

**INVER GROVE HEIGHTS
ENVIRONMENTAL ADVISORY COMMISSION MEETING AGENDA
Thursday, January 23, 2020
8150 Barbara Avenue
7:00 P.M.**

1. CALL TO ORDER

2. ROLL CALL

3. PRESENTATIONS – Items that do not require action.

A. Gas Migration Status at Pine Bend Landfill

4. ANNOUNCEMENTS

- A. Legal Training on Roles and Responsibilities Meeting** was held on 01/07/2020. Recording available at www.townsquare.tv/webstreaming.
- B. Public comment** received at the City Council meeting on 01/13/2020 regarding a Plastic Bag and Styrofoam Ordinance.
- C. Xcel Energy's Partners in Energy (PIE) Application** submitted.

5. CONSENT AGENDA – All items on the Consent Agenda are considered routine and have been made available to the City Council at least two days prior to the meeting; the items will be enacted in one motion. There will be no separate discussion of these items unless a Council member or citizen so requests, in which event the item will be removed from this Agenda and considered in normal sequence.

A. Minutes of November 21, 2019 Environmental Commission Meeting

6. PUBLIC COMMENT – Public comment provides an opportunity for the public to address the Council on items that are not on the Agenda. Comments will be limited to three (3) minutes per person

7. REGULAR AGENDA – Items requiring an action.

8. ADMINISTRATIVE PRESENTATIONS – Items that need to be discussed without any actions.

9. COMMISSION COMMENTS – An opportunity for Commissions to raise additional questions or comments.

10. ADJOURN

CITY OF INVER GROVE HEIGHTS

PRESENTATION

Gas Migration Status at Pine Bend Landfill

Meeting Date: January 23, 2020
Item Type: Information Only Presentation
Contact: Ally Sutherland, Environmental Specialist
Prepared by: Ally Sutherland, Environmental Specialist
Reviewed by: N/A

PURPOSE

Pine Bend Landfill will present an informational presentation on the current status of the landfill's gas management, in accordance to Minnesota Rule 7035.2815 Subpart 11 and Resolution 18-69. The Commission is encouraged to ask questions.

SUMMARY

Pine Bend Landfill, operated by Republic Services, is a Municipal Solid Waste Landfill located at 2495 117th St E in Inver Grove Heights. The landfill is currently operating under existing permits received through the Minnesota Pollution Control Agency (MPCA), Metropolitan Council Environmental Services (MCES), Dakota County (County) and the City of Inver Grove Heights (City).

In 2018, Pine Bend Landfill requested City, County and MPCA approval to expand the landfill's side slope capacity. The City approved this request through the following approvals:

- Resolution 18-70: Resolution Amending Resolution No. 6465 Granting a Non-Conforming Use Certificate for Pine Bend Sanitary Landfill for a Sanitary Landfill (April 9, 2018)
- Memorandum of Third Restated and Amended Host Community Agreement (May 8, 2018)
- Resolution 18-69: Resolution Approving a Conditional Use Permit to Allow Side Slope Capacity Expansion of Pine Bend Landfill (May 23, 2018)

Per Condition 14 of Resolution 18-69, Pine Bend Landfill is required to achieve gas management compliance as stated in Minnesota Rule 7035.2815, Subpart 11; *The concentration of any explosive gas must not exceed its lower explosion limit at the property boundary or 25 percent of its lower explosion limit in and around facility structures or any other on-site* (see attachment). Resolution 18-69 includes a new condition that requires Pine Bend Landfill, when not in compliance with Minnesota Rule 7035.2815 Subpart 11, to present its progress on efforts to achieve compliance to the IGH Environmental Commission in the first quarter of the year.

In February 2019, Pine Bend Landfill submitted their 2018 Annual Report to the MPCA and City. In October 2019, Barr Engineering completed a technical review on the behalf of the City for compliance of the following items included in the 2018 Annual Report:

- Conditional Use Permit
- Non-conforming Use Certificate
- Gas/Leachate Dual Extraction System
- Landfill Gas
- Surface Gas
- Financial Assurance
- Contingency Action and Closure Plans
- Groundwater Quality

Through this technical review the City determined Pine Bend Landfill has not yet met the Minnesota Rule 7035.2815 Subpart 11. For this reason, Pine Bend Landfill will present progress to achieve compliance to the Environmental Commission at the January 23, 2020 meeting.

Attachments: Resolution 18-69
Minnesota Rule 7035.2815, Subpart 11
Site Map

**CITY OF INVER GROVE HEIGHTS
DAKOTA COUNTY, MINNESOTA**

RESOLUTION NO. 18-69

**RESOLUTION APPROVING A CONDITIONAL USE PERMIT TO ALLOW A SIDE
SLOPE CAPACITY EXPANSION OF PINE BEND LANDFILL**

CASE NO. 07-36NCUC

PROPERTY LOCATED AT 2495 EAST 117TH STREET

WHEREAS, an application for a conditional use permit for a side slope capacity expansion of Pine Bend Landfill has been submitted by BFI Waste Systems of North America, LLC for property located at 2495 East 117th Street and legally described in Exhibit A and depicted in Exhibit B, attached hereto; and

WHEREAS, the side slope capacity expansion of Pine Bend Landfill is a conditional use in the IRM, Integrated Resource Management Overlay Zoning District; and

WHEREAS, the aforescribed property is currently zoned I-2, General Industry and IRM, Integrated Resource Management Overlay Zoning District; and

WHEREAS, in accordance with Minnesota Statutes, Section 462.357, Sub. 3, a public hearing concerning the proposed conditional use permit was held before the Inver Grove Heights Planning Commission on February 20, 2018.

WHEREAS, an application for a conditional use permit for an airspace capacity expansion of Pine Bend Sanitary Landfill was submitted in 2003 by BFI Waste Systems of North America Inc. for the same property and that conditional use permit was approved by the City Council on March 22, 2004, per Resolution No. 04-48.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Inver Grove Heights, that a conditional use permit for BFI Waste Systems of North America, LLC for the side slope capacity expansion of Pine Bend Landfill is granted for the aforescribed property, subject to the following conditions:

AND BE IT FURTHER RESOLVED, that the conditional use permit for an airspace capacity expansion of Pine Bend Landfill, dated March 22, 2004 is hereby reaffirmed and ratified subject to the following conditions:

1. The side slope capacity expansion of 3.53 million cubic yards, not including the final cover system, when coupled with the airspace capacity limitation of the Non-Conforming Use Certificate of airspace capacity of 23.3 million cubic yards, and the 2004 conditional use permit expansion of 5.30 million cubic yards, not including the final cover system, shall not exceed 32.13 million cubic yards of airspace for disposed waste, not including the final cover system. The City and Pine Bend Landfill agree that prior to the airspace capacity expansion

allowed by this conditional use permit the remaining airspace capacity, as of December 2016, was 1.90 million cubic yards. The remaining airspace capacity will be recalculated each year as required by MPCA.

2. The terms and conditions of the conditional use permit for an airspace capacity expansion for Pine Bend Landfill, dated March 22, 2004 shall be the terms and conditions stated in this resolution and the terms and conditions in Resolution 04-48, dated March 22, 2004 are hereby superseded by this resolution.
3. The airspace capacity expansion granted March 22, 2004 and this side slope capacity expansion shall occur and be operated in substantial conformance with the following:
 - a. Narrative and plans of "Application to the City of Inver Grove Heights for the Pine Bend Landfill", dated August 2003
 - b. Twenty-six plan sheets, titled "Permit Application, Pine Bend Landfill-SW 45, prepared for BFI Waste Systems of North America, Inc.", dated February 2002, January 2003, and August 2003
 - c. Response to comments for BFI Pine Bend Landfill, as prepared by Wenck Associates Inc., dated November 11, 2003
 - d. "Application Submittal to the City of Inver Grove Heights for the Pine Bend Landfill - Phase 6 development, MPCA Permit #SW-45," revised February 2018

To the extent that paragraphs 3a, 3b, and 3c conflict with paragraph 3d, paragraph 3d shall prevail.

4. The area of the 2004 capacity expansion shall be limited to the area defined as Phase 5 and the area of the 2018 side slope capacity expansion shall be limited to the area defined as Phase 6 on the approved plans.
5. Pine Bend Landfill shall comply with all terms and conditions found in:
 - a. Resolution No. 6330 Approving a Conditional Use Permit for an Energy Recovery Facility for the Generation of Electricity, dated May 30, 1995
 - b. Resolution No. 6465 Granting a Non-Conforming Use Certificate for Pine Bend Landfill for a Sanitary Landfill, dated November 27, 1995
 - c. Resolution No. 2001-86 Approving a Conditional Use Permit for Open Storage for Truck and Trailer Storage/Parking, dated July 9, 2001
 - d. Resolution 01-117 Adopting a Revised Landscaping Plan, dated September 10, 2001

- e. Resolution No. 02-32 Amending the Non-Conforming Use Certificate by Modifying the Phasing Plan, Maximum Elevation, and Final Grading and Storm Water Plans, dated March 11, 2002
 - f. Resolution No. 02-127 Approving a Conditional Use Permit for the Stockpiling of Clean Soil Material as an Accessory Use to an Existing Landfill to a Maximum of 335,100 Cubic Yards, dated August 26, 2002
 - g. Resolution No. 04-48 Approving a Conditional Use Permit to Allow an Airspace Capacity Expansion of Pine Bend Landfill, dated March 22, 2004; as modified by this resolution.
 - h. Resolution No. 04-49 Amending Resolution No. 6465 Granting a Non-Conforming Use Certificate for Pine Bend Landfill for a Sanitary Landfill, dated March 22, 2004
 - i. Resolution No. 04-51 Declaring Lapse of Nonconforming Use Rights for Pine Bend Sanitary Landfill to Operate a Compost Facility, dated March 22, 2004
 - j. Resolution No. 04-50 Approving A Conditional Use Permit for the Stockpiling of Clean Soil Material as an Accessory Use to an Existing Landfill to a Maximum of 355,100 Cubic Yards, dated March 22, 2004
 - k. Resolution No. 18-____ Amending Resolution No. 6465 Granting a Non-Conforming Use Certificate for Pine Bend Sanitary Landfill for a Sanitary Landfill
6. The Non-Conforming Use Certificate, Section 5 through 10 inclusive, shall also apply to the side slope capacity expansion and the terms and conditions of those sections are made part of this Conditional Use Permit and incorporated by reference.
7. Notwithstanding anything to the contrary contained in Pine Bend Landfill's Solid Waste Management Plan, the types of waste to be disposed in the 2004 airspace capacity expansion and this side slope capacity expansion shall only include the following:
- a. Construction debris and demolition debris
 - b. Infectious waste which has been processed so as to become non-infectious
 - c. Mixed municipal solid waste from whatever source including, but not limited to, mixed municipal solid waste material from composting, energy recovery facilities, and recycling facilities and processes. The term mixed municipal solid waste shall be as defined in Section 1.29 of the "Non-Conforming Use Certificate for Pine Bend Sanitary Landfill for a Compost Facility and Sanitary Landfill," issued on November 27, 1995.
 - d. Non-hazardous industrial solid waste including, but not limited to, industrial incinerator ash, all in accord with the Industrial Waste Management Plan. The term industrial solid waste shall be as defined in Section 1.24 of the "Non-Conforming Use

Certificate for Pine Bend Sanitary Landfill for a Compost Facility and Sanitary Landfill," issued on November 27, 1995.

- e. Solid wastes approved by the MPCA for use as cover material including, but not limited to, foundry sands and certain sludges.
- 8. Vehicles coming into Pine Bend Landfill shall not queue onto 117th Street.
- 9. If sanitary sewer is extended to Pine Bend Sanitary Landfill, the Landfill shall connect the leachate collection/storage systems to the sanitary sewer, pay its pro rata share of special assessments (in conjunction with other lands served by the sanitary sewer extension) over a term determined by the City Council but not less than five years and not more than ten years, and pay connection and hook up charges, as soon as the sanitary sewer is accepted for use by the City.
- 10. Hours for the construction of the 2004 airspace capacity expansion and this side slope capacity expansion shall be:

Monday through Friday 6:00 AM to 8:00 PM
Saturday 6:00 AM to 4:00 PM

Upon the request of Pine Bend Sanitary Landfill, temporary extensions of hours or days of construction may be granted by the City Administrator.

- 11. Pine Bend Landfill shall comply with Minnesota Rules and the MPCA Solid Waste Permit issued July 30, 2015 regarding surface water and groundwater monitoring and groundwater compliance boundary requirements as well as the following special conditions:
 - a. As part of its annual report to the MPCA, Pine Bend Landfill may use alternative methods for the groundwater trend analysis, if approved in advance by the City.
 - b. Pine Bend Landfill shall conduct additional investigations, if required by the City Council, when hydrogeologic changes occur or continued release of contaminants to groundwater warrant, as determined by the City Council. Pine Bend Landfill shall start the investigation within 60 days after determined by the City Council, complete the investigation within 360 days including design for additional groundwater remedial measures, and implement remedial measures within 180 days of City Council's approval of remedial measures design.
 - c. Required water sampling may be waived by the City Administrator in conjunction with either the Community Development Director or Public Works Director, in the case of extenuating circumstances, such as inaccessibility caused by deep snow or wet soils. If such a waiver is granted, the City Council will be notified at its next regular meeting and the waiver shall be discussed at the next quarterly meeting with the City and Pine Bend Landfill and documented in the meeting minutes.

12. Pine Bend Landfill must comply with Minnesota Rules and the MPCA Solid Waste Permit issued July 30, 2015 regarding liner leak detection, and leachate collection, conveyance, storage, and treatment requirements as well as the following special conditions relating to the dual gas/leachate extraction system:

- a. As part of the annual report, due February 1 of each year, Pine Bend Landfill shall describe the system operations and maintenance, including quality and quantity of leachate collected, and provide recommendations for system modifications.
- b. Pine Bend Landfill shall perform the following and discuss efforts as part of the annual report, due February 1 each year, to:
 - i. Operate, maintain, and update the dual gas/leachate extraction system to maximize leachate extraction to the greatest extent practicable
 - ii. Lower pump intakes or provide an explanation of why pumps could not, or should not, be lowered
 - iii. Allow one full year of "dry" operations before removing pumps or provide explanation regarding why the pumps need to be removed and why they cannot be reinstalled
 - iv. Monitor leachate head level in wells after pumps are removed
 - v. Evaluate the market availability of new pumps that could be installed in the dual gas/leachate extraction wells
 - vi. Reinstall pumps in wells currently in the dual gas/leachate extraction system or provide an explanation of why the pumps could not, or should not, be reinstalled
 - vii. Install pumps in existing wells and add them to the dual gas/leachate extraction system or provide an explanation of why the pumps could not, or should not, be installed
- c. Requirements for the dual gas/leachate extraction system may be waived by the City Administrator in conjunction with either the Community Development Director or Public Works Director, in the case of extenuating circumstances, such as inability to reinstall pumps or if it is technically unfeasible to operate or maintain the dual gas/leachate extraction system. If such a waiver is granted, the City Council will be notified at its next regular meeting and the waiver shall be discussed at the next quarterly meeting with the City and Pine Bend Landfill and documented in the meeting minutes.

13. Pine Bend Landfill must comply with Minnesota Rules and the MPCA Solid Waste Permit issued July 30, 2015 regarding the Phase 5 expansion area liner leak detection, and leachate collection, conveyance, storage, and treatment requirements.

14. Pine Bend Sanitary Landfill must achieve compliance with Minnesota Rule 7035.2815, Subpart 11 regarding landfill gas management, including future similarly applicable Minnesota Rule revisions, for six consecutive months as certified by a professional engineer prior to the following, whichever occurs first:
- a. Filling of waste beyond 30.00 million cubic yards (excluding final cover) of the Pine Bend Sanitary Landfill capacity of 32.13 million cubic yards (excluding final cover);
or
 - b. January 1, 2025.

If compliance with this condition is not achieved, Pine Bend Sanitary Landfill and BFI Waste Systems of North America, LLC must temporarily cease accepting waste for disposal at the Pine Bend Sanitary Landfill until this condition is met; when the condition is met, waste may once again be accepted for disposal at the Pine Bend Sanitary Landfill.

Until compliance is achieved for six consecutive months as required above, BFI Waste Systems of North America, LLC must present progress on its efforts to achieve compliance to the City of Inver Grove Heights Environmental Commission in the first quarter of every year and report progress in the annual report to the MPCA.

All ongoing gas migration related work plans and reports must be submitted to the City for review and comment.

The requirement contained above is not an election of remedies by the City and is not a waiver of the City's right and remedies under the conditional use permits or under the non-conforming use certificate or under any host community agreement.

The City specifically reserves the right to take action to enforce Minnesota Rule 7035.2815, Subpart 11 and to exercise its rights and remedies under the conditional use permits and under the non-conforming use certificate or under any host community agreement with respect to any past, existing or future violations of Minnesota Rule 7035.2815, Subpart 11, including future similarly applicable Minnesota Rule revisions.

No remedy conferred upon or reserved to the City in the conditional use permits or in the non-conforming use certificate or in any host community agreement shall be exclusive of any other available remedy or remedies, but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under the conditional use permits or the non-conforming use certificate or in the host community agreement or now or hereafter existing at law or in equity or by statute. No delay or omission to exercise any right or power shall impair any such right or power or shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient.

The City acknowledges that BFI Waste Systems of North America, LLC reserves the right to request an amendment to the requirement contained herein.

Nothing contained herein shall be deemed an acceptance or approval by the City of the requested amendment or any indication that the City will adopt such amendment.

During the time that the Pine Bend Sanitary Landfill must temporarily cease to accept waste for disposal in the event the above condition is not met, Pine Bend Sanitary Landfill and BFI Waste Systems of North America, LLC must nonetheless continue to pay the City the fees and payments stated in Section 8 of the Third Restated and Amended Host Community Agreement dated April 9, 2018, by and among BFI Waste Systems of North America, LLC, Browning-Ferris Industries, Inc. and the City of Inver Grove Heights (as amended from time to time); and Pine Bend Sanitary Landfill and BFI Waste Systems of North America, LLC must meet and comply with the other obligations stated in the Third Restated and Amended Host Community Agreement (as amended from time to time) including, but not limited to, the Host Community Fee, the Minimum Monthly Payment, the Per Ton Payment, the Inducement Amount, the Donation and the Payment for Firefighting Costs and the payments required under Sections 8.12 and 8.13 of the Third Restated and Amended Host Community Agreement.

15. Pine Bend Sanitary Landfill shall maintain a Minnesota Pollution Control Agency air emission permit for a rental enclosed flare to serve as contingency capacity for managing landfill gas.
16. The owner and operator of Pine Bend Sanitary Landfill are both responsible for complying with the obligations and conditions contained in this Conditional Use Permit.
17. Breach of any Host Community Agreement between the City and BFI Waste Systems of North America, Inc. is deemed to be violation of this Conditional Use Permit.
18. This conditional use permit shall become effective only upon the execution of the Third Restated and Amended Host Community Agreement and only upon the Third Restated and Amended Host Community Agreement becoming effective.

Be it further resolved that the City Clerk is hereby authorized and directed to record a certified copy of this resolution at the Dakota County Recorder's Office.

Res. No. 18-69

Adopted by the City Council of the City of Inver Grove Heights this 9th day of April, 2018.

AYES: 4

NAYS: 0

CITY OF INVER GROVE HEIGHTS

By:


George Tourville, Mayor

George Tourville, Mayor

Attest:

Uda

Michelle Tesser, City Clerk

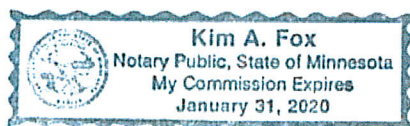
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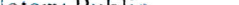
STATE OF MINNESOTA)

) SS.

COUNTY OF DAKOTA)

On this 9th day of April, 2018, before me a Notary Public within and for said County, personally appeared George Tourville and Michelle Tesser to me personally known, who being each by me duly sworn, each did say that they are respectively the Mayor and City Clerk of the City of Inver Grove Heights, the municipality named in the foregoing instrument, and that the seal affixed to said instrument was signed and sealed on behalf of said municipality by authority of its City Council and said Mayor and City Clerk acknowledged said instrument to be the free act and deed of said municipality.




Notary Public

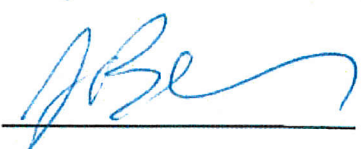
Notary Public

ACCEPTANCE

BFI Waste Systems of North America, LLC hereby accepts and agrees to the amendments and other provisions set forth in the foregoing Resolution.

Dated: May 23, 2018.

BFI Waste Systems of North America, LLC

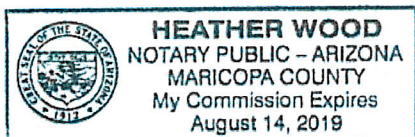
By: 

STATE OF Arizona)

ss.

COUNTY OF Maricopa)

On this 23rd day of May, 2018, before me a Notary Public within and for said County, personally appeared John Nickerson, to me personally known, who being by me duly sworn, did say that he/she is the Vice President of BFI Waste Systems of North America, LLC, the limited liability company named in the foregoing instrument, and that the foregoing instrument was executed on behalf of the limited liability company by authority of the Boards of Governors of said entity and said Vice President acknowledged said instrument to be the free act and deed of the limited liability company.



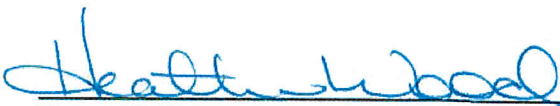

Notary Public

EXHIBIT A

Lot 1, Block 1, and Lot 1, Block 2, and Outlot A, Pine Bend Sanitary Landfill, Dakota County, Minnesota, according to the recorded plat thereof on file and of record with the Dakota County Recorder.

(10) type of dedicated pump, sampling device or measuring device including manufacturer and model number, pumping capacity, dimensions, location of intake area, how secured at the desired elevation, type of material used for connecting lines or hoses, and type and location of power source.

R. Piezometers that will not be used to measure water quality must comply with items E to G, J to M, O to R, and T. They must be designed and constructed to accurately measure hydraulic head in the portion of the aquifer or formation immediately surrounding the screen or intake area and to minimize the time lag between fluctuations in head outside the piezometer and the inside water level. If the time lag is too large, the commissioner may require pressure transducers or other alternative designs to be used.

S. Surface water monitoring points must comply with the following requirements:

(1) A permanent marker must be installed on land adjacent to the sampling location. The marker must clearly identify the monitoring station. The commissioner may approve an alternate procedure if a sampling location is outside the permitted property and permission cannot be obtained to install a marker.

(2) Monitoring stations in a river or stream must be located upstream of the area of ground water discharge, downstream where the discharge has mixed with the stream flow, and within the area of maximum projected pollutant concentrations in the discharging ground water.

(3) Within 30 days after establishing a surface water monitoring station, the owner or operator shall submit to the commissioner a revised landfill plan sheet showing the location and identification of the sampling station and marker.

T. Sampling personnel must inspect monitoring points and markers each time the monitoring point is measured or sampled. The owner or operator must inspect monitoring points and markers at least annually. The owner or operator must correct damaged or obstructed monitoring points, or other conditions that interfere with the proper functioning of the monitoring point within the time periods required for monitoring wells in part 4725.1860, subpart 5, item E. The owner or operator must resurvey the elevation of the top of the casing immediately after any change or repair that may have altered its elevation. The owner or operator must revise the well construction log, the monitoring protocol under subpart 14, item H, and the facility plans to show the new elevations, previous elevations, and the date of each change in elevation and submit the revised log and plans to the commissioner within 30 days after the change or repair.

Subp. 11. Gas monitoring, collection, and treatment system. The concentration of any explosive gas must not exceed its lower explosion limit at the property boundary or 25 percent of its lower explosion limit in and around facility structures or any other on-site

monitoring point. A gas monitoring, collection, and treatment system must be designed to meet the requirements of items A to G.

A. The gas monitoring system, at a minimum, must be capable of monitoring gas build-up in a facility structure and at the property boundary. The commissioner shall establish monitoring requirements (including water quality parameters that indicate gas migration) in the permit, closure document, order, or stipulation agreement. Field inspection to detect odors and signs of vegetative stress, and portable or in-place probes to monitor explosive gases must be included in the monitoring system.

B. Gas monitoring probes must be placed between the disposal site and on-site structures or property lines. The probes must be placed no closer to the property line than the compliance boundary defined in subpart 4, item C, to allow for installation of control measures. If the owner or operator believes that monitoring probes are unnecessary or infeasible, the owner or operator shall submit reasons to the commissioner to support this belief. The commissioner will decide on the need for monitoring probes based on the waste characteristics, fill size, surrounding soils, the water table, and the proximity to occupied buildings.

C. Probe depths and locations must be based on the soils, site geology, depth of fill, water table, and depth of frost.

D. At a minimum, each mixed municipal solid waste land disposal facility must be designed and constructed with gas vents. The number and placement of the gas vents must release gas pressure in the fill area to prevent ruptures of the cover system and to encourage vertical gas migration.

E. The gas control systems must extend below the facility to the water table or to a subsurface soil capable of impeding the movement of gas. The gas control system must be located adjacent to the fill area.

F. The size of the gas collection system must be based on the volume and type of waste to be received at the site. The owner or operator must determine the need for a gas collection system and discuss in the engineering report how the need was determined. The commissioner shall review the determination during the permit review process and again at closure. Approval of a gas monitoring system without collection at the time of permitting shall not limit future requirements determined necessary by the commissioner based on the volume of gas generated at the facility, the proximity to residential or business property, or problems experienced at the facility in maintaining vegetative growth or accumulation of gas in site structures.

G. A gas monitoring program must include sampling and analysis for the amount and type of gas generated. The monitoring program must be included in the operations manual for the facility. The program must account for variation in gas generation and

migration due to climatic conditions, variation in the amount of waste in place at the facility, and the length of time the waste has been in place. The operations manual must include the techniques to be used to monitor gas at the site.

Subp. 12. **Construction requirements.** The construction requirements in items A to M must be incorporated into the project specifications for all major design features, at a minimum.

A. The owner or operator must notify the commissioner at least seven days before the day construction is expected to begin on the major design features, including phase excavation, phase construction, liner installation, monitoring well installation, and the placement of final cover.

B. The construction firm's inspector must record all procedures completed during construction at a mixed municipal solid waste land disposal facility. The record must document that design features were constructed in accordance with parts 7035.2525 to 7035.2815 and 7035.2855. This record must include pictures, field notes, and all test results.

C. The owner or operator must install a permanent benchmark on-site and show its location on the facility as-built plan.

D. The owner or operator must complete tests for compaction, Atterberg limits, grain size distribution, lab and field permeability, and field moisture density, at a minimum, on liners and final covers constructed at the facility to ensure the requirements of subparts 5 to 9 are met. The owner or operator must retain a portion of the field-molded and field-compacted samples of liners and the final cover layers until the construction certification is complete.

E. Unless otherwise noted in subparts 5 to 9, the minimum permissible cover slope is three percent and the maximum permissible cover slope is 20 percent.

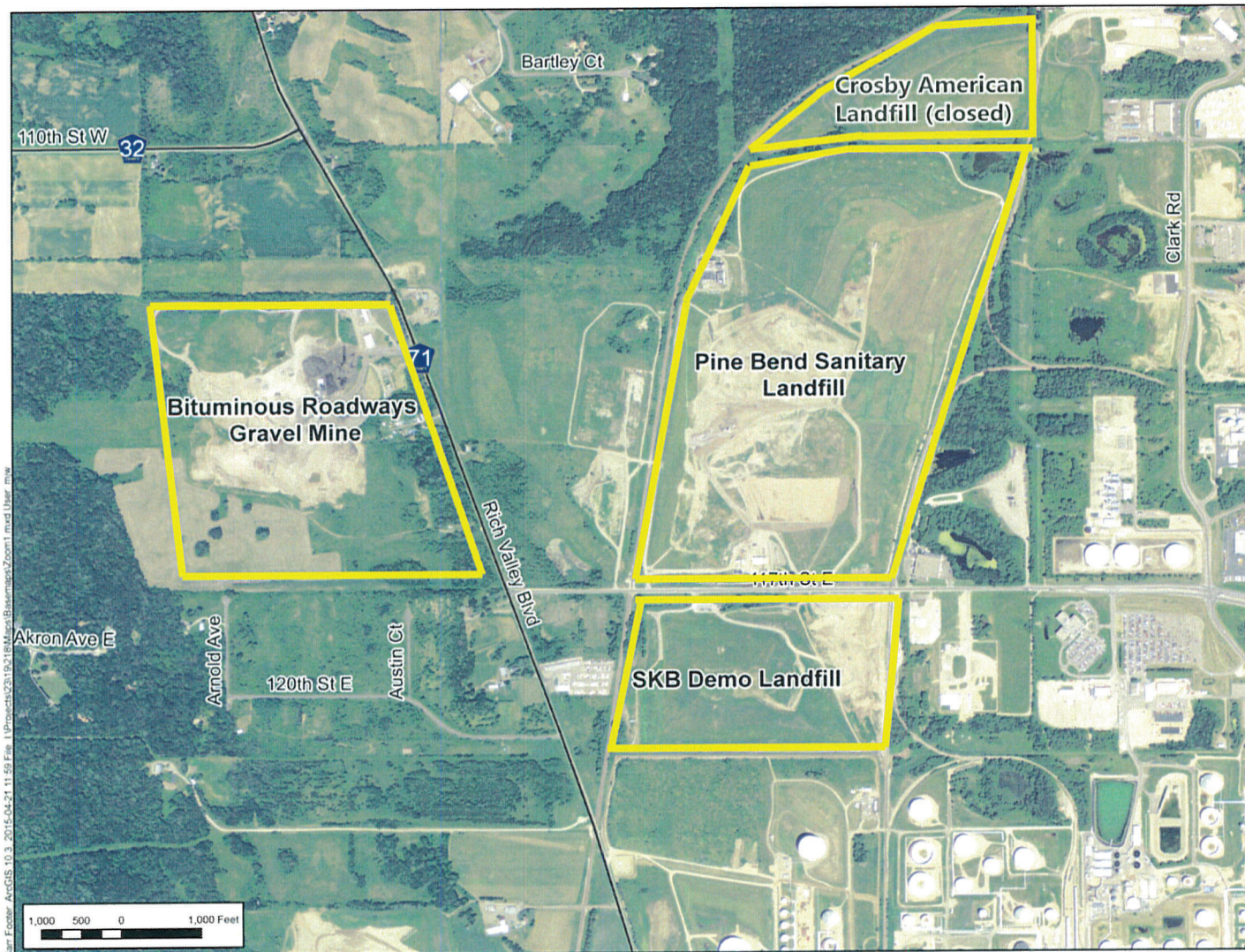
F. As horizontal phases are installed, the liner must be joined to existing liners.

G. Flexible membranes must be installed during dry conditions. The seams joining membrane panels must be inspected as construction proceeds. Seams must be air tested and field seams must be tested for tensile strength. All flexible membranes must be protected after placement. The natural layer above and below the barrier layer must be free of roots, sharp objects, rocks, or other items that might puncture the liner.

H. Barrier liners constructed of in situ soils must be formed by scarifying and recompacting these soils.

I. All pipe used in constructing the leachate collection system must be tested for deformations. The allowable pipe deflection is five percent.

J. All pipes exiting the lined area must be fitted with antiseep collars.



**INVER GROVE HEIGHTS
ENVIRONMENTAL ADVISORY COMMISSION MEETING MINUTES
Thursday, November 21, 2019
8150 Barbara Avenue
7:00 P.M.**

1. CALL TO ORDER

The Environmental Advisory Commission of Inver Grove Heights met in regular session on Thursday, November 21, 2019, in the City Council Chambers. Chair Trenzeluk called the meeting to order at 7:00 p.m.

2. ROLL CALL

Present: Chair Ted Trenzeluk, Commissioners; Sarah Brass, Katherine Teiken, Aditya Jayam, Matt Mills, Robert Heidenreich and Nichole Boehmke
Absent: Patricia Todd (Excused), Lauren DeGidio
Others Present: Ally Sutherland, Environmental Specialist; Jake Moser, Civil Engineer; Heather Rand, Community Development Director

3. PRESENTATIONS

4. ANNOUNCEMENTS

A. Next meeting – Thursday, December 19, 2019, Regular Meeting 7:00pm

B. Xcel Energy's Partners in Energy Program Update

The Community Development Department will be applying to the Xcel Energy Partners in Energy Program in January 2020.

C. MSP Airport Noise Joint Meeting with City Council and Environmental Commission 1st Quarter 2020

A joint City Council and Environmental Commission meeting will be held first quarter of 2020 to discuss Airport Noise in Inver Grove Heights. Meeting time and location of the joint meeting is to be determined.

5. CONSENT AGENDA

A. Minutes of Thursday, October 24, 2019 Environmental Commission Meeting

Motion by Commissioner Teiken, seconded by Commissioner Brass to approve the minutes from Thursday, October 24, 2019 as submitted.

Ayes: 7

Nays: 0 Motion carried.

6. PUBLIC COMMENT

7. REGULAR AGENDA

A. Consider a request for a Land Alteration Permit (LAP) for excavating and grading of material in the amount of 21,194 cubic yards for Flint Hills Resources Pine Bend, LLC (FHR).

Mr. Jake Moser, Civil Engineer, presented the Land Alteration Permit (LAP) request. He stated that the city requires a LAP for any land disturbing activity that alters more than 1,000 square feet or 50 cubic yards of soil. City Council approval is required for permits allowing more than 10,000 cubic yards of dirt to be moved. This request is for moving 21,194 cubic yards of material. This permit is a tool used by the city to review plans and inspect land disturbing project to protect residents, neighbors of the project, city infrastructure and environment. Engineering division reviews grading, stormwater management and erosion control plans to verify compliance with all city engineering requirements. The Engineering division also verifies requirements of other city departments are addressed and that external agency permits are secured by the applicant.

Mr. Moser noted Wenck consultants were hired for the project to guide city staff on mandatory environmental review requirements for pipeline projects. City engineering staff have reviewed all submitted plans including pipeline alignment and erosion control plans and verified that all material excavated will be backfilled and restored to pre-project grades and drainage patterns. Based on the reviews completed by the City and Wenck, the Engineering division recommends approval of the Land Alteration Permit.

Mr. Eric Dominiack, Flint Hills Resources (FHR) Environmental Engineer, presented an overview of the proposed Land Alteration project. FHR operates Pine Bend refinery in Rosemount, MN. The proposed pipeline will start at the Pine Bend refinery and will end at the FHR Wescott Terminal located off of Highway 3 in Inver Grove Heights. The proposed pipeline is 4.5-miles with a 4-inch diameter and would transfer Liquified Petroleum Gas (LPG).

Chair Trenzeluk asked if the pipeline is replacing an existing pipeline. Mr. Dominiack responded in the negative noting it is new construction.

Mr. Dominiack noted 57% of the land is owned by FHR and 43% is municipal land or commercial owned land. Land only needs to be acquired from the city of Inver Grove Heights, NSP and Bituminous Roadways. No residential property needs to be acquired. The project will help manage FHR's LPG supply and storage capability. Demand varies seasonally, with higher demand in winter months. The pipeline will provide more flexibility between the FHR Pine Bend refinery and the Wescott facility. The construction process will consist of 80% open trenching and 20% horizontal drilling. Prior to construction several environmental requirements would first be implemented to meet all state and local permit requirements. HDD is the preferred method of drilling as it minimizes impacts in areas above the drilling. There are 11 HDDs currently planned; 9 are located in Inver Grove Heights and 2 in Rosemount. Two locations will cross under existing wetlands.

Mr. Dominiack stated the permit's proposed land alteration volume is 21,194 cubic yards and total disturbance of 18.5 acres. FHR has submitted a Stormwater Pollution Prevention Plan (SWPPP), including erosion control prevention methods proposed for this project. Disturbed areas will be restored to existing grades with no permanent drainage or stormwater impacts. The project was reviewed by the Minnesota Public Utilities Commission (PUC) on September 5, 2019. It was determined that a Routing Permit is not required for the project because the pipeline diameter is less than 6 inches. FHR was required by state statute to assemble an information book which was approved by the PUC on September 5. This was distributed to easement holders thereafter. The 30-day wait period is now completed and negotiations with landowners of those easement will now begin.

Mr. Dominiack reviewed all reviews and approvals received by other government agencies including the PUC, Army Corp of Engineers, Dakota County Soil and Water Conservation District, City of

Inver Grove Heights, Minnesota Department of Natural Resources, Minnesota Pollution Control Agency, City of Rosemount and Dakota County. Permitting is estimated to last from October – December 2019. Construction is estimated to start late 2019/early 2020 and be completed Spring/Summer 2020.

Mr. Jeff Madejczyk, Wenck, presented an overview of the environmental review of the FHR application completed by Wenck. Wenck reviewed the application to determine if a mandatory environmental review for the project would be required. Wenck compared the application against environmental review thresholds established in state statute rules created by the Environmental Quality Board (EQB) and the PUC. Once a pipeline has a diameter of 6 inches or greater, the threshold for pipeline environmental review is triggered. Because the pipeline proposed by FHR is below the 6-inch diameter, no stipulations noted in the pipeline rules apply for this project. Wenck noted that the EQB confirmed that there is no need for an additional environmental review. Wenck found no other items of significance to raise. A memo of Wenck's findings was provided to the city.

Chair Trenzeluk asked if the staff recommendation to approve the LAP would change if Dakota County Soil and Water Conservation District determined there was an impact to wetlands. Mr. Moser responded that the city would require that FHR present plans of wetland mitigation before proceeding.

Commissioner Heidenreich stated he lives in the neighborhood near the proposed the pipeline and that his neighborhood has worked with the City and the County to connect County Road 32/Cliff Road to 117th Street. The Plan D transportation plan is to move traffic from Farmington and Rosemount to Highway 52. Cliff Road would be moved south to intersect with 117th. Akron Avenue in the Rosemount area would be diverted behind where the pipeline would be located. He noted there was no mention of the transportation plan in FHR application material. He asked how the pipeline would affect the road plan given the pipeline would only be 5-feet deep and road construction requires excavation. He noted the road is planned to cut through the same area as the currently proposed pipeline alignment. Mr. Chris Brown, FHR Project Manager, responded that FHR owns the land Commissioner Heidenreich is referring to. He noted that he is not aware of the transportation project.

Commissioner Heidenreich stated that the Dakota County meetings on the topic are on public records and FHR staff were present during the transportation discussions. Mr. Brown responded that he would review the transportation project with other FHR departments who are aware of the transportation project. Mrs. Holli VanOverbeke also replied that FHR has had ongoing discussions with Dakota County throughout the process of developing a construction plan. She stated that she will bring the conversation back to staff.

Commissioner Teiken asked if the city has further oversight as the project moves forward with the construction period. Mr. Moser responded that the city would have a construction bond and escrow to inspection erosion control and restoration. Other conditions in the permit place requirements on the condition of the work site.

Commissioner Teiken asked how frequently the city inspections occur. Mr. Moser stated city inspections occur once per month or after any half-inch rain fall. FHR is also required to have a state trained inspector inspect their site once per week and provide the city those reports.

Commissioner Brass asked how the different drilling methods were determined for each wetland. Mr. Dominiack explained that the wetland that they will HDD under is a large. Based on the characteristics of the wetland HDD was determined to be the most suitable form of drilling. The other wetland is a freshwater wet meadow and is smaller. Impacts of open trench drilling would be minimal and restoration would be more simplistic than the other wetland would require.

Commissioner Brass asked if the open trench drilling will go through the smaller wetland. Mr. Dominiack explained that the open trench will go through the wetland and will cause 0.09 acres of temporary wetland disturbance. Topsoil would be removed, stockpiled and replaced after the pipeline is placed. Wetland seed mix would be planted so growth would occur in Spring 2020. The wetland would be restored to original conditions.

Commissioner Teiken asked how common these projects are for FHR and when the last project occurred. Mr. Dominiack stated the last pipeline was constructed by FHR in 2008. This pipeline was placed from Clearbrook, MN to Pine Bend Refinery.

Commissioner Heidenreich asked why FHR does not plan to install the pipeline in the same area as the existing jet fuel pipeline along Akron Avenue. Mr. Brown explained that FHR does not like to bury assets next to each other for maintenance purposes. There are several assets in that area owned by FHR and third parties. The proposed route is based on asset protection.

Chair Trenzeluk asked if any complaints have been submitted to staff by the community. Mr. Moser and Mrs. Sutherland responded in the negative.

Commissioner Brass asked if a formal notification has been sent. Mr. Moser responded that a formal notification has not been sent to the City Council regarding the recent application but that the City Council approved the lot split located at the FHR terminal. His understanding is that the City Council is aware.

Commissioner Brass asked if neighbors have been notified. Commissioner Heidenreich responded that him and his neighbors have not received a notification. Mrs. Sutherland noted that the Planning Division has stated that pipelines are designated as an essential service, therefore no zoning changes are required. For that reason, the project does not need to go through public hearing process or be heard by the Planning Commission, and therefore no formal neighbor notifications have been sent by the City.

Commissioner Heidenreich stated that line 16 of the Land Alteration Permit application notes that the applicant must mail a written notice to all adjacent property owners. Mr. Moser responded that the condition is only required once the permit is approved.

Commissioner Boehmke stated that she previously served on the Community Advisory Council (CAC) for FHR Refinery. She asked if this project was reviewed by the CAC if any concerns were raised. Ms. VanOverbeke responded that the idea has been discussed with the CAC about a year ago. They were no large concerns raised by the CAC.

Commissioner Heidenreich stated that he reviewed the CAC minutes and did not see any reference to this project. Ms. VanOverbeke explained that it was reviewed by the CAC as she has personally had conversations with members about the topic that stemmed from the meeting.

Commissioner Teiken asked if there were issues that prompted this project or concerns if the project does not move forward. Mr. Brown stated historically LPG from Pine Bend Refinery was transported to the Wescott terminal by a third party which can be a cumbersome process. This project allows FHR to be able to freely move their product without third-party involvement.

Commissioner Jayam asked what occurs at the Wescott terminal. Mr. Brown stated that it is strictly for storage of LBP because there is a lack of storage at the refinery.

Motion by Chair Trenzeluk, seconded by Commissioner Jayam to recommended approve of Flint Hills Resources (FHR) Land Alteration Permit as submitted.

Ayes: 4

Nays: 3 Motion carried.

B. Consider a resolution regarding Empire Builder Investments' recent request to annually pump and ship 500 million gallons of groundwater from Dakota County to southwestern states

Chair Trenzeluk noted that Empire Builder Investment has proposed shipping 500 million gallons of groundwater from Dakota County to Arizona. Dakota County and the DNR have recently passed a resolution denying the request. He noted that County Commission Joe Atkin's e-newsletter correspondence noted if the firm submits another request through a different approach it is possible the DNR could change their position in the future. He noted that if this request could come back in the future, he suggested the City may want to consider stating on record they would deny any related future request.

Commissioner Heidenreich stated that the City has approved construction of a large well, constructed by Bituminous Roadways, that connects to the tri-city aquifer to wash gravel with. He believes they pump 600,000 gallons of water per hour, similar to FHR' aquifer pumps. He believes there are a lot of sources closer to Empire Builder's destination and does not see this as being a legitimate issue for Inver Grove Heights in the future.

Commissioner Teiken noted that based on the comments made by Dakota County and the DNR it appears the project would not receive approval as it currently stands. She does not think it is necessary to make a statement at this time but that the city should continue to monitor the topic.

Commissioner Jayam noted that making a statement would set a good a precedence for how these requests would be received by the City in the future.

Chair Trenzeluk suggested the Commission does not make a motion at this time but continues to monitor the topic.

8. ADMINISTRATIVE PRESENTATIONS

Mrs. Rand requested that, in the future, if Commissioner's intended to vote for denial of a particular request that they participate in the item's deliberation prior to voting to go on record with their reasons for denial. This helps to educate the audience and inform staff and City Council of what the Commission's considerations were.

9. COMMISSION COMMENTS

10. ADJOURN

Motion by Commissioner Jayam, seconded by Commissioner Heidenreich to adjourn at 7:58pm.

Ayes: 7

Nays: 0 Motion carried.