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To: Megen Kabele, Dan Card, Joy Wiecks, Minnesota Pollution Control Agency (MPCA)

From: Sigurd Scheurle

Regarding: Additional Comments on the Proposed Bend Landfill Expansion – EAW and Draft Air Permit

First, thank you for your attention to these additional public comments and those submitted earlier on the proposed major expansion of the Pine Bend landfill. I repeat comment #1 and outline additional comments in #2 & #3 below:

1. Based on available public information, environmental review in the form of an EIS is mandatory. Under the Environmental Quality Board (“EQB”) rules, an EIS is mandatory for an expansion by 25 percent or more of previous capacity of a mixed municipal solid waste land disposal facility that accepts 100,000 cubic yards of waste per year, as the Pine Bend Landfill does. See Minn. R. 4410.4400, subp. 13E. According to the EAW, the project will expand the current permitted design capacity of 33,937,400 by 8,185,500 cubic yards, or slightly more than 24%, which is slightly below the mandatory category criteria. However, in June 2019 MPCA approved an expansion of 4,137,400 cubic yards. This expansion should be counted as part of the present project for two reasons. First, the present expansion would not be occurring “but for” the plans approved by the MPCA in 2019, i.e., the projects are “connected actions” as defined in Minn. R. 4410.0200, subp. 9c. Under Minn. R. 4410.1000, subp. 4, connected actions must be considered together in determining whether a mandatory EIS should be prepared. The 2019 plans anticipated the present expansion and resulted in the engineering features that compels and dove tails with the present expansion in that it that the 2019 expansion essentially fills the saddle, changes the side slopes from 5 to 1 to 3 to 1 thereby expanding the area functioning as the base for proposed expansion, and installed a liner on top of the landfill to support vertical expansion. Second, construction of the 2019 expansion did not occur until after MPCA and local approvals were secured. The application for the present proposed new expansion was submitted to MPCA in June 2022. Based on these dates, the application for the expansion was filed less than three years following beginning of construction of the 2019 project. Minn. R. 4410.3400, subp. 1 provides if the proposed project is an expansion or additional stage of an existing project, the cumulative total of the proposed project and any existing stages or components of the existing project must be included when determining if a threshold is met or exceeded “if construction was begun within three years before the date of application for a permit or approval from a governmental unit for the expansion or additional stage...” If the 4,137,400 cubic yards is added to the present application, the 25% figure for a mandatory EIS is easily exceeded. Finally, given that the alternatives to this facility have not been examined since the 1980s, the MPCA should resolve any doubt in favor of a mandated EIS.

2. The EAW is incomplete because it fails to include information on the significant environmental impacts of the proposed project. In particular, the EAW lacks adequate information on the greenhouse gas and landfill gas impacts of the expansion (and the impacts of the leachate generated by the expansion). Under Minn. R. 4410.1700, subp. 2a, “if the RGU determines that information necessary to a reasoned decision about the potential for, or significance of, one or more possible environmental impacts is lacking, but could be reasonably obtained, the RGU shall either: A. make a positive declaration and include within the scope of the EIS appropriate studies to obtain the lacking information; or B. postpone the decision on the need for an EIS...” As noted below, additional information relative to the quantity and impact of landfill gases and leachate is likely available. The adequacy decision should not be made without this information because of its potential significance. The information that is missing in the EAW will necessitate revising the present forecast of air emissions, inform the proposed air and solid waste permits and allow MPCA to consider mitigative measures to reduce emissions and protect the public and the environment.

A summary of the Potential to Emit (PTE) in tons per year is as follows:

Pollutant	PM	PM10	PM2.5	SO2	NOx	VOC's	CO	CO2e	Single HAP*	All HAPs
Total Facility PTE Emissions	97	32	13.5	90.6	40.8	10.52	163.2	250,790	3.55	8.95

PM = Particulate Matter PM10 = PM, 10 microns and smaller

PM2.5 = PM, 2.5 microns and smaller SO2 = Sulfur Dioxide

NOx = Nitrogen Oxides VOCs = Volatile Organic Compounds

CO = Carbon Monoxide CO2e = Carbon Dioxide Equivalents as defined in Minn. R. 7007.0100

HAP = Hazardous Air Pollutant * Single HAP = Metallic HAPs

The table above illustrates the magnitude Pine Bend’s air emissions based on incomplete data. Additional information is necessary to calculate additional anticipated air emissions.

In recent years fires at MMSW facilities, including landfills, have increased significantly. A fire at the Rice County Landfill (SW-123) recently raged for almost a week. The draft air permit and EAW are silent regarding air emissions due to waste fires at the Pine Bend Landfill. A review of publicly available data indicates alternative methods to estimate air emissions from landfill fires. Therefore, this data is available. If the facility has had fires, then that needs to be stated and the estimated air emission impacts outlined. If the facility has not had a fire, which is unlikely, then the measures to mitigate fires in the future need to be outlined. Given the increased risks of fires caused by electronics, information about fires appears to be necessary.

Again, actual or more accurate air emission data from fires will allow for accurate calculations of GHG, VOC and air toxic emissions. Only after gathering accurate data can MPCA apply this information to health risk calculations, anticipated overall GHG impacts, and as well as offering insight into potential mitigative measures. Permit approval without a clear data set is unacceptable. Accurate data will inform both the draft EAW (or EIS), the draft solid waste, and the draft Air Emissions permit.

If the facility or firefighters that access the site to fight the fire uses PFAS containing firefighting foams, then this aspect of fire related impacts need to be outlined. Or if the facility uses leachate to fight fires, then this fire related impact needs to be outlined in the draft air permit and EAW.

3. Leachate is the facility's primary water and land pollutant. The analysis of leachate impacts in the EAW is wholly inadequate and incomplete. If the facility uses leachate as part of an alternative method of cover at the working face (such as making a foam covering), then volatile chemicals may be released to the environment by the leachate. This pathway for the release of pollution to the air is not described in the draft EAW or Air permit.

Allied reported that over nine million (9,188,290 gal.) gallons of leachate were shipped by truck to the Metro Plant in 2021. This volume may not account for leachate used at the facility for various other purposes including alternative cover foams. If leachate is used, then the EAW should evaluate alternative that may release less pollution. This may necessitate recalculating leachate generation, discharge to the Mississippi River, evaporation, recirculation, and air emissions.

The U.S. EPA is examining whether federal rules should require landfill leachate be pre-treated to remove known and emerging toxic chemicals. In 2023, EPA began a new rulemaking process to determine whether MSW landfill leachate should be accepted at POTWs given the problems experienced with treating concentrated toxic chemicals including high levels of PFOS in leachate. The EAW should have discussed whether large landfills like Pine Bend will be able to comply with the likely new requirements for treatment (most likely at the site) prior to disposal. Moreover, several other landfills also dispose of large quantities of leachate at the Metro Facility. The cumulative impact of tens of millions of gallons of leachate from just the three largest landfills in Dakota County, Waste Connections, Burnsville and Pine Bend needs to be examined in the EAW in terms of their cumulative effects.

In closing, I note again that the EAW indicated an EIS was completed for the Pine Bend Landfill in 1980. That is the same year the Waste Management Act (Chapter 115A) was passed into law and the Metropolitan Landfill Abatement Act was first implemented. In 1980, landfills were not lined in 1980 and MPCA did not adopt landfill rules until 1987. Since then, the state has largely failed to come to terms with implementing the Waste Management Act, and the result has been new multi-media pollution problems from landfills, and the overall resistance to real change. An EIS-- 44 years after Pine Bend's only EIS was prepared—provides an opportunity to take a hard look at emissions from this facility, available mitigative measures, cumulative impacts from Pine Bend and neighboring landfills and the proposed project's impacts on the solid waste management system that it is part of.

Again, I thank you for your attention to these added comments. I hope MPCA will take whatever additional time and expend the resources to perform a complete and up-to-date environmental review of the proposed project. If the work is done, these efforts will have a profound positive affect on public health and the environment. This review may have results MPCA can be proud of.