



Paula Goodman Maccabee, Executive Director and Counsel

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December 1, 2025

Chris Green (chris.green@state.mn.us)
Minnesota Pollution Control Agency
520 Lafayette Rd
St. Paul, MN 55155

Uploaded to MPCA [Comment Site](#)

RE: Comments on Elk River Landfill North Development Expansion

Dear Mr. Green, Minnesota Pollution Control Agency,

WaterLegacy submits the comments below to ensure that the scope of the environmental impact statement (EIS) for the Elk River Landfill Expansion Proposed Project (ERL Proposed Project) complies with Minnesota statutes, rules, and case law regarding environmental review. We defer to Sherburne County regarding specific facts, including appropriate alternatives to the expansion and the nature of contamination found on the site.

WaterLegacy would first request, pursuant to Minn. Stat § 116D.04, subd. 2b and Minn. R. 4410.3100, that the Minnesota Pollution Control Agency (MPCA) ensure that no construction of the ERL Proposed Project begin until the environmental review process is completed. If any construction or development activities have already begun, MPCA should explicitly direct the Elk River Landfill operator in writing, copied to commenters, to cease such construction. MPCA should also perform whatever follow up or inspections are needed to ensure that this basic compliance with environmental law is achieved.

WaterLegacy would further request that the mandatory EIS for the ERL Proposed Project should contain the following analysis, in addition to that suggested by Sherburne County and other commenters:

- Cumulative effects of the prior and existing Elk River Landfill, the ERL Proposed Project (landfill expansion), and any other facilities in the area that impact wetlands, water quality, wild rice, and/or affect land use, land contamination, air quality, or odor.
- Connected actions, including any future expansions, as well as analysis of any actions related to the ERL Proposed Project, including any changes in infrastructure, or actual height or footprint of the landfill connected to the proposed expansion.
- Ecosystem services analysis of wild rice beds, wetlands, and other land uses potentially affected by the ERL Proposed Project and the Proposed Project's cumulative effects.
- Analysis of groundwater and surface water quality at the Elk River Landfill and in affected waters, including both direct discharge and seepage from the prior, existing, and expanded landfill.
- Specific analysis of potential chemical pollutants, including sulfate, mercury, heavy, metals, PFAS, and other toxic chemicals.

- Specific analysis of historical and cultural issues, in consultation with Tribes, including the likelihood that Ojibwe and Dakota people have harvested Manoomin (wild rice) in the affected area prior to private land ownership and land cessions.
- Analysis of alternatives, including a no action alternative, use of different methods of waste management, and alternatives of size, location of expansion, and control of polluted discharge.
- Analysis of both current and past corrective actions, and the degree to which remediation and restoration should be required prior to any expansion.
- Detailed analysis of whether the current conditions at the Elk River Landfill and the predicted conditions with the ERL Proposed Project currently comply and would comply with all statutes, rules, and policies to protect the environment and public health, including but not limited to all Minnesota and federal health risk limits and risk assessment criteria for cancer, non-cancer, and developmental toxicity.

Thank you for your consideration of our comments.

Sincerely yours,

A handwritten signature in cursive script, reading "Paula J. Maccabee".

Paula Maccabee
WaterLegacy Executive Director and Counsel