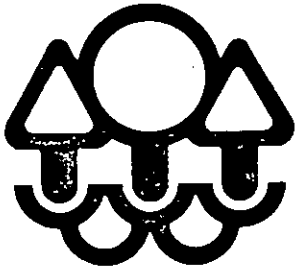


Jim Warner
BWB/LLD

SW-57



Minnesota Pollution Control Agency

May 5, 1981

Charles Weaver, Chairman
Metropolitan Council
300 Metro Square Building
7th and Robert Streets
St. Paul, Minnesota 55101

Dear Mr. Weaver:

Agency staff have reviewed the final Environmental Impact Statement (EIS) on the proposed expansion of the Freeway Landfill. On the basis of this review we conclude that the final EIS adequately addresses the comments we submitted on the draft EIS. We believe the document provides extensive information about the environmental consequences of the proposed action, mitigative measures, and alternatives, and will be a valuable document for us in our permitting process.

While we have no further comment on the content of the EIS itself, I must point out that Appendix IV, the responses of the Council to comments received on the draft EIS, contains information with which the Agency disagrees.

This occurs on pages IV-6 and IV-7, in the Council's response to questions by the State Planning Agency about past permit violations at the Freeway Landfill and the relationship of past violations to decisions about issuing permits for the expansion. As part of this response, the Council has included an opinion by its legal staff which concludes that the Agency is probably not empowered

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Mr. Weaver
Page Two

to deny a future permit on the basis of poor past compliance with permit conditions. We disagree with that conclusion. It is the Agency's opinion that past performance is a proper and important factor bearing on whether further permits should be issued, and has been and will continue to be considered by the Agency in its permitting process. Consequently, I am requesting that you make our position on this matter a part of the final EIS, so that all users of the document will be aware that the Agency will be taking the past performance of Freeway Landfill into account in consideration of the expansion request.

Sincerely,



Louis J. Breimhurst
Executive Director
Minnesota Pollution Control Agency

cc: Dale Wikre, Director
Division of Solid and Hazardous Waste
Paul Smith, Metropolitan Council
Environmental Quality Board Members
Technical Representatives

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