



# LOWER MINNESOTA RIVER WATERSHED DISTRICT

## Executive Summary for Action

Lower Minnesota River Watershed District Board of Managers Meeting

Wednesday July 17, 2019

### **Agenda Item**

#### **Item 5. A. - Burnsville Landfills**

#### **Prepared By**

Linda Loomis, Administrator

#### **Summary**

There are two landfills in the City of Burnsville within the LMRWD. Burnsville Sanitary Landfill is proposing an expansion of its site and the MPCA is preparing a Supplemental Environmental Impact Statement and held a public information meeting on July 10th. The notice the LMRWD received from the MPCA is attached.

The second landfill is the Freeway Landfill, which is a super fund site. The MPCA has been developing plans to clean up the site; however it appears that the process has stalled. Lisa Frenette, lobbyist for the LMRWD thinks it might get things moving again, if the LMRWD would prepare a letter urging the MPCA to move forward with the State's powers of eminent domain to get the clean -up process moving forward.

#### **Attachments**

Notice from MPCA dated June 20, 2019 RE: Burnsville Sanitary Landfill Expansion Project 2019 Supplemental Environmental Impact Statement

#### **Recommended Action**

Motion to authorize legal counsel to prepare and send letter to MPCA

June 20, 2019

TO INTERESTED PARTIES

RE: Burnsville Sanitary Landfill Expansion Project 2019  
Supplemental Environmental Impact Statement

An Environmental Impact Statement (EIS) for the Burnsville Sanitary Landfill (BSL) was prepared in 2005 by the Minnesota Pollution Control Agency (MPCA) pursuant to Minn. R. 4400 subp. C *for expansion by 25 percent or more of previous capacity of a mixed municipal solid waste disposal facility for 100,000 cubic yards or more of waste fill per year*. The final EIS was published in July 2005 and a final determination of adequacy was made in August 2005.

A Supplemental Environmental Impact Statement (SEIS) to the 2005 EIS is being prepared by the MPCA on a proposal by Burnsville Sanitary Landfill, Inc. to expand its currently-permitted 25.4 million cubic yard capacity to an ultimate capacity of approximately 47 million cubic yards.

Current-permitted capacity of the BSL includes 18.7 million cubic yards of mixed municipal solid waste (MMSW), 2.6 million cubic yards of construction/demolition debris, and 4.1 million cubic yards of industrial waste (Landfill). The proposed expansion will provide approximately 26 million cubic yards of new MMSW disposal capacity by creating 22 million cubic yards of new airspace and converting the permitted 4.1 million cubic yard industrial waste capacity to MMSW (Project).

Burnsville Sanitary Landfill, Inc. will reconfigure and reduce its currently-permitted but undeveloped footprint by reducing the acreage of the North Development Area footprint and adding new Annex Area footprint. This will reduce the acreage of the footprint from 216 acres to approximately 204 acres. Burnsville Sanitary Landfill, Inc. will increase the finished height of the facility from currently-permitted 821.5 peak elevation to proposed 1,082 peak elevation, an approximate 260-foot vertical expansion.

Enclosed is the Draft Scoping Document (DSD) for the proposed BSL Expansion Project 2019, located in the city of Burnsville, Dakota County, Minnesota. The DSD was prepared by the MPCA and are being distributed for a 30-day review and comment period pursuant to the Environmental Quality Board (EQB) rules. The comment period on this scoping document is open from June 24 until 4:30 p.m. on July 24, 2019.

The MPCA is holding a public meeting to gather suggestions on the scope of the Burnsville Sanitary Landfill SEIS on Wednesday, July 10<sup>th</sup> from 7 to 9:00 p.m. at the Burnsville City Hall, Dakota Community Rooms, located at 100 Civic Center Parkway. There will also be an open house, prior to the formal meeting, from 6:30 to 7 p.m. to give the public an opportunity to talk one-on-one with MPCA staff. The formal public meeting will begin at 7 p.m. with a brief presentation by Burnsville Sanitary Landfill that will explain the changes that are being proposed at the landfill. This will be followed by a short presentation from MPCA staff that will explain the process by which the SEIS will be created, and other points at which the public will be able to comment on the proposal. Time will be reserved questions and answers as well as more open house time after the formal presentation.

June 20, 2019

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Comments received on the DSD will be used by the MPCA in preparing a Final Scoping Document for the SEIS that will be prepared for the Project.

Minn. R. 4410.3000 provides that a SEIS scoping process be implemented for any SEIS. The scope of a supplement to a SEIS must be limited to impacts, alternatives, and mitigation measures not addressed or inadequately addressed in the 2005 final EIS. The MPCA, as the Responsible Governmental Unit, shall adopt a scope for the supplement as part of the preparation notice.

If you have any questions on the Draft Scoping Document, please contact Kevin Kain at 651-757-2482 or [kevin.kain@state.mn.us](mailto:kevin.kain@state.mn.us).

Sincerely,



Dan R. Card, P.E.  
Supervisor, Environmental Review Unit  
Resource Management and Assistance Division  
St. Paul Office

DRC:bt

# DRAFT

## STATE OF MINNESOTA MINNESOTA POLLUTION CONTROL AGENCY

### DRAFT SCOPING DECISION DOCUMENT BURNSVILLE SANITARY LANDFILL EXPANSION PROJECT 2019 SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT

#### **INTRODUCTION**

A Supplemental Environmental Impact Statement (SEIS) is being prepared by the Minnesota Pollution Control Agency (MPCA) on a recent proposal by Burnsville Sanitary Landfill, Inc. (BSL) to expand its currently-permitted 25.4 million cubic yard capacity to an ultimate capacity of approximately 47 million cubic yards.

Current-permitted capacity includes 18.7 million cubic yards of mixed municipal solid waste (MMSW), 2.6 million cubic yards of construction/demolition debris, and 4.1 million cubic yards of industrial solid waste. The proposed expansion will provide approximately 26 million cubic yards of additional MMSW disposal capacity by creating 22 million cubic yards of new airspace and converting the permitted 4.1 million cubic yard industrial solid waste capacity to MMSW (Project).

BSL will reconfigure and reduce its currently-permitted but undeveloped footprint by reducing the acreage of the North Development Area footprint and adding new Annex Area footprint. This will reduce the acreage of the overall footprint from 216 acres to approximately 204 acres. BSL will increase the finished height of the facility from currently-permitted 821.5 foot peak elevation to proposed 1,082 peak elevation, an approximate 260-foot vertical expansion.

BSL will obtain the majority of waste from Hennepin, Dakota, and Scott Counties. The proposed expanded landfill is projected to operate for an additional 41 years to 2061. In 2062, the proposed landfill will be filled to capacity. The annual waste quantities forecast by the BSL for land disposal range from 460,900 tons in 2020 to 693,079 tons in 2061. If moderate progress is made in reaching the Minnesota State Legislature's 75% recycling goals, then the MPCA forecasts that the proposed landfill may have a useful life of up to 80 years.

#### **PREVIOUS ENVIRONMENTAL REVIEW**

The Metropolitan Council prepared an Environmental Impact Statement (EIS) for the BSL in 1991. The final EIS was published in January 1992 and a final determination of adequacy was made in February 1992.

The MPCA prepared and EIS for the BSL in 2005 pursuant to Minn. R. 4400 subp. C *for expansion by 25 percent or more of previous capacity of a mixed municipal solid waste disposal facility for 100,000 cubic yards or more of waste fill per year*. The MPCA published the final EIS published in July 2005 and a final determination of adequacy was made in August 2005.

#### **PROPOSED ENVIRONMENTAL REVIEW**

The Project, as proposed, is subject to environmental review pursuant to Minn. R. 4400 subp. C *for expansion by 25 percent or more of previous capacity of a mixed municipal solid waste disposal facility for 100,000 cubic yards or more of waste fill per year*.

The MPCA, as the designated Responsible Governmental Unit (RGU) for environmental review for the proposed Project, has determined the Project will require an SEIS and is a phased action pursuant to Minn. R. 4410.3000 subp. 3(C) *whenever an EIS has been prepared for one or more phases of a phased action or one or more components of a connected action and a later phase or another component is proposed for approval or implementation that was not evaluated in the initial EIS* and will prepare a supplemental environmental impact statement.

**SCHEDULE**

A tentative schedule for development and review of a draft and final SEIS for the Project is provided below. The schedule is contingent upon the anticipated dates for the Scoping Document and Preparation Notice Publication.

**Tentative SEIS Schedule**

**Burnsville Sanitary Landfill Expansion Project 2019**

August 2019	MPCA Approval of SEIS Scope
August 2019	Notice of EIS Preparation
November 2019	Distribution of Draft EIS
January 2020	Determination of Adequacy

**RECORD OF DECISION**

Among the objectives for Minnesota’s environmental review process are the provision of useable information about the primary environmental effects of a proposed project and the encouragement of accountability in public and private decision making. The Scoping Decision Document identifies the permit/approval decisions for which a Record of Decision, which identifies how the SEIS was considered in reaching state and local permitting decisions, must be maintained.

For the Project SEIS, a Record of Decision shall be maintained for the following governmental approvals:

**Record of Decision Required**

<b>Agency</b>	<b>Decision</b>
MPCA	Certificate of Need
MPCA	Metro Plan Review
MPCA	Compliance with Permit - APO
MPCA	Solid Waste Facility Permit
MPCA	Air Quality Permit
MPCA	Stormwater Permits
Dakota County	Solid Waste License
City of Burnsville	Planned Urban Development

**COVER SHEET**

The cover sheet will include; the name of the Responsible Governmental Unit (RGU); the title of the Project and location; name, address, and telephone number of the contact person of the RGU and of the proposer’s representative; a designation of the statement as a draft, final, or supplement; a one paragraph abstract of the SEIS; and the date of the public meeting on the draft SEIS and the date following the meeting by which comments on the draft SEIS must be received by the RGU.

## **SUMMARY**

The summary shall stress the major findings, areas of controversy, and issues to be resolved.

The summary will include a project description, environmental and mitigative measures; alternatives; a list of governmental approvals; and economic impacts. Direct, indirect, and adverse or beneficial impacts are to be identified.

## **LIST OF PREPARERS**

The SEIS will contain a list that includes the names and qualifications of the persons who were primarily responsible for preparing the SEIS or significant background papers.

## **PROJECT DESCRIPTION**

Environmental Quality Board (EQB) rules explicitly direct that a proposed project be described only in sufficient detail to identify its purpose, size, scope, environmental setting, location, and anticipated phases of development.

## **LIST OF GOVERNMENT APPROVALS**

The SEIS will list the known governmental permits and/or approvals required for the Project, along with the unit of government responsible for each decision.

While the SEIS will provide a variety of information useful for permitting and approval decisions, it is not intended to provide all data and information required for these actions. Required permit applications and information for the Project will be developed and submitted independent of the SEIS.

The SEIS will establish the number of tons of waste that will be disposed in the proposed 26 million cubic yard BSL expansion.

The SEIS will contain an up-to-date composition analysis of the waste streams (MMSW, Construction & Demolition (C&D), and Industrial Solid Waste) managed by the BSL.

## **ENVIRONMENTAL IMPACTS**

### **Groundwater Impacts:**

The SEIS will include a discussion of the groundwater regulations applicable to the Project.

The SEIS will review current and proposed groundwater quality standards as they relate to solid waste disposal facilities.

The SEIS will identify the base grade elevation of the unlined landfill area at the BSL. The base grade elevation will be compared to the expected groundwater elevation under the unlined landfill if the Kramer Quarry stops pumping and potential impacts will be identified and mitigation options discussed.

Analysis of groundwater impacts will be based on a geotechnical analysis utilizing data collected previously in hydrogeologic investigations conducted by Waste Management, Dakota County, the city of Burnsville, and the MPCA of the existing BSL and proposed Project unless noted differently. This groundwater impact analysis will be used to evaluate the following five items:

1. A description of the soils and geologic conditions at the BSL and Project location.
2. Quality and quantity of groundwater in the vicinity of the Project.
3. Existing groundwater monitoring plan for the BSL based on the 2005 EIS and, conceptually, the groundwater monitoring plan for the Project.

4. Predict future groundwater levels and flow direction under the BSL (using existing and updated information such as the 2005 EIS, existing modeling reports, etc.) For example, analyze effects of changing groundwater pumping at the Kramer Quarry and from other nearby high capacity wells (within a two-mile radius), possible flooding, groundwater recharge deficits or surplus, or other factors.
5. The base grade elevation of the unlined landfill area at the BSL. The base grade elevation will be compared to the expected groundwater elevation under the unlined landfill if the Kramer Quarry stops continuous groundwater pumping. Potential impacts will be identified and mitigation options discussed.

#### Liner and Leachate Collection

1. The SEIS will evaluate the liner and leachate collection system for the Project and how it will perform under normal flow conditions and during a 100-year flood event of the Minnesota River.
2. Existing geotechnical data shall be utilized to determine flow conditions at the water table during normal flow of the Minnesota River. Additionally, the potential for a hydrostatic head to develop on the proposed liner shall be determined for the 100-year flood event of the Minnesota River.
3. Utilizing current geotechnical data and groundwater modeling results, the SEIS will analyze the potential impacts should a major failure of the liner system occur for the Project at complete buildout.

#### Surface Water Impacts

The SEIS will compare the pre-expansion surface water discharge rates to the post Project surface water discharge rates for 2 year, 10 year and 100 year storm events. The complete buildout for the BSL expansion that was reviewed in the 2005 EIS will be considered pre-expansion. Post Project is the Project at complete proposed buildout. The SEIS will identify potential impacts and suggested measures to mitigate those impacts.

#### Visual Impacts

The SEIS will illustrate potential visual impacts of the Project using renderings from eight specific key locations with images of the BSL at complete buildout based on 2004/2005 EIS elevation and the superimposed complete buildout elevation from the proposed Project. Sites with the greatest sensitivity to visual impacts were selected as part of the study, as identified in Attachment 1.

#### Air Quality Impacts

Air quality impacts from the Project will be analyzed using data available from the BSL and from monitoring studies at other landfills in the state.

The impacts associated with landfill gas emissions (methane and volatile organic compounds) during BSL operations and post closure will be evaluated using U.S. Environmental Protection Agency's (EPA) Landfill Air Emissions Estimation Model (developed under EPA contract EPA-600/8-90-85a). The emissions will include those associated with the landfill gas, the electrical generating units, and landfill gas not captured by the BSL gas collection system. Results of the modeling will be compared to Ambient Air Quality Standards or Health Benchmarks. This information will be used to evaluate the following six scenarios.

1. An estimate of the volume of landfill gas currently being generated at the BSL.
2. An estimate of the volume of landfill gas that is currently being captured at the BSL.
3. An estimate of the percentage of the captured landfill gas that is flared, utilized in other ways, or discharged to the atmosphere at the BSL.
4. An estimate of the volume of landfill gas that is expected to be generated by the Project at the BSL.

5. An estimate of the percentage of landfill gas that is expected to be captured by the BSL gas collection system for the Project.
6. An estimate of the percentage of the captured landfill gas that will be flared, utilized in some other method, and allowed to escape to the atmosphere at the BSL for the Project.

The SEIS will evaluate all direct, indirect, and cumulative ambient air impacts at the BSL consistent with the MPCA Air Quality Modeling Practices Manual for the Project.

The SEIS will contain a discussion of the ability of the BSL to meet applicable MPCA air quality regulations for the Project.

The applicability of federal New Source Performance Standards for new or modified MMSW landfills will be assessed at the BSL for the Project at complete buildout, including an analysis of implementation measures to meet the standards, if they apply.

The SEIS will contain an evaluation of the mitigation options for controlling air emissions at the BSL for the Project.

The SEIS will include a qualitative summary of expected greenhouse gas production from the Project.

## **ALTERNATIVES**

The alternative section will include a succinct discussion of any direct or indirect, adverse or beneficial effect generated as a result of the selection of the "No Build" alternative.

The alternative section will outline the economic and sociological impacts on the proposed Landfill if the legislative goals to recycle 75% of the waste stream generated in the metropolitan area are achieved and if the landfill complies with the legislative restriction on the disposal of unprocessed MMSW generated in the metropolitan area.

### **Alternative Size**

The SEIS will evaluate a smaller landfill with lower height and capacity.

The SEIS will examine the results of preprocessing waste to remove material banned from MMSW and to recover recyclable materials. The SEIS will estimate the remaining waste to be landfilled and the resulting size and height of the landfill after 41 years of operation.

The analysis of a smaller landfill will also examine technology to achieve significantly greater level of compaction so that the same tonnage of MMSW and other waste might be landfilled to occupy less space.

The SEIS will include a succinct discussion of direct, indirect or cumulative potential significant adverse and beneficial effects of a smaller landfill, the measures to achieve a smaller landfill, and smaller annual waste flows owing to the measures above.

### **No Build Alternative**

The SEIS will compare the Project to the environmental, economic, employment and sociological impacts of the "No Build" alternative.

The SEIS will specifically describe the following in any and all reasonable combinations to achieve a no-build analysis:



1. Include all facilities that dispose of MMSW or Industrial Waste or C&D waste including Dem-Con landfills, Advanced Disposal landfills, Waste Management, Inc. landfills (including Spruce Ridge, Elk River, Dickenson County and Central Disposal), BFI landfills, the East Central Solid Waste Commission landfill, the Morrison County landfill, the Rice County landfill, and the Ponderosa landfill.
2. Include all facilities that are permitted to accept MMSW or industrial waste or C&D and process waste for materials recovery including Hennepin Energy Recovery Center, Recycling Energy Center, the city of Red Wing, Atomic Recycling, SKB Environmental, Inc., and any other materials recovery facilities.

The SEIS will assess the consequences of a no action or “no build” decision for the Project. This analysis will include an inventory of permitted solid waste management facilities that are permitted to accept MMSW, industrial waste, and C&D waste in Minnesota, Wisconsin, and Iowa. The analysis will make an assessment of how one or several facilities could manage the waste materials forecast for disposal at the BSL. The following types of facilities will be inventoried:

- MMSW processing and/or landfills
- C&D and/or industrial waste processing and/or landfills
- Refuse-derived fuel
- Mass burn facilities
- Transfer stations

The following information will be provided for each identified facility:

- Calculation of residuals resulting from processing that require land disposal
- Distance to/from the proposed project site
- Distance to/from the proposed project site from the waste origin if transfer station is currently used (for example the Scott County MMSW transferred through Dem-Con)
- Permitted and unused MMSW, industrial waste, and C&D processing and/or disposal capacity
- Inventory of material and energy recovery resulting from waste processing in 2018
- Overall landfill abatement resulting from processing
- The potential for the facility to accept additional waste
- Expansion plans for each facility within the next 10 years (if available)
- Current processing and/or landfill rates
- Name of current owner
- Current tipping fees

#### **ECONOMIC IMPACTS**

- The SEIS will assess impacts on cost to the users of the facility including general public resulting in waste going to other locations.
- The SEIS will also assess effects on regional and county solid waste system costs.
- Finally, the SEIS will assess the economic effects to the city of Burnsville and Dakota County and other public and private entities forecast to use the BSL resulting from the “No Build” Alternative and compare it with construction of the Project.

#### **SOCIOLOGICAL IMPACTS**

Inventories will be completed of nearby existing and planned recreational resources. Potential impacts resulting from the expansion will be described.

## **MITIGATION MEASURES**

For those instances where the impact analyses have identified the potential for adverse effects, the SEIS will identify reasonably available measures that could lessen or eliminate the adverse effects. The types of measures that may result in significant mitigation of impacts range from facility-specific modifications in design and/or operation or broader policy-based action at all governmental levels.

## **APPENDICES**

Appendices may be included in the SEIS, when applicable: a) material prepared in connection with the SEIS, as distinct from material which is so prepared and which is incorporated by reference; b) material that substantiates any analysis fundamental to the SEIS; and c) permit information that was developed and gathered concurrently with the preparation of the SEIS.

## **MATERIAL INCORPORATED BY REFERENCE**

Materials may be incorporated by reference to reduce the bulk of the SEIS. Such materials will be cited in the SEIS, and its content will be briefly described. Generally, these materials will not be distributed for public review, but will be available for inspection at the MPCA office in St. Paul.

Each of these major topical areas – a) alternatives, b) groundwater impacts, and c) air quality – will be the subject of a technical report separate from the SEIS. Discussion within the SEIS on each of these primary impact areas will be based on the analyses and findings of the reports, but will likely omit much of the technical aspects of the more focused studies. These reports will be incorporated by references as part of the SEIS. The reports will be available for inspection at the MPCA office in St. Paul and libraries on the EQB distribution list, in accordance with the requirements of the rules.

