

Daniel Hecht, Clearwater County Solid Waste (Daniel Hecht)

I'm providing comment as representative of the permittee, Clearwater County. This is not to request specific action by MPCA or request a change to a section of the draft permit, rather it's only to inform the public and other permittees of pertinent facts, as the public notice and public comment form are misleading and confusing.

This Public Comment Form indicates that Clearwater County applied for the permit modification and that the modification increases MSW transfer capacity. It fails to reference updates to groundwater monitoring and it's necessary to read closely the linked "Public Notice of Intent to Modify" to find that mentioned, although it is the real substantive change from the current permit. The Public Notice then makes the following statement: "The increased MSW capacity is below a permit-by-rule threshold, so a major permit modification is not necessary". One may wonder then, if the modification is not necessary why has the county applied? I wish to clarify these discrepancies for the record.

Clearwater County filed a minor permit modification application in 2025, immediately upon MPCA's request to increase the permitted MSW transfer volume using that process. The County had transferred 249 tons of MSW in 2024, exceeding the permitted amount by 99 tons (the county had, in fact, exceeded the permitted tonnage for several years and for at least the entire permit duration), and this discrepancy was called out during annual report review. Later, in February of 2026, MPCA provided a draft permit which modified the MSW tonnage as requested but also added requirements for upgrades to the County's groundwater monitoring protocol to add PFAS parameters. Under the provisions of MN Rules Part 7001.3550, subp. 3 pertaining to minor modifications, a permittee must consent to modifications and there are limits to items that can be modified, monitoring parameters not being one of those items. The County did not consent to the draft permit, and in response MPCA informed the County it would move forward with the draft permit attached here as a "major modification". MPCA referenced several rules and statutes, along with the MN PFAS Blueprint to support its authority to proceed in this manner. The resulting draft permit is contained within this comment form.

MPCA's statement within the Public Notice of Intent to Modify that the permit modification is not necessary is obviously very confusing, given where we are in the process now. The reason given for that was, in fact, MPCA's reason for initiating the permit process in the first place. The statement above that Clearwater County is the applicant is misleading as well, not only because the modification is apparently unnecessary, but because the actual resulting modification of the permit (groundwater monitoring parameters) is outside the allowable modifications for its application and done without the applicant's consent.

My hope is that awareness of these facts may help other MPCA permittees.

Thank you for the opportunity to provide comment.