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January 14, 2022

Representative Rick Hansen  
Chair, House Environment and Natural Resources Finance and Policy Committee  
407 State Office Building  
St. Paul, MN 55155

**Re: MLCAT and Landfill Diversion**

Dear Chair Hansen:

The Association of Minnesota Counties (AMC) is a membership-based organization representing all 87 Minnesota counties and the Minnesota Solid Waste Administrators Association (SWAA) is an AMC affiliate that represents the interests of county and waste districts professional staff. Counties have specific waste management and reduction responsibilities delegated to them through state statute, and both AMC and SWAA advocate for policies and funding that improve and promote responsible waste management and reduce environmental impacts of solid waste.

We appreciate the attention this committee is giving to the importance of the Metropolitan Landfill Contingency Action Trust (MLCAT), which was established to ensure funding availability for both emergency issues and long-term care at landfills and waste disposal sites in the seven-county metro area.

MLCAT's primary revenue source is the fee on solid waste deposited at metro landfills. The state has transferred funds from this account for several purposes and currently owes the account nearly \$14 million dollars.

AMC and SWAA appreciate that the Legislature took a modest step to establish a repayment plan in the 2021 Special Session, Session Law Chapter 6, through annual repayments of \$100,000. Unfortunately, this approach falls far short of the need to address the significant health and environmental protection efforts that would be addressed, in part, through MLCAT. The fund balance is already inadequate to address the expected expenses at eligible sites within three years.

**AMC and SWAA support legislation (HF836/SF857) to transfer \$13.905 million from the general fund to fully repay the MLCAT account this year.** A time of budget surplus, with significant one-time funds available, is the perfect time to repay these past transfers and address immediate environmental and public health issues.

Statewide management and clean-up of closed landfills are addressed through several funding sources including the Closed Landfill Investment Fund (CLIF). Current estimates are that the 114 landfills in the closed landfill program will require over \$300 million in care over the next 30 years. The state has also transferred funds from CLIF to balance past general fund budgets and \$38.1 million, plus lost interest, still has not been repaid with no mechanism in place to do so. **AMC and SWAA encourage the Legislature to also consider restoring these past transfers to CLIF to address current and emerging issues at these sites.**

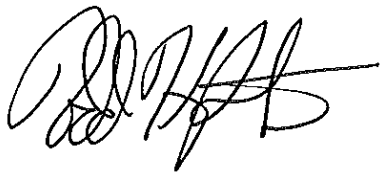
We would be remiss if we did not also take this opportunity to encourage prioritization **SCORE grants and Solid Waste Capital Assistance Program (CAP) bonding**. These are key tools for local government pollution prevention and landfill diversion efforts.

SCORE grants provide local governments with resources to reduce and prevent waste going into landfills, foster reuse and recycling, divert organics, and prevent environmental pollution from landfills. The Solid Waste Management Tax (SWMT) is intended support to state and county waste management activities. However, 30% of the SWMT is currently redirected to the general fund, and SCORE grant funding has eroded over time. **AMC and SWAA support legislation (HF2367/SF1531) to return 100% of the SWMT to waste management efforts and direct these additional funds to SCORE.**

2022 is a bonding year for the Legislature. CAP supports local governments financing of recycling and waste reduction infrastructure. CAP is needed to develop facilities for Minnesota to maintain and even increase recycling and resource recovery levels, so waste is managed as a resource instead of treated as a liability. CAP has played an important role in Minnesota's shift from a total reliance on landfills. **AMC and SWAA support \$19.75 million in bonding for the 18 counties partnering on 10 county or regional waste infrastructure projects.** CAP is also in need of reforms that will improve projects and acknowledge the growing cost of infrastructure. **AMC and SWAA support increasing the current per project and expanding the types of eligible projects to meet new demands.**

Thank you again for attention to the pressing needs of the MLCAT account. We hope that the Legislature will see the current budget surplus as an opportunity to address the MLCAT account repayment and the other closed landfill, landfill diversion programs during the 2022 legislative session.

Sincerely,



Commissioner Todd Patzer, Lac qui Parle County  
President, Association of Minnesota Counties



Laine Sletta, Brown County  
President, Minnesota Solid Waste Administrators Association

cc: House Environment and Natural Resources Policy and Finance Committee Members  
Peter Strohmeier, Committee Administrator



## Minnesota Center for Environmental Advocacy

January 18th, 2022

To: House Environment and Natural Resources Finance and Policy Committee  
From: Nadia Alsadi, Water Policy Associate, Minnesota Center for Environmental Advocacy  
Re: HF 836 - Metropolitan Landfill Contingency Action Trust (MLCAT)

Members of the Committee:

MCEA, a nonprofit organization with almost 50 years of experience using law and science to protect Minnesota's environment, expresses concern over the growing issue of PFAS and landfills and thanks the committee for the opportunity to present this testimony in relation to HF 836.

- PFAS (per- and polyfluoroalkyl substances), otherwise known as “Forever Chemicals,” have been produced and disposed of for decades. These synthetic chemicals enter the human body and cause a battery of serious health complications. Despite the known risks to human health and the environment, little has been done to address this problem and health hazard.
- PFAS are extremely soluble and mobile in the environment (within soils and water) and enter the human body through multiple pathways, including through contaminated drinking water. Ingesting PFAS has been linked to reproductive issues, developmental delays in children and infants, and increased risk of cancers ([EPA](#))
- PFAS are commonly found in the soil and groundwater near landfills and other disposal sites. The MPCA recently tested 101 closed landfills and found PFAS compounds in 98 of these sites. PFAS is prevalent throughout these disposal sites and pose a serious risk of contamination through leaching to groundwater. ([MPCA - PFAS in Landfills](#))
- Communities that are located near these sites, including Burnsville Sanitary Landfill and Pig's Eye Dump, are at an increased risk of PFAS exposure, pollution, and associated health risks.

### **MINNESOTANS DESERVE A STRONG RESPONSE TO PFAS CONTAMINATION**

- Communities near landfills suffer greater risk from PFAS contamination. Once an area is contaminated with PFAS, remediation is oftentimes extremely difficult, expensive, or impossible.
- A lack of information about which areas are at high risk of PFAS contamination, including landfills, is detrimental to public health and adds risk to sensitive populations, like mothers, pregnant women, infants, and small children. Transparent communication of PFAS contamination within these communities is essential to protecting public health.



## Minnesota Center for Environmental Advocacy

- Regulating the safe disposal of PFAS, monitoring of contaminated sites, and transparent communication to impacted communities requires immediate legislative action to protect all Minnesotans and the health of the environment.

MCEA applauds the Committee's efforts to address this growing problem. We encourage the committee to swiftly address this growing issue for the protection of Minnesotans and our natural resources.

Nadia Alsadi

Water Policy Associate, Minnesota Center for Environmental Advocacy

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January 14<sup>th</sup>, 2022

Representative Rick Hansen, Chair  
House Environment and Natural Resources Finance and Policy Committee  
407 State Office Building  
St. Paul, MN 55155

Re: MLCAT fund repayment and related county priorities

Dear Chair Hansen,

Thank you for holding a hearing to emphasize the importance of the Metropolitan Landfill Contingency Action Trust (MLCAT) account to the long-term care and management of already closed and still operating landfills in the metropolitan area. Ensuring MLCAT is fully funded is critical to protecting public health and the environment.

The Minnesota Inter-County Association (MICA) and its fifteen member counties, including four suburban and eleven Greater Minnesota counties, supports H.F. 836 (Richardson, Hansen), and appreciates the progress made in 2021 to begin repayment of the \$13.905 million previously taken from the MLCAT account.

The appropriation of \$100,000 annually to begin MLCAT repayment reflects essential progress. However, at that pace, it would take over 130 years to fully repay MLCAT. Current and projected care costs at MLCAT eligible landfills far exceeds that repayment schedule. Similarly, nearly \$40 million, plus lost interest, has yet to be repaid to the Closed Landfill Investment Funds (CLIF) account. CLIF supports about 110 closed landfills statewide and the Minnesota Pollution Control Agency (MPCA) estimates CLIF will incur \$300 million in costs over the next 30 years. We respectfully urge a more immediate, full restoration of both of these accounts in 2022.

More broadly, our member counties support increased funding and policy tools to support county and local partner efforts to reduce waste generation and promote reduce, reuse, and recycling. Local efforts are integral to achieving a more resilient, sustainable, and healthy path forward. We support legislation to:

- redirect the SWMT revenue currently deposited into the state General Fund—about \$30 million annually—to distributions under Minn. Stats. 115A.557.
- provide capital project funding for innovative, efficient, environmentally preferable solid waste management infrastructure across the state;
- strengthen project stewardship laws; and
- state action to slow the spread of the emerald ash borer (EAB), and help local communities pay for and manage the significant community impacts that result from EAB spread, including proper disposal of wood waste.

Again, thank you and the committee for elevating the importance of the MLCAT account to protecting public health and the environment.

We look forward to working with you and the committee to address MLCAT and other solid waste management challenges this session.

Sincerely,



**Matt Massman**, *Executive Director*  
*Minnesota Inter-County Association*  
**763-458-1681** (cell)  
Matt.Massman@mica.org

Cc: Peter Strohmeier, Committee Administrator

January 14, 2022

Representative Rick Hansen  
Chair, House Environment and Natural Resources Finance and Policy Committee  
407 State Office Building  
St. Paul, MN 55155

Re: MLCAT fund repayment and related county priorities

Dear Chair Hansen,

The Partnership on Waste and Energy (Partnership) is a Joint Powers Board consisting of Hennepin, Ramsey and Washington counties formed to address waste management and energy issues. The Partnership seeks to end waste, promote renewable energy and enhance the health and resiliency of communities we serve while advancing equity and responding to the challenges of a changing climate.

The Partnership appreciates the opportunity to highlight the importance of the Metropolitan Landfill Contingency Action Trust (MLCAT) in protecting public health and the environment. We applaud the Chair and the committee for examining information from the Minnesota Pollution Control Agency (MPCA) and others about the critical needs resulting from landfill pollution that MLCAT is meant to address.

The Partnership testified last year in support of H.F. 836 (Richardson, Hansen) to transfer \$13.905 million from the general fund to fully repay the MLCAT account by June 30, 2022 and address urgent, costly needs at landfills, after the MLCAT account had been raided twice since 2003 to balance the general fund budget.

The Partnership subsequently testified in support of the House Environment and Natural Resources Finance omnibus bill for its action to restore a smaller portion of the borrowed funds. We encouraged full repayment on a faster timeline than proposed in the bill.

The funding agreed to in 2021 Special Session Law Chapter 6 to provide annual repayment of \$100,000 starting in FY 2022 is a welcome but inadequate action to restore borrowed MLCAT funds. This funding falls far short of what is urgently needed now and in the coming years to protect public health by addressing short- and long-term care needs at metro area landfills, including four landfills in the counties represented in the Partnership.

**The Partnership urges the committee to secure full repayment of the MLCAT account in the 2022 session. In addition, the Partnership encourages the committee and its members to advocate for and prioritize pollution prevention funding needs in the upcoming session to minimize the use of landfills, promote wise use of resources to protect public health and the environment and grow the state's economy.** These priorities include:

- **Increase SCORE recycling grants to counties** via H.F. 2367, authored by Rep. Hornstein. Doing so will have a significant impact on counties' ability to reduce and prevent waste going into landfills, foster reuse and recycling of valuable materials into



our economy, divert more organics from the waste stream and prevent environmental pollution from landfills.

- **Fund capital projects.** Counties need state partnership to build the required infrastructure to prevent landfilling waste. For example, capital investment funds will be requested this session for an anaerobic digestion facility in Hennepin County that would start to relieve the stressed capacity in the metro area to recover and manage food waste and other organics. Increasing the current per project cap in the MPCA's Capital Assistance Program and opening up eligibility to new kinds of public projects will also give counties stronger leverage to increase recycling and reuse and prevent landfilling of waste.
- **Meet the emerald ash borer (EAB) challenge.** The committee has frequently heard what serious consequences the state faces with the rapidly spreading emerald ash borer destroying community and managed forests. Thirty counties now face Department of Agriculture ash quarantines. With St. Paul Cogeneration's ability to use wood waste at the District Energy facility only assured through 2024, urgent attention is needed on this issue. This includes boosting community grants that slow the spread of EAB, expanding the markets for using wood from EAB-threatened and infected trees, and setting out a state-level, coordinated planning process to address wood waste management like what exists for other waste streams.
- **Strengthen the Closed Landfill Investment Fund (CLIF).** While the 2021 legislature set up an annual limit of up to a \$4.5 million allocation, with limited emergency use as determined by MPCA, the CLIF doesn't have enough funding to clean up and permanently maintain the landfills that are in the program as well as others anticipated to be added in the future.

Sincerely,



Commissioner Fran Miron, Washington County  
Chair, Partnership on Waste and Energy

cc: Peter Strohmeier, Committee Administrator  
Commissioner Debbie Goettel, Hennepin County  
Commissioner Victoria Reinhardt, Ramsey County  
House Environment and Natural Resources Policy and Finance Committee members



Testimony of Deanna White to the House Environment Committee January 18, 2022

Good afternoon Chair Hansen and members of the committee,

My name is Deanna White, and I am the Minnesota State Director of Clean Water Action.

Clean Water Action and its more than 60,000 members across Minnesota support the proper management of landfills across the state, and we are concerned that funding levels of the Metropolitan Landfill Contingency Action Trust (MLCAT) have reached a critically low point which will not allow for communities to be protected. The Minnesota Pollution Control Agency (MPCA)'s FY 2019 report on the MLCAT account states that if funding levels stay the same, "beginning in FY 2023 only investigations such as groundwater, surface water, and vapor sampling will be able to continue due to shortfalls in the MLCAT Account. Any additional remedial actions required would not be able to be conducted." This is unacceptable and leaves Minnesotans at risk. We urge the Chair and members of the Committee to consider using one-time funds that may be available this legislative session to refill the MLCAT account to a level that is sustainable for years to come.

A critical example of remedial action that will not take place if MLCAT funds are not available is the reduction of the migration of PFAS-impacted groundwater from Pig's Eye landfill. As the committee knows, per- and poly-fluoroalkyl substances or PFAS are an extremely problematic class of chemicals which do not break down in our waste stream and can easily travel from contaminated soil or sediment into groundwater.

According to scientific research, PFAS have been found in 97% of human blood samples<sup>1</sup>. These chemicals are passed onto the womb; newborn babies are born with these industrial contaminants now<sup>2</sup>. PFAS chemicals have been linked to kidney<sup>3</sup> and testicular<sup>4</sup> cancer, liver malfunction<sup>5</sup>, thyroid disease<sup>6</sup>, delayed puberty<sup>7</sup>, early menopause in women<sup>8</sup>, reduced immune response in children<sup>9</sup>, and elevated cholesterol<sup>10</sup>. A recent analysis of birth outcomes in Oakdale from 2002-2011 found average birth weight and gestational age were significantly lower before water filtration was added to remove PFAS from the municipal water supply<sup>11</sup>.

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1 – [Serum Biomarkers of Exposure to Perfluoroalkyl Substances in Relation to Serum Testosterone and Measures of Thyroid Function among Adults and Adolescents from NHANES 2011-12](#)

2 – [Characterization of Human Exposure Pathways to Perfluorinated Compounds – Comparing Exposure Estimates with Biomarkers of Exposure](#)

3 & 4 – [Perfluorooctanoic Acid Exposure and Cancer Outcomes in a Contaminated Community: A Geographic Analysis](#)

5 – [Serum Perfluorooctanoate \(PFOA\) and Perfluorooctane Sulfonate\(PFOS\) Concentrations and Liver Function Biomarkers in a Population with Elevated PFOA Exposure](#)

6 – [Thyroid Function and Perfluoroalkyl Acids in Children Living near a Chemical Plant](#)

7 – [Association of Perfluorooctanoic Acid \(PFOA\) and Perfluorooctane Sulfonate \(PFOS\) with age of puberty Among Children Living near a Chemical Plant](#)

8 – [Implications of Early Menopause in Women Exposed to Perfluorocarbons](#)

9 – [Serum Vaccine Antibody Concentrations in Children Exposed to Perfluorinated Compounds.](#)

10 – [Exposure to Polyfluoroalkyl Chemicals and Cholesterol, Body Weight, and Insulin Resistance in the General US Population](#)

11 – [Reducing exposure to high levels of perfluorinated compounds in drinking water improves reproductive outcomes: evidence from an intervention in Minnesota](#)



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While we applaud the committee's recent actions to reduce PFAS contamination by restricting its use in firefighting foam and prohibiting future use in food packaging, it is vital that the state also properly funds cleanup efforts for the contamination that has already been released. PFAS is not just a problem for the Twin Cities Metro area - MPCA announced last year that more than 50 closed landfill sites in nearly 40 Minnesota counties have PFAS contamination in groundwater that exceeds state guidance values. However, MLCAT funds are needed to address the landfills in the metropolitan area as they are in dire need of remediation.

In order to ensure the long-term health of surrounding communities and continue to address PFAS contamination in Minnesota, we urge the committee to consider refilling the MLCAT account with one-time funds during the 2022 legislative session.

Thank you for your time and consideration.

A handwritten signature in black ink that reads "Deanna White". The signature is written in a cursive, slightly slanted style.

Deanna White

Minnesota State Director, Clean Water Action