

**ENVIRONMENTAL ADVISORY COMMISSION MINUTES
CITY OF INVER GROVE HEIGHTS**

City Council Chambers - 8150 Barbara Avenue
Thursday, November 14, 2024 - 7:00 p.m.

1. CALL TO ORDER

Chair Goodman called the Environmental Advisory Commission Meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited.

2. ROLL CALL

Commissioners Present: Sara Goodman (Chair)
 Tracie Killion
 Nick Ruiz
 Ted Trenzeluk
 Jon Wallerick
 Nichole Boehmke

Commissioners Absent: Marjorie Savage
 Kevin Sethre
 Patti Mikulski

3. PRESENTATIONS

None.

4. APPROVAL OF MINUTES

A. Approval of Minutes from the Thursday, June 27, 2024, and July 25, 2024, Environmental Advisory Commission Meetings

Motion by Boehmke, Second by Ruiz, to approve both the minutes from the June 27th meeting and the minutes from the July 25th meeting with the correction to the spelling of Commissioner Boehmke's first name, Nichole.

Ayes: 6

Nays: 0 Motion carried.

5. REGULAR AGENDA

A. Pine Bend Landfill Vertical Capacity Expansion Request for Landfill Located at 3495 117th Street East (BFI Waste Systems - Case No. 24-21NCUC)

City Administrator Kris Wilson presented on Pine Bend Sanitary Landfill request for authorization to accept additional cubic yards of waste, grow taller, and operate longer than currently permitted by the State, Dakota County, and Inver Grove Heights.

The city's role involves:

1. Zoning Code Amendment
 - a. This is the focus of the EAC's input
2. Amendment to Pine Bend Sanitary Landfill's Non-Conforming Use Certificate

- a. Minor Amendment to allow for increased height and cubic yards
3. Conditional Use Permit for Vertical Expansion
 - a. Minor alteration to the current Conditional Use Permit to allow for increased height and cubic yards
4. Host Community Agreement
 - a. This item is solely within the purview of the City Council

Actions Requested

- Review of the proposed Conditional Use Permit
- Provide a recommendation to the City Council
- Propose any amended or additional conditions that the Commission deems as reasonable, necessary, or appropriate

City Administrator Wilson reviewed some background information on the landfill for the benefit of members of the public.

The proposal is for a vertical capacity expansion that would not increase the landfill's footprint but would extend the life of the landfill by 13.6 years and raise the height of the landfill by 86.8 feet at its highest point (occurring over the next 18 years).

City Administrator Wilson discussed the proposed Conditional Use Permit, which approves an additional 86.8 feet of height to a new maximum elevation of 1,105.8 feet and approves an increase in the capacity of the landfill, subject to the following conditions:

Conditions 1 and 2:

- Outline the previous height and capacity maximums
- Note that the terms of the two previous Conditional Use Permits remain in effect, but state that the most recent CUP will prevail in the event of conflicting terms

Conditions 3 and 4:

- Require that the expansion be constructed and operated in accordance with the application materials and plan documents submitted, as well as information provided in follow-up letters

Conditions 5 and 6:

- Provide the list of past City actions and approvals, which remain in effect and which the Landfill must continue to comply with, including the Landfill's Non-Conforming Use Certificate

Conditions 7 and 8:

- Indicate the types of waste that may be disposed of in the Landfill (no change from current list)
- Require that the Landfill connect to the City's sanitary sewer system and pay the applicable connection and hook-up charges (once the sanitary sewer is extended to the property as part of the 117th Street reconstruction project)
- This allows leachate to be piped rather than trucked to the Metropolitan Council's wastewater treatment facility.
- The previous condition 8 from the 2018 CUP, which prohibited traffic queueing on 117th Street, would be removed, as it is no longer necessary given that the 117th Street reconstruction project will add a turn lane. Additionally, 117th Street is now a County road, and the County is now responsible for regulating the use of the street.

Conditions 9 and 10:

- Establish hours for construction of the expansion (installing liner, extending leachate and gas extraction systems, etc.)
 - Hours will be identical to those from the last approved expansion
 - Hours for landfill operations (accepting waste and applying daily cover) are spelled out in the Non-Conforming Use Certificate
- State that the landfill must comply with all applicable federal laws and regulations, Minnesota statutes and rules, Dakota County rules, and terms of their Solid Waste Permit, as amended.

Conditions 11 and 12:

- Indicates requirements related to surface water and groundwater requirements
 - No change from existing Conditional Use Permit
- Indicates requirements related to dual gas/leachate extraction system
 - No change from existing Conditional Use Permit, but with the annual report now due March 1 instead of February 1 to align with the State's deadlines

Conditions 13, 14, and 15:

- ⌚ Address subsurface gas migration as a safety concern
 - Require compliance with MN Rule 7035.2815, Subpart 11 regarding landfill gas management
 - The issue is not expected to worsen as a result of expansion
 - The 2018 CUP required Pine Bend Landfill to have six consecutive months of compliance by January 1, 2025. This condition has not been met. However, the Minnesota Pollution Control Agency has said that there is still no foolproof way of containing landfill gas, and they believe the landfill is taking reasonable steps towards compliance.
 - Require continued annual reporting to the Environmental Advisory Commission on progress
 - With added trend analysis
 - Require continued oversight by the Minnesota Pollution Control Agency
 - **Extend the deadline for compliance with MN Rule 7035.2815, Subpart 11 to 2027 or until 35 million** cubic yards of capacity is reached, with authority given to City Council to waive the requirement if adequate progress is being made
 - The likely path for this is for the EAC to review the landfill's annual report and make a recommendation to City Council
 - Require Pine Bend Landfill to identify the outer boundaries of the subsurface gas plume
 - Gas is being detected at some monitoring points at the boundary, which is a potential safety hazard. Surrounding property owners will likely need to give permission in order for the plume boundary to be mapped.

Commissioner Trenzeluk inquired about regulatory authority. City Administrator Wilson stated that MPCA has regulatory authority in this matter, and the hope is that they would take the lead if an obvious answer to managing subsurface gas emerges. The City Council could waive the requirement, but that would not affect MPCA's regulatory decision making.

Conditions 16, 17, 18, and 19 (all consistent with existing CUP):

- Require compliance with the MPCA air emission permit for the Renewable Natural Gas facility
- Make both the owner and the operator of the Landfill responsible for compliance with the Conditional Use Permit (CUP)

- Document that any breach of the Host Community Agreement is a violation of the CUP
- Indicate that the effective date of the CUP is the effective date of the new Host Community Agreement

Condition 20:

- Makes this CUP effective only if a valid Host Community Agreement is in place
 - This ties the two documents together, per attorney advice

Commissioner Boehmke stated that it was her understanding that there has been improvement in the gas migration issue since 2018.

Aaron Janusz, Environmental Manager with Republic Services for Pine Bend Landfill, confirmed that. He stated that when monitoring started, there were 20 exceedances out of 26 probes; now, it is 5 or 6 trouble spots. Venting is helping to draw out the gas at those points.

Commissioner Trenzeluk questioned whether there is a staff recommendation.

City Administrator Wilson stated that staff is recommending that the Conditional Use Permit move forward to the Planning Commission.

Commissioner Trenzeluk inquired as to whether significant settling will occur and lower the height of the landfill over time and whether that was accounted for in the final height estimate. Mr. Janusz stated that it would be minor in the final analysis.

Commissioner Wallerick inquired about the time frame for addressing groundwater contamination. City Administrator Wilson stated that in the past, when groundwater concerns due to the landfill were identified, the City extended municipal water to residents. She said that 24 months is a realistic estimate for this type of remedy, but notice would be given as soon as possible.

Commissioner Wallerick expressed concern about environmental safety hazards. City Administrator Wilson said that agencies including the Environmental Protection Agency would monitor hazards and regulate mitigation.

Commissioner Wallerick asked how the City would know when the Landfill has reached the cubic yard threshold. City Administrator Wilson said it would be based on annual reports; these include rate information, so there would be forewarning.

Chair Goodman asked what measures are in place to detect leaks in the sanitary sewer system to prevent groundwater contamination. City Administrator Wilson said the system was evaluated to ensure it could handle the additional flow. The sewer system is regularly televised to monitor for pipe damage and decreased flow volumes, which would indicate a leak. Mr. Janusz added that the landfill will discharge to a lift station, and that there are many safety measures in place to monitor the sewer system.

Commissioner Killion asked where the sanitary sewer goes. City Administrator Wilson said the Metropolitan Council Wastewater Treatment Plant.

Commissioner Killion inquired as to where the closest basement is to the landfill. City Administrator Wilson said she did not know. Mr. Janusz said that there is a recycling center next to the landfill, and

that facility is being monitored. There is also a house on the other side of Rich Valley Boulevard. City Administrator Wilson said that this question was behind the request to determine the outer boundaries of the plume.

Commissioner Killion stated that she supported Pine Bend Landfill's requested expansion with the current conditions. She expressed concern about carefully monitoring the sanitary sewer to prevent leaks.

Chair Goodman stated that she supported the expansion with the current conditions.

Commissioner Ruiz stated that he supported the expansion with the current conditions.

Commissioner Wallerick stated that he supported the expansion. His aesthetic concern is that the height will be more visible as a landfill until the final cover is applied, but his safety concerns have been addressed.

Commissioner Trenzeluk stated that this expansion does not exacerbate existing concerns, so he is in support. He added that the expansion will lead to increased natural gas collection.

Commissioner Boehmke stated that she supported the expansion, and she found the deadline extension for subsurface gas migration mitigation reasonable given the landfill's effort to follow best practices.

Motion by Boehmke, Second by Killion, to recommend approval of the Conditional Use Permit as stated in the packet to the City Council.

Ayes: 6

Nays: 0 Motion carried.

B. 2025 Environmental Advisory Commission Work Plan

Environmental Specialist Ally Sutherland presented a revised draft of the 2025 EAC Work Plan.

City Code 2.4.2 defines the duties and functions of the EAC as advising the City Council on environmental issues including local landfill matters, wetland replacement applications, aircraft noise, and promoting public awareness of local environmental issues.

The annual work plan is a helpful guiding document proposed by the EAC and approved by the City Council. The purpose is to define the annual priorities of the EAC that align with the duties and functions defined by City Code.

Environmental Specialist Sutherland summarized the revisions to the work plan:

- Adding "electric vehicles" to 1c as a topic for residential outreach
- Adding item 1e ("review community energy data updates provided by Xcel Energy Partners in Energy and annual EAP update")
- Adding "residents and businesses" to 2a to clarify the audience for the Sustainable IGH Awards program

- Adding “leveraging local partnerships” to 2a to signal intention to work with local groups such as the Chamber of Commerce
- Adding “public awareness” to 5 to signal intention to promote EAC meetings to the public
- Adding item 6 (“invite relevant City staff to present internal environmental and sustainability updates related to City facilities, natural resources, and more”)
 - E.g. updates on Energy Efficiency Conservation block grant to update lighting

Commissioner Killion inquired about the potential for the EAC to weigh in on development plan reviews. Environmental Specialist Sutherland stated that this would be limited to if there were a wetland on the development site that would be impacted (filled or graded).

City Administrator Wilson added that the City Council has expressed interest in the EAC reviewing the Tree Preservation Ordinance, which sets standards for when to replace trees; it sometimes comes up in regard to developments.

Environmental Specialist Sutherland stated that the review of the City’s Comprehensive Plan could be another potential area for environmental input on development plans.

City Administrator Wilson suggested adding Comprehensive Plan review as an item in the 2026 and 2027 EAC Work Plans.

Chair Goodman echoed Commissioner Killion’s interest in reviewing development plans.

Commissioner Ruiz commented that Joe Barton, who works with Dakota County’s Lawns Reimagined program, would like to come present to the EAC. He said that lawn replacement is less work than some people think it is. He commended Dakota County for providing seeds and guidance through this program. He said he hopes the EAC can play a role in connecting people with this type of information.

Environmental Specialist Sutherland stated that this could be scheduled when the calendar for speakers was set early next year.

Commissioner Trenzeluk asked when the MOU with Xcel Energy expires.

Environmental Specialist Sutherland said it expires in January, but Xcel has already confirmed willingness to extend the MOU.

Commissioner Killion expressed support for the Work Plan.

Commission Goodman expressed support for the Work Plan.

Commissioner Ruiz expressed support for the Work Plan.

Commissioner Wallerick expressed support for the Work Plan.

Commissioner Trenzeluk expressed support for the Work Plan.

Commissioner Boehmke expressed support for the Work Plan.

Motion by Ruiz, Second by Killion, to recommend approval of the 2025 EAC Work Plan.

Ayes: 6

Nays: 0 Motion carried.

6. PUBLIC COMMENT

None.

7. COMMISSIONER AND STAFF COMMENTS

Commissioner Killion inquired about the December 19th EAC meeting.

Environmental Specialist Sutherland clarified that this was moved to January 3rd for the holidays.

Commissioner Trenzeluk asked whether the City has received comments from residents about the expansion.

City Administrator Wilson said the City has not received significant public comments thus far, but the Planning Commission will have public hearings at two meetings, in addition to ongoing social media outreach.

Commissioner Killion shared that Dakota County District 2 Commissioner Joe Atkins published a survey; people were in favor of the expansion along with programs for decreasing waste.

8. Adjourn

Motion by Killion, Second by Ruiz, to adjourn the meeting at 8:08 p.m.

Ayes: 6

Nays: 0 Motion carried.