



June 3, 2022

Mayor Elizabeth Kautz and Planning Commission Chair Chris John  
City of Burnsville  
100 Civic Center Parkway  
Burnsville, MN 55337

**RE: Burnsville Sanitary Landfill Expansion Applications**

Honorable Mayor Kautz and Planning Commission Chair John,

We understand that Burnsville Sanitary Landfill, Inc. (BSLI) has recently submitted Development Stage Planned Unit Development (PUD) and Conditional Use Permit applications to greatly expand their landfill in the Minnesota River floodplain. Bloomington has reviewed the application materials, analyzed the corresponding environmental review documents, and prepared three-dimensional computer models of the proposal to better understand its impacts. As an adjacent city with environment sustainability goals much like your own, as a city with many residents who would be directly impacted by the BSLI Landfill Expansion and as one of many stewards of the Minnesota River Valley, the City of Bloomington has significant concerns regarding the applications. **The purpose of this letter is to share those concerns and to formally request that the City of Burnsville deny both applications.**

**Background**

The applicant is proposing to expand the Burnsville Sanitary Landfill (BSL) by 23.6 million cubic yards, a volume that the Supplemental Environmental Impact Statement (SEIS) estimates will accommodate 21.9 million tons of waste. The volume of the expansion is equivalent to 842,857 fully loaded large garbage trucks that haul up to 28 cubic yards each.

**Concerns**

1. **Groundwater Impacts.** Of great concern, the SEIS points out that parts of the BSL are unlined and that, during flooding events along the Minnesota River, the water table rises and interacts with the unlined portions of the landfill. The SEIS also predicts that the future discontinuance of dewatering at the adjacent Kraemer Quarry will significantly increase the elevation of the water table, resulting in regular interaction between waste in the unlined portions of the landfill and groundwater. The SEIS states the groundwater interacting with the waste “is predicted to discharge to the anticipated future quarry lake”. Once groundwater under the landfill is contaminated, it is likely to spread to surrounding areas and to the Minnesota River. That is exactly the reason the Minnesota Pollution Control Agency (MPCA) is proposing a massive and expensive cleanup of the other two landfills in Burnsville along the Minnesota River that are now Superfund sites, the Freeway Landfill and Freeway Dump. The SEIS states: “having new waste on top of the

unlined area may impede corrective action”.

2. **Visual Impacts.** If Burnsville approves these applications, the design capacity of the landfill will be increased to 45 million cubic yards at buildout in 2062, a staggering volume that is difficult to visualize. To put that volume in context, the largest pyramid in Egypt has a volume of 3.37 million cubic yards. The expansion is proposed to increase the height of the landfill to an elevation of 1,082 feet above mean sea level, which is 372 feet above surrounding grade and 389 feet above the nearby Minnesota River.

The top of the landfill is proposed to be higher than Mount Gilboa, Bloomington’s highest elevation in the Hyland Ski and Snowboard Area. The top of the landfill is proposed to be more than 340 feet higher than the nearest residence in Burnsville, which is approximately 1,000 linear feet from the base of the landfill and 250 feet higher than the nearest residence in Bloomington, which is approximately 3,400 linear feet from the base of the landfill. The fact that the proposed landfill is required by the Federal Aviation Administration to have a red warning light on top to reduce the risks of airplane collisions illustrates the excessive height of proposed landfill.

If Burnsville approves this expansion, the BSL will become the dominant and defining visual feature, indeed the representative symbol, of Burnsville and the surrounding area.

3. **Surface Water Impacts.** The Final 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. Climate change is resulting in more frequent large storm events. A significant increase in peak runoff rates will cause substantial negative impact to people and property downstream during these major rainfall events, which is the time at which faster runoff rates are most damaging.
4. **Air Quality.** The 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 SEIS reports that volatile organic compounds will increase by 10.2 tons/year and hazardous air pollutants will increase by 5.4 tons/year.
5. **Environmental Justice.** The SEIS states that the project is located within an area of concern for environmental justice. The State of Minnesota flags this area for concern based on U.S. Census Bureau income data for the Burnsville neighborhood hosting the landfill.
6. **Odor.** The landfill is located within 1,000 feet of residences in Burnsville and 3,400 feet of residences in Bloomington. Depending on wind direction, odor impacts from both the trash deposits and from methane and other volatile organic compounds is anticipated. The SEIS estimates that, at buildout, 1,465 standard cubic feet of landfill gases **per minute** will not be captured or flared and instead will escape into the atmosphere.
7. **Noise.** The landfill expansion will generate noise impacts for surrounding residential uses as machinery shuttles the waste from 57 fully loaded garbage trucks per day up the

steep inclines to the top of the landfill. Large earth movers will create more noise as fill is added on top of the waste.

8. **Aviation Impacts.** Landfills are notorious for attracting large birds. During a visit to the perimeter of the BSL, Bloomington 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 SEIS includes 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).”*

9. **Public Input.** Given the significant environmental, visual and other impacts of the proposed expansion, significant public outreach to nearby residents in the cities of Burnsville, Savage, and Bloomington is vital to ensure public understanding and input opportunities. Outreach and input that engages residents where they live and socialize is particularly important given that the expansion is proposed in an area flagged by the state for environmental justice concerns. Bloomington requests that City of Burnsville staff and decision makers conduct a series of well publicized outreach events in the impacted neighborhoods of Burnsville, Savage, and Bloomington prior to holding any public hearings.

### **Request**

Based on these significant concerns and the information brought to light by the MPCA's environmental review in the SEIS, **the City of Bloomington formally requests that the City of Burnsville deny both applications to expand the landfill.**

Looking at Burnsville City Code Section 10-5-5, there are several findings required to issue a Conditional Use Permit that cannot be made, as noted below. The PUD application carries with it a high level of discretion and should be denied for similar reasons. The following findings are required in the Burnsville City Code:

*Standards: The planning commission shall recommend a conditional use permit and the council shall issue such conditional use permits only if it finds that such use at the proposed location:*

1. *Will not be detrimental to or endanger the public health, safety, comfort, convenience or general welfare of the neighborhood or the city.*  
**This finding cannot be made. For the reasons discussed above, the proposed landfill expansion will clearly be detrimental to public health, safety, comfort, convenience, and general welfare.**
2. *Will be harmonious with the general and applicable specific objectives of the city's comprehensive plan and this title.*  
**This finding cannot be made. The applicant's submitted application materials state that "a Comprehensive Plan amendment will be needed to modify the future use". The conditional use permit cannot be issued until the Comprehensive Plan amendment has been considered and processed.**
3. *Will be designed, constructed, operated and maintained so to be compatible in appearance with the existing or intended character of the general vicinity and will not change the essential character of that area.*  
**This finding cannot be made. The proposed 372 foot tall landfill will change the essential character of the area.**
4. *Will not be hazardous or disturbing to existing or future neighboring uses.*  
**This finding cannot be made. The proposed landfill expansion will be disturbing to neighboring uses, most notably to neighboring residential and environmental uses.**
5. *Will be served adequately by essential public facilities and services, including streets, police and fire protection, drainage structures, refuse disposal, water and sewer systems and schools; or will be served adequately by such facilities and services provided by the persons or agencies responsible for the establishment of the proposed use.*
6. *Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.*  
**This finding cannot be made. Placing additional waste on top of unlined existing waste will make it substantially more expensive for public clean-up programs to remediate potential future contamination issues. Once the adjacent Kraemer Quarry stops dewatering, the height of the water table will rise such that the unlined waste in the BSL will interact with groundwater, the very issue that is already requiring excessive public clean-up cost at Burnsville's two other landfills in the Minnesota River Valley.**
7. *Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors.*  
**This finding cannot be made. Odors, fumes, and noise from the expanded landfill will be detrimental to persons living and working on nearby property.**
8. *Will have vehicular approaches to the property which do not create traffic congestion or interfere with traffic on surrounding public thoroughfares.*
9. *Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.*  
**This finding cannot be made. The expansion of the landfill will damage the natural and scenic character of the Minnesota River Valley, which is a feature of major importance.**
10. *Will not depreciate surrounding property values.*  
**This finding cannot be made. Holding all other factors constant, the expansion of the landfill may depreciate surrounding residential property values.**

While the City of Bloomington formally requests denial of both applications for the numerous reasons discussed above, if the City of Burnsville elects to approve the applications, we ask that Burnsville consider and adopt the following conditions of approval:

1. To avoid future groundwater contamination, waste in the unlined portions of the landfill must be relocated to portions of the site that are sufficiently lined as determined by the Director of Public Works.
2. To be in a position to remediate potential future groundwater contamination, no additional waste may be placed on top of unlined portions of the landfill.
3. To avoid future groundwater contamination, monthly groundwater monitoring must be conducted by the property owner and submitted to the City of Burnsville and the MPCA. If groundwater contamination is observed, the property owner must pay for remediation and no further expansion is permitted.
4. To reduce visual impacts, the landfill must not exceed an elevation of 910 feet above mean sea level (200 feet in height above surrounding grade).
5. To protect people and property downstream during a major rainfall event, the landfill slopes must be reduced such that peak storm water runoff rates do not exceed current runoff rates.
6. To reduce visual impacts, odors, and the attraction of birds that cause aviation concerns, organic material must be removed from the waste stream prior to the waste being landfilled.
7. To reduce visual impacts, recyclables must be removed from the waste stream prior to the waste being landfilled and the remaining waste must be shredded for more compact disposal prior to placement of the waste in the landfill.
8. To reduce noise impacts to surrounding property, equipment must not be operated between the hours of 9:00 p.m. and 7:00 a.m.
9. To protect against windborne trash escaping the BSLI site, the property owner must prepare and follow best management practices for reducing windborne trash as approved by the Director of Public Works. If trash is found outside the BSLI site, the property owner must meet with the Director of Public Works to update the best management practices to avoid future occurrences and the property owner must follow those additional practices.
10. To reduce odors and the attraction of large birds that present a hazard to air traffic, the property owner must prepare and follow best management practices for covering waste once deposited as approved by the Director of Public Works. If birds of a size capable of damaging aircraft are observed frequenting the landfill, the property owner must meet with the Director of Public Works to update the best management practices to avoid future occurrences and the property owner must follow those additional practices.

Thank you for providing notice regarding the applications. Given the short time period provided for comment submittal, please understand that Bloomington may have additional comments and questions as the project moves forward. **We again formally request that the City of Burnsville deny both applications required to expand the landfill for the many reasons discussed above.**

We are happy to meet with Burnsville decision makers and staff to further discuss Bloomington's concerns. We encourage you to review the three-dimensional models of the landfill we've made available at: [blm.mn/landfill](http://blm.mn/landfill) . Instead of becoming infamous for a 372-foot tall iconic landfill, we would like to work together with Burnsville to foster a Minnesota River Valley that is regarded by our collective residents and others as a treasured amenity that provides recreational opportunities, environmental assets, and natural beauty.

Sincerely,



James D. Verbrugge  
City Manager

Copy via e-mail:      Bloomington Mayor Busse and City Council Members  
                                 Burnsville City Council Members  
                                 Bloomington Legislative Delegation  
                                 Katrina Kessler, Commissioner, MPCA  
                                 Debbie Goettel, Hennepin County Commissioner  
                                 Liz Workman, Dakota County Commissioner  
                                 Gregg Lindberg, Burnsville City Manager  
                                 Sarena Selbo, Manager, Minnesota Valley National Wildlife Refuge