

Inver Grove Heights Environmental Advisory Commission
8150 Barbara Avenue
Thursday, October 26, 2023 at 7:00 p.m.

Meeting Minutes

1. Call to Order

The Environmental Advisory Commission of Inver Grove Heights met in City Council Chambers on Thursday, October 26, 2023. Chair Goodman called the meeting to order at 7:00 p.m. The Pledge of Allegiance was recited.

2. Roll Call

Present: Chair Sara Goodman; Commissioners: Nichole Boehmke, Ted Trenzeluk, Patti Mikulski, Marjorie Savage

Absent: Nick Ruiz, Kevin Sethre, Brian Barner, Vacancy

3. Presentations

A. Environmental Advisory Commission Meeting Guidance

Ally Sutherland, Environmental Specialist, presented a new EAC Commissioner Guidance document. The PowerPoint presentation reviewed the following topics:

- Commissioner appointment process
- Purpose of Robert's Rules of Order and Commissioner guidelines
- Duties and expectations of the Chair
- Duties and expectations of Commissioners

Commissioner Boehmke asked if Commissioner's need to explain why they are abstaining from a vote. Mrs. Sutherland stated she has received confirmation that is it not required, it is helpful for Commissioners to share their position on a topic and why to inform the applicant, staff and other commissioners.

4. Approval of Minutes

5. Regular Agenda

A. Submittal of City of Inver Grove Heights' Review of Pine Bend Landfill's 2022 Request for Major Modification of Permit to the Minnesota Pollution Control Agency

Ally Sutherland, Environmental Specialist, presented the City's review of Pine Bend Landfill's 2022 Request for Major Modification of Permit to the Minnesota Pollution Control Agency. The PowerPoint presentation reviewed the following topics:

Pine Bend Landfill Background

- Located at 2495 117th Street East
- One of the largest municipal solid waste (MSW) landfills within the Twin Cities

- 400,000+ tons of waste annually. Includes garbage, non-hazardous waste, and construction debris
- Landfilling is the least preferred way of managing waste within the metro area
- In 2021, 33.4% of waste in the Twin Cities is being landfilled
- By 2042, expected to be 5%
- The state issues a Certificate of Need (CON), which gives a limited quantity of ability to dispose of waste at landfills to landfill operators.
- In 2021, Pine Bend Landfill (PBL) received additional CON.
- In order to landfill the material, PBL would need to expand.

Proposed Expansion

- In 2022, PBL submitted a request for Major Modification of Permit to the MPCA
- Proposed vertical expansion over the existing footprint
- Extending the existing slopes at the landfill, raise the peak elevation
- Requesting an additional 8.2 million cubic yards of airspace
 - Additional 10-12 years of capacity
 - Additional 85 feet at the highest point

Pine Bend Landfill - Permits & Approvals

- MPCA Solid Waste Permit (main Permit to operate as a landfill)
 - Environmental Assessment Worksheet (EAW)
 - Waste capacity and elevations
 - Annual reporting
 - Groundwater monitoring
 - Leachate monitoring
 - Stormwater monitoring
- MPCA Air Quality Permit
- MPCA Industrial Stormwater Permit
- MCES Industrial Discharge Permit
- City of Inver Grove Heights Non-Conforming Use Certificate (NCUC), Conditional Use Permit (CUP), Ordinance, and Host Community Agreement
- Dakota County license and Host Community Agreement

Proposed Expansion Task

- Mrs. Sutherland reviewed the 16 different tasks Pine Bend Landfill must complete to request a vertical expansion, which includes multiple public meetings, multiple public comment periods, and multiple submittals and approvals from the State of Minnesota Pollution Control Agency, State of Minnesota Environmental Quality Board, City of Inver Grove Heights, and Dakota County.
- A complete list of tasks and status is available at www.ighmn.gov/landfills.

Major Modification Request

- 2021, PBL received additional CON
- 2022, application submitted to the state

Reviewed site plan designs

PBL Application to the MPCA

- Application to the MPCA includes groundwater monitoring; leachate monitoring; solid waste composting; groundwater quality; surface water management; waste capacity, liner, and leachate collection system design; gas monitoring and gas extraction/treatment systems; final cover design; closure, post closure, contingency action, and operations and maintenance plans; financial assurance cost estimates.

PBL Application to the MPCA - City's Review

- The city hires Barr Engineering (technical advisors) to review the landfill documents.
- Barr Engineering has reviewed the entire application.
- 32 recommendations from Barr to be sent to the MPCA to incorporate into the solid waste permitting process. Recommendations include:
 - Fix discrepancies or errors
 - Provide clarification or supplemental documentation
 - Revise technical analyses
 - Complete additional technical analyses
- Additional opportunity for City recommendations:
 - Requesting responses from the MPCA and PBL
 - EAW and AQP public comment
 - City application process
 - MPCA application public comment

Commissioner Trenzeluk asked if the request was to submit the Barr report directly to the state or if Pine Bend gets the chance to see it first. Mrs. Sutherland replied the Commission is being asked to recommend submittal of Barr Engineering's review to the state. Pine Bend would also be included. Responses will be requested from both the MPCA and Pine Bend.

Commissioner Trenzeluk questioned if 10-12 years would take the landfill to 2036 or 2037. Mrs. Sutherland stated approximately 2040. This is approximately 12 years past the City's existing agreements with PBL.

Commissioner Trenzeluk said he would favor submitting the review. He asked if by staff recommending submittal of the review, if staff was saying they approve of the project at a high level. He questioned if at this point, if staff didn't want this they would have said no. Mrs. Sutherland responded no. Currently this is only Barr's review of the application. The City will review the expansion request through applicant planning application at a series of multiple city public meetings.

Commissioner Trenzeluk asked when the last time an expansion was done. Aaron Janusz, Pine Bend Landfill, replied the last expansion application was in 2015. 2018 was when they received their permit from the state.

Commissioner Trenzeluk asked if there were any issues that slowed things down during the process. Mrs. Sutherland responded this follows a similar process that has been done with other expansion requests, which is dependent on application submittals, the state's process and city's process.

Commissioner Trenzeluk referenced the potential closing of HERC (burn facility) in Minneapolis and asked if that comes into this equation. He questioned if that closes if some of their things would come to this facility. Mr. Janusz replied there have been recent developments with HERC and what would happen with that facility. Things take time to move, Pine Bend wanted the CON. He said if HERC does shut down they want to be ready to take some of the excess.

Commissioner Savage mentioned this was new to her, she is trying to get this from the simplest point possible. She said what they are saying is that they approve of the Barr report as written with things that need to be fixed. The MPCA looks at it and states what needs to be fixed and what doesn't. She questioned if the MPCA makes sure that whatever fixing is needed takes place. Mrs. Sutherland replied that the landfill has submitted an application to the state to modify their existing permit. Because the landfill is in the city, the city has interest in participating in the process and offers additional comments that may be missed. This is why Barr Engineering looks at the application and suggests the MPCA considers the recommendations.

Commissioner Boehmke commented that much of the focus was from the MPCA. She said she is in favor of moving forward with this. She mentioned she did not capture a lot about safety in the report from the OSHA perspective of going that high. She asked if it was a safe process to go to this height. Mr. Janusz replied a lot of technical work has been done to make sure it is safe. There is a section in the application that looks at that analysis.

Commissioner Mikulski was comfortable with what was presented and is in favor.

Commissioner Savage referenced storms and the 100 year rainstorm. She asked if that has been updated to take into account the weather issues the country has seen in the past couple of years. Mr. Janusz replied it is a challenge. A 100 year storm seems to happen every 5-10 years now. Data is put into the models they are using. They rely on history and try to predict what will happen. They also over engineer to be ready.

Commissioner Savage asked if they have made any changes on the basis of what could happen as opposed to what has happened. Mr. Janusz responded that they have done a little of both. He said he does not work on the models himself, consultants are working on them, but they do have conversations regarding them. In his 15 years of landfill, he said they are ready for that, he believes this application will help them get ready for the future too.

Commissioner Savage stated she is in favor of moving it forward.

Commissioner Boehmke said she is in favor of moving it forward. She mentioned that she was on the Commission with the previous expansion.

Commissioner Trenzeluk said historically Pine Bend has been a good corporate citizen. They have tried to resolve any issues in good faith. He suggested keeping things moving.

Chair Goodman said she is in favor of submitting and keeping the process going.

Motion by Commissioner Boehmke, second by Commissioner Mikulski, to submit Barr Engineering's review to the State of Minnesota.

Ayes: 5

Nays: 0 Motion carried.

6. Public Comment

7. Commissioner and Staff Comments

Commissioner Boehmke mentioned there was a comment on Facebook about eagles dying in the local area. It was kept vague and didn't point to a reason why. She said eagles can die for all reasons, cars, age, pesticides, herbicides, and poisons. Eagles can get into some bad things. Because it was a public comment on a social media forum she thought it would be a good thing to bring up. She said there have been comments before about what environmental impacts may be hitting natural habitat in the city. Because this was on an Inver Grove Heights Facebook forum, it is being recognized by some people in the city. People were wondering who was responsible for the carcasses. Mrs. Sutherland replied she was unsure about the post but said there have been questions about the bald eagle incident from last year. The State of Minnesota and the U.S. Fish and Wildlife were still looking into it. She reached out to them this week for an update. The last update received state the USFWS was working with a Department of Justice Trial Attorney to investigate the matter. Mrs. Sutherland stated she will continue to inform the Commission on updates received.

8. Adjourn

Motion by Commissioner Savage, second by Commissioner Mikulski, to adjourn the meeting at 7:50 p.m.

Ayes: 5

Nays: 0 Motion carried.