

## **GARBAGE BURNING IN MINNESOTA GAINING STEAM?**

**BY: SAMUEL M. JOHNSON**

In downtown Minneapolis, in the shadow of Target Field, sits the Hennepin Energy Recovery Center (HERC). HERC is a cornerstone piece of Minnesota's plan to reduce landfill use as the state continues its quest to find greener solutions to its environmental problems. HERC burns approximately 365,000 tons of garbage a year, or just over one-third of Hennepin County's total garbage production. *See Hennepin County, The Hennepin County Energy Recovery Center: A Waste-to-Energy Facility, available at <http://hennepin.us/HERC>.* Hennepin County currently operates HERC at 90% of capacity, but wants to increase capacity to 100% in order to take an additional 40,000 tons of garbage out of the waste stream each year. This plan has met with resistance from the Minneapolis City Council. *See Rochelle Olson, Hennepin County: Standoff over trash burner's capacity is rubbish, Star Tribune (Mar. 15, 2013), <http://www.startribune.com/local/west/198384531.html?refer=y>.* This article will address the concerns of the Minneapolis City Council (MCC), the Hennepin County Board (HCB), and the Minnesota Pollution Control Agency (MPCA) as it relates to Minnesota's legislative goal of pursuing green energy and reducing reliance on landfills to dispose of our waste.

Minnesota Statute § 473.848 prohibits a person/corporation from disposing of waste in a landfill unless it is not capable of being processed at a garbage burning facility, like HERC, or if the garbage burning facilities are at full capacity. This statute has largely remained unenforced in the year's since its passage, but in February 2013, the MPCA began enforcement of the provision in a bid to lower landfill usage. *Id.* The MPCA's currently goal is to reduce the total flow of garbage going to landfills to between 1-9% of the metro area's three million tons

produced annually. *Id.* What remains to be seen is how the standoff between the MCC and the HCB regarding HERC's capacity will factor into Minnesota Statute § 473.848.

The statute, on its face, says that garbage may only be taken to landfills if a "processing center," like HERC, is operating at 100% of capacity. With HERC operating at only 90% of capacity, and the MCC stubbornly refusing to increase the limits to 100%, Minnesota Statute § 473.848 could put waste haulers in a legal grey area. More basically, the MCC's refusal to allow HERC to operate at 100% capacity is contributing to an additional 40,000 tons of waste disposal in landfills each year, a total of approximately 130,000 tons since Hennepin County first asked to increase the limit in 2009. *See Olson, Standoff over trash burner's capacity is rubbish*, <http://www.startribune.com/local/west/198384531.html?refer=y>. The MCC has expressed valid concerns regarding the proposal, particularly concerns of air pollution given the proximity of the facility to downtown Minneapolis, but the issue has certainly now dragged on for too long and now hinges upon a state environmental report set to be released soon. *Id.*

Ultimately, the issue is unlikely to go away. It is clear that landfills are not the ideal choice for the state to sustainably dispose of waste. Facilities like HERC recycle many ferrous metals that would normally waste away in landfills. *See Hennepin County, Environmental and Economic Benefits of the Hennepin Energy Recovery Center*, available at <http://hennepin.us/portal/site/HennepinUS/menuitem.b1ab75471750e40fa01dfb47ccf06498/?vgnnextoid=6b092938067f7210VgnVCM10000049114689RCRD>. HERC produces seven times the amount of energy as a landfill. *Id.* HERC is more environmentally friendly than a traditional coal-fired power plant. *Id.* Increasing HERC's capacity to 100% will help further the state's goal of reducing

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landfill usage and will further Hennepin County's goal of improving our solid waste disposal process.

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