomington also requests that the MPCA be particularly sensitive to the proximity of nearby residential uses in its review of associated air quality impacts and how to appropriately dispose of the captured gases.
7. **Aviation Impacts.** To reduce the threats to aviation from bird strikes, Bloomington requests that the Permit include mitigation measures to reduce the attraction of birds to the landfill. Given that birds are attracted by organic materials, these measures should include the removal of organic material from the waste stream onsite prior to the waste being landfilled.
8. **Size Reductions.** The Final SEIS states: “*If a 75% recycling and preprocessing rate is achieved by year 2030, the size of the expansion could be reduced from 23.6 million cubic yards to 11.9 million cubic yards resulting in a reduction in height of the expansion to elevation 862 feet using the same expansion footprint.*” It also states: “*Shredding of waste prior to disposal in the landfill could reduce the waste volume by up to 75% according to manufacturers of shredding equipment*”. Bloomington requests that the Permit include conditions requiring:
 - a. a 75 percent recycling and preprocessing rate by the year 2030;
 - b. removal of recyclables and organics and the shredding of remaining waste on-site prior to disposal; and
 - c. a corresponding reduction in the volume of waste allowed under the permit.

In past public documents, the MPCA stated that “volume reduction strategies will be discussed with the permittee during the permitting process, including shredding”. Bloomington requests that the MPCA go beyond discussing volume reduction strategies with the applicant and formally requires such strategies as a Permit condition.

9. **Public Input.** Given the significant environmental, visual and other impacts of the proposed expansion, significant public outreach to nearby residents in the cities of Burnsville, Savage, and Bloomington is vital to ensure public understanding and input opportunities. Outreach and input that engages residents where they live and socialize is particularly important given that the expansion is proposed in an area flagged by the state for environmental justice concerns. Bloomington appreciates the one opportunity for questions that the MPCA offered on August 10th in Burnsville, but requests that the MPCA conducts a series of well publicized outreach events in the impacted neighborhoods of Burnsville, Savage, and Bloomington prior to taking any action on the Permit application.

