



MINNESOTA HISTORICAL SOCIETY  
Minnesota State Archives

**ATTORNEY GENERAL**  
**Environmental Protection Division**

**An Inventory of Its Litigation Files Relating to Earth  
Protector**

**OVERVIEW OF THE RECORDS**

**Agency:** Minnesota. Attorney General. Environmental Protection Division.  
**Series Title:** Litigation files relating to Earth Protector,  
**Dates:** 1985-1990.  
**Quantity:** 3.0 cu. ft. (3 boxes).  
**Location:** See Detailed Description section for box locations.

**SCOPE AND CONTENTS OF THE RECORDS**

Correspondence, pleadings, legal instruments, and meeting materials documenting legal cases brought by Earth Protector, Inc., an environmental watchdog organization begun in 1983 and based in Minnesota. The suits, which mainly involved the Minnesota Pollution Control Agency (MPCA), dealt with the use of refuse derived fuel, solid waste incinerators, and resource recovery facilities.

**INDEX TERMS**

*These records are indexed under the following headings in the catalog of the Minnesota Historical Society. Researchers desiring materials about related topics, persons or places should search the catalog using these headings.*

**Topics:**

Environmental protection--Minnesota.  
Incinerators--Environmental aspects--Minnesota.  
Litigating.  
Refuse and refuse disposal--Environmental aspects--Minnesota.  
Refuse as fuel--Environmental aspects--Minnesota.  
Resource recovery facilities--Environmental aspects--Minnesota.

**Organizations:**

Earth Protector, Inc. (Minneapolis, Minn.).  
Minnesota Pollution Control Agency.

**ADMINISTRATIVE INFORMATION**

**Preferred Citation:**

*[Indicate the cited volume and page or item and folder title here].* Minnesota. Attorney General. Environmental Protection Division. Litigation files relating to Earth Protector. Minnesota Historical Society. State Archives.

*See the Chicago Manual of Style for additional examples.*

**Accession Information:**

Accession number(s): 2001-40

**Processing Information:**

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## DETAILED DESCRIPTION OF THE COLLECTION

*Note to Researchers: To request materials, please note both the location and box numbers shown below. Each file consists of one folder unless specified otherwise.*

<b>Location</b>	<b>Box</b>	
126.E.6.7B	1	<p>Earth Protector et al. versus Anoka County et al., Minnesota Court of Appeals, C0-86-2196, 1986.</p> <p>Earth Protector challenged the decisions of the MPCA for denying the requests of Earth Protector and Elk River Concerned Citizens Against Proposed Garbage Project for a contested case hearing on the application of United Power Association for a permit or modification and operation of two of its boilers located in Elk River, Minnesota, to burn refuse derived fuel and issuing a combined air and solid waste permit authorizing construction of the modifications and operation of the boilers to burn refuse derived fuel.</p> <p>Affidavit of Tim Yantos, February 1987. Correspondence, December 1986 - April 1987. Pleadings, November 1986 - February 1987. 2 folders. Record Book, 1986-1987. Pleadings, meetings, environmental impact statement, and permit.</p>
126.E.6.8F	2	<p>Earth Protector versus MPCA, Court of Appeals, CX-87-353, 1987.</p> <p>This case concerns the pending issuance of an air and solid waste permit to the Hennepin Energy Resource Company (HERC) by the MPCA. Earth Protector challenged the issuance of the permit, citing six primary concerns: 1) whether risk assessment was used appropriately in developing the permit for the proposed facility; 2) whether the ash generated at the proposed facility could be disposed of in an environmentally sound manner; 3) whether emissions of lead from the proposed facility could be disposed of in an environmentally sound manner; 4) whether information is sufficient on the potential effects of dioxin emissions; 5) whether there were better ways to manage Hennepin County's solid waste; and 6) whether additional public input was necessary before the Agency can issue the permit.</p> <p>Correspondence, February 1987 - July 1988. Pleadings Register. Pleadings, February 1987 - April 1987. 3 folders.</p>

<b>Location</b>	<b>Box</b>	
126.E.6.8F	2	<p>Earth Protector versus MPCA, Court of Appeals, CX-87-353 (cont.): Record Books, 1986-1987. 5 volumes.</p> <p>Volume 1. Environmental permit application for Hennepin County, Minnesota Resource Recovery Project for Hennepin Energy Resource Company, L[ongrange]P[lan] By Blount Engineers, Inc., August 1, 1986.</p> <p>Volume 2. Hennepin County Resource Recovery Project. Draft environmental impact statement. For purposes of public meetings on January 15-16, 1986.</p> <p>Volume 3. Permit draft, chronology of waste-to-energy activities in Hennepin County meetings, public hearings, and correspondence, 1986.</p> <p>Volume 4. Correspondence, petitions, and permits, 1986.</p> <p>Volume 5. Correspondence, reports, and meetings, 1986-1987.</p>
126.E.6.9B	3	<p>Earth Protector versus MPCA, Court of Appeals, C0-89-1127, 1989. Concerns Earth Protector request to reverse MPCA's decision to deny a contested case hearing concerning the MPCA's issuance of a permit modification for Northern States Power's garbage-burning power station in Mankato, known as the Wilmarth plant.</p> <p>Correspondence, June 1989 - April, 1990. Pleadings, September 1989 - June 1990. 4 folders. Record Book, 1985-1989. Meetings, public notices, and correspondence.</p> <p>Earth Protector, Inc. vs. MPCA. Court of Appeals. C8-87-1971. 1987. Earth Protector appealed the decision of the courts not to allow a contested case hearing in regards to amending the permits for seven solid waste incinerators in the state.</p> <p>Correspondence, October 1987 - January 1988. Pleadings, November 1987 - May 1988. Record Books, February 1986 - September 1987. 2 volumes.</p> <p>Volume 1. Certification of Record, February 1986 - May 1987. Meetings and correspondence.</p> <p>Volume 2. Certification of Record, May 1987 - September 1987. Meetings and correspondence.</p>

<b>Location</b>	<b>Box</b>	
126.E.6.9B	3	<p>Earth Protector versus MPCA, Minnesota Court of Appeals, C4-89-2295, 1989.</p> <p>Earth Protector argued that the MPCA had erred in approving the ash disposal plan for the Hennepin Energy Resource Company (HERC), alleging that under the MPCA approved disposal plan the ash produced by the incinerator would not be disposed in an environmentally sound manner.</p> <p>Administrative records, 1985-1987. 2 folders. Board meeting item, June 16, 1987. (Request for approval of findings of fact...).</p>
126.E.6.7B	1(cont.)	<p>Correspondence, January-April 1990. Miscellaneous briefs, 1989. Miscellaneous incinerator diagrams and statistics, undated. Pleadings, November 1989 - May 1990. Signed petitions from citizens in Hennepin County, undated. Earth Protector versus Polk County, County of Ramsey, District Court, 481037, and Minnesota Court of Appeals, C4-89-2295, 1986. Earth Protector challenged the MPCA's decision not to require Polk County to prepare an environmental impact statement in the application for a permit enabling the construction and operation of a small solid waste resource recovery facility.</p> <p>Correspondence, November-December 1986. Pleadings, Court of Appeals, November-December 1986. Pleadings, District Court, November-December 1986.</p>