

A Bi-Partisan Bill For Consideration Relating to Education, Health, and Environment

Prohibiting the construction of Schools within 1/4 mile of a dump site or former landfills. Requiring annual parental and staff notification of existing schools located within 1/4 mile of a dump site or former land fill that exceed toxic residential risks established by the MPCA [Minnesota Pollution Control Agency] and the MDH Minnesota Department of Health.

Note Current standards for schools use industrial scale which are 10 times residential scale for acceptable levels of toxins.

**Your child should be as safe at school as they are at home.
It's the parents right to know about potential risks associated with schools sited on land that exceeds residential standards.**

ISV Land Use Category	acceptable levels of toxins causing cancer	Basis
Residential	2	Cancer
Industrial	20	Cancer

Minnesota regulations would prohibit a toxic landfill from being permitted next to a school . It's time to pass legislation from schools from being built next to toxic dump sites.

There is no Government Agency that will accept liability for siting a school near a toxic site that exceed residential limits. Their insurance policies excludes pollution coverage.

Please pass this bill that provides

- 1 Prevention to cancerous environments whenever possible.
- 2 Awareness of the hidden dangers, once determined that a human risk exists.
- 3 Opportunity for early detection that comes with the knowledge of ones surroundings.

STATE OF MINNESOTA NINETY-SECOND SESSION

S.F. No. 495 H.F. 807

A bill for an act

relating to education; prohibiting construction of schools near former landfills; requiring notice by schools located near former landfills; amending Minnesota Statutes 2020, section 123B.51, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2020, section 123B.51, is amended by adding a subdivision to read:

Subd. 1a. School on landfill site; prohibition; notice. (a) No school may be constructed on land that is located within one-quarter mile of a dump site or closed landfill.

(b) Beginning with the 2021-2022 school year, a school located within one-quarter mile of a dump site or a closed landfill must annually provide written notice by regular mail no later than 60 days before the beginning of the school year to parents of all students enrolled at the school and to all employees who work at the school. The notice must state that the school is located within one-quarter mile of a dump site or a closed landfill. The notice must include a map drawn to scale depicting the school grounds and the dump site or closed landfill perimeter. The school must display a link to the notice and the map on the mainhome page of its website. The notice must also include, if available, the years of operation of the dump site or closed landfill; the volume and type of waste deposited in the dump site or closed landfill; any measure of the level of contamination of the soil, groundwater, or air; and any mitigating action taken to reduce the level of risk to the environment and public health.

(c) Paragraphs (a) and (b) do not apply if: (1) soil gas on the school land has been sampled and tested by an independent contractor using industry protocols for methane and all volatile organic chemicals on the agency's current intrusion screening value list and, if the school is located on a dump site or closed landfill, the school land has been sampled and tested for heavy metals on the agency's current soil reference value list and for other materials known or suspected to have been deposited in the dump site or closed landfill; and (2) the agency, after reviewing the soil test results, issues a written determination to the school district confirming that soil testing methods were properly conducted and that:

(i) the level of contamination measured for all chemicals sampled and tested are below the agency's current intrusion screening values or soil reference values, as applicable, for those chemicals for residential land;

(ii) additive health risks from multiple chemicals at the site are below the agency's applicable risk standards and there is no evidence of risk from potential interactions among multiple chemicals; and (iii) if the soil is contaminated with methane, the concentration level of methane is below 0.5 percent by volume.

(d) For the purposes of this subdivision:

(1) "agency" means the Pollution Control Agency;

(2) "dump site" means:

(i) an unpermitted mixed municipal solid waste disposal site identified in the February 2001 Dump Assessment Study report to the legislature;

(ii) an unpermitted disposal site listed on the agency's website as a potentially contaminated site; and

(4) "school" means buildings, playgrounds, and athletic fields used by students at a: (i) public school as defined in section 120A.05, subdivisions 9, 11, 13, and 17; or (ii) a charter school formed and operated under chapter 124E.

EFFECTIVE DATE. This section is effective July 1, 2021.

01/25/21 REVISOR CM/SQ 21-01329 as introduced

Principles for Safe School Siting

- **Children's bodies are more sensitive than adults.**

Children are less able to handle toxic chemical exposures. Children breathe more air and eat more per pound than adults. For example, children absorb about 50% of the lead to which they are exposed, while adults absorb only 10-15%.

- **Children's bodies are more sensitive than adults.**

Children are less able to handle toxic chemical exposures. Children breathe more air and eat more per pound than adults immune system impairments, birth defects, learning disabilities, asthma, and other health problems.

- **Children's developing systems make them more vulnerable to chemical exposure.**

During prenatal development, infancy, and adolescence, children are growing and adding new tissue more rapidly than at any other period of life, which makes children more susceptible to environmental chemical influences.

- **Natural activities of children leave them more susceptible to chemical exposure.**

Normal school activities heighten children's exposure to the impacts of pollution. After school sports, recess, classes in which children explore the school's site ecosystem, children's natural curiosity, tendency to explore, and inclination to put their hands in their mouths all opens them to high levels of exposure.

- **What exercising precaution in the siting of schools will prevent.**

Exercising precaution in the siting of educational facilities will prevent future financial losses in terms of decreased student IQ's, increases

in injuries and illnesses among children and employees, and increased potential for lawsuits costing facilities much needed education dollars.

Minnesota Superfund Sites -

Note: Many of these sites have been properly remediated. See the Superfund description in the previous page. To get information about these sites, call the EPA Regional Office for the state, providing the EPA Site #

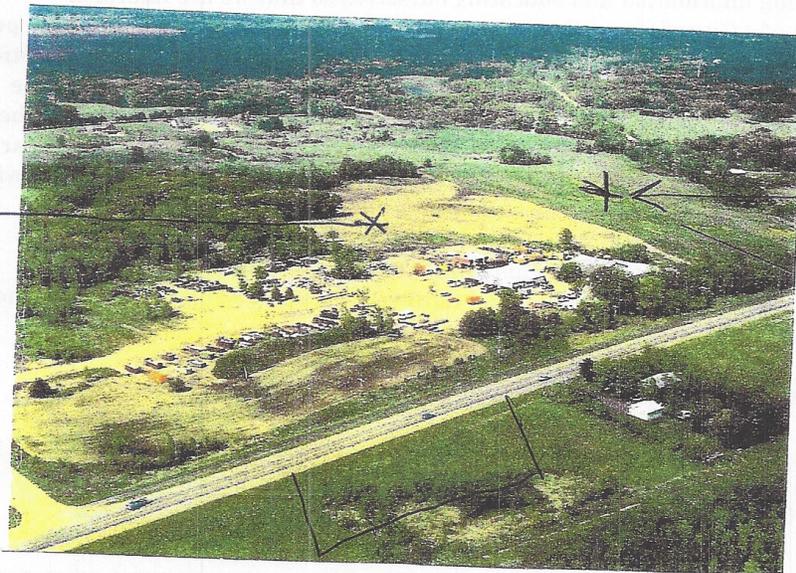
STILLWATER
8678 75TH STREET NORTH

BELLAIRE SANITATION
MND064792427

STILLWATER
NE1/4 SE1/4 SEC28 T30N R21W

GRANT TOWNSHIP 3M DUMP SITE
MND981526429

Photo of Bellaire Sanitation in Full Operation



New
Ice
ARENA

New
Wildwood
Elementary
School

Location of Ten Acres For Ice ARENA Rejected

Note new location of Wildwood Elementary School

It's the Parents Right to Know

Your children are our future

For more information go to

Facebook Wildwood Elementary, Mahtomedi Mn Environmental

Best School by a Dump Site



Wildwood Elementary School

Location: 8698 75th Street N., Grant

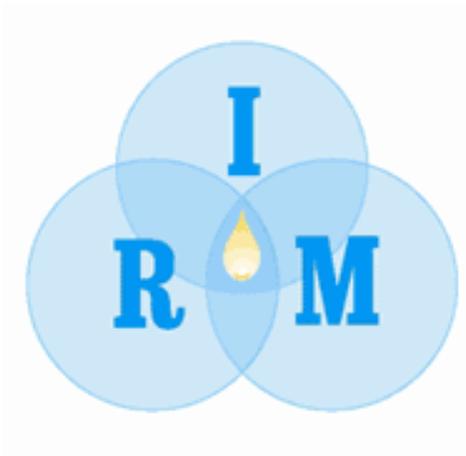
Nominated by: Mahtomedi Public Schools

In 2003, the Mahtomedi Public School District acquired a 70-acre parcel of land. The contaminated area involves approximately 30 acres of the eastern portion of the site. The property was originally agricultural land before the western 40 acres were turned into a mixed municipal/industrial waste dump, a demolition waste disposal area, and a waste transfer facility, operating from the 1950's to the 1970's. During its operation, the dump consisted of a burning pit and a series of trenches. Records indicate that in 1966 petroleum tank bottom sludge (impacted with polychlorinated biphenyls [PCBs] and lead) was spread on a portion of the dumpsite. The sludge reportedly covered an area of approximately one acre. In 1981, the property owner received a permit to open and operate a separate 2-acre demolition waste facility on the southwestern portion of the property. In addition to waste disposal, the property was also used as a transfer station for commercial and household wastes, tires, scrap metal, demolition debris, and composting yard wastes. The property was unused from the late 1980s to 2003. A wetland along the northern portion of the property has been restored and is a protected wetland area.

The property is also listed on the MPCA's Leaking Underground Storage Tank database.

Dear Minnesota State Legislators

Integrated



Resource

Management,

Inc.

February 10 2021

I am the Chief Environmental Investigator for Integrated Resource Management, Inc. working with Erin Brockovich.

Erin and I strongly support your legislation Senate file 495 House File 807 prohibiting construction of schools within 1/4 mile or 1,320 feet of a Brownfield (Reclaimed Pollution Site). This legislation is critical in preventing school districts in Minnesota from building schools on land devalued by contamination that took place decades ago.

PITS People Investigating Toxic Sites compiled a list of schools built on or nears toxic dump sites. The State of California has the highest number of schools listed followed by the State of Minnesota . The majority of which are located in the Rice Creek Watershed District.

In 2011 Wildwood Elementary School was permitted and built on or near a mixed municipal dump area. It was allowed to surcharge the Mixed Municipal Dump Area and run sewer and water lines next to contaminated soils in violation of Minnesota Plumbing Code rules Part 4715.1710, subpart 3. In 2013 the MPCA listed Lost Lake as impaired for high mercury levels in fish. Lost lake is down gradient from Wildwood Elementary School and overflows into White Bear Lake. Suspect source of contamination of Lost Lake.

Recently the City of Grant issued a Conditional Use permit to a private LLC Limited Liability Corporation on that same public school property being leased for \$ 1.00 per year. It requires that 50,000 cubic yards be removed from under the foot print of the building located on top of the mixed municipal dump area to support the structure, leaving the rest of the toxic materials on site, requiring sewer and waterlines to be run through or near contaminated soils providing a pathway for toxins to travel to public bodies of water.

While remedial efforts may have been undertaken years prior, there is considerable evidence that harmful conditions can continue to exist. Why risk the health of children (and staff) by exposing them to potential contact with harmful pollution in the classroom and on the playground? Surely, more suitable land can be found for school sites!

Our combined experience working in all fifty states and Canada has taught us that your proposed legislation is reasonable criteria for restricting the building of schools on sites where children and teachers could be subjected to sustained exposure over a considerable period of time; the latent harmful effects of which may not be revealed for years beyond their exposure. We are astounded that anyone would oppose such legislation!

Too often, as regulatory agencies re-evaluate whether remedial actions that were completed years ago were sufficiently protective of human health and the environment; an all too frequent finding is to the contrary.

In many situations it is likely that these sites will be reopened and polluters will be forced to take additional remedial action to address vapor intrusion and other issues. Literally hundreds of "Closed," "No Further Action" sites have been reopened!!! Why chance it?

Erin and I would love to come work this bill... it has always been our policy to prevent exposure to cancerous environments whenever possible. The best cure for cancer is prevention, awareness, and early detection. Your Bill addresses all three. We would be happy to talk to you about this and testify at your hearing , our contact information is below.

Sincerely,

Robert Bowcock
Integrated Resource Management, Inc.

Erin Brockovich
Consumer Advocate

405 North Indian Hill Boulevard
Claremont, CA 91711-4600

(909) 621-1266
(909) 621-1196 Fax

Honorable Minnesota State Legislators

RE: Prohibiting schools and its related activities from being built on Toxic Dump Sites

I am aware that the bill SF 495 and HF 807 is being brought forth again during this Legislative session in its entirety – it is still as valid today as it was back in 2012/ 2014/2017/2019

I support this bill-and am asking that it be given a fair hearing so it can move through the legislative process.

With the pressure on all industrial/commercial entities to dispose of their waste in a prudent manner plus lawsuits against one of Minnesota's major businesses (3M) in its "dumping" of toxic materials that have caused great pollution in our state, any construction of any building that will house students and staff should not be allowed to be built on, at, or near a toxic waste site.

This bill will be a major step in limiting hundreds of Minnesota citizens from being needlessly exposed to health hazards that arise from being near a toxic waste site.

As a former member of the Rice Creek Watershed District RCWD

I sat on the board as the committee approved permits that have placed our children needlessly at risk over my objections.

Too often the MPCA, DNR, Department of Education, MDH Department of Health, local School Boards and City Councils all give their approval without speaking to one another. They act as silos only reviewing the parts that they have jurisdiction over with out reviewing the entire picture with one another and its risks.

This bill will eliminate buildings and athletic fields from falling through the cracks and putting children at risk.

While on the RCWD board I listened to citizens objecting to sewer and water utility lines running through or near contaminated soils placing down gradient ground water and lakes at risk of contamination. In fact it is suspected that Lost Lake added by the MPCA in 2013 is impaired for high mercury in fish. After the mixed municipal dump was surcharged and utility lines were allowed to be run near contaminated soils providing the path for the toxic plume to travel.

According to the White Bear Press, Representative Peter Fischer member of
Environment and Natural Resources Finance and Policy

Rep. Peter Fischer states that he will continue working with Minnesotans to prevent public health crisis by establishing stronger oversight and safeguards at facilities and will be introducing legislation to clean up Lost Lake in Mahtomedi.

Lost Lake overflows into White Bear Lake located in the RCWD.

Rice Creek Watershed District is a source for drinking water.

I will provide a picture taken on March 6 2020 which is of concern of a ditch connected to Lost Lake.

If this legislation first introduced by former Senator Ray Vandever in 2012 had been passed there would be no need to seek funding to clean up Lost Lake.

I would be happy to testify in a zoom meeting when this bill is heard.
Thank you for your support and many appreciate the fact that Mr. Lanoux is a passionate advocate in alerting all to this issue.

Sincerely,

Barbara Haake (cell 651.442.1022)

Former MN State Representative from New Brighton/Mounds View (1999-2001)

Former Board Member Minnesota Association of Watershed Districts

Former board member RCWD

Address: 3024 County Road I; St. Paul, MN 55112-4309

Barbara Haake; 3024 County Road I; St. Paul, MN 55112;

Phone: 651-442-1022

Erin Brockovich said it best.

You may live on top of or attend a school located on top of a superfund site being exposed to chemicals without your knowledge. This exposure may not show the disease process for twenty years. But nobody is coming back and monitoring you.

Lets start working in a bi partisan fashion and start working together and find out whats happening in your community.

We expect our children to clean up their bedrooms. I think its time that we expect of ourselves to clean up our mess and begin to take a look at what we have done and what may be happening to the people.

This bill only effects sites that exceed toxic residential limits that would prohibit a house from being built on it as per MPCA. and Mn Department of Health.

Annual notification creates awareness and possible early detection if a cancer should occur.

**Our children are your future Support this Bill .
For More Information Contact**

Larry Lanoux

651-485-7574

lxlanox@icloud.com



It is suspected that the placement of water and sewer lines placed in contaminated soils from the former superfund site Bellaire Sanitation # MND64792427 Wildwood Elementary School against the recommendation of Public health engineer Bradley Erickson is the source of contamination of Lost Lake . That is why the MPCA placed Lost Lake on the Impaired list for high mercury in fish . The DNR and the MPCA along with Representative Peter Fischer have failed to meet with resident Tim DeWuske and properly resolve this issue. The only other lakes listed as impaired for high mercury in fish are Lake Jane ,and Tanners lake both located near dump sites. in Washington County. The Washington County water conservation legacy report did not list Lost Lake on the impaired list for any contamination in its report in 2010. It is only after the Mahtomedi School District 832 surge charged the mixed municipal dump area and ran public sewer and water lines next to the contaminated soils , providing a raceway down gradient to Lost Lake did the lake get listed as impaired for mercury in fish.

April 18, 2011

Mr. Larry Lanoux
9711 Keswick Ave North
Stillwater, Mn 55082
651-426-6496

Senator Ray Vandever (R) District 52

75 Rev. Dr. Martin Luther King Jr.
Blvd.
Capitol Building, Room 328
St. Paul, MN 55155-1606
651.296.4351

sen.ray.vandever@senate.mn

The Honorable Ray Vandever ;

As a resident in your district, and a supportive voter, I am writing to alert you to a very concerning safety issue within my community, and am requesting your support to assure that public safety is ensured.

The Mahtomedi School District #832 is planning to build an elementary/early childhood/senior center on a former Superfund Waste site this summer. Not only do 28 states in the US ban this practice, to our knowledge, no Minnesota public schools have been built on reclaimed dump sites. There's a reason for this, says one MPCA employee: "one kid loses his hair and suddenly you have a huge lawsuit on your hands."

I, along with a sizable group of concerned residents, worry that putting a public building on toxic soil – more importantly an elementary school & senior center – will needlessly expose our most sensitive populations to potentially detrimental contaminants. My group also worries that the threat of serious illness associated with the types of carcinogens found in a superfund waste site carries the threat of liability – for our city of Grant and to the state of Minnesota.

The school district has relied on an independent report that they commissioned to deem the land safe. But within the last few weeks, the residents of Grant have learned first-hand that the area that the school has been testing is by no means the complete picture. We have learned that, though the school had been operated under the assumption that waste had been dumped on 15% of the 70 acres owned by Bellaire, in actuality, up to 90% of the land had been used for the disposal of waste. Moreover, the land still houses much of the original garbage. In addition, it has just come to light that waste from commercial businesses like 3M was dumped at the site, which further raises concern as to what really is under that ground.

Request-

1. We, as concerned citizens, would like your help in requesting the MPCA thoroughly test all 70 acres of the land for carcinogens and toxic waste with a broader range of borings that respects the new information (which the school district has chosen to ignore) that up to 90% of the 70 acre property was used to dump toxic waste.
2. In light of new information that the superfund waste site was much more comprehensive than originally thought, we, as concerned citizens, would like your help in requesting that the owner of this land (the school district) pay for an independent soil analysis [Environmental Impact Study] to assure this land can be used for athletics and for a public building.
3. Until the open and active MPCA Voluntary Investigation Cleanup (VIC) Program for this superfund waste site [MPCA Project number VP16951] is closed, no one can be assured that the site is 100% safe. We, as concerned residents, would like to request your help in getting the MPCA VIC Program to host a Public Meeting to hear the concerns of the residents about building a school on the former waste site, using this land for athletics, and to share with residents what is needed to be done to make this site 100% safe.
4. We, as concerned citizens, believe there needs to be a contingency plan in place that includes a reserve of funds to cover future remediation work that may be required if VP project 16951 is re-opened and needs further cleanup. We request your assistance in seeing this takes place.

Background -

The property in question is 70 acres in size. For approximately 30 years this land was operated as an open unregulated industrial and municipal waste site. It was also used as a transfer station for commercial and household wastes, tires, scrap metal demolition debris and composting yard wastes. The former transfer station area of the property, located east/south east of the waste disposal area, is the site of a former Leaking Underground Storage Tank (LUST).

In the years following the closing of the dump, the site has been a part of numerous cleanup programs that have focused on top soil contaminants and on the 15% of the land where it was known that waste had been buried:

In 1990 Bellaire collected and analyzed a sample of the tank bottom sludge. High levels of PCB's and lead were found. The MPCA and EPA placed the property on the CERCLIS Superfund list with assigned number MND064792427.

In 1994 Bellaire received a letter from the MPCA (VIC) Program offering them an opportunity to voluntarily remediate the contaminated site.

In November 2003, Landmark Environmental, LLC submitted a VRAP to the MPCA to address RA's related to six Hot Spots on the property that require RAs for the contaminants in the soil.

In 2002, the Mahtomedi School District purchased the land for redevelopment and in 2006 they removed tons of topsoil that was taken out of state to a toxic waste site.

April 2010, the Mahtomedi School district successfully passed a facility bond that will allow them to build a new elementary school.. Though there is ample land within the district, the school has chosen to build their new school on the superfund waste site.

June 2010 the independently contracted Landmark Investigative report (attached) contains a list of chemicals found in the partially remediated superfund waste site adjacent to where the new school will be built. These studies do not address the surrounding 60 acres of land that was also used to dump toxic waste. Also attached is a MPCA VIC VP16951 describing the Bellaire Sanitation VIC Program including program contacts. From the 10-page Landmark summary, the following findings should be of great concern:

1. PAH - Benez(a)pyrene (BaP) (a known carcinogen) was found at ST-222 level 170 micrograms per kilogram below Residential SRV of 2000/ ug/kg.
2. Carbon tetrachloride (a known carcinogen) was found at SG-4 at 7.9 ug/m³ which is ABOVE the Residential ISV of 0.7 ug/m³ but below the 10X residential ISV of 30 ug/m³.
3. Trichlorethene (a known carcinogen) was detected at SG-4 at a concentration of 7.9 ug/ m³ which is ABOVE the residential ISV of 3 ug/m³ and below the 10X Residential ISV of 30 ug/m³
4. In addition, a big problem area is the DRO Diesel Range Organics (a known carcinogen) at ST-221 at the LUST site. DRO was detected at a concentration of 46,200 ug/kg the MMPCA maximum is 50,000 ug/kg.
5. The school plans to drudge the LUST site as they run sewer to the school. If this soil is disturbed (which running sewage through will do) the MPCA must be contacted and the soil must be disposed of at a MPCA approved landfill (which will be very costly). This will also disturb the deeper, non-remediated soil and will create a conduit for the toxic waste to begin flowing directly to the school.
6. Chemical 1,2,4-trimethylbenzene and 1,3,5 – trimethylbenzene that were found at SG-1, SG-2, SG-3, SG-4 and SG-5 and EXCEEDED the Residential ISV's but were below the 10X residential.
7. The soil vapor for detections for Carbon tetrachloride and Trichloroethene (a known carcinogen) EXCEEDED the residential ISV's but were slightly below the 10X residential.
8. VOC's were detected at concentrations ABOVE laboratory reporting limits in 6 soil Vapor sampling locations (see table 4 in large manual)

It is our understanding this MPCA VIC program is still an open and active program. It is also our understanding that the MPCA, its commissioners and staff have made no warrant that the site is suitable or appropriate for the proposed siting of an elementary school.

Within the past month, members of the family previously involved in running the Bellaire Dump have come forward to alert the community to the true nature of their family dump. They state that the dumping was not contained to the 15% of land as was previously thought. They also state that the materials dumped were far more dangerous than was previously thought. The family strongly cautions that building a school on the superfund waste site would be dangerous. The family members base their warning on the fact that they consistently saw commercial companies like Gopher Oil, Tousley Ford and 3M dispose of hazardous waste, tires, oil, and lead-based paint in their dump. And that “all land west of the homestead was dug up and used to dump waste.”

Summary

In light of what is currently going on with the 3M superfund waste site in Lake Elmo, we fear that the 3M waste site is a foreshadowing of what could possibly happen at the Bellaire superfund waste site along Highway 12 and Jamaca Avenue in Grant.

As the school district races forward to replace one of their elementary schools, we ask that you see that such haste does not end up in waste – of tax payer dollars and of innocent lives that could be negatively affected by decisions made with insufficient data.

We are asking you, therefore, to help us see that all the land is properly tested, and that if harmful contaminants, are found, that the toxic waste is properly remediated before the district invests tax payer dollars on the building of a \$17 million dollar school that may end up having to be abandoned.

The Mahtomedi School board has a current Conditional Use Permit (CUP) application to the City of Grant to build the new elementary school. The approval of this CUP, which is imminent, will commence construction of the school. We explore that you look into this issue. There is too much at stake not to.

Note If Senate File 2587 first introduced in 2012 by former Senator Ray Vandaveer prohibiting school from being sited by toxic dump sites had been passed it would have prohibited a elementary school from being built next to a toxic dump site. It would have prohibited utility lines from being routed through or next to contaminated soils against Minnesota plumbing codes, It would have prevented a pathway down gradient to Lost Lake in the Rice Creek Watershed District. There would be no need for Representative Peter Fischer to seek state funding to clean up Lost Lake.

Most Important the state would have prevented children and staff from being put at risk from toxic exposure to cancer causing chemicals.

Dear Minnesota State Legislators

RE: S.F. No. 495 H.F. 807

Ten years ago I got involved to oppose siting an elementary school on a Minnesota Superfund listed site.

As a former city planning commissioner and city councilman one thing became clear. It only takes three votes to permit a school on a toxic dump site over the objections of the majority of voices speaking against the school boards wishes.

I am using an Elementary School as an example how government agencies involved in the permitting process each approved the permitting process to move forward.

I have publicly spoken to the City Council, Local School Board, Minnesota Pollution Control Agency. Department of Health. Department of Education, Attorney Generals Office, Department of Labor and Industry and the Rice Creek Watershed District .

Each of these entities acted as silos reviewing a little piece of the puzzle in their wheelhouse giving approval without a complete overall picture.

They relied on a Local School District who hired Landmark Environmental LLC whose web site stated { we are often hired for the most **High Risk** properties. When necessary ,can obtain the appropriate assurance letters from the state. }

Currently this site has been approved for a privately held corporation leasing public school property for \$ 1.00 per year to site a hockey arena.

It requires 50,000 cubic yards of toxic material to be removed from under the foot print of the building. Leaving the rest of the mixed municipal dump area intact. Requiring utility lines to be routed in or near contaminated soils allowing toxic plumes to travel, contaminating ground water supplies and bodies of lakes.

The information provided is only a small summery of documentation available. Letters provided are from credible persons willing to testify if a hearing on this bill is allowed to be heard.

For further information and a list of person willing to testify please contact me.

Thank You
Larry Lanoux
lxlanoux@icloud.com
651-485-7575

This bill if passed will only affect schools exceeding residential levels of toxins established by the MPCA and the Department of Health to protect the health safety and welfare for children and staff.

