

**Inver Grove Heights Environmental Advisory Commission**  
**8150 Barbara Avenue**  
**Thursday, November 16, 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, November 16, 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: Nick Ruiz, Nichole Boehmke, Ted Trenzeluk, Marjorie Savage, Kevin Sathre

Absent: Patti Mikulski, Brian Barner, Vacancy

**3. Presentations**

**4. Approval of Minutes**

A. Approval of Minutes from the Thursday, August 24, 2023, Environmental Advisory Commission Meeting

Motion by Commissioner Boehmke, second by Commissioner Savage, to approve the minutes from Thursday, August 24, 2023, as submitted.

Ayes: 6

Nays: 0      Motion carried.

**5. Regular Agenda**

A. Robert Curve 4<sup>th</sup> & 5<sup>th</sup> Additions Wetland Replacement Plan

Ally Sutherland, Environmental Specialist, presented the Wetland Replacement Application for Robert Curve 4<sup>th</sup> and 5<sup>th</sup> Additions development. The PowerPoint presentation reviewed the following topics:

Project Background

- 15.48-acre multifamily development, South Robert Trail, south of Jefferson Trail West
  - 4th Addition: multiple townhome buildings, parking, stormwater features
  - 5th Addition: townhome building, apartment complex, parking, stormwater features
- Final development plans approved by City Council, contingent on Wetland Replacement Plan approval

Proposed Wetland Replacement Plan:

- Wetlands #1 and #3 are considered incidental. Wetland Conservation Act (WCA) does not regulate these wetlands.

- Wetland #2 is WCA regulated and a Wetland Replacement Plan is required to fill or drain the wetland.
  - Existing size is .085 acres.
  - Proposed impact is .0649 acres.
  - Proposed mitigation is to purchase 0.1388 acres of standard wetland credits from a wetland in Dodge County, Major Watershed #41 (Zumbro), and Bank Service Area 8. Proposed mitigation is 2x the amount of the proposed impact.

Proposed Wetland Replacement Plan:

- Wetland Replacement Plan is required before impacting a WCA regulated wetland.
- Applicant must have exhausted all possibilities to avoid and minimize wetland impacts according to MN Rule 8420

Technical Evaluation Panel (TEP) Review:

- Dakota County Soil and Water Conservation District (SWCD) is hired by the city to review the Wetland Replacement Plan on behalf of the city
- Technical Evaluation Panel (TEP) includes the city (soil and water), SWCD, and the State of Minnesota Board of Soil and Water (BWSR).
- TEP reviews all Wetland Replacement Plans against the Wetland Conservation Act (WCA) rules defined by MN Rule Chapter 8420:
  - Follow rules that they cannot impact wetlands if they are going to accomplish this project
  - Will minimize or avoid wetland impacts
  - Replacement at 2:1 ratio within the same minor, major, or service bank area
- TEP supports approval of the revised Wetland Replacement Plan application dated October 23, 2023

Staff Recommendation:

- Per TEP panel review, recommend approval of a Wetland Replacement Application for Robert Curve 4th & 5th Additions.

Commissioner Ruiz questioned how the proposed purchase works. Mrs. Sutherland replied the applicant would purchase wetland credits to protect a wetland within the same major, minor, and service bank area as the impacted wetland. When wetland credits are not available in those areas, they go to the closest available.

Chair Goodman asked what the service bank area was. Melissa Barrett, Kjolhaug Environmental Services, the bank service area is broad and encompasses many major watersheds. This project spanned two different bank service areas.

Commissioner Ruiz asked if there were guidelines for size and if the city has ever gone through this process with larger wetland areas. Mrs. Sutherland replied that any proposed wetland impacts must go

through the Wetland Replacement Plan process, regardless of size, unless the wetland is determined to be incidental.

Commissioner Savage said she has reservations. She is not convinced that wetland replacement in Dodge County makes up for destroying natural wetlands in our own county. The designation of a small wetland does not mean it is not important. She noted requirements have been met.

Chair Goodman said everything appears to be in order and properly reviewed by the TEP, but the location does seem far away when losing habitat for plants and animals.

Commissioner Trenzeluk said he would support for all reasons stated. He addressed Commissioner Ruiz's question stating in his time on the commission, the wetland have always been less than an acre or two, and that he has never seen a large wetland proposed to be impacted. He said the proposed mitigation follows the state statute. Dodge County is getting 2x the land, which is a plus. He supports this request.

Motion by Commissioner Ruiz, second by Commissioner Sethre, to recommend approval of the Wetland Replacement Plan for Robert Curve 4<sup>th</sup> & 5<sup>th</sup> Additions Wetland Replacement Plan.

Ayes: 6

Nays: 0      Motion carried.

## **B. City Comments on Pine Bend Landfill's Environmental Assessment Worksheet and Air Quality permit for 2022 Request for Major Modification of Permit #SW-45.**

Ally Sutherland, Environmental Specialist, presented the City Comments on Pine Bend Landfill's Environmental Assessment Worksheet and Air Quality permit for 2022 Request for Major Modification of Permit #SW-45. The PowerPoint presentation reviewed the following topics:

### Pine Bend Landfill Background:

- Pine Bend Landfill is located at 2495 117<sup>th</sup> Street East, Inver Grove Heights
- 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.

### 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
- MCPA Air Quality Permit
- MPCA Industrial Stormwater Permit
- MCEC 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

- 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

#### Proposed Expansion Tasks:

- Pine Bend Landfill will need to complete 13 steps (tasks) in order to request a vertical expansion. This discussion relates to items #3, 4, and 5, which are related to the Pine Bend Landfill's Environmental Assessment Worksheet and Air Quality Permit.

#### State of Minnesota Public Meeting Pine Bend Landfill expansion project

- Anyone interested in learning more about the project and providing comments is encouraged to attend the MPCA public meeting on November 30, 2023 at Woodcrest Church, 525 Cliff Road, Eagan, MN from 5:30 to 7:00 p.m.
- City Administrator Wilson has also invited the Commission to attend.

#### Pine Bend Landfill Items - Noticed October 31, 2023:

- Air Quality Permit
- Environmental Assessment Worksheet

#### MPCA Air Quality Permit (AQP):

- Air Quality Permit: 3 minor and 1 administrative amendment:
  - Installation of a diesel fired tipper
  - RNG treatment systems, thermal oxidizer, and open flare
  - Increased the landfills capacity
  - Facility's name changed from Pine Bend Energy, LLC, to Pine Bend RNG, LLC.

#### Environmental Assessment Worksheet (EAW):

- EAW Document:
  - Basic facts of the project
  - Permit information, informs the public, identifies ways to protect the environment

- Does not approve or deny a project
  - Guides other approvals and permitting decisions
  - Determination for Environmental Impact Statement (EIS)
- EAW Process:
  - Applicant prepares EAW and submits to Responsible Government Unit (RGU)
  - RGU (In this case, the Pollution Control Agency) reviews and supplements EAW
  - Public notice of the EAW
  - RGU responds to comments, requests modifications, and makes a decision on the need for an Environmental Impact Statement (EIS).
    - If an EIS is needed, helps identify the extent of the impacts, alternatives, and methods to reduce impacts. Does not approve or deny. Informational only.

#### Pine Bend Landfill's EAW

- Includes, to name a few: land use, water resources, wildlife, visual impacts, air.

#### Pine Bend Landfill AQP & EAW – City's Review:

- Barr Engineering was hired as the city technical advisors
- 33 recommendations for the Air Quality Permit:
  - These were to fix discrepancies or errors
  - Provide clarification or supplemental documentation
- 41 recommendations for the EAW:
  - 5 significant environmental impacts to address:
    1. Subsurface gas migration
    2. Groundwater impacts
    3. Visual impacts
    4. Wildlife impacts
    5. Public nuisance
  - 36 technical recommendations:
    1. Fix discrepancies or errors
    2. Provide clarification or supplemental documentation
    3. Revise technical analyses
    4. Complete additional technical analyses

#### Staff Recommendation

- Recommend City Council approval to submit the City's comments to the MPCA.

Commissioner Savage asked if the November 30<sup>th</sup> meeting in Eagan would be broadcast via community TV or webcast. Aaron Janusz, Environmental Manager, Pine Bend Landfill, responded no. It is in person only.

Commissioner Sethre asked if it was possible to quantify the amount of Leachate generated with an increased volume of refuse. Mr. Janusz replied it should be included in the analysis. It is surface area. The surface area is not changing that much.

Commissioner Sethre asked if the MPCA was waiting on city approval before they move forward with other substantial plans. Mrs. Sutherland replied per State Law, local governments are required to act on an application like this prior to state action.

Commissioner Ruiz asked if there was concern about the base level receiving the additional load and what would happen if there were a 100-year rain. Mr. Janusz replied they design for 100-year rains. It is modeled to give confidence that it will be ok. Brian Theerly, Barr Engineering, mentioned comment #18 in the EAW addresses this. Commissioner Sethre shared that the United State Geological Survey provides explanation of a 100 year flood and how it is determined. Information can be found at: [USGS.gov/specialtopics](https://www.usgs.gov/specialtopics).

Commissioner Sethre asked who is driving the city review of the state application. Mrs. Sutherland replied the city chooses to review and comment on the application. It is not required, the city takes it upon themselves to do this preliminary review.

Commissioner Trenzeluk supports moving this request forward. There are many steps in the process.

Commissioner Boehmke appreciated the edits and corrections. She is in support of moving forward.

Motion by Commissioner Savage, second by Commissioner Boehmke, to recommend City Council approval of submission of the city's comments to the MPCA for Pine Bend Landfill's Environmental Assessment Worksheet and Air Quality Permit for 2022 Request for Major Modification of Permit #SW-45.

Ayes: 6

Nays: 0      Motion carried.

### **C. 2024 Environmental Advisory Commission Work Plan**

Ally Sutherland, Environmental Specialist, presented the 2024 Environmental Advisory Commission Work Plan. The PowerPoint presentation reviewed the following topics:

#### City Code

- City Code states the EAC advises the City Council on environmental issues, land alteration permits, wetland replacement plans, landfill matters, aircraft noise, and promoting public awareness and understanding of environmental issues.

#### Draft 2024 Work Plan defines the 2024 environmental priorities.

- Define 2024 environmental priorities.
- Goals developed by staff based on:
  - Feedback from Aug 2023 EAC meeting
  - 2023 work plan progress, regional trends, community requests, existing city environmental programming, achievable by December 2024 with Environmental Specialist, EAC and technical assistance

Draft 2024 Work Plan includes:

- Support the City's Energy Action Plan.
- Support the City's Solid Waste Abatement Program as related items arise.
- Support the new Sustainable IGH Recognition Program.
- Support SolSmart as related items arise. (Joined in 2023).
- Review landfill expansion applications related to the anticipated Pine Bend Landfill proposed expansion.
- Incorporate stormwater and groundwater educational items into the EAC agendas.
- Incorporate natural resource related educational items into the EAC agendas.
- Process other business-as-usual items related to landfills, wetlands, airport noise, and other assigned duties of the Environmental Advisory Commission per City Code 2-4-2.

Staff Recommendation

- Recommend City Council approval of the 2024 EAC Work Plan.

Commissioner Boehmke questioned if they were still developing the Sustainable IGH Recognition Program. Mrs. Sutherland replied the Commission reviewed the list in Summer 2023, and the application will be live in March/April 2024.

Commissioner Savage asked how the Commission would be made aware goals were met at the end. Mrs. Sutherland stated she can provide an annual update to the Commission after the year end.

Commissioner Savage said her concern that the goals are too high-level and should be more specific. Mrs. Sutherland stated the work plan is meant to provide City Council and the EAC a high-level overview of what the EAC will be supporting and reviewing throughout the year. This ensure City Council supports what the EAC is spending time on. This is the second year of developing a work plan. In time, if the EAC would like to make more specific and measurable goals, that can be considered by the Commission.

Commissioner Trenzeluk said he looks at it more as a roadmap than a scorecard.

Commissioner Ruiz mentioned that Commissioner's volunteered in different areas of the work plan last year. He asked if that was something they would do this year. Mrs. Sutherland replied after trying this last year, she did not see a resulting benefit. It was removed this time but is something that could still be considered again in the future by the Commission.

Chair Goodman mentioned she appreciates having this be high level. She suggested having this in a grid with details added, such as Soil and Water Conservation coming in and talking or the City Planner. She suggested slating a topic for each month as an option. Mrs. Sutherland replied the work plan details can be discussed future by the Commission at a future meeting, such as speaker info. Once the Council approves the Commission could create an annual schedule. Specific recommendations could be added into this draft work plan, or discussed at a future meeting.

Chair Goodman liked the idea of including it at a future meeting where they could set up a calendar.

Commissioner Ruiz agreed discussion at a future meeting would be useful. If a Commissioner would like to look into something and use staff as the clearing house for it, it would be of interest to him.

Commissioner Boehmke supports this at a high level so they can continue to become more specific.

Commissioner Trenzeluk liked it at the high level because for years there was nothing resembling this for this Commission.

Mrs. Sutherland stated she will bring a 2024 calendar discussion to a future meeting.

Motion by Commissioner Sethre, second by Commissioner Ruiz, to recommend City Council approval for the 2024 Environmental Advisory Commission Work Plan.

Ayes: 6

Nays: 0      Motion carried.

## **6. Public Comment**

## **7. Commissioner and Staff Comments**

Commissioner Trenzeluk said he would like to know more about how EV batteries are created and what happens with batteries after they are done. He supports their benefits. He asked if anyone knows what happens with them to share it with the Ally so she can share it with the Commission. He would like to see the whole picture regarding EV's. Mrs. Sutherland replied she could look into different educational options, such as requesting a speaker who is an expert on this.

Commissioner Boehmke was thankful for having the webinar shared for Minnesota's PFAS that is coming up from the Minnesota Pollution Control Agency. She looks forward to listening in.

Commissioner Sethre said he drove an electric vehicle. The first one he drove was a magnificent piece of engineering. The storage concerns him. He is not against electric vehicles, he wants to make sure everything is considered.

Commissioner Sethre referenced water quality stating it was in the news regarding a study in Las Vegas last year. There were two large events held, Southern Nevada University tested the water after the events and found 28 compounds in the wash including opioids, antidepressants, and various medications, to name a few. What people are doing can affect the natural environment of the food web.

Commissioner Savage liked the idea of an EV speaker. Since part of their mission is to promote public awareness and understanding of local issues, she questioned if an invitation could be extended to the community to attend. Mrs. Sutherland replied yes.

Mrs. Sutherland mentioned the public open house for the Pine Bend Landfill expansion takes place on November 30<sup>th</sup>, and asked if one to three Commissioners were interested in attending. Commissioners Sethre, Savage, and Trenzeluk expressed interest in attending.

**8. Adjourn**

Motion by Commissioner Savage, second by Commissioner Boehmke, to adjourn the meeting at 8:12 p.m.

Ayes: 6

Nays: 0

Motion carried.