



July 15, 2021

Steve Sommer
Minnesota Pollution Control Agency
520 Lafayette Road N.
St. Paul, MN 55155

RE: Burnsville Sanitary Landfill (BSL) Expansion – Comments on the Draft Supplemental Environmental Impact Statement (SEIS)

Dear Mr. Sommer,

Thank you for requesting comments on the Draft SEIS for the Burnsville Sanitary Landfill Expansion. Waste Management is proposing to expand the landfill by 23.6 million cubic yards, a volume that the SEIS estimates will accommodate 21.9 million tons of waste. Based on the MPCA's reported 2021 generation rates, it would take twenty years for the entire seven county metro area to generate that staggering amount of waste.

The expansion is proposed to increase the height of the landfill to an elevation of 1,082 feet above mean sea level, which is 389 feet above the nearby Minnesota River. The top of the mound will be higher than Mount Gilboa, Bloomington's highest elevation in Hyland Ski Area. The top of the landfill mound will be more than 340 feet higher than the nearest residence in Burnsville, which is approximately 1,000 linear feet from the base of the mound and 250 feet higher than the nearest residence in Bloomington, which is approximately 3,400 linear feet from the base of the mound. If approved, the Burnsville Sanitary Landfill will become the dominant and defining visual feature of this portion of the Minnesota River Valley.

If approved, 23.6 million cubic yards of additional waste will be placed in a sensitive ecological area adjacent to a major river, adjacent to a National Wildlife Refuge, near the water supplies of large cities and within the City of Burnsville Drinking Water Protection Overlay District, in a floodplain, in an area that requires wetland fill, and in a high profile location near hundreds of homes.

If approved, 23.6 million cubic yards of additional waste will be placed in an area flagged by the state as having environmental justice concerns even though other three existing and proposed landfills currently under consideration for Certificates of Need do not have similar concerns. Very little outreach has occurred to date. Local residents and the surrounding communities have not been sufficiently involved in the environmental review and Certificate of Need processes. Local residents and the surrounding communities will need to be more extensively involved in any future permitting approval processes.

Because of these significant concerns, the City of Bloomington requests that the MPCA address the following items and propose the following mitigation when preparing the Final SEIS:

1. **Waste Composition.** The Draft SEIS notes that, as of December 2019, 69 percent of the waste being landfilled at BSL is recoverable. That includes organics and recyclables. Bloomington requests that the Final SEIS recommend mitigation during permitting to require the landfill owner and its affiliated haulers to aggressively remove organics and recyclables from the waste stream in order to meet the legislatively mandated 75% recycling goal. Requirements to remove recoverable waste should come with a corresponding reduction in the volume of waste allowed under any permit, which in turn would reduce the impacts of the expansion.
2. **Groundwater Impacts.** Of great concern, the Draft SEIS points out that parts of the BSL are unlined and that the water table rises to interact with the unlined portions of the landfill during flooding events along the Minnesota River. The Draft SEIS also predicts a discontinuance of dewatering at the adjacent Kraemer Quarry will result in regular interaction between waste in the unlined portions of the landfill and the water table. Having waste below the water table could cause far reaching groundwater and surface water contamination. Bloomington requests that the Final SEIS recommend mitigation measures as a condition of permitting that:
 - a. Requires 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 to mitigate interaction of the water table with the waste in the nearby unlined Freeway Landfill and Freeway Dump, also in Burnsville.
 - b. Requires regular groundwater monitoring by the MPCA and, in the event of detection of any groundwater contamination, results in prohibition of further expansion.
3. **Surface Water Impacts.** The Draft 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. A significant increase in peak runoff rates will cause substantial negative impact to people and property downstream during a major rainfall event, which is the time at which more water downstream is most damaging. Bloomington requests that the Final SEIS recommend mitigation during permitting to reduce the landfill slopes so that peak storm water runoff rates do not exceed current runoff rates. In addition to protecting people and property during a major rainfall event, the proposed mitigation would also have the added benefit of reducing the landfill height and corresponding visual impact.
4. **Lighting Impacts.** The Draft SEIS does not analyze the impacts of blinking lights required by the Federal Aviation Administration (FAA) for features over 200 feet in height. Bloomington requests that analysis of these lights and specific proposed mitigation measures be included in the Final SEIS.
5. **Visual Impacts and Associated Property Value.** The Draft SEIS includes reference to a property value study completed for a landfill in Dunmore, Pennsylvania. Bloomington requests additional justification for why this study is relevant to the BSL. Bloomington requests that more than one study of property values be considered in the Final SEIS and

that at least one of these studies include a landfill located in a similar scenic location as the Minnesota River Valley.

6. **Environmental Justice.** The Draft SEIS states that the project is located within an area of concern for environmental justice and vaguely states that documents were assessed within the context of disproportionate exposure. Bloomington requests that those documents, the demographics, sources, and the assessment be included as an attachment to the Final SEIS so that the public can review this information.
7. **Air Quality.** The Draft 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 Draft SEIS reports that volatile organic compounds will increase by 10.2 tons/year and hazardous air pollutants will increase by 5.4 tons/year. Bloomington requests that permitting entities closely consider the proximity of nearby residential uses when considering where to permit landfills with their associated air quality impacts and how to appropriately dispose of the captured gases. The Final SEIS should describe the location of the proposed flare(s) as well as the visual and noise impacts of the flare(s).
8. **Aviation Impacts.** Landfills are notorious for attracting large birds. During a recent visit to the perimeter of the BSL, Bloomington City 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 Draft SEIS is 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).”*

Given the documented FAA concern, prior to completion of the Final SEIS, Bloomington requests that:

- a. The BSL submit and the FAA complete Form 7460 for the FAA’s review. The SEIS should not be finalized until the FAA review process is complete and the FAA has had a chance to rule on whether or not a major landfill expansion of this height will present an impact to aviation; and
- b. Following the Form 7460 review, the issue of aviation impacts be reviewed by the Metropolitan Airports Commission so that their concerns can be flagged as mitigation measures if needed in the Final SEIS.
- c. In the event the FAA requires modification to any flight paths due to the proposed landfill, Bloomington requests that the Final SEIS fully model the noise impacts

of the new flight paths and recommend any appropriate mitigation.

9. **Size Reductions.** The Draft 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 Final SEIS recommend mitigation measures as a condition of permitting that require:
- a. a 75 percent recycling and preprocessing rate by the year 2030;
 - b. shredding of remaining waste prior to disposal; and
 - c. a corresponding reduction in the volume of waste allowed under any permit.
10. **Economic Impacts.** Discussion of economic impacts of the landfill should include an analysis of the total impact to property values in Bloomington, Burnsville and Savage and corresponding impacts on property taxes.
11. **Public Input.** Prior to finalization of the SEIS, Bloomington requests that the MPCA perform robust outreach and gather input from nearby residents, surrounding cities, and adjacent counties to identify potential impacts. Those impacts should be fully addressed in the Final SEIS. Outreach and input is particularly important given that the expansion is proposed in an area flagged by the state for environmental justice concerns.

Thank you in advance for considering the above comments. We look forward to better understanding the impacts and remain extremely concerned about placing this volume of additional waste in a high profile and environmentally sensitive location.

Sincerely,



Tim Busse
Mayor

copy via e-mail: Bloomington City Council Members
Bloomington Legislative Delegation
Debbie Goettel, Hennepin County Commissioner
Sarena Selbo, Manager, Minnesota Valley National Wildlife Refuge
Peter Tester, Temporary Commissioner, MPCA