

Date: July 20, 2009

To: Anissa Hollingshead, Committee Coordinator (Zoning and Planning) for distribution
From: Southeast Como Improvement Association (Board of Directors)

Greetings Ms. Hollingshead and Committee Members,

The Southeast Como Improvement Association (SECIA) has recently discussed the matter of the HERC incinerator as part of the regular SECIA monthly board meeting on July 7th. The board voted against the expansion of garbage burning in the City. At this time, the board members, along with other community members, have many questions about the planned expansion, and even without those answers, the board felt that the risk to public health and endangerment of the local population is far too great to allow additional risk without adding additional pollution controls. The organization seeks mitigation of the existing risks, in the form of scrubbers or other controls as a minimum, with the goal of requesting that Maximum Available Control Technology (MACT) be installed on this facility. The reason for this request is based in part on the Environmental Impact Statement (EIS) conducted for the new Twins Stadium, where it was shown that the highest risks of Dioxin were found in the areas of Southeast and Northeast Minneapolis. It appears that the Como neighborhood is located in one of these high concentration areas, but since the map-view is cut down only to show the half mile or so around the stadium, it is impossible to determine the exact levels in this area. Either way, the incinerator presents a threat not only to our health, but also to the comfort, safety, and public welfare of the residents located in Southeast Como.

Our staff has researched the emissions from the HERC incinerator and has identified significant releases of heavy metals, such as lead and mercury, along with pollutants like particulates and nitrogen oxides. All are detrimental to public health. The heavy metals are unsafe at any level and are the reason why the City of Minneapolis has a lead abatement program. The most significant finding has been the releases of Dioxin, the most toxic substance known to humankind. **In 2002, the HERC incinerator accounted for 51.89% of all 2,3,7,8-Tetrachlorodibenzo-P-Dioxin, making them the largest source of Dioxin in the State for that year.** (Source: Minnesota Pollution Control Agency, Environmental Air Data Access) If being the largest source of Dioxin in the State is not a threat to public health, or our general welfare, then little else would fall into that category.

We also have the other findings and discussion points for the Zoning and Planning Committee, as well as for the full City Council, to consider:

1. The Minneapolis Community, as a whole, has not been afforded the opportunity to weigh in on this discussion. If there was an EIS and public meetings that accompany that process, the community could get questions answered and a more healthy dialogue would be fostered on the topic. The City Council may decide that there should be several public input sessions around the City where experts on public health issues could be invited to talk more about the potential impacts of the expansion.
2. No independent assessment of public health impacts has been done by Covanta Energy, or anyone else, on the potential health threats of the expansion. Without this information, it seems as if the City Council will not have the facts it needs to determine what type of threat to public health, safety, comfort, or general welfare the expansion will have. It also will be unable to assess if the expansion is injurious to the enjoyment of other property in the vicinity—all of these being key components in any Zoning and Planning decision.
3. The proposed expansion does not seem to fit well with the City's Sustainability Goals and plan, or with the Comprehensive Plan.
4. The City Council has the authority to act in the interest and on behalf of its residents when it comes to matters of public health, safety, comfort and enjoyment of property. It also has the authority to establish rules more stringent than those set by the State (Minn. Stat. 116.07, subd. 4 Rules and Standards), *"[a]s to matters subject to this chapter, local units of Government may set emission regulations with respect to stationary sources which are more stringent than those set by the Pollution Control Agency."* It could be

argued that elected officials have a constitutional duty to do so when they are informed of such risks or threats.

Recommendations:

- The City require Covanta Energy to prepare an EIS.
- The City hold public meetings on the details of the proposed expansion inviting public health experts, as well as representatives from Hennepin County and Covanta Energy
- The City investigate expansion of the current recycling program, specifically related to plastics recycling—a source of Dioxin emissions when burned. A pilot program on Central Ave, at the Coop there, already exists.
- The City investigates expanding organics recycling City-wide (increasing from the pilot program in the Linden Hills neighborhood)
- The City investigate, with the help of Hennepin County, piloting a curbside Household Hazardous Waste (HHW) program to reduce heavy metals from entering the waste stream.
- The City Office of Sustainability provides a report to the City Council of the impacts of the proposed garbage burning expansion.
- The City investigate alternative sources of clean energy, such as wind and solar.
- The City investigate impacts of a 5-year phase out of HERC, or a 10-year phase out.

SECIA has been actively working on air toxics reductions for more than a decade and very actively since they created the position of Environmental Coordinator in 2001. Since that time, we have worked with over a dozen industries locally, from power plants to plating shops, to reduce their toxic output resulting in three official **Good Neighbor Agreements** with industry, reducing more than 1,300 **tons** of VOC (Volatile Organic Compounds) from those three sources alone. We were recently recognized by the State and received a Governor's Award for Pollution Prevention for this work. We have worked with many other industries, large and small, and continue to work on reducing air toxics not just in Minneapolis, but also in the region as a whole. We have worked through the Citizens Environmental Advisory Committee (CEAC) to help craft meaningful and measurable Sustainability Indicators that the City can use to chart its progress on those issues. Recently, we have been focusing on how individuals can live more "green" via our Como Green Village Project also (www.comogreenvillage.info), which promotes the use of renewable energy sources and the purchasing of windpower through Xcel's Windsource Program.

Thank you for your attention to this matter and for considering our findings and recommendations in moving forward.

Sincerely,

Wendy Menken
Board President