

# Memo

**To:** Hennepin County Board of Commissioners  
**From:** David Hough, Hennepin County Administrator  
Lisa Cerney, Assistant County Administrator – Public Works  
**Date:** January 19, 2024  
**Re:** Summary of Hennepin Energy Recovery Center (HERC) response from cities

Following the adoption of Resolution 23-0384R1 during the October 24, 2023 board meeting, communication was sent to Mayors and City Managers for all cities in Hennepin County. The communication package included:

- Hennepin Energy Recovery Center (HERC) resolution
- A report outlining the role of HERC in the solid waste system
- A summary of recommendations
- Hennepin County's Zero Waste and Climate Action plans

Feedback was requested by January 15, 2024 and a courtesy message about the communication was shared with city recycling coordinators. We received submissions from 17 of the 45 cities in the county. This memo provides a summary of the responses and will be referenced in the upcoming board briefing. A full copy of each letter received is included for your review.

## What we heard from cities

### Engagement

- Cities overwhelmingly expressed concerns and seek additional information to understand potential impacts.
- There is strong support for advancing a zero-waste future but cities demand to be engaged in the plan and implementation.
- The timeline for review and to provide meaningful input has been inadequate.

### Timeline

- The timeline for reaching an 85% recycling rate by 2028-2040 is unrealistic.
- HERC closure timeline should be contingent upon conditions being met to protect the environment and mitigate climate change impacts.
- Cities require more time to review HERC closure plan and cannot take action without resources.

### Costs

- HERC closure will increase disposal costs.
- Additional cost analysis is needed to understand the impact to residents. -Cities require financial resources to implement next steps.

### Environmental impacts

- Hennepin County will be taking a step backwards if HERC is closed prematurely.
- Cities expressed strong concerns about climate impacts related to landfilling more waste.
- A 2028-2040 closure timeframe will shift the burden of the county's trash to communities outside of the county and negatively impact environmental justice areas.

The feedback will be further summarized during next week's board briefing. Thank you.



January 12, 2024

The Honorable Hennepin County Board of Commissioners  
Government Center A2400  
300 South 6th Street  
Minneapolis, MN 55487-0240

Dear Commissioners:

This letter is in response to the request for input related to Resolution 23-0384 R-1 directing the County Administrator to develop plans and recommendations for the purpose of advising the Board on the closure of the Hennepin Energy Recovery Center (HERC) between 2028 and 2040. The Bloomington City Council reviewed information related to the resolution and discussed the topic at our December 4, 2023, Council meeting.

The Bloomington City Council is concerned about the aggressiveness of the timeline and the potential environmental, fiscal, and environmental justice impacts of decommissioning HERC without a realistic plan in place to responsibly manage the waste currently processed at HERC. We are also concerned that this action is being taken without adequate consultation and consideration of input from your partner cities and other stakeholders.

**The timeline for reaching an 85% recycling rate by 2028 – 2040 is unrealistic.**

The Hennepin County staff report for the Board of Commissioners titled “The Hennepin Energy Recovery Center and its role in the solid waste system” was presented to the Board of Commissioners at a briefing on September 21, 2023. The report was prepared for the Board of Commissioners to provide information and context related to decision-making for the closure of HERC. In the briefing, Hennepin County staff recommended a closure year range from 2040 – 2050 with a requirement that necessary conditions were met, including the achievement of an 85% recycling rate. Staff concluded that any pre-mature closure of HERC before an 85% recycling rate was achieved would have serious environmental and financial consequences for county residents.

Bloomington continues to work in partnership with Hennepin County to reduce waste and increase the amount of material managed as recycling and organics.

In the past 10 years, Bloomington has invested significant time and financial resources to reduce the amount of material managed as garbage, including organizing our residential solid waste collection program, implementing residential curbside organics recycling, and offering convenient opportunities for residents to recycle and donate bulky items. With these major efforts, our 2022 annual residential recycling rate was estimated to be 38% - consistent with the overall Hennepin County rate of 41%. Unfortunately, this is far short of the needed 85% mark.

**MAYOR AND CITY MANAGER**

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AN AFFIRMATIVE ACTION/EQUAL  
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The County's Zero Waste Plan finalized in early 2023 outlines 62 actions to collectively move the county as close as possible to the goal of zero waste. The plan states that if all actions are implemented with 100% success, *“collectively the actions have the potential to more than double the county's current diversion rate (39% in 2021).”* The plan goes on to say, *“If the county were to achieve an 80% diversion rate, it would be the highest performing county in the United States and one of the highest performing jurisdictions in the world.”*

The County's Zero Waste Plan itself recognizes that achieving an 80% recycling rate would be an enormous undertaking. With this perspective and our experience in Bloomington, we are confident that our community will struggle to meet the goal of an 85% diversion in the accelerated timeline outlined by the Board for the decommissioning of HERC.

### **Cities need additional time and resources to meet an 85% recycling rate.**

The County's Zero Waste Plan, which we understand will provide the basis for the County's next Solid Waste Master Plan, includes a list of several actions that would require city planning, implementation, and leadership. Some of the actions outlined include:

- Organized multifamily solid waste collection added to single-family residential organized waste collection.
- Organized commercial solid waste collection.
- Mandatory residential, multi-family and commercial participation in recycling and composting programs.
- Enhanced enforcement of city ordinances related to waste diversion.
- Specification to increase the use of food-derived compost in city projects.
- A construction and demolition waste diversion ordinance that requires the recycling of a portion of C&D debris.

The City of Bloomington fully supports initiatives to increase waste diversion, but to accomplish these actions, the City would need to undertake extensive planning efforts, major program development, add additional staff, and conduct substantial community outreach and education. That all takes time and resources.

It took us 3 years to organize our residential garbage program, another 2 years to develop our curbside organics recycling program. Efforts to manage our bulky item waste differently took over 4 years to develop. As a rough estimate, undertaking the full list of City-led items that the County is proposing would likely require 10-15 years of program development plus several additional years for the anticipated recycling diversion to materialize.

Currently the City has two dedicated full-time solid waste staff to operate the residential solid waste program, plus additional support from other staff for program planning, billing, communications, and customer service. Adding organized multi-family recycling to our organized collection program would increase the number of households in our program from about 22,000 units to 40,000 units. Adding City-led organized commercial collection in Bloomington would increase the number of units even further. Multi-family and commercial solid waste collection have different challenges and complexities.

In order to successfully move toward our zero-waste goals, cities should be provided with the necessary time and resources needed for this challenging transition.

**HERC closure timeline should be contingent upon conditions being met that will avoid serious environmental and financial consequences.**

We share Hennepin County's serious concerns related to how our community deals with waste. However, we encourage the County Board to adopt a plan for the decommissioning of HERC contingent upon meeting the necessary conditions outlined by Hennepin County staff in the September 21 board briefing. The conditions outlined include:

- *Compliance with all applicable state and federal laws, rules and regulations*
- *Achieving the county board approved Climate Action Plan goals*
- *Achieving the metrics identified in the county's Zero Waste Plan*
- *The State of Minnesota is at or near its 100% renewable electricity goal*
- *Recycling rate of at least 85%*
- *Food waste, paper, and other biogenic materials make up less than 10% of trash needing disposal*
- *Alternative funding sources are secured for county natural resources, forestry, zero waste, and climate work*
- *Alternative energy sources are found to heat, cool, and electrify homes and businesses.*

**Without these conditions in place, Hennepin County will be taking a step backwards in protecting the environment and mitigating climate change.**

As the only facility in Hennepin County to handle waste that can't be recycled or composted, HERC plays a critical role in managing the County's waste with fewer impacts to the environment.

Prematurely closing HERC will result in an immediate and significant increase in landfilling and associated environmental consequences. The consequences may include an increase in methane emissions, increase in surface water contamination, decrease in metal recycling, increase in vehicle emissions, loss of electricity generated by non-fossil fuel sources, and loss of funding for Hennepin County environmental staffing. The Hennepin County staff report provided to Commissioners titled "The Hennepin Energy Recovery Center and its role in the solid waste system" includes detailed analysis of each environmental consequence described above.

**A premature closure of HERC could impact environmental justice areas within Hennepin County and surrounding communities.**

While we recognize that the County Board is grappling with the perceived environmental impact of HERC on neighborhoods immediately adjacent to the facility, prematurely closing HERC is likely to impact other environmental justice communities within Hennepin County and beyond. As HERC is the only waste processing facility within Hennepin County, if it closes prematurely, Hennepin County waste will need to be managed in other communities, including those that may be in or adjacent to other MPCA environmental justice areas.

For example, according to the Hennepin County staff report, closure of HERC will increase truck transportation resulting in more than 10,000 additional trips by semi-trailer trucks and the associated vehicle emissions annually. Adding an additional 10,000 semi-trailer trucks and their

emissions to metro roadways will increase air pollution in Hennepin County and beyond. Vehicle emissions are one of the largest contributors of air pollution and its associated health risks.

It does not appear that adequate consideration and study of the environmental justice impacts of closing HERC, beyond the neighborhoods surrounding the facility, has been undertaken.

**The County should take a regional and data-driven approach for responsible management of solid waste and HERC's future.**

We agree with the County Board's efforts to move our community to a zero-waste future, and we want to continue our partnership with the County to make that happen. However, the Board's recent deliberations don't reflect the actions of true partners in these goals.

HERC is a region-wide asset and planning for its future should be thoughtfully considered with all stakeholders at the table. To reverse course on years of State, County, and city planning around the management of solid waste in the matter of a few months, without a serious and meaningful planning process that involves consultation with multiple impacted communities, does not bode well for a successful outcome.

We encourage the County Board to plan for the closure of HERC in a more inclusive and data-driven way that reflects the realities of the culture shift that must occur for us to truly reach the zero-waste future that we all envision. This planning should include:

- An Environmental Impact Study for the closure of HERC;
- A review of the environmental justice impacts of continued operation of HERC *and* the environmental justice impacts that would result from its closure;
- A review of the financial impact of closing HERC, both for the County and for the residents of cities that currently process waste at HERC;
- Identification of additional resources to develop waste reduction programs for transitioning away from HERC; and
- A closure timeline that is contingent upon necessary benchmarks being met to avoid serious environmental and financial consequences.

In summary, the Bloomington City Council is very concerned about the Board's plan for the closure of HERC between 2028 - 2040. We urge the Board to engage communities in realistic planning about HERC's future, provide adequate time and resources for communities to transition from HERC, and not rush to decisions which may exacerbate the environmental and financial impacts of managing waste throughout the County. The City of Bloomington understands the need for and supports assertive measures to transform our waste disposal system to Zero Waste and looks forward to working with the County and our other partners to change our waste disposal culture as quickly as possible.

Sincerely,



Tim Busse  
Mayor



Jamie Verbrugge  
City Manager

**MAYOR AND CITY MANAGER**

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AN AFFIRMATIVE ACTION/EQUAL  
OPPORTUNITIES EMPLOYER

January 10, 2024

Irene Fernando, Chair - Hennepin County Board of Commissioners  
David J. Hough, Hennepin County Administrator

SENT VIA EMAIL: [board.clerk@hennepin.us](mailto:board.clerk@hennepin.us)

Chair Fernando and Administrator Hough:

This letter is in response to your November 3, 2023 request for input on Hennepin County Board of Commissioners Resolution 23-0384 and proposed closing of the Hennepin Energy Recovery Center (HERC) between 2028 and 2040. At their meeting on January 8, 2024, the Champlin City Council approved the attached Resolution in Response to the Proposed HERC Closure Plan.

We referred to three documents that were very helpful in understanding the complexity and risks of closing HERC:

1. The Hennepin Energy Recovery Center and Its Role in the Solid Waste System
2. The County's Climate Action Plan
3. The County's Zero Waste Plan

**Champlin is opposed to the facility closing until there is an economically viable replacement technology in place.**

Shutting down HERC without having a replacement technology for its "Waste to Energy" model jeopardizes over four decades of Hennepin County led progress in reducing the volume of trash going to landfills.

Before deciding to implement such a risky strategy, we urge the County to:

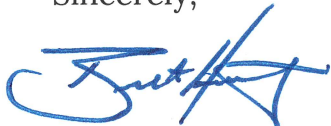
1. Take a lead in developing strategies and tactics at the State and Federal level to reduce the amount of waste material being created upstream. Packaging, take-out food service, plastic liquid holders and shift to online shopping are a few examples.



2. Research new technologies and best practices that cities throughout the country are using.
3. Work with metropolitan cities and consumers to continue to improve the current recycling process (i.e. organics to compost).

The City of Champlin welcomes the invitation to partner with the County and would like to hear more about the opportunity to accelerate recycling and zero-waste programs. We appreciate the opportunity to provide input and look forward to reviewing the County Administrator's February 1<sup>st</sup> Proposal for closing HERC. The expectation is that the concerns and suggestions received from the metropolitan HERC cities will be addressed in the Proposal.

Sincerely,



Bret Heitkamp  
City Administrator  
on behalf of the Champlin Mayor & City Council

Councilmember Truesdell introduced the following resolution and moved its adoption:

**RESOLUTION NO. 2024-02  
CITY OF CHAMPLIN  
COUNTY OF HENNEPIN  
STATE OF MINNESOTA**

**RESOLUTION OF RESPONSE TO PROPOSED HENNEPIN ENERGY RECOVERY  
CENTER (HERC) CLOSURE PLAN**

WHEREAS, the Hennepin County Recovery Center (HERC) is the only municipal solid waste (waste) to energy facility in Hennepin County, and one of three serving the Twin Cities area; and

WHEREAS, the HERC's primary function is to process waste, including waste collected within the City of Champlin from haulers with Champlin Refuse Inc. (CRI); and

WHEREAS, the HERC remains a crucial instrument in 90% reduction of waste; and

WHEREAS, Hennepin County passed resolution 23-0384 R1 on October 24, 2023 which seeks feedback and input from Hennepin County cities; and

WHEREAS, the documents listed below are included by reference in Hennepin County correspondence; and

1. Hennepin County Resolution 23-0384 R1
2. Hennepin County Recovery Center (HERC) Fact Sheet
3. The Hennepin Energy Recovery Center and its role in the solid waste system, a staff report for the Hennepin County Board of Commissioners, September 2023
4. The Memo - Hennepin County Climate Action Plan/Zero Waste Plan and HERC – Recommendation Memo from David Hough and Lisa Cerney to the Hennepin County Board of Commissioners, September 20, 2023
5. Metropolitan Solid Waste Management Policy Plan 2022-2042, prepared by the Minnesota Pollution Control Agency (MPCA).
6. Hennepin County Zero Waste Plan
7. Hennepin County Climate Action Plan
8. Residential Waste Reduction and Recycling Funding Policy

WHEREAS, "The Hennepin Energy Recovery Center and its role in the solid waste system, a staff report for the Hennepin County Board of Commissioners, September 2023" details a thorough analysis of consequences of premature closure of the HERC; and



WHEREAS, “The Recommendation Memo - Hennepin County Climate Action Plan/Zero Waste Plan and HERC – from David Hough and Lisa Cerney to the Hennepin County Board of Commissioners, September 20, 2023” contains numerous conditions that need to occur prior to considering closure of the HERC; and

WHEREAS, the State Legislature has recently removed classification of the HERC as a renewable energy source; and

WHEREAS, the State Legislature has tied \$26 million in state funding to help fund a Hennepin County anaerobic digestion organic waste processing facility, contingent on a cessation plan for operations of the HERC; and

WHEREAS, Hennepin County has reported \$37.7 million in debt services on the HERC as of December 31, 2022; and

WHEREAS, the City of Champlin annually receives approximately \$88,000 for Select Committee on Recycling and the Environment (SCORE) grant funding to assist with recycling and waste reduction programs, which could be jeopardized as grant funding is tied to County compliance with MPCA solid waste management statutes; and

WHEREAS, the HERC has consistently demonstrated compliance with MPCA air quality requirements; and

WHEREAS, the HERC remains an integral source of energy, heat, and maintaining climate resiliency for Target Field Transit Station, Target Field, and burgeoning North Loop and Warehouse districts in Minneapolis; and

WHEREAS, according to Major League Baseball, over 30 million attendees at the open-air Target Field have not had major complaints about smell, odor, or air quality from the HERC, located 150 feet away; and

WHEREAS, the increasing diversion of organic materials from the HERC will serve to increase the efficiency of the HERC; and

WHEREAS, Hennepin County estimates an additional 10,000 semi-truck trips would result from closure of the HERC; and

WHEREAS, the MPCA estimates waste generated in the Twin Cities Metro will grow 19% by 2040; and

WHEREAS, current landfills within the Twin Cities are in the process of expanding to meet the growing demand, while the HERC and two other waste to energy facilities are operating at full capacity; and

WHEREAS, the MPCA has goals for total waste processing to be 75% to recycling and organics, 5% to landfills, and 20% to waste to energy facilities; and

WHEREAS, previous efforts to reduce waste have fallen short of goals; and

WHEREAS, in 1991 the MPCA set a state recycling goal of 45% by 1996; and

WHEREAS, MPCA have current estimates of recycling and organics diversion of 45%; and

WHEREAS, the Hennepin County Zero Waste Plan has set an aggressive goal to reduce waste to 10% of current waste levels, or approximately 62,000 tons per year, of generated waste by 2040 without regard for its disposal methods; and

WHEREAS, the City of Champlin supports the analysis and conclusions of Hennepin County staff in regard to the consequences of premature HERC closure, and conditions required to close the HERC; and

WHEREAS, the City Council is committed to environmental stewardship, waste reduction and proper disposal of waste by organizing curbside recycling and organics, yard waste drop off site, special collection events, and providing community outreach and education.

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHAMPLIN, MINNESOTA that:

1. The city reiterates and emphasizes its support of environmental stewardship, waste reduction and proper waste management.
2. The city supports Hennepin County with efforts of waste reduction and diversion of recyclable materials, including source separated organic materials.
3. The city supports the Hennepin County position to recommend an anticipated year range closure for HERC of 2040 to 2050, and possible delay beyond that window should certain conditions not be met as listed in the Hennepin County Climate Action Plan/Zero Waste Plan and HERC – Recommendation Memo from David Hough and Lisa Cerney to the Hennepin County Board of Commissioners, September 20, 2023:
  - a. Compliance with all applicable state and federal laws, rules, and regulations.
  - b. Achieving the county board approved Climate Action Plan goals.
  - c. Achieving the metrics identified in the county's Zero Waste Plan.
  - d. The State of Minnesota is at or near its 100% renewable electricity goal.
  - e. Recycling rate of at least 85%.
  - f. Food waste, paper, and other biogenic materials make up less than 10% of trash needing disposal.

- g. Alternative funding sources are secured for county natural resources, forestry, zero waste, and climate work.
- h. Alternative energy sources are found to heat, cool, and electrify homes and businesses.
- i. Adopt policies on par with national zero waste leaders - including but not limited to packaging, organized collection, hauler licensing and material bans at landfills.
- j. Invest in recycling infrastructure, advancing circularity and waste reduction and reuse – including but not limited to increasing SCORE recycling grants, funding of a pre-processing facility in Hennepin County to recover reusable and recyclable materials from trash, fully funding the anerobic digestion facility, increasing state taxes/fees on landfills to fund county zero waste programs and other investments.
- k. Reduce disproportionate impacts from the solid waste system – including but not limited to direct funding to areas of environmental justice concern, phased in emissions requirements for waste trucks and updating landfills to achieve greater environmental outcomes.
- l. Amend existing policies to remove disincentives – including but not limited to adopting a food waste composting requirement in MnDOT specs, reducing barriers for businesses to use refillable containers, revising building codes and zoning ordinances that inhibit recycling and revising the current system to cover collection of all electronic waste.
- m. Revise Recycling Ordinance 13 to provide clarity in existing language and expand requirements.
- n. Require the use of food waste compost in county construction and landscape projects.
- o. Bolster the county’s sustainable purchasing policy using MPCA guidance.
- p. Fully implement a county plan to eliminate food waste.
- q. Evaluate needed collaboration in providing zero waste infrastructure.
- r. Expand recycling drop-off options.
- s. Establish brick-and-mortar reuse and repair centers.
- t. Support innovation hubs, districts, and resource recovery parks
- u. Study options for recovering recyclables from the trash.

BE IT FURTHER RESOLVED that:

1. The City of Champlin promotes local control; thus, it requests Hennepin County to partner with the city, rather than mandate to the city, developing mutually agreeable policies that includes adequate funding assistance to fund staff and resources required to achieve desired efforts. These efforts may or may not include the list outlined here, as originated by the county:
  - a. Transition to organized waste collection countywide, which cities would oversee and implement.
  - b. Mandate participation in recycling and composting programs, which cities would oversee and implement.

- c. Require cities to add multi-family waste service to single-family residential service.
  - d. Adopt a single use ban and zero waste packaging requirement for food service.
  - e. Establish food waste reduction targets and timeline.
  - f. Establish organized commercial collection, including multi-family.
  - g. Require mandatory large generator waste reduction and diversion plans.
  - h. Increase hauler accountability by requiring reporting and service standards.
  - i. Implementing multi-family recycling programs with adequate staffing.
  - j. Improve options for managing large items and specialty recyclables in the multi-family sector.
  - k. Adopt specifications to increase the use of food-derived compost in city projects.
  - l. Develop construction and demolition waste diversion ordinances requiring recycling on construction and demolition projects. Adopt a single use ban and zero waste packaging requirement for food service.
  - m. Enhance enforcement of existing city ordinances.
2. Hennepin County should obtain formal approval from the MPCA to diverge from their stated goals of 75% to recycling and organics, 5% to landfills, and 20% to waste to energy facilities.
  3. Hennepin County should obtain formal approval from the Counties of Dakota, Scott, Wright, Washington, and any other county containing a landfill that could receive waste from Hennepin County that is currently processed by the HERC, and this additional waste is accounted for within their long-range forecasting for landfill capacity.
  4. Environmental review and justice shall be analyzed for not only areas around the HERC, but justices in areas around impacted landfills, and repercussions of sending Hennepin County waste to neighboring counties.
  5. The city wishes to clarify inclusion of Champlin as a suburb that utilizes the HERC to process its waste.
  6. The city encourages investment and maintenance of the HERC to maintain its optimal performance and effectiveness with waste reduction and environmental protections.

The motion for the adoption of the resolution was duly seconded by Councilmember Moe, and upon vote being taken thereon, the following voted in favor thereof: Mayor Sabas, Councilmembers Moe, Truesdell and LaCroix, and the following voted against the same: none, whereupon said resolution was passed this 8th day of January 2024.

*Ryan Sabas*

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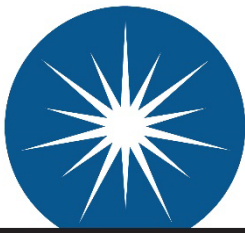
Ryan Sabas, Mayor

ATTEST:

*Julie Tembreull*

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Julie Tembreull, Exec. Asst./City Clerk



**CITY of CRYSTAL**

4141 Douglas Drive North • Crystal, Minnesota 55422-1696

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Tel: (763) 531-1000 • [www.crystalmn.gov](http://www.crystalmn.gov)

January 15, 2024

The Honorable Hennepin County Board of Commissioners  
Government Center A2400  
300 South 6th Street  
Minneapolis, MN 55487-0240

SENT VIA EMAIL: [board.clerk@hennepin.us](mailto:board.clerk@hennepin.us)

Dear Hennepin County Commissioners:

This letter is in response to Resolution 23-0384 R-1 directing the county administrator to develop plans and recommendations to advise the board on the closure of the Hennepin Energy Recovery Center (HERC) between 2028 and 2040. Thank you for allowing local governments to provide important feedback on this issue; however, the potential impact of the HERC closure poses serious concerns for the City of Crystal, its residents, and presumably many other communities in Hennepin County.

While acknowledging and supporting the goals of environmental stewardship, waste reduction, and proper waste management, the City of Crystal opposes the proposed closure of the HERC in the proposed timeframe. As a concerned local government that believes in and advocates for sustainable waste management practices, the city believes that the closure of this facility would have detrimental effects on both the environment and our local community.

As reported in the County's September 2023 Staff Report, the HERC plays a crucial role in efficiently managing and processing waste, contributing to the reduction of landfill usage and the generation of renewable energy. Its closure would not only undermine the progress made in waste-to-energy technologies but also pose challenges in finding alternative solutions for our growing waste management needs. Those alternative solutions are either too costly, impractical, or unachievable in the proposed timeframe. Given the long list of required changes – legislative, systemic, and political that would have to occur in a relatively short time to close the HERC as outlined in the Report, the proposed closure date seems rushed and arbitrary. Even with community buy-in, many of these changes would potentially take decades to implement. Until potential alternatives and their costs are known and deemed feasible, the proposed closure of the HERC is premature.

Furthermore, the HERC has been a key player in promoting environmental sustainability and responsible waste disposal practices. Its closure would not only result in the loss of jobs and sustaining revenue, increased costs for everyone, and less freedom for residents but also hinder the county's ability to meet its waste reduction goals and environmental commitments. Most of the identified requirements to close the HERC would create undesired consequences, and many of the required changes and mandates would force cities to significantly increase funding, staff, and resources to oversee and implement programs for which we are not prepared, as well as lose local control over community-centric waste management practices.



In summary, the City of Crystal is concerned about the Board's plan to close the HERC between 2028 – 2040 or beyond without providing adequate time and resources for communities to transition from HERC. Collaborative efforts between community stakeholders, local government, and environmental experts can help find solutions that balance both economic and environmental considerations. We remain committed to our partnership with Hennepin County and working on our shared goals of waste reduction and diversion, but please do not hurry a decision that may exacerbate the environmental and financial impacts of managing waste throughout the county. The City of Crystal urges the Board to reconsider the decision to close the HERC and explore alternative measures that would address any concerns while preserving the valuable environmental and economic contributions that the facility provides.

Thank you for your attention to this matter and for inviting our input on this important topic. We look forward to continuing to be involved as a meaningful stakeholder as the county tackles this important and complex issue and thoughtfully plans for the future of our residents. We trust that, by working together, we can find a resolution that upholds our commitment to sustainable waste management and the well-being of the Hennepin County community.

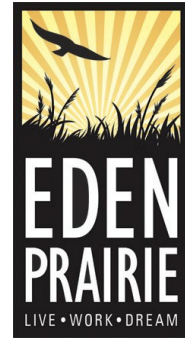
Sincerely,

A handwritten signature in black ink, appearing to read "A. Bell", written in a cursive style.

Adam R. Bell  
City Manager

January 8, 2024

The Honorable Hennepin County Board of Commissioners  
Government Center A2400  
300 South 6<sup>th</sup> Street  
Minneapolis, MN 55487-0240



Dear Commissioners,

This letter is in response to the request for input related to Resolution 23-0384 R-1 directing the County Administrator to develop plans and recommendations for the purpose of advising the Board on the closure of the Hennepin Energy Recovery Center (HERC) between 2028 and 2040. We recognize the equity concerns with the operation of the HERC and the economic and environmental impacts of both its operation and pending closure. We appreciate the opportunity to provide comment and would encourage the county to further engage its stakeholders before finalizing plans.

After review of the materials provided by Hennepin County, including Resolution 23-0384 R-1; the staff report "Hennepin Energy Recovery Center and its role in the solid waste system" provided to the Hennepin County Board of Commissioners in September 2023; and Hennepin County's Zero Waste Plan and Climate Action Plan, we have the following concerns and comments:

1. The staff HERC report notes the closure of the HERC will directly increase disposal costs for residents and businesses throughout the county and notes a fully private disposal system is also expected to result in further market consolidation which limits competition and increases prices. However, there has been no financial analysis of the severity of the expected increase on constituents.
2. Resolution 23-0384 R-1 directs county staff to prepare a plan for closure of the HERC between 2028 and 2040. It also notes the plan should include the timeline and financial/environmental consequences of accelerating the implementation of Zero Waste Plan action items to achieve zero waste. However, many of the action items in the Zero Waste Plan must be implemented by cities. To comply the city will need to add significant staff much more quickly than anticipated to support the required planning, community engagement, education, and ongoing customer service that the organized collection, participation mandates, and enhanced enforcement actions as outlined in the Plan would require. Any plan to close the HERC should include the necessary resources to support implementation.
3. In addition, it is unrealistic to expect the countywide recycling diversion rate to reach the 85% needed to avert financial and environmental impacts of closure by 2040, let alone by 2028. The current diversion rate is 41% and achieving that has taken 30+ years. The county's own Zero Waste Plan notes that reaching 80% diversion would make Hennepin County the highest performing county in the United States and one of the highest in the world.
4. Assuming then the county does not hit an 85% recycling diversion rate prior to the closure of the HERC, sending that waste to landfills would put it out of compliance with the Metropolitan Policy Plan which prioritizes waste-to-energy over landfilling. The county also would not meet landfill

abatement statutes for unprocessed trash. The HERC report notes that unless both state statute and administrative rules are changed first, the county will be noncompliant. The likelihood of those changes happening is not known and there is seemingly no plan to address the consequences of noncompliance, including the loss of SCORE funding to cities to support recycling and organics recycling programs. The county should seek state approval for the needed changes prior to setting a date for closure.

5. The HERC report also implies that the legal compliance issues listed above may then be passed to cities and/or the private sector if the county is no longer able to meet them. *“Finally, if the county were to delegate its solid waste responsibilities to the private sector or to cities (or a combination of both), there are statutory and financial requirements the county must meet to accomplish this.”* (pg. 28) and *“It would also require the county’s ongoing financial support for the cities that take over solid waste responsibilities and active oversight of the private sector and enforcement of waste management laws.”* (pg. 29) The financial, legal, or practical consequences of this potential transfer of authority are not explored in the report but would certainly impact all cities in Hennepin County if implemented.
6. More information is needed on the environmental impacts of closing the HERC and moving materials to landfills. In particular, the increased trucking emissions to transport waste to the landfill may also exacerbate existing environmental justice areas of concern along highway corridors and should be better understood.

In summary, the City of Eden Prairie is supportive of a responsible timeline to close the HERC. However, we urge Hennepin County to better understand and plan for the significant complexities of doing so and set the timeframe for closure based on needed benchmarks being met first that avoid the significant environmental and financial consequences for constituents of an early closure.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. B. Ellis', written in a cursive style.

Robert Ellis  
Public Works Director

December 15, 2023

Irene Fernando, Hennepin County Board of Commissioners, Chair  
David J. Hough, Hennepin County Administrator

SENT VIA EMAIL [board.clerk@hennepin.us](mailto:board.clerk@hennepin.us)



Chair Fernando & Administrator Hough —

This letter is in response to your November 3, 2023 request for input on Hennepin County Board of Commissioners Resolution 23-0384 and the proposed closing of the Hennepin Energy Recovery Center (HERC) between 2028 and 2040.

Greenwood strongly disagrees with the planned decommissioning of the HERC prior to 2040. Closing the HERC before having a solution is not solving a problem. It is reckless and pushes the pollution burden from County to Cities when Counties (not Cities) are in charge of creating plans for waste management. It appears this decision is being made because it “feels” good to close down a “dirty incinerator” instead of being based on facts and reality.

A more thoughtful approach would be for the County to work in a collaborative manner with Cities and take the lead on actions to reduce waste and increase recycling and composting with an initial focus on reducing the waste that is directed to landfills before it starts planning to phase out the HERC. As detailed in the Hennepin Energy Recovery Center staff report, the HERC is far more environmentally friendly than landfills. This fact also is confirmed by the Minnesota Pollution Control Agency waste management hierarchy on page 5 of the staff report. The HERC keeps more metals out of our ground water than landfills. The “non-renewable” designation is unjust and oddly specific to this HERC facility only.

While aspirations are great, realistic plans are even better. The County 2022 Recycling Progress Report states recycling comprised only 357,101 tons of the County waste compared to 749,124 landfill and waste-to-energy tons with landfill's 386,110 tons being greater than the recycling tons. The report does not address the percentage of recycling tons that were too contaminated to be recycled or not recycled because of limited end-user demand. Despite mandated countywide recycling since the late 1980s and 30+ years of concerted effort with the presumed collection of the low-hanging recycling fruit, the County still needs to double recycling volumes to eliminate landfill waste. The County's Zero Waste Plan appears to be wishful thinking vs a true roadmap. It lists 62 Zero Waste Actions but never provides estimated costs for the actions or discusses who will pay the costs. Its Zero Waste Future still includes approximately 10% trash (pg 5 of the Plan). Thus, even if all of its stars align, the Zero Waste Plan will be a 10% Waste Plan. This misnamed Plan, appears to have the potential to be the driving force behind ill-conceived, unfunded mandates for Cities (residents and businesses) in the County. Even if the 10% Waste Goal is achieved, wouldn't it make sense to use waste-to-energy for the remaining 10% since it is environmentally preferable to landfills?

One of the key reasons presented for closing the HERC is its environmental impact and environmental justice concerns. We note if the HERC had been built as an economic development project, the County would be touting its success — the area surrounding the HERC has been virtually completely redeveloped since its construction with the luxury apartments, Be The Match, Target Field, Mary's Place / Sharing & Caring Hands, the Ford Building restoration, etc. The development success is even noted in Resolution 23-0384 R1 which states “population and density near the Hennepin Energy Recovery Center facility have grown dramatically since its opening 34 years ago in 1989.” Redevelopment is thriving around this facility long after it was built.

County Administrator David Hough's recommendations and concerns are not being addressed while County Commissioners put the burden on him to solve the problem that staff recommended against. According to the Sun-Sailor, Angel Conley said, “I have faith that our administrator has the tools and the brilliance to bring us a plan that will bring about a dignified closure of this facility.” Staff's recommendation was the closure should not happen before 2040.

The City of Greenwood requests that Hennepin County develop a more detailed and rigorous recycling and composting plan that includes expected costs and volumes for each option and take a leadership role in supporting the plan rather than mandating compliance. Until such time that a path is clearly visible to decommission the HERC without diverting waste to landfills, the City of Greenwood believes that planning for decommissioning of the HERC is premature.

Sincerely,

A handwritten signature in black ink that reads "Debra J. Kind". The signature is written in a cursive, flowing style.

Debra J. Kind  
Mayor, City of Greenwood  
on behalf of the Greenwood City Council

CC: City Councils of Deephaven, Excelsior, Hopkins, Loretto, Maple Plain, Medina, Tonka Beach, Osseo, Robbinsdale  
Richfield, St. Boniface, St. Louis Park, Tonka Bay, Wayzata



# City of Hopkins

1010 First Street South • Hopkins, MN 55343-3435 • Phone: 952-935-8474 • Fax: 952-935-1834

Web address: [www.hopkinsmn.com](http://www.hopkinsmn.com)

January 16, 2024

The Honorable Hennepin County Board of Commissioners  
Hennepin County Government Center A2400  
300 South Sixth Street  
Minneapolis, MN 55487-0240

RE: Hennepin Energy Recovery Center Closure  
City Hopkins Comments

Dear Commissioners:

This letter is in response to the county's request for input from cities related to the passage of Resolution 23-0384 R1 by the Hennepin County Board of Commissioners, the closure of Hennepin Energy Recovery Center (HERC) between 2028 and 2040. The city understands the HERC has been operational since the 1980's and the facility incinerates trash and converts it to steam energy. The city is also aware of the need for clean air for those who live and work around the current facility. Hopkins is not recommending a certain action or outcome regarding the closure, but rather would like to highlight some of the considerations prior to the facility closing.

The city further understands there are many steps that need to be taken by federal, state, county and city governments before the closure can happen. Hopkins provides the following, in response to review of the information received by the county on October 31, 2023, and November 6, 2023:

- 1) The City of Hopkins is a strong supporter of environmental stewardship, waste management and waste reduction, and therefore requests Hennepin County partner with all cities impacted by the closure of the HERC, to develop and implement policies prior to the final consideration of any closure. The policies should include mutual efforts between partners and adequately address funding assistance, legal issues, or consideration of transfers of liabilities, reasonable timeframes and resources required to meet the county's goals.
- 2) The documents, at this time, do not outline a clear replacement plan for the HERC. Additional information is needed to understand the environmental impacts of moving materials to landfills or other means, including vehicle emissions and impacts to other areas, together with new highway corridors to transport materials.



## City of Hopkins

1010 First Street South • Hopkins, MN 55343-3435 • Phone: 952-935-8474 • Fax: 952-935-1834

Web address: [www.hopkinsmn.com](http://www.hopkinsmn.com)

- 3) Closure of the HERC would increase disposal costs by use of private haulers due to limited competition from increased scale of operations. An analysis should be completed to understand the financial impacts on residents and businesses as well as outline the timeframe needed for a closure to limit the potential for increased costs to these constituents.
- 4) A number of action items in the Zero Waste Plan are stated as a requirement to be implemented by cities and would require a significant use of city resources. These include enhanced enforcement actions, organized collection and mandates related to participation. HERC closure plans would need to include resources and financial support to cities to implement these items.
- 5) The documents discuss the need for state statute and administrative rules to be revised prior to the county reaching compliance. It is unclear of the timeframe or likelihood of these revisions. It is also not clear how the potential loss of SCORE funding to cities to support recycling and organics recycling programs would be impacted. The county should complete these updates prior to establishing the timeframe for the HERC closure.

The City of Hopkins continues to be supportive of waste reduction and climate action efforts both as a city, as well as in partnership with Hennepin County. The city understands there are several complexities along with conditions that must be considered prior to the closure of the HERC.

If the results of further environmental, social and economic study determine the best course is for closure of the HERC, the city will support the county's decision. The items listed above regarding environmental impacts, responsible timelines and financial impacts to residents and businesses of our community are extremely important considerations.

Thank you for your work on this complex issue. We look forward to continuing to collaborate as committed stakeholders.

Sincerely,

Mike Mornson



January 17, 2024

Maria Rose, Clerk to the Hennepin County Board  
Hennepin County  
300 South 6th Street  
Minneapolis, MN 55487-0240

Subject: Response to resolution on closure of Hennepin Energy Recovery Center

Dear Commissioners:

The Maple Grove City Council has reviewed information on the board's direction to review possible closure of the Hennepin Energy Recovery Center (HERC) between 2028 and 2040 and is writing to express concerns about the potential regional and local effects of closing the HERC without a realistic plan in place and one which has local community buy-in. The city has worked with the county on recent organics initiatives and is supportive of reducing the amount of waste which is sent to landfills; however, we believe that an important decision such as setting a timeline for closing the HERC must be realistic and involve meaningful partnerships with local cities, which has not occurred to date.

HERC is a region-wide asset and, although Maple Grove is not directly listed as a designated contributor of waste to the HERC facility, some of our community's waste is processed at the HERC facility. We believe that the closure of this facility will also likely result in cascading effects impacting our community and ability to process waste. HERC closure timeline should be contingent upon these conditions being met to avoid serious environmental and financial consequences. A regional and data-driven approach for responsible management of solid waste and HERC's future is a necessary step to meet these conditions.

Based on county staff's recommendations memo dated September 20, 2023 the city believes closing the HERC prior to 2040 is unrealistic and that even successfully closing the HERC between 2040 and 2050 requires meeting a number of difficult conditions. Although not comprehensive, some items we have the most concerns about without further engagement and conversation include:

- Achieving a recycling rate of at least 85%. This requires cities to dedicate significant time and resources to expansion of recycling and diversion programs into multi-family, commercial and industrial businesses and enforcement;
- Require cities to implement and oversee organized waste collection countywide;
- Require cities to implement and oversee unknown mandated recycling and composting programs;



- Achieving strong city leadership across the county in waste reduction does not result from unfunded mandates to adopt policies. To make the required policy changes identified would require thought, partnership, time, and likely an increase in staffing and local funding.

In summary, the Maple Grove City Council is concerned about the board's plan for the closure of HERC between 2028 – 2040 or beyond without providing adequate time and resources for communities to transition from HERC. Please do not rush to decisions which may exacerbate the environmental and financial impacts of managing waste throughout the county.

Sincerely,



Mark Steffenson  
Mayor



Heidi Nelson  
City Administrator

## Angie Timmons

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**Subject:** FW: [External] Response to HERC Report

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**From:** Scott Johnson <[scott.johnson@medinamn.gov](mailto:scott.johnson@medinamn.gov)>

**Sent:** Monday, November 27, 2023 11:36 AM

**To:** Board.Clerk <[Board.Clerk@hennepin.us](mailto:Board.Clerk@hennepin.us)>; David J Hough <[David.Hough@hennepin.us](mailto:David.Hough@hennepin.us)>

**Cc:** Kevin Anderson <[Kevin.Anderson@hennepin.us](mailto:Kevin.Anderson@hennepin.us)>

**Subject:** [External] Response to HERC Report

**CAUTION:** This email was sent from outside of Hennepin County. Unless you recognize the sender and know the content, do not click links or open attachments.

Hi David,

Thank you for your email and the opportunity to provide input on this important topic. The City of Medina would like to know more about what the legitimate options are for this topic? What will the environmental and financial impacts be for Hennepin County residents? Will Hennepin County continue to subsidize residents for this service and continue to run the transfer site in Brooklyn Park?

Medina has been very proactive with recycling, composting, and working with a single hauler to address these issues. HERC has been a more environmentally friendly option for Medina instead of landfilling waste with the extra carbon footprint from more truck traffic, which is part of your report.

Per Hennepin County's report:

"In response to community members' concerns about air pollution from HERC, staff pursued an additional science-based review and repeatable analysis of HERC's potential health impacts. This review confirmed that cancer and non-cancer risks from HERC emissions are well below MDH's incremental risk thresholds. HERC is not more likely to cause cancer or non-cancer health effects in one part of the community than in another; rather, the review shows similar and low impacts across all populations."

I think closing HERC is a major step backwards at this time based on the November 3<sup>rd</sup> information. Hennepin County prior to COVID was pushing for organics collection in restaurants, institutions, and businesses. Would it make sense to start pushing for organics collections at these locations considering this report?

Sincerely,  
Scott Johnson  
City of Medina



14600 Minnetonka Blvd. | Minnetonka, MN 55345 | 952-939-8200 | minnetonkamn.gov

Jan. 15, 2024

The Honorable Hennepin County Board of Commissioners  
Hennepin County Government Center A2400  
300 South Sixth Street  
Minneapolis, MN 55487-0240

RE: Hennepin Energy Recovery Center Closure  
City of Minnetonka Comments

Dear Commissioners:

This letter is in response to the county's request for input from cities related to the passage of Resolution 23-0384 R1 by the Hennepin County Board of Commissioners, the closure of Hennepin Energy Recovery Center (HERC) between 2028 and 2040. The city understands the HERC has been operational since the 1980's and the facility incinerates trash and converts it to steam energy. The city is also aware of the need for clean air for those who live and work around the current facility. Minnetonka is not recommending a certain action or outcome regarding the closure, but rather would like to highlight some of the considerations prior to the facility closing.

The city further understands there are many steps that need to be taken by federal, state, county and city governments before the closure can happen. Minnetonka provides the following, in response to review of the information received by the county on Oct. 31, 2023 and Nov. 6, 2023:

- 1) The City of Minnetonka is a strong supporter of environmental stewardship, waste management and waste reduction, and therefore requests Hennepin County partner with all cities impacted by the closure of the HERC, to develop and implement policies prior to the final consideration of any closure. The policies should include mutual efforts between partners and adequately address funding assistance, legal issues or consideration of transfers of liabilities, reasonable timeframes and resources required to meet the county's goals.
- 2) The documents, at this time, do not outline a clear replacement plan for the HERC. Additional information is needed to understand the environmental impacts of moving materials to landfills or other means, including vehicle emissions and impacts to other areas, together with new highway corridors to transport materials.
- 3) Closure of the HERC would increase disposal costs by use of private haulers due to limited competition from increased scale of operations. An analysis should be completed to understand the financial impacts on residents and businesses as well as

outline the timeframe needed for a closure to limit the potential for increased costs to these constituents.

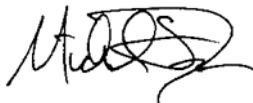
- 4) A number of action items in the Zero Waste Plan are stated as a requirement to be implemented by cities and would require a significant use of city resources. These include enhanced enforcement actions, organized collection and mandates related to participation. HERC closure plans would need to include resources and financial support to cities to implement these items.
- 5) The documents discuss the need for state statute and administrative rules to be revised prior to the county reaching compliance. It is unclear of the timeframe or likelihood of these revisions. It is also not clear how the potential loss of SCORE funding to cities to support recycling and organics recycling programs would be impacted. The county should complete these updates prior to establishing the timeframe for the HERC closure.

The City of Minnetonka continues to be supportive of waste reduction and climate action efforts both as a city, as well as in partnership with Hennepin County. The city understands there are a number of complexities along with conditions that must be considered prior to the closure of the HERC.

If the results of further environmental, social and economic study determines the best course is for closure of the HERC, the city will support the county's decision. The items listed above regarding environmental impacts, responsible timelines and financial impacts to residents and businesses of our community are extremely important considerations.

Thank you for your work on this complex issue. We look forward to continuing to collaborate as committed stakeholders.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Funk", with a stylized flourish at the end.

Michael S. Funk  
City Manager  
City of Minnetonka

# City of the Village of Minnetonka Beach

2945 Westwood Road - P.O. Box 146

Minnetonka Beach, MN 55361

[www.ci.minnetonka-beach.mn.us](http://www.ci.minnetonka-beach.mn.us)

952-471-8878

January 9<sup>th</sup>, 2024

Irene Fernando, Hennepin County Board of Commissioners, Chair  
David J. Hough, Hennepin County Administrator

SENT VIA EMAIL: [board.clerk@hennepin.us](mailto:board.clerk@hennepin.us)

Chair Fernando and Administrator Hough -

This letter is in response to your November 3, 2023 request for input on Hennepin County Board of Commissioners Resolution 23-0384 and proposed closing of the Hennepin Energy Recovery Center (HERC) between 2028 and 2040. The letter packet included three documents that were very helpful in understanding the complexity and risks of closing HERC.

1. THE HENNEPIN ENERGY RECOVERY CENTER and its role in the solid waste system
2. The County's Climate Action Plan
3. The County's Zero Waste Plan

**Minnetonka Beach is opposed to the facility closing until there is an economically viable replacement technology in place.**

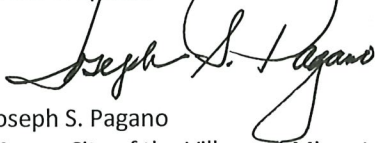
Shutting down HERC without having a replacement technology for its "Waste to Energy" model jeopardizes over four decades of Hennepin County led progress in reducing the volume of trash going to landfills.

Before deciding to implement such a risky strategy we urge the County to:

1. As in the early 1980s, take a lead in developing strategies and tactics at the State and Federal level at reducing the amount of waste material being created upstream. Packaging, take-out food service, plastic liquid holders and shift to on line shopping are a few examples.
2. Research new technologies and best practices that cities throughout the country are using.
3. Work with metropolitan cities and consumers to continue to improve the current recycling process. Organics to compost is one.

To that point, Minnetonka Beach welcomes the invitation to "partnership" and would like to hear more about the "opportunity to accelerate recycling and zero-waste programs". Our village of 230 homes represents less than one-tenth of one percent of the homes served by HERC. However we believe that every home can have a positive impact on protecting the environment. The attached PDF was included in the 4<sup>th</sup> Quarter Utility Bills Mailing and is indicative of Minnetonka Beach's commitment.

Minnetonka Beach appreciates the opportunity to provide input, looks forward to reviewing the County Administrator's February 1<sup>st</sup> Proposal for closing HERC. The expectation is for the concerns and suggestions from the metropolitan HERC cities will be addressed in the Proposal.



Joseph S. Pagano  
Mayor, City of the Village of Minnetonka Beach  
on behalf of the Minnetonka Beach City Council

CC: City Councils of Deephaven, Excelsior, Hopkins, Loretto, Maple Plain, Medina, Osseo, Robbinsdale, Richfield, St. Bonifacius, Tonka Bay, Wayzata, Minnetonka, Long Lake, Orono, Shorewood, Woodland, Greenwood, St. Louis Park, Bloomington, Champlain





Name: Lisa Whalen, Minnetrista Mayor  
Date: January 16, 2024  
Subject: Response to Request for Input on Hennepin County Board of Commissioners Resolution 23-0384 and Proposed Closure of the Hennepin Energy Recovery Center (HERC)

Dear Chair Fernando and Administrator Hough,

I am writing on behalf of the City of Minnetrista in response to your request dated November 3, 2023, seeking input on the proposed closure of the Hennepin Energy Recovery Center (HERC) as outlined in Resolution 23-0384. While we recognize the importance of evolving waste management strategies, we have serious concerns regarding the accelerated timeline for closing HERC between 2028 and 2040.

Our concerns are grounded in the context of three pivotal Hennepin County plans:

1. The Hennepin Energy Recovery Center and Its Role in the Solid Waste System
2. The County's Climate Action Plan
3. The County's Zero Waste Plan

These documents underscore the complexities and potential risks associated with the closure of HERC. We firmly believe that closing the facility without a proven and economically viable alternative risks undermining over four decades of progress in waste reduction and energy recovery led by Hennepin County.

Therefore, before moving forward with this significant change, we strongly urge the County to:

1. Lead the charge in developing strategies to minimize waste generation at the source. This includes addressing packaging, take-out food services, plastic containers, and the environmental impact of increased online shopping.
2. Actively research and integrate emerging technologies and best practices in waste management, drawing insights from cities across the nation.
3. Collaborate with metropolitan cities and consumers to enhance and refine existing recycling processes, particularly the conversion of organics to compost.

The City of Minnetrista is eager to engage as a proactive partner in these endeavors. We are particularly interested in exploring opportunities to advance recycling and zero-waste initiatives collaboratively.

We appreciate this opportunity to contribute our perspective and are keenly awaiting the County Administrator's proposal due February 1st. It is our hope and expectation that this proposal will comprehensively address the concerns and suggestions from all metropolitan cities involved with HERC, ensuring a balanced and forward-thinking approach to waste management.

Thank you for considering our input on this critical matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa Whalen". The signature is fluid and cursive, with the first name "Lisa" and last name "Whalen" clearly distinguishable.

Mayor Lisa Whalen

# CITY OF PLYMOUTH

## RESOLUTION No. 2024-022

### RESOLUTION OF RESPONSE TO PROPOSED HENNEPIN ENERGY RECOVERY CENTER (HERC) CLOSURE PLAN

WHEREAS, the Hennepin County Recovery Center (HERC) is the only municipal solid waste (waste) to energy facility in Hennepin County, and one of three serving the Twin Cities area; and

WHEREAS, the HERC's primary function is to process waste, including waste collected within the City of Plymouth from private haulers; and

WHEREAS, the HERC remains a crucial instrument in 90% reduction of waste; and

WHEREAS, Hennepin County passed resolution 23-0384 R1 on October 24, 2023; and

WHEREAS, Resolution 23-0384 R1 seeks feedback and input from Hennepin County Cities; and

WHEREAS, the documents listed below are included by reference in Hennepin County correspondence; and

1. Hennepin County Resolution 23-0384 R1
2. Hennepin County Recovery Center (HERC) Fact Sheet
3. The Hennepin Energy Recovery Center and its role in the solid waste system, a staff report for the Hennepin County Board of Commissioners, September 2023
4. The Memo - Hennepin County Climate Action Plan/Zero Waste Plan and HERC – Recommendation Memo from David Hough and Lisa Cerney to the Hennepin County Board of Commissioners, September 20, 2023
5. Metropolitan Solid Waste Management Policy Plan 2022-2042, prepared by the Minnesota Pollution Control Agency (MPCA).
6. Hennepin County Zero Waste Plan
7. Hennepin County Climate Action Plan
8. Residential Waste Reduction and Recycling Funding Policy

WHEREAS, "The Hennepin Energy Recovery Center and its role in the solid waste system, a staff report for the Hennepin County Board of Commissioners, September 2023" details a thorough analysis of consequences of premature closure of the HERC; and

WHEREAS, "The Recommendation Memo - Hennepin County Climate Action Plan/Zero Waste Plan and HERC – from David Hough and Lisa Cerney to the Hennepin County Board of Commissioners, September 20, 2023" contains numerous conditions that need to occur prior to consider closure of the HERC; and

WHEREAS, the State Legislature has recently removed classification of the HERC as a renewable energy source; and

WHEREAS, the State Legislature has tied \$26 million in state funding to help fund a Hennepin County anaerobic digestion organic waste processing facility, contingent on a cessation plan for operations of the HERC; and

WHEREAS, Hennepin County has reported \$37.7 million in debt services on the HERC as of December 31, 2022; and

WHEREAS, the City of Plymouth annually receives \$160,000 for Select Committee on Recycling and the Environment (SCORE) grant funding to assist with recycling and waste reduction programs, which could be jeopardized as grant funding is tied to County compliance with MPCA solid waste management statutes; and

WHEREAS, the HERC has consistently demonstrated compliance with MPCA air quality requirements; and

WHEREAS, the HERC remains an integral source of energy, heat, and maintaining climate resiliency for Target Field Transit Station, Target Field, and burgeoning North Loop and Warehouse districts in Minneapolis; and

WHEREAS, according to Major League Baseball, over 30 million attendees at the open-air Target Field have not had major complaints about smell, odor, or air quality from the HERC, located 150 feet away; and

WHEREAS, the increasing diversion of organic materials from the HERC will serve to increase the efficiency of the HERC; and

WHEREAS, Hennepin County estimates an additional 10,000 semi-truck trips would result from closure of the HERC; and

WHEREAS, the MPCA estimates waste generated in the Twin Cities Metro will grow 19% by 2040; and

WHEREAS, current landfills within the Twin Cities are in the process of expanding to meet the growing demand, while the HERC and two other waste to energy facilities are operating at full capacity; and

WHEREAS, the MPCA has goals for total waste processing to be 75% to recycling and organics, 5% to landfills, and 20% to waste to energy facilities; and

WHEREAS, previous efforts to reduce waste have fallen short of goals; and

WHEREAS, in 1991 the MPCA set a state recycling goal of 45% by 1996; and

WHEREAS, MPCA have current estimates of recycling and organics diversion of 45%; and

WHEREAS, the Hennepin County Zero Waste Plan has set an aggressive goal to reduce waste to 10% of current waste levels, or approximately 62,000 tons per year, of generated waste by 2040 without regard for its disposal methods; and

WHEREAS, the City of Plymouth supports the analysis and conclusions of Hennepin County staff in regards to the consequences of premature HERC closure, and conditions required to close the HERC; and

WHEREAS, the City Council is committed to environmental stewardship, waste reduction and proper disposal of waste by organizing curbside recycling and organics, centralized recycling center, yard waste drop off site, special collection events, fix it clinics, and providing community outreach and education.

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF PLYMOUTH, MINNESOTA that:

- 1) The city reiterates and emphasizes its support of environmental stewardship, waste reduction and proper waste management.
- 2) The city supports Hennepin County with efforts of waste reduction and diversion of recyclable materials, including source separated organic materials.
- 3) The city supports the Hennepin County position to recommend an anticipated year range closure for HERC of 2040 to 2050, and possible delay beyond that window should certain conditions not be met as listed in the Hennepin County Climate Action Plan/Zero Waste Plan and HERC – Recommendation Memo from David Hough and Lisa Cerney to the Hennepin County Board of Commissioners, September 20, 2023:
  - a. Compliance with all applicable state and federal laws, rules, and regulations.
  - b. Achieving the county board approved Climate Action Plan goals.
  - c. Achieving the metrics identified in the county’s Zero Waste Plan.
  - d. The State of Minnesota is at or near its 100% renewable electricity goal.
  - e. Recycling rate of at least 85%.
  - f. Food waste, paper, and other biogenic materials make up less than 10% of trash needing disposal.
  - g. Alternative funding sources are secured for county natural resources, forestry, zero waste, and climate work.
  - h. Alternative energy sources are found to heat, cool, and electrify homes and businesses.
  - i. Adopt policies on par with national zero waste leaders - including but not limited to packaging, organized collection, hauler licensing and material bans at landfills.
  - j. Invest in recycling infrastructure, advancing circularity and waste reduction and reuse – including but not limited to increasing SCORE recycling grants, funding of a pre-processing facility in Hennepin to recover reusable and recyclable materials from trash, fully funding the anerobic digestion facility, increasing state taxes/fees on landfills to fund county zero waste programs and other investments.
  - k. Reduce disproportionate impacts from the solid waste system – including but not limited to direct funding to areas of environmental justice concern, phased in emissions requirements for waste trucks and updating landfills to achieve greater environmental outcomes.
  - l. Amend existing policies to remove disincentives – including but not limited to adopting a food waste composting requirement in MnDOT specs, reducing barriers for businesses to use refillable containers, revising building codes and zoning ordinances that inhibit recycling and revising the current system to cover collection of all electronic waste.
  - m. Revise Recycling Ordinance 13 to provide clarity in existing language and expand requirements.
  - n. Require the use of food waste compost in county construction and landscape projects.
  - o. Bolster the county’s sustainable purchasing policy using MPCA guidance.
  - p. Fully implement a county plan to eliminate food waste.
  - q. Evaluate needed collaboration in providing zero waste infrastructure.
  - r. Expand recycling drop-off options.
  - s. Establish brick-and-mortar reuse and repair centers.
  - t. Support innovation hubs, districts, and resource recovery parks
  - u. Study options for recovering recyclables from the trash.

BE IT FURTHER RESOLVED that:

- 1) The City of Plymouth promotes local control; thus, it requests Hennepin County to partner with the city, rather than mandate to the city, developing mutually agreeable policies that includes adequate funding assistance to fund staff and resources required to achieve desired efforts. These efforts may or may not include the list outlined here, as originated by the county:
  - a. Transition to organized waste collection countywide, which cities would oversee and implement.
  - b. Mandate participation in recycling and composting programs, which cities would oversee and implement.
  - c. Require cities to add multi-family waste service to single-family residential service.
  - d. Adopt a single use ban and zero waste packaging requirement for food service.
  - e. Establish food waste reduction targets and timeline.
  - f. Establish organized commercial collection, including multi-family.
  - g. Require mandatory large generator waste reduction and diversion plans.
  - h. Increase hauler accountability by requiring reporting and service standards.
  - i. Implementing multi-family recycling programs with adequate staffing.
  - j. Improve options for managing large items and specialty recyclables in the multi-family sector.
  - k. Adopt specifications to increase the use of food-derived compost in city projects.
  - l. Develop a construction and demolition waste diversion ordinances requiring recycling on construction and demolition projects.
  - m. Enhance enforcement of existing city ordinances.
- 2) Hennepin County should obtain formal approval from the MPCA to diverge from their stated goals of 75% to recycling and organics, 5% to landfills, and 20% to waste to energy facilities.
- 3) Hennepin County should obtain formal approval from the Counties of Dakota, Scott, Wright, Washington, and any other county containing a landfill that could receive waste from Hennepin County that is currently processed by the HERC, and this additional waste is accounted for within their long-range forecasting for landfill capacity.
- 4) Environmental review and justice shall be analyzed for not only areas around the HERC, but justices in areas around impacted landfills, and repercussions of sending Hennepin County waste to neighboring counties.
- 5) The city wishes to clarify inclusion of Plymouth as a suburb that utilizes the HERC to process its waste.
- 6) The city encourages investment and maintenance of the HERC to maintain its optimal performance and effectiveness with waste reduction and environmental protections.

APPROVED by the City Council on this 9th day of January, 2024.



January 12<sup>th</sup>, 2024

**MAYOR**

MARY SUPPLE

**CITY COUNCIL**

SHARON CHRISTENSEN

SEAN HAYFORD OLEARY

SIMON TRAUTMANN

BEN WHALEN

**CITY MANAGER**

KATIE RODRIGUEZ

The Honorable Hennepin County Board of Commissioners  
Hennepin County Government Center A2400  
300 South Sixth Street  
Minneapolis, MN 55487-0240

Dear Commissioners:

As stated in Resolution 23-0384 R1, cities that use the Hennepin Energy Recovery Center (HERC) were invited to provide feedback on the proposed legislative priorities or platform issues relating to the closure of HERC. The City of Richfield appreciates the opportunity to comment on the process of creating a closure plan for HERC and its potential economic and environmental impacts. Recognizing that over 365,000 tons of waste are processed at HERC each year, this decision should not be made without careful consideration.

While we are grateful for the opportunity to comment, the timeline provided does not allow cities to adequately review and comment on the wide-ranging impacts of the board decision. This abbreviated timeline did not allow for a full council review of this matter at a council work session which would have allowed an opportunity for all council members to provide feedback and for staff to answer potential concerns or questions. Additionally, the amount of time between city comments being due Jan. 15 and the county staff closure plan due Feb. 1 does not provide commissioners nor county staff adequate time to thoroughly digest city partner comments and consider said comments for the closure plan.

Time is needed both for the analysis of the financial impacts, staffing needs, and implementation timeframes of zero-waste programs and to provide that information for commissioner consideration. As the “boots on the ground”, cities have valuable insights to provide regarding current programs, as well as the knowledge to comment on how plans will affect residents and businesses.

We understand the importance of decommissioning HERC for equity and sustainability reasons. A closure plan with a reasonable date must reflect the immense amount of work necessary throughout the county to reduce waste pre-closure and our inevitable dependence on landfilling waste post-closure. We support Hennepin County’s staff recommendation for a realistic closure range contingent on meeting necessary goals including an 85% recycling diversion rate in Hennepin County. This will push the timeframe for the closure of HERC closer to 2040, but we believe a concrete path of actions to complete is necessary before determining a final date.

It has taken decades to reach our current diversion rate of 41% (Hennepin County Recycling Progress Report, 2022). It is unrealistic to presume those efforts could be doubled in 5 to 15 years with current staffing capacity and resources. This is compounded by the Minnesota Pollution Control Agency’s (MPCA) projected rise in waste generation which will increase the



material that will need to be diverted. The State and MPCA's diversion goals are aligned with the State's solid waste management hierarchy, which prioritizes waste-to-energy over landfilling. If the County is not in compliance with this legislation, municipal SCORE funding may be jeopardized. These SCORE funds are essential to cities like Richfield as they ensure we can create and maintain staff positions for solid waste and sustainability work.

With the closure of HERC, there will need to be a new place for disposal of the over 365,000 tons of waste currently handled at the facility. More waste from all generators will be landfilled, especially if the closure date is earlier in the proposed range. Increased landfilling will also affect costs associated with disposal for all generators. This includes residential and commercial haulers as well as municipal operations. City staff hauls trash from all Richfield parks and has tipped at HERC for the past decade or so. A HERC closure would force staff to identify other tipping locations, most likely increasing disposal costs and staff time needed for transportation. This would negatively impact city operations and raise our operating costs, increasing the tax burden on our residents.

Since there are no other waste-to-energy facilities or active landfills in Hennepin County, closing the HERC would increase truck transportation by an estimated 10,000 additional semi-trailer trips annually. This would significantly increase related emissions and air pollution throughout Hennepin County and the Twin Cities metro area, especially in neighborhoods near freeways, as well as increase the likelihood of accidents involving these rigs. Additionally, tipping at rapidly filling landfills puts an increased burden on those surrounding communities, which include census tracts identified by the MPCA and federal government as Environmental Justice areas. We encourage Hennepin County to conduct an environmental/EJ-focused review on the impact of the increased transportation to landfills.

Richfield is committed to our partnership with Hennepin County and working on our shared goals of waste reduction and diversion. Most of Richfield's recent waste diversion efforts have happened in the last four years since establishing the city's first Sustainability Specialist position. Before this, there was a lack of coordination around waste-related education and system improvements. In 2021, Richfield organized residential collection and introduced curbside organics collection, a process that took a significant amount of staff time over several years. Knowing how much work this took and the city's current diversion rate, we will not reach an 85% diversion rate before 2040, without significant financial investment and societal behavior change.

Cities do not currently have the staff capacity to take on the new solid waste initiatives outlined in the statement on board action and recommendation memo from County staff. This is especially true for the smaller cities and towns as well as those like Richfield where the existing sustainability staff have many other responsibilities. To meet the County's waste reduction goals, there is a need for additional county funding for dedicated municipal solid waste staff. We estimate that Richfield would need at least two or three additional full-time employees solely dedicated to solid waste management. Richfield currently has one staff member who spends roughly half of their time on solid waste responsibilities.

If the Board is directing staff to close HERC, much of the responsibility for increasing diversion in the immediate future should rest with the County and the State, not municipalities. If municipalities are being asked or mandated to execute numerous initiatives in addition to existing efforts, the County and the State must fund the costs associated with these requests. Cities cannot deliver programs and waste reduction results without this additional funding.

In summary, we are concerned about the proposed 2028-2040 timeline for decommissioning the HERC and the economic and environmental effects of such action. We hope the Board provides sufficient time and resources for County and City staff to work towards waste reduction and diversion goals before the facility is closed. Thank you for your consideration and work on this complex issue. We look forward to continuing to be involved as committed stakeholders throughout this lengthy process.

Sincerely,



Mary Supple  
Mayor



Katie Rodriguez  
City Manager



City of Robbinsdale, MN  
4100 Lakeview Avenue North  
Robbinsdale, Minnesota 55422-1898  
Phone: (763) 537-4534  
Fax: (763) 537-7344

December 20, 2023

Irene Fernando – Chair, Hennepin County Board of Commissioners  
David J. Hough – Hennepin County Administrator

On October 31, 2023, Robbinsdale City staff received notification that the Hennepin County Board of Commissioners, was soliciting feedback on the upcoming closure of the Hennepin County Recovery Center (HERC). Following Hennepin County's Resolution (23-0384 R1) supporting the process of an eventual closure, the Robbinsdale City Council discussed a formal response at work sessions on November 14, 2023 and December 12, 2023. We are aware the Minnesota legislature has treated Hennepin County disparately, compared to other counties, regarding garbage disposal issues.

A top priority for the Robbinsdale City Council, is clarity on next steps. First, the City asks that Hennepin County provide a framework which the County intends to use to communicate the closure with residents. From current operations, to effects the closure will have on residents, the City feels clear communication is a top priority. While "The Hennepin Energy Recovery Center and its role in the solid waste system," and "Hennepin County Zero Waste Plan" documents provide comprehensive operations and visioning, the (respective) 55 page and 57 page documents are not reasonably consumable by all residents.

Second, the City of Robbinsdale would like clarity on projected expenditures and revenue. In brief discussions with our current haulers, we understand that a change in operations can certainly be achieved – but this comes with a price. A top concern is that operational mandates instituted by Hennepin County may be to the financial detriment of residents. Similarly, in understanding that other operators of collections in the region have found creative ways to reduce expenditures, the City of Robbinsdale is curious as to the vision of any revenue sharing through collections. Some systems have gotten creative in that revenue sharing has been implemented as a part of recycling, for example, and the City would like clarity if organics (or otherwise) might be considered to both collect revenue and simplify the collections process.

The City of Robbinsdale continues to support the efforts of Hennepin County when looking to enhance sustainable practices through collection services; however, we wish to be kept in the conversation as decision are made, to ensure operational changes are not to the detriment of Robbinsdale residents.

Sincerely,

William A. Blonigan  
Mayor of Robbinsdale

Cc: Jeff Lunde, Hennepin County Commissioner  
Cc: Robbinsdale City Council



January 12, 2024

The Honorable Hennepin County Board of Commissioners  
Government Center A2400  
300 South 6th Street  
Minneapolis, MN 55487-0240

**Re: City of Rogers Input, HERC Closure Plan and Timeline**

Dear Commissioners:

On behalf of the City of Rogers, this letter is in response to the Board of Commissioners' request for input to Resolution 23-0384 R-1 regarding the proposed closure of the Hennepin County Energy Recovery Center (HERC).

The City of Rogers has significant concerns about the aggressive timeline that has been established for closure (2028-2040), as well as with the lack of concrete alternative plans to handle the volume of waste currently accepted and processed by HERC. Specifically, we believe that the goal of reaching an 85% recycling rate across the County – the threshold at which the September 1, 2023 staff report to the Board or Commissioners cited as being necessary before closure of the HERC would be practically feasible (likely post-2040) – is not realistic within the proposed timeline.

Moreover, prior to adopting any established deadline for closure, we would respectfully recommend a more comprehensive investigation and planning process to include:

- An environmental impact study for HER closure;
- A financial impact analysis (impacts to the County, municipalities, and residents);
- Identification of concrete performance goal and benchmarks which must be met before closure could occur;
- Development of resources/funding sources to facilitate reaching necessary benchmarks; and
- Identification of viable alternatives for handling waste currently processed by HERC.



January 12, 2024

Given the countywide recycling rate of 41%, it is extremely difficult to imagine moving that figure to 85% within the next four years, or even the next 16. Cities like Rogers, in particular, include a mix of urban homes and rural farmsteads which makes significant improvement in participation rates particularly challenging.

The City of Rogers continues to support cooperative efforts along with Hennepin County and our peer cities to create a sustainable approach to handling both household waste and recyclables. However, the time and City resources necessary to implement new methods and programs to transition from HERC represent a major impact on municipalities throughout Hennepin County and, ultimately, upon our residents. For this reason and those noted above, it is our hope that the Board of Commissioners will adopt a stepwise and methodical planning approach, with realistic performance goals and timelines, beyond the currently proposed 2028-2040 range.

Thank you for your consideration.

Sincerely



Rick Ihli

Mayor



Steve Stahmer

City Administrator



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January 12, 2024

The Honorable Hennepin County Board of Commissioners  
Government Center A2400  
300 South 6th Street  
Minneapolis, MN 55487-0240

SENT VIA EMAIL: [board.clerk@hennepin.us](mailto:board.clerk@hennepin.us)

Dear Commissioners:

The City of St. Louis Park is providing comments below in response to the request for input related to Resolution 23-0384 R-1 directing the county administrator to develop plans and recommendations to advise the board on the closure of the Hennepin Energy Recovery Center (HERC) between 2028 and 2040.

The city appreciates the opportunity to provide comment and to partner with Hennepin County in waste reduction, reuse and recycling efforts. Our initial concern is with the aggressive timeline imposed on county staff to develop a closure plan by Feb. 1, 2024. We believe this timeline is unrealistic and doesn't allow enough time for county staff to gather and consider valuable input from partner cities, as well as the surrounding communities that will bear the burden of increased Hennepin County trash disposed in landfills.

Further, as a partner city that carries out many of the zero waste efforts necessary to achieve county goals, our comments focus on the following concerns:

1. **Reaching an 85% recycling rate by 2028 – 2040 (a prerequisite to closing HERC) is unrealistic given the economic and systemic realities of waste generation and collection infrastructure. In order to achieve this goal, adequate time, resources, and legislative changes are needed.**
  - 1.1. The county's Zero Waste Plan (2023) outlines 62 actions to reach the goal of zero waste. The plan states that if all actions are implemented with 100% success, "collectively the actions have the potential to more than double the county's current diversion rate (39% in 2021)." The plan goes on to say, "If the county were to achieve an 80% diversion rate, it would be the highest performing county in the United States and one of the highest performing jurisdictions in the world." While reaching this rate is aspirational during the 2028 – 2040 timeframe, it is not grounded in reality.
  - 1.2. St. Louis Park's program growth has been steady, but even with the progression in program development our residential diversion rate has plateaued at approximately 32%, despite undertaking curbside recycling (1985), organized collection (1997), curbside organics recycling (2013), zero waste packaging ordinance for restaurants (2017), expanded commercial recycling and organics requirements (2019), residential every-other-week garbage options (2019), and numerous ongoing waste reduction and reuse events.
  - 1.3. As an early adopter of waste reduction, reuse and recycling best practices, St. Louis Park has experienced the realities that many of your partner cities have faced. Program development and implementation takes years; significant (more than 50%) residential or commercial buy-in



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can take a decade or more; and increases in program implementation and oversight can only be implemented with significant financial and staffing resources.

- 1.4. Given the volume of nonrecyclable materials that producers are introducing into the waste stream, changing individual behaviors alone won't be enough to solve the systemic problem of waste generation. The city supports extended producer responsibility legislation by the state legislature as a way to reduce waste at the source.
  - 1.5. Landfilling of trash in the county without changes to state statute and the MPCA's Metropolitan Solid Waste Management Policy Plan may result in the county being out of compliance. This will jeopardize the funding that its partner cities, like St. Louis Park, depend upon to fund the waste reduction and recycling programs in place.
2. **A 2028 – 2040 closure timeframe is premature and will negatively impact environmental justice (EJ) areas in and around Hennepin County.**
    - 2.1. Transport routes and transfer stations within Hennepin County and landfills outside the county are surrounded by EJ areas with considerations of poverty and majority BIPOC residents (as referenced in the September 21, 2023, county staff report). Closing HERC will likely shift the environmental burden from one affected neighborhood to others.
    - 2.2. According to the Hennepin County staff report, closure of HERC will increase truck transportation, resulting in more than 10,000 additional trips by semi-trailer trucks and the associated vehicle emissions annually. This will increase air pollution in and around Hennepin County, affecting the county's underserved residents. According to Hennepin County's Climate Action Plan "with the exception of ground-level ozone, transportation-related air pollution is higher in the more urban areas of the county where the road network is densest and traffic is highest. This coincides with where many of the county's most vulnerable residents live."
  3. **Regional thinking and data-driven approaches must lead the closure plan. In addition to the plan requirements outlined in the board resolution, the board should also take into consideration:**
    - 3.1. The financial impacts of a premature closure on residents and businesses in the county.
    - 3.2. A review of the EJ impacts of continued operation of HERC.
    - 3.3. A review of the EJ impacts of resulting from a closure prior to reaching 85% diversion goal.
    - 3.4. An Environmental Impact Study for the closure of HERC.
    - 3.5. The types, measurements and sources of air pollution found at various points near HERC. Depending on the source of the pollutants found in neighborhoods adjacent to HERC, the board should partner with the MPCA and/or MnDOT to mitigate the poor air quality in those neighborhoods in the near-term by implementing policy changes that will reduce those pollutants. For example, diesel trucks using I394 and I94 within a certain radius of HERC could be required to meet current EPA tailpipe emissions standards or else pay a fine.
  4. **Rather than choosing an aspirational date in the future, the HERC closure timeline should be contingent on meeting conditions to avoid serious environmental and financial consequences, as outlined by county staff in the Sept. 20, 2023, memo to the board from David Hough and Lisa Cerney. Conditions include:**
    - 4.1. Compliance with all applicable state and federal laws, rules, and regulations.
    - 4.2. Achieving the county board-approved Climate Action Plan goals.
    - 4.3. Achieving the metrics identified in the county's Zero Waste Plan.
    - 4.4. The State of Minnesota is at or near its 100% renewable electricity goal.
    - 4.5. Recycling rate of at least 85%.



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- 4.6. Food waste, paper and other biogenic materials make up less than 10% of trash needing disposal.
- 4.7. Alternative funding sources are secured for county natural resources, forestry, zero waste and climate work.
- 4.8. Fossil-fuel-free energy sources are identified to heat, cool and electrify homes and businesses, replacing the energy generation that would be lost by the HERC closure.

City staff acknowledge the cumulative air pollution impacts in many parts of downtown and North Minneapolis; residents of these neighborhoods deserve to breathe clean air and not bear the brunt of decades of past policy decisions. Without contingencies in place, however, this burden will simply shift to other underserved Minnesota communities while greenhouse gas emissions will likely increase if HERC is closed prematurely. A closure date closer to 2040 or slightly beyond is likely required in order to meet every contingency.

One of St. Louis Park's five strategic priorities is a commitment to continuing to lead in environmental stewardship. Our city is an early adopter of many environmental initiatives and is proud of its reputation as a leader in sustainability. Still, even with a supportive constituency and robust programming to help our residents to live sustainably in St. Louis Park, our city struggles to increase its waste diversion rate and take many other positive environmental actions. We urge the board to consider this as they look at what will be required to make the HERC closure a net positive change.

Thank you for inviting our input on this important topic. Please feel free to contact Kala Fisher, deputy public works director, at [kfisher@stlouisparkmn.gov](mailto:kfisher@stlouisparkmn.gov) or 952.924.2183 with questions regarding our comments. We look forward to continuing to be involved as a meaningful stakeholder as the county tackles this important issue and thoughtfully plans for the future of our residents.

Sincerely,

DocuSigned by:

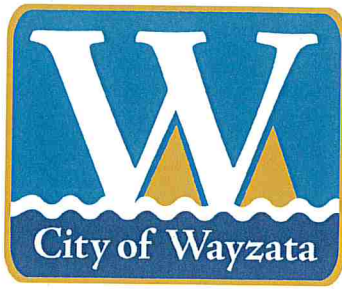
A handwritten signature in black ink that reads "Kim Keller".

C3DC83277EE04DD...

Kim Keller, city manager

cc: St. Louis Park City Council





**City Council**  
Mayor Johanna Mouton  
Cathy Iverson  
Molly MacDonald  
Jeffrey Parkhill  
Alex Plechash

**City Manager**  
Jeffrey Dahl

January 12, 2023

Irene Fernando, Chair of Hennepin County Board of Commissioners  
David J. Hough, Hennepin County Administrator  
300 South Sixth Street  
Minneapolis, MN 55487

**Re: Hennepin County Resolution 23-0384 R1 – Closure of the Hennepin Energy Recovery Center (HERC)**

Dear Chair Fernando, County Administrator Hough, and Hennepin County Commissioners,

This letter is in response to the approval of Resolution 23-0384 R1 and the subsequent communications sent to the City of Wayzata regarding the future closure of the HERC. Overall, the City requests additional time to understand the impacts of the HERC closure with County Officials, the Wayzata community and its elected officials, as well as our waste hauler in order, to provide a more detailed response.

The Mayor, Council, the Energy and Environment Committee, and City staff have all reviewed and discussed the information sent from the County which resulted in the initial comments and questions listed below:

Initial Comments:

- The City has significant overall concern that the requirements listed for cities to adhere to will require additional staff and resources to complete. As a result, the City requests a more detailed explanation of what the County will require of the cities so staff can better understand and assess the potential cost implications, staff time, and resources to both the City of Wayzata and its residents.
- The City is concerned that the closure of the HERC will result in more impactful environmental, public health, and sustainability-related issues compared to keeping the HERC open.
- The City would like a more detailed plan to review that shows how the County will reduce waste before closing the HERC.
- Generally, the City requests additional information, more direct discussion with County officials, and time to review the potential impacts and proposed plan with the City's staff, elected officials, additional Boards and Committees, and the overall community.

Initial Questions:

- Would funding and resources come from the County to help offset additional costs associated with the HERC Closure?
- Are the efforts estimated to accomplish the zero waste goals, and if not, is there anticipated to be future additional requirements for cities to accommodate that ultimate goal?
- Is the County open to slowing down and taking a much more intentional and collaborative approach with this initiative?

If you have any questions on our initial review, please contact Nick Kieser, Parks and Environmental Planner at (952) 404-5313 or [nkieser@wayzata.org](mailto:nkieser@wayzata.org). We look forward to receiving an update on the status of this initiative in the near future and we value our continued partnership in serving our constituents.

Regards,



Jeffrey Dahl  
City Manager



# City of Deephaven, Minnesota

20225 Cottagewood Road, Deephaven, MN 55331 | [www.cityofdeephaven.org](http://www.cityofdeephaven.org) | (952) 474-4755

Friday, January 12, 2024

Irene Fernando  
Chair, Board of Commissioners  
Hennepin County  
Government Center A2400  
300 South Sixth Street  
Minneapolis, MN 55487

David J. Hough  
County Administrator  
Hennepin County  
Government Center A2400  
300 South Sixth Street  
Minneapolis, MN 55487

Dear Chair Fernando and Administrator Hough:

Please accept this letter as the response from the City of Deephaven regarding your request for comments on Hennepin County Board of Commissioner Resolution 23-0384 and the proposed closure of the Hennepin Energy Recovery Center ("HERC") between the years 2028 and 2040.

The City of Deephaven appreciates the goals and aspirations of the County Board in your efforts related to the County's Climate Action Plan and Zero Waste Plan. It is unclear to us, however, how closure of the HERC will resolve the County's stated concerns regarding the meaningful removal of biogenic and recyclable material from waste and reduce overall waste generation. Establishing a date to close the HERC will certainly provide motivation to establish a plan to accomplish the County's goals. We would ask, in the alternative, that the County instead work diligently to establish a workable and responsible plan and articulate the cadence of a process that may be followed to accomplish the County's goals and objectives.

If the stated goals to be accomplished by the County will require additional involvement or action by cities impacted by the proposed closure of the HERC, those expectations and specific elements of any potential plan should be communicated to, and discussed with, those impacted entities with ample time and consideration given for well-informed comment and review.

Based upon the information provided, and with the lack of clarity for an actionable path forward after the proposed closure of the HERC, the City of Deephaven cannot support the process or plan as proposed by the Hennepin County Board. We look forward to the future communication of a well-articulated plan that addresses the improvements that will be made to achieve the goals of the Climate Action Plan and Zero Waste Plan, and how that plan may affect the cities of Hennepin County.

Thank you for your interest in reviewing the thoughts and concerns of the cities impacted by the potential closure of the HERC; we appreciate the outreach and the opportunity to share our position.

Sincerely,

Dan Madsen  
City Administrator / Special Counsel  
20255 Cottagewood Road  
Deephaven, MN 55331





5050 INDEPENDENCE ST | P.O. BOX 97 | MAPLE PLAIN, MN 55359  
Ph: (763) 479-0515 | Fax: (763) 479-0519 | [www.mapleplain.com](http://www.mapleplain.com)

January 16, 2024

Irene Fernando, Chair - Hennepin County Board of Commissioners  
David J. Hough, Hennepin County Administrator

SENT VIA EMAIL: [board.clerk@hennepin.us](mailto:board.clerk@hennepin.us)

Chair Fernando and Administrator Hough:

This letter is in response to your November 3, 2023 request for input on Hennepin County Board of Commissioners Resolution 23-0384 and proposed closing of the Hennepin Energy Recovery Center (HERC) between 2028 and 2040. At their meeting on January 22, 2024, the Maple Plain City Council approved the attached Resolution in Response to the Proposed HERC Closure Plan.

We referred to three documents that were very helpful in understanding the complexity and risks of closing HERC:

1. The Hennepin Energy Recovery Center and Its Role in the Solid Waste System
2. The County's Climate Action Plan
3. The County's Zero Waste Plan

Maple Plain is opposed to the facility closing until there is an economically viable replacement technology in place.

Shutting down HERC without having a replacement technology for its "Waste to Energy" model jeopardizes over four decades of Hennepin County led progress in reducing the volume of trash going to landfills.

Before deciding to implement such a risky strategy, we urge the County to:

1. Take a lead in developing strategies and tactics at the State and Federal level to reduce the amount of waste material being created upstream. Packaging, take-out food service, plastic liquid holders and shift to online shopping are a few examples.

2. Research new technologies and best practices that cities throughout the country are using.
3. Work with metropolitan cities and consumers to continue to improve the current recycling process (i.e. organics to compost).

The City of Maple Plain welcomes the invitation to partner with the County and would like to hear more about the opportunity to accelerate recycling and zero-waste programs. We appreciate the opportunity to provide input and look forward to reviewing the County Administrator's February 1<sup>st</sup> Proposal for closing HERC. The expectation is that the concerns and suggestions received from the metropolitan HERC cities will be addressed in the Proposal. Sincerely,

  
Jacob Kolander City Administrator on behalf of  
the Maple Plain Mayor & City Council

**CITY OF MAPLE PLAIN  
HENNEPIN COUNTY, MINNESOTA**

**RESOLUTION NO. 24-0122-2**

**RESOLUTION OF RESPONSE TO PROPOSED  
HENNEPIN ENERGY RECOVERY CENTER (HERC) CLOSURE PLAN**

**WHEREAS**, the Hennepin County Recovery Center (HERC) is the only municipal solid waste (waste) to energy facility in Hennepin County, and one of three serving the Twin Cities area; and

**WHEREAS**, the HERC's primary function is to process waste, including waste collected within the City of Maple Plain from haulers with Republic and

**WHEREAS**, the HERC remains a crucial instrument in 90% reduction of waste; and

**WHEREAS**, Hennepin County passed resolution 23-0384 RI on October 24, 2023 which seeks feedback and input from Hennepin County cities; and

**WHEREAS**, the documents listed below are included by reference in Hennepin County correspondence; and

1. Hennepin County Resolution 23-0384 RI
2. Hennepin County Recovery Center (HERC) Fact Sheet
3. The Hennepin Energy Recovery Center and its role in the solid waste system, a staff report for the Hennepin County Board of Commissioners, September 2023
4. The Memo - Hennepin County Climate Action Plan/Zero Waste Plan and HERC  
— Recommendation Memo from David Hough and Lisa Cerney to the Hennepin County Board of Commissioners, September 20, 2023
5. Metropolitan Solid Waste Management Policy Plan 2022-2042, prepared by the Minnesota Pollution Control Agency (MPCA).
6. Hennepin County Zero Waste Plan
7. Hennepin County Climate Action Plan
8. Residential Waste Reduction and Recycling Funding Policy

**WHEREAS**, "The Hennepin Energy Recovery Center and its role in the solid waste system, a staff report for the Hennepin County Board of Commissioners, September 2023" details a thorough analysis of consequences of premature closure of the HERC; and

**WHEREAS**, "The Recommendation Memo - Hennepin County Climate Action Plan/Zero Waste Plan and HERC — from David Hough and Lisa Cerney to the Hennepin County Board of Commissioners, September 20, 2023" contains numerous conditions that need to occur prior to considering closure of the HERC; and

**WHEREAS**, the State Legislature has recently removed classification of the HERC as a renewable energy source; and

**WHEREAS**, the State Legislature has tied \$26 million in state funding to help fund a Hennepin County anaerobic digestion organic waste processing facility, contingent on a cessation plan for operations of the HERC; and

**WHEREAS**, Hennepin County has reported \$37.7 million in debt services on the HERC as of December 31, 2022; and

**WHEREAS**, the HERC has consistently demonstrated compliance with MPCA air quality requirements; and

**WHEREAS**, the HERC remains an integral source of energy, heat, and maintaining climate resiliency for Target Field Transit Station, Target Field, and burgeoning North Loop and Warehouse districts in Minneapolis; and

**WHEREAS**, according to Major League Baseball, over 30 million attendees at the openair Target Field have not had major complaints about smell, odor, or air quality from the HERC, located 150 feet away; and

**WHEREAS**, the increasing diversion of organic materials from the HERC will serve to increase the efficiency of the HERC; and

**WHEREAS**, Hennepin County estimates an additional 10,000 semi-truck trips would result from closure of the HERC; and

**WHEREAS**, the MPCA estimates waste generated in the Twin Cities Metro will grow 19% by 2040; and

**WHEREAS**, current landfills within the Twin Cities are in the process of expanding to meet the growing demand, while the HERC and two other waste to energy facilities are operating at full capacity; and

**WHEREAS**, the MPCA has goals for total waste processing to be 75% to recycling and organics, 5% to landfills, and 20% to waste to energy facilities; and

**WHEREAS**, previous efforts to reduce waste have fallen short of goals; and

**WHEREAS**, in 1991 the MPCA set a state recycling goal of 45% by 1996; and

**WHEREAS**, MPCA have current estimates of recycling and organics diversion of 45%; and

**WHEREAS**, the Hennepin County Zero Waste Plan has set an aggressive goal to reduce waste to 10% of current waste levels, or approximately 62,000 tons per year, of generated waste by 2040 without regard for its disposal methods; and

**WHEREAS**, the City of Maple Plain supports the analysis and conclusions of Hennepin County staff in regard to the consequences of premature HERC closure, and conditions required to close the HERC; and

**WHEREAS**, the City Council is committed to environmental stewardship, waste reduction and proper disposal of waste by organizing curbside recycling and organics, yard waste drop off site, special collection events, and providing community outreach and education.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** BY THE CITY COUNCIL OF THE CITY OF MAPLE PLAIN, MINNESOTA that:

1. The city reiterates and emphasizes its support of environmental stewardship, waste reduction and proper waste management.
2. The city supports Hennepin County with efforts of waste reduction and diversion of recyclable materials, including source separated organic materials.

3. The city supports the Hennepin County position to recommend an anticipated year range closure for HERC of 2040 to 2050, and possible delay beyond that window should certain conditions not be met as listed in the Hennepin County Climate Action Plan/Zero Waste Plan and HERC — Recommendation Memo from David Hough and Lisa Cerney to the Hennepin County Board of Commissioners, September 20, 2023:
  - a. Compliance with all applicable state and federal laws, rules, and regulations.
  - b. Achieving the county board approved Climate Action Plan goals.
  - c. Achieving the metrics identified in the county's Zero Waste Plan.
  - d. The State of Minnesota is at or near its 100% renewable electricity goal.
  - e. Recycling rate of at least 85%.
  - f. Food waste, paper, and other biogenic materials make up less than 10% of trash needing disposal.
  - g. Alternative funding sources are secured for county natural resources, forestry, zero waste, and climate work.
  - h. Alternative energy sources are found to heat, cool, and electrify homes and businesses.
  - i. Adopt policies on par with national zero waste leaders - including but not limited to packaging, organized collection, hauler licensing and material bans at landfills.
  - j. Invest in recycling infrastructure, advancing circularity and waste reduction and reuse — including but not limited to increasing SCORE recycling grants, funding of a pre-processing facility in Hennepin County to recover reusable and recyclable materials from trash, fully funding the anaerobic digestion facility, increasing state taxes/fees on landfills to fund county zero waste programs and other investments.
  - k. Reduce disproportionate impacts from the solid waste system — including but not limited to direct funding to areas of environmental justice concern, phased in emissions requirements for waste trucks and updating landfills to achieve greater environmental outcomes.
  - l. Amend existing policies to remove disincentives — including but not limited to adopting a food waste composting requirement in MnDOT specs, reducing barriers for businesses to use refillable containers, revising building codes and zoning ordinances that inhibit recycling and revising the current system to cover collection of all electronic waste.
  - m. Revise Recycling Ordinance 13 to provide clarity in existing language and expand requirements.
  - n. Require the use of food waste compost in county construction and landscape projects.
  - o. Bolster the county's sustainable purchasing policy using MPCA guidance.
  - p. Fully implement a county plan to eliminate food waste.
  - q. Evaluate needed collaboration in providing zero waste infrastructure.
  - r. Expand recycling drop-off options.
  - s. Establish brick-and-mortar reuse and repair centers.
  - t. Support innovation hubs, districts, and resource recovery parks
  - u. Study options for recovering recyclables from the trash.

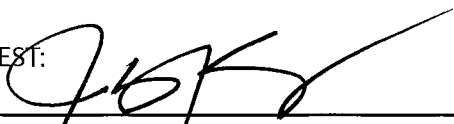


**BE IT FURTHER RESOLVED** that:

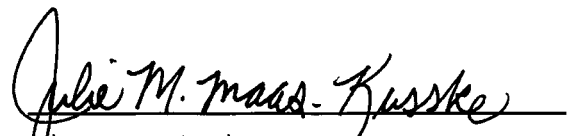
1. The City of Maple Plain promotes local control; thus, it requests Hennepin County to partner with the city, rather than mandate to the city, developing mutually agreeable policies that includes adequate funding assistance to fund staff and resources required to achieve desired efforts. These efforts may or may not include the list outlined here, as originated by the county:
  - a. Transition to organized waste collection countywide, which cities would oversee and implement.
  - b. Mandate participation in recycling and composting programs, which cities would oversee and implement.
  - c. Require cities to add multi-family waste service to single-family residential service.
  - d. Adopt a single use ban and zero waste packaging requirement for food service.
  - e. Establish food waste reduction targets and timeline.
  - f. Establish organized commercial collection, including multi-family.
  - g. Require mandatory large generator waste reduction and diversion plans.
  - h. Increase hauler accountability by requiring reporting and service standards.
  - i. Implementing multi-family recycling programs with adequate staffing.
  - j. Improve options for managing large items and specialty recyclables in the multi-family sector.
  - k. Adopt specifications to increase the use of food-derived compost in city projects.
  - l. Develop construction and demolition waste diversion ordinances requiring recycling on construction and demolition projects.
  - m. Adopt a single use ban and zero waste packaging requirement for food service.
  - n. Enhance enforcement of existing city ordinances.
2. Hennepin County should obtain formal approval from the MPCA to diverge from their stated goals of 75% to recycling and organics, 5% to landfills, and 20% to waste to energy facilities.
3. Hennepin County should obtain formal approval from the Counties of Dakota, Scott, Wright, Washington, and any other county containing a landfill that could receive waste from Hennepin County that is currently processed by the HERC, and this additional waste is accounted for within their long-range forecasting for landfill capacity.
4. Environmental review and justice shall be analyzed for not only areas around the HERC, but justices in areas around impacted landfills, and repercussions of sending Hennepin County waste to neighboring counties.
5. The city wishes to clarify inclusion of Maple Plain as a suburb that utilizes the HERC to process its waste.
6. The city encourages investment and maintenance of the HERC to maintain its optimal performance and effectiveness with waste reduction and environmental protections.

The following voted in favor thereof: Mayor Maas-Kusske, Councilmembers Burak, DeLuca, Francis, and Fay, and the following voted against the same: none, whereupon said resolution was passed this 22<sup>nd</sup> day of January 2024.

ATTEST:



Jacob Kolander, City Administrator

  
Julie Maas- Kusske, Mayor



January 21, 2024

Irene Fernando, Hennepin County Board of Commissioners, Chair  
David J. Hough, Hennepin County Administrator

SENT VIA EMAIL [board.clerk@hennepin.us](mailto:board.clerk@hennepin.us)

Chair Fernando & Administrator Hough:

This letter is in response to your November 3, 2023, request for input on Hennepin County Board of Commissioners Resolution 23-0384 and the proposed closing of the Hennepin Energy Recovery Center (HERC) between 2028 and 2040.

Independence strongly disagrees with the planned decommissioning of the HERC prior to 2040. Closing the HERC before having a solution appears to be creating additional and unnecessary complications to the issue. The proposed closure will push the pollution burden from County to Cities when Counties (not Cities) are in charge of creating plans for waste management. The decision appears to be based on a perceived benefit not based on all of the facts.

Independence urges the County to fully prepare and present a viable, obtainable and responsible plan for County waste management. Until such time that a plan is prepared, reviewed, and adopted to decommission the HERC without diverting waste to landfills, the City of Independence believes that planning for decommissioning of the HERC is premature.

Sincerely,

A handwritten signature in black ink that reads "Marvin Johnson". The signature is fluid and cursive, written in a professional style.

Marvin Johnson  
Mayor, City of Independence  
on behalf of the Independence City Council

CC: *Mark Kaltsas, City Administrator*