



# Closed Landfill Program – Land Use Planning

In 1994, the Minnesota Legislature passed the Landfill Cleanup Act (LCA) which created the Closed Landfill Program (CLP). Under the CLP, the Minnesota Pollution Control Agency (MPCA) is responsible for the long-term care of 112 closed, state-permitted, municipal solid waste landfills throughout Minnesota.

The mission of the CLP is to manage the risk to public health and the environment that is associated with these landfills. This is accomplished by undertaking cleanup actions, long-term operation and maintenance, and monitoring groundwater contamination and landfill gas that exist at most of these sites. In addition, future risk to public health and safety is also mitigated by implementing land-use planning measures that minimize public exposure to landfill hazards and protect the state's response-action equipment.

## Risks at closed landfills

Landfill gas migration and groundwater contamination can be serious issues at some landfills. These problems can pose a threat to the health and safety of those living or occupying land nearby. In addition, chemicals leaching from these landfills can degrade groundwater and surface water resources surrounding these sites.

The MPCA addresses the risk to public health and the environment at the closed landfills by implementing and maintaining remediation systems (engineered covers

and gas-collection and groundwater-treatment systems) and by monitoring groundwater, surface water, and landfill gas. Proper management and regulation of land use at and near these closed landfills is another important part of assuring long-term protection from the risks posed by them.

## Managing closed landfills and planning for future land use

Future use of property at and around closed landfills needs to be planned carefully and responsibly. Because general authority for land-use planning lies with Minnesota's local government units (LGUs) — cities, counties and townships — and tribal authorities, the MPCA seeks to partner with the LGUs and tribal governments that have this authority for planning in the vicinity of the closed landfills.

For each site, the MPCA is required to develop a Closed Landfill Use Plan (CLUP) in which the MPCA (1) determines the appropriate use for the property at the landfill where the MPCA is implementing environmental response actions; and (2) provides information about property at or near the landfill that may be affected by groundwater and/or surface water contamination and methane gas migration.

The CLUP will include thematic maps showing the groundwater contaminant plume as well as groundwater and methane gas Areas of Concern (AOC). The AOC is

the area where the MPCA believes the landfill poses risks to persons using the land and/or groundwater and where local governments should consider land-use controls to protect those persons. New site information will be provided as it becomes available.

Minn. Stat. § 115B.412, subd. 9 requires LGUs to make their land-use plans consistent with the MPCA's CLUP. The MPCA will specifically identify land uses it designates for the property described in the Landfill Cleanup Agreement (Binding Agreement), property with adjacent waste, adjacent buffer property, and adjacent property where response-action equipment is located. These properties comprise the Land Management Area (LMA). The MPCA will recommend that LGUs adopt a new zoning district — "Closed Landfill Restricted" — for the LMA. The MPCA may recommend zoning that allows for other uses at certain areas of a landfill depending on the circumstances of the property.

Minn. Stat. § 115B.412, subd. 4 (Affected Property Notice) requires the MPCA to provide LGUs with

information that describes the types, locations and potential movement of hazardous substances, pollutants and contaminants, or methane gas related to the landfill. LGUs are required to incorporate this information in their land-use plans and to notify persons applying for a permit to develop affected property of the existence of this information and to provide them a copy of the information upon request. In addition, the MPCA will work with LGUs to identify appropriate land-use controls on affected properties outside the landfill.

### **For more information**

If you would like more information about land-use planning at closed landfills, please contact the MPCA at 651-296-6300 or 800-657-3864.

You can get the specific land-use plan legislation at [www.revisor.leg.state.mn.us/stats/115B/412.html](http://www.revisor.leg.state.mn.us/stats/115B/412.html).

MPCA Web site: [www.pca.state.mn.us](http://www.pca.state.mn.us)