

### Board Action Request

23-0384

#### Item Description:

Directing County Administration to develop plans and recommendations for the purpose of advising the Board on the closure of the HERC facility between 2028 and 2040; complying with state statute, meeting major milestones of the County's Climate Action Plan and Zero Waste Plan, and ensuring continued funding for the County's waste reduction and natural resources programming - offered by commissioners Conley, Fernando and Lunde

#### WHEREAS:

WHEREAS, population and density near the HERC facility has grown dramatically since its opening 34 years ago in 1989; and

WHEREAS, about 75% of the trash delivered to the HERC facility comes from Minneapolis and the remaining 25% is primarily from Bloomington, Champlin, Deephaven, Excelsior, Hopkins, Loretto, Maple Plain, Medina, Minnetonka Beach, Osseo, Robbinsdale, Richfield, St. Bonifacius, St. Louis Park, Tonka Bay, and Wayzata; and

WHEREAS, current state statute and Minnesota Pollution Control Agency policy require the continued use of the existing waste to energy facilities to process waste and for Metropolitan counties to comply with the statutory Restriction on Disposal, Minn. Stat. sec. 473.848; and

WHEREAS, in September 2023, the County Administrator provided a staff report to the Hennepin County Board on the Hennepin Energy Recovery Center (HERC) and its role in the solid waste system, including considerations and recommendations related to closure; and

WHEREAS, on September 21, 2023, as part of a public board briefing regarding the HERC, the County Administrator and staff recommended establishing a closure date for the HERC in the estimated timeframe of 2040 - 2050; and

WHEREAS, the County Board seeks a comprehensive strategy for the closure of the HERC, consistent with its previous adoption of the Climate Action Plan in 2022 and the finalization of the Zero Waste Plan in 2023, and its declaration of Racism as a Public Health Crisis in 2020; and

WHEREAS, the County Board seeks to identify and understand the necessary conditions and prerequisites for closure of the HERC on a more expedited timeline, between 2028 and 2040; and

WHEREAS, a 2040 timeline aligns with legislation passed by the State of Minnesota and staff recommendations presented at the September 21 board briefing, and a 2028 timeline connects with Hennepin County's 5-year capital planning processes.

#### Resolution:

BE IT RESOLVED, that the Hennepin County Board of Commissioners directs the County Administrator to develop a plan for the closure of the HERC facility between 2028 and 2040 (the "Plan"), and to submit such

plan to the County Board no later than February 1, 2024, and directs staff to prepare contingency plans in the event a sooner closure date is established by the Legislature or Board; and

BE IT FURTHER RESOLVED, that the Plan must address statutory compliance, the County's Climate Action Plan goals, the County's Zero Waste Plan metrics, and the County Board's declaration of racism as a public health crisis, including efforts to reduce or mitigate environmental racism; and

BE IT FURTHER RESOLVED, that the Plan should include: (1) an estimated timeline, (2) estimated financial requirements, and (3) foreseeable environmental consequences related to the following:

- a. decommissioning of the HERC facility;
- b. transitioning the labor force currently working at the HERC and other labor connected to HERC;
- c. land disposition after HERC is decommissioned;
- d. paying HERC's existing debt service;
- e. disposition of Brooklyn Park Transfer Station;
- f. alternative waste disposal methods for the waste generated across the county;
- g. ongoing natural resources and climate action programming;

BE IT FURTHER RESOLVED, that the Hennepin County Board of Commissioners further directs the County Administrator to consult with County Intergovernmental Relations (IGR) and other county staff to propose legislative priorities as well as legislative platform items no later than December 1, 2023, relating to closure of the HERC facility and in anticipation of the 2024 Legislative Session, and such legislative proposals should specifically address:

1. legislative actions that would facilitate the County's ability to significantly reduce waste levels before 2040 in a manner consistent with the County's Zero Waste Plan;
2. legislative actions that would clarify the County's ongoing waste management responsibilities if and when the County elects to divest from waste infrastructure;
3. legislative actions to provide adequate funding for the closure and decommissioning of HERC;
4. legislative actions to provide adequate funding to replace revenue currently derived from tipping fees, and electrical and commodity sales, in order to maintain current funding levels for the County's waste reduction efforts, and natural resources and climate action programming; and

BE IT FURTHER RESOLVED, that the County Administrator be authorized to engage in a Request for Proposals (RFP) to retain a consultant that can ascertain the viability of the County investing in renewable energy sources, like solar, hydro, geothermal/geo-exchange technologies, with the goal of engaging a consultant no later than February 1, 2024; and

BE IT FURTHER RESOLVED, that the Clerk of the County Board is directed to send the materials from the September 21, 2023 public board briefing to each elected official of the suburban cities that utilize HERC, and to invite such elected officials to provide feedback or input regarding the Plan objectives to the County Administrator no later than January 1, 2024; and

BE IT FURTHER RESOLVED, that the Clerk of the County Board is directed to send the materials from the September 21, 2023 public board briefing to each elected official of the City of Minneapolis, and to invite such elected officials to provide feedback or input regarding the Plan objectives to the County Administrator no later than January 1, 2024, and to provide feedback or input regarding proposed legislative priorities or platform issues relating to closure of the HERC no later than January 15, 2024.

## **Background:**

**Recommendation from County Administrator:** No Recommendation