

Decision on downtown garbage burner increase postponed

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A new round of public debate on a proposed increase in the amount of garbage burned in Downtown Minneapolis at the Hennepin Energy Recovery Center (HERC) ended before it began on July 23.

Hennepin County and Covanta, which operates the burner, at the last minute postponed their appeal to the city's Zoning and Planning Committee to overrule the Minneapolis Planning Commission's June 22 denial of the increase. The matter will now go to the MPCA, as Covanta undergoes the re-permitting process, which could require further environmental review — something opponents of the burner have asked for.

Covanta had asked for a conditional use permit from the city to burn an extra 212 tons per day (TPD) of garbage, at the burner's maximum capacity of 1,212 TPD. HERC's existing permit allows for 1,000 TPD.

*(See also REPORTER'S NOTEBOOK | HERC: Burn, baby, burn?)
In a 6–2 vote on June 22, the Planning Commission went against city staff recommendation to allow the permit, on the grounds that the increase “could be detrimental to or endanger the public health, safety, comfort or general welfare;” ... “could be injurious to the use and enjoyment of other property in the vicinity and ... could impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.”*

City Councilmember Gary Schiff (Ward 9), who chairs the committee, noted during the July 23 meeting that the Planning Commission had an issue with considering the increase without a permit and environmental review. According to the Minnesota Pollution Control Agency (MPCA), the permit for the burner did expire in May 2003 but is considered “extended” because Covanta applied for its reissuance in November 2002. (Carolina Schutt, a supervisor in the MPCA's permit division, cited several reasons for the agency's “backlog of permits,” including the number of permits to be reviewed; changes in the state and federal rules, and new pollutants to be studied, which add to the complexity of the permitting process; staff turnover; and the increased involvement by citizens and environmental groups — which is “welcomed,” she added.)

In terms of permission to increase the amount of garbage burned, Covanta needs only to apply for a “capacity extension,” said Schutt. While this would require only partial public review, she said the MPCA will open the facility's full permit for review. Schutt pointed out that the facility does meet regulatory

standards — a point Covanta presented in detail at the June 22 hearing.

“We believe a permit like this, given the level of interest from various groups and issues that have been raised by various legislators, citizens, the City Council, that focus mostly on ... ‘What is the impact of the facility on my health?’ ... it’s better to do the reissuance and the process to increase capacity together, so the public can look at it all,” she said in a phone interview.

That process could take up to 18 months. State law requires the public comment period to be completed within a year following the submission of the capacity extension (which Covanta will presumably now submit), followed by a six-month period of action by the MPCA.

In addition, the permitting process could require further environmental review, a question to be decided by the state’s Environmental Quality Board (EQB). Opponents of the burner have asked for such review, rather than relying on environmental studies done in the late 1980s and more recently for the nearby Twins stadium, which some claim does not adequately measure the impact on permanent residents of the city living nearby.

Opponents of the increase — such as members of the group Neighbors Against the Burner, who attended the public hearing that was never opened — have brought the conversation to what one Panning Commission director called “the bigger picture” of a public policy debate. Opponents have questioned regulatory thresholds set by the government and have called for alternatives to garbage burning for energy, including other sources and conservation efforts like recycling and reuse.

The question that will eventually return to City Council — possibly a year and a half from now — will be limited to whether to allow the increase or not. It’s a question that Committee Chair Schiff said will be informed by having more information. Schiff called the postponement “very good news for us, that we will have more environmental review in front of us.”

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