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How Hennepin County Surveilled Activists Advocating to Close its Minneapolis Trash Burner

Summary

For years, Hennepin County has surveilled community members, community organizations including Minnesota Environmental Justice Table (MNEJT) and Climate Justice Committee, labor unions, and elected officials who are advocating to close the Hennepin Energy Recovery Center (HERC) trash burner next to North Minneapolis—as well as other community organizations like Community Members for Environmental Justice (CMEJ) whose initiatives indirectly threatened the HERC.

Starting in 2023, county staff surveilled events and closed-door meetings, gained access to community advocates' internal communications and plans by cultivating relationships with advocates, and provided detailed notes on advocates to county leadership and private industry like Great River Energy (GRE), the private company that runs the HERC facility, and the Minnesota Resource Recovery Association (MRRA), an incinerator industry association that lobbies to protect incinerators and block regulations. Their notes on one meeting reached the county's Assistant Director of Environment and Energy, David McNary, within hours.

What the county presented as community engagement was in fact intelligence gathering. This included a county staff member trying to learn the identity of a county whistleblower from an advocate.

The county's surveillance also spread beyond HERC. In 2024, numerous environmental justice advocates backed a bill sponsored by Minnesota Senator Omar Fateh and Representative Samantha Sencer-Mura—the Amortization Bill—to let cities phase out polluting facilities such as HERC. David McNary sent private emails from advocates to industry representatives, including GRE, and urged them to fight against the bill. GRE and other industry representatives organized against the bill, and it was defeated in a year otherwise dominated by DFL control of both the MN legislature and executive branch.

What We Found

1. The county has tracked community organizing related to HERC for years. MNEJT has been a particular focus of county surveillance. Joe Vital—a prominent local environmental

justice leader who was also the county's Environmental Engagement Coordinator, reported on MNEJT's February 2023 campaign kickoff and a June 2023 campaign call, alerted county staff to an upcoming August 2023 rally at Target Field, and reported on an Earth Day protest in March 2025. Other county staff reported on meetings unrelated to HERC where Nazir Khan, MNEJT's Executive Director, spoke, and logged MNEJT social posts.

2. The county extensively tracked the activities of community members. Vital's June 2023 notes listed who was on the coalition call and attributed plans to named members and organizations. For example, the list named Northside community leader and Executive Director of the Jordan Area Community Council (JACC) Audua Pugh. The notes state that she would "kick off a week of action with a protest," and was behind an alleged plan by MNEJT to influence the Minnesota Pollution Control Agency (MPCA)'s Environmental Justice Advisory Council. Advocates were not aware of Vital's presence on the call and were later disturbed to learn that he was present. This call resulted in a county surveillance report naming people and their next moves, and within hours it had gone up the chain.
3. Reports and surveilled emails went quickly to high levels of the county government. Vital's notes on a June 2023 coalition Zoom reached Assistant county Administrator Lisa Cerney. County staff sent private emails from advocates to the Director of the Department of Energy and Environment, Rosemary Lavin.
4. The county briefed GRE, HERC's private sector operator, on advocates' activities and shared private emails directly with GRE. David McNary, the county's Assistant Director of Environment and Energy, sent GRE a 2023 rally alert, a 2024 legislative alert, and a summary by Sigurd Scheurle—a retired MPCA employee—of his private meeting with the MNEJT and the Minnesota Center for Environmental Advocacy (MCEA), an intelligence-gathering effort that Scheurle had misrepresented as a private conversation.
5. County staffer David McNary pleaded with GRE, the Chamber of Commerce, and other industry representatives to kill the 2024 Amortization Bill. His efforts were outside the county's official legislative platform or Government Relations chain of command—subverting the democratic processes of Hennepin County, a representative government body—in order to protect HERC. David McNary sent private emails from advocates to GRE and other industry representatives, and asked who was opposing the bill. This group then mobilized against it.

What the Records Show

Source files retrieved via Data Practices Act request: Surveillance

February 2023: Campaign Kickoff

On Feb. 5, 2023, the Minnesota Environmental Justice Table held an open petition launch for the HERC campaign at Zion Baptist Church (000002). Three days later, Joe Vital, the county's Environmental Engagement Coordinator, emailed notes on the launch to Environment and Energy staff, copying Assistant Director David McNary. "Last Sunday I sat in a campaign kick off

hosted by the MN EJ Table," he wrote. "The goals of the campaign is at the end of the notes" (003128).

June 13–14, 2023: A Campaign Zoom Meeting

On June 13, the coalition posted an open invitation to a virtual campaign update that evening. Angie Timmons, a county manager who directed surveillance, forwarded a screenshot of the post from her personal email account to her county email account. She then asked Vital to attend, copying David McNary and Rosemary Lavin, the Director of the Department of Energy and Environment, which is responsible for HERC. (003277–84).

The next day at 2:17 p.m., Vital sent his notes (003277–84). These notes listed who attended, including a sitting state representative and a former city council member. They laid out the coalition's next steps: a push at the MPCA's Environmental Justice Advisory Council, a protest at a Twins game, a week of emails to commissioners, and union pressure on the University of Minnesota. Vital's notes also attributed plans and statements to named members. Of Audua Pugh, the notes said "Adua [sic] will kick off a week of action with a protest." Of climate activist Kent Mori, they said he "said that further escalation is needed."

Five minutes later, Angie Timmons replied that they could "talk through the content at our check in on Monday" (003281). At 2:39 p.m., she forwarded the notes to McNary and the other manager, Rosemary Lavin (000048).

At 3:01 p.m., McNary emailed another county staffer: "I just learned that the EJ Table is planning a protest against HERC at Friday's Twins game" (000047).

At 4:55 p.m., Rosemary Lavin wrote to McNary: "Lisa asked me to send this to her and David (I just did) and ask if they wanted to reach out to Dan K or if we should. Lisa is meeting with David early tomorrow morning and will discuss this with him" (000048). "Lisa" is almost certainly Lisa Cerney, the Assistant county Administrator for Public Works, who is at the top of the county hierarchy and reports directly to the county Board This email suggests that Lisa Cerney was aware of the surveillance.

July 20–Aug. 3, 2023: An MPCA Meeting

The county's tracking wasn't limited to HERC. After an MPCA community meeting on cumulative impacts on July 20, 2023, Vital wrote up the environmental justice groups that attended, including the MN EJ Table, and sent it up the chain.

On Aug. 3, Angie Timmons forwarded it to Director Lavin and David McNary: "FYI, Joe is tracking the engagement effort for the MPCA cumulative impacts process" (000060, 000070). This reveals how the county has been tracking even EJ advocates and efforts unrelated to HERC.

August 9–10, 2023: A county Board Rally

On Aug. 9 at 6:02 p.m., Vital sent his county email a phone screenshot of the coalition's action alert for an Aug. 15 rally at the county Board. At 6:18 p.m. he sent it to Environment and Energy staff, including Angie Timmons, McNary and Randy Kiser, the Operations & Compliance Manager for the department's Solid Waste & Energy Division: "Looks like Mn EJ table will be at the Board of Commissioners meeting..." (000073).

At 7:24 the next morning, McNary forwarded it to Tim Steinbeck, President of GRE HERC Services, which operates HERC under contract with the county: "Additional information about the HERC rally" (000078).

At 9:08 a.m., Steinbeck replied, copying three colleagues: "Thanks for the update Dave. Is there a public mic session with the board meeting? Any opportunity to share the 'facts'?" McNary answered: "The Board has an open forum where residents can speak for up to three minutes. Commissioners do not respond or interact with the speakers" (000081).

November 2023: MRRA Board

Sigurd Scheurle is a retired Minnesota Pollution Control Agency (MPCA) employee who publicly defended HERC in a *Star Tribune* op-ed on May 2, 2026. In November 2023, he was set to brief the board of the Minnesota Resource Recovery Association (MRRA) on his meeting with the MNEJT and the Minnesota Center for Environmental Advocacy (MCEA). Scheurle initially told MCEA and MNEJT that the meeting between them was a private meeting. However, in the emails he signaled his intent to gather information for the industry group.

MRRA works on "waste-to-energy" (WTE) legislation and promotes incineration in the state. Its legislative group includes county staff, the HERC operator's president, a Larkin Hoffman attorney, and Xcel Energy staff. David McNary, the county's Assistant Director of Environment and Energy, is MRRA's Treasurer-Secretary—a critical conflict of interest.

On Nov. 9, McNary told the operator's president it would be "worthwhile" to invite a GRE staff member to the MRRA board meeting, where Scheurle was going to "give an update on his meeting with the EJ Table and Minnesota Center for Environmental Advocacy." The operator sent the invite. McNary then sent the operator Scheurle's written summary of the meeting (000084-85).

March 2024: A Bill to Phase Out Polluters

The Amortization Bill (HF 4231 during the 2023–24 state legislative session) proposed to let cities phase out polluting land uses over time. Environmental justice advocates led by CMEJ urged supporters to testify for it at a March 14, 2024, hearing (000108, 000124). On March 12, county staff member Mallory Anderson forwarded their action alert to Environment and Energy leaders (000091). The House committee narrowed the bill to the largest cities and set it aside for possible inclusion in a larger bill (House committee minutes, March 14, 2024). McNary wrote that the bill "could impact WTE facilities as well as every other production, processing and industrial facility in the state" (000108).

At 8:02 a.m. on March 13, McNary sent private emails from advocates to an attorney who works with MRRA, the HERC operator's president Tim Steinbeck, and other industry representatives. "The following email is from the EJ groups trying to get people to testify in favor of the bill," he wrote. He asked the attorney: "have you been able to get any information on who is opposing this bill" (000108).

At 10:46 a.m., the operator's president wrote to a group he addressed as "Gentlemen" and asked them to "consider testifying against changes to HF4231." He said the edits would be "detrimental to not only the waste processing facility that Hennepin County owns and GRE HERC Services, LLC operates," but also other industrial operations (000124).

At 6:53 p.m., McNary wrote to the thread about the bill's backers: "They start with the big cities and before long it will be the entire state" (000124).

2025: Tracking Posts, Counting Meetings

On Feb. 26, 2025, Angie Timmons sent Environment and Energy leaders a screenshot of a social media post about a free comic on HERC by the MNEJT and a partner group. "The post indicates that a second comic is coming," she noted (000167).

On March 6, Vital sent leaders an attachment about an Earth Day protest endorsed by the MNEJT and others. Asked about "the ask/demands," he replied that "the EJ table will always use its moment to talk about HERC" (000168).

On May 13, ahead of a legislator's meeting with the MNEJT, staff added a timeline "noting EJ Table's participation in each of the engagement efforts." "Not that it will be appropriate to describe in the meeting," the staff member wrote, but it "could be useful to reinforce with legislators that we have been doing engagement" (000187).

On July 18, the same intergovernmental relations manager floated a county press response after "anti-HERC activities [sic] show up at the board meeting." The reply: "No appetite from Lisa to respond to the advocates directly through the media" (000200).

What the county Said in Public

In public, the county talked about partnership. The morning of the June 13, 2023, campaign call, county staff circulated the Assistant county Administrator Lisa Cerney's statement to the *Star Tribune*. It said: "Only through partnership can we create more benefit for our residents and our planet" (003277).

That night, Vital sat in on the call. The next day, his notes went up the chain of county staff. Two months later, a rally alert went to GRE. In 2025, when advocates said the county wasn't listening, staff answered by counting how often advocates had shown up.

The Role of Joe Vital

Joe Vital's role in this surveillance and intelligence-gathering may come as a shock to many in the community. Before being hired by the county, Vital was an environmental justice leader in the community, speaking for example at a large gathering of thousands at the Capitol about Enbridge Line 3 in August 2021. He was previously chair of the Minnesota DFL Native Peoples Caucus and has worked with members of MNEJT in a number of struggles including the Line 3 fight. In fact, his respect in the community related directly to his work at the county. Joe was friends with and had close access to many leaders in the HERC fight. He could have gathered intelligence in other ways besides attending meetings.

In a conversation during which community advocates confronted Vital with concerns that he was surveilling them, Vital said the county saw his role as useful for **"my access to the spaces."** He described the tradeoff this way: **"you have to offer a pound of flesh to maintain inside the room."** If what coalition members were doing looked "very different from what I'm reporting," he said, his usefulness would be "put in question." **Perhaps most concerningly, Joe Vital also tried to confirm the identity of a whistleblower in a conversation with Nazir Khan of MNEJT.**

This report, however, is not about one lower-level county staffer. It is about systemic issues at the county, especially decisions and the intentional strategy of county leadership to surveil community members. Vital attended events and wrote them up at the direction of those above him. It is likely that his supervisors would have disciplined him for refusing to follow directives. Others decided what to do with his reports. Joe was also not the only staffer surveilling and cultivating relationships to gather intelligence.

Questions the County Must Answer

- Who at the county ultimately decided to surveil and gather intelligence on community members, and how was this strategy determined? What, if any, guardrails were put in place?
- Were elected county Board members involved or aware? How far up the chain at the county does awareness of this surveillance go?
- Is the county still monitoring the people advocating to close HERC?
- If the county is a "community partner," why did it spend years surveilling and deceptively cultivating relationships with community members to gather intelligence?
- Why did the county send advocates' organizing plans to the private company it pays to run HERC?
- Does the county Board know about and support David McNary's effort to kill the Amortization Bill? What will the county do to address the insubordination of its democratic processes?

Community Demands

The county spent years tracking us instead of collaborating in good faith with the community. Yet we have remained consistent in our demands:

1. The county must vote to initiate the closure process immediately, set a closure date no later than January 1, 2028, and follow the transition plan Zero Waste USA wrote, which ends the harms of incineration, meaningfully addresses the waste crisis and takes advantage of the opportunity of Zero Waste as an economic multiplier and job creator. As Zero Waste advocates all over the world have concluded, incineration blocks Zero Waste.
2. The county must truly commit to partnership with the community, working with frontline residents to determine the path ahead.
3. As we wait for HERC to close, the county must install continuous emissions monitoring (CEMS) and bring HERC's emissions in line with the EPA's stricter proposed 2024 standards for new incinerators.

About These Records

The coalition obtained these records from Hennepin County through requests under the Minnesota Government Data Practices Act. Page numbers are the county's own stamps. The pages cited in this report are posted at Surveillance . We have asked for the rest, including notes from Vital's check-ins with his manager.

The county withheld some pages in full, marked "Attorney File." We removed personal email addresses, phone numbers and home addresses, and the contact details of private individuals. Email times are converted from the records' timestamps to Central time.

Appendix

People included in county emails and our report:

- **David McNary:** Assistant Director at Hennepin County's Department of Environment and Energy who oversees HERC for the county. Directed surveillance. Forwarded the coalition's Aug. 2023 rally alert and a March 2024 legislative alert to the operator's president. Treasurer-Secretary of Minnesota Resource Recovery Association (incinerator industry association) alongside Tim Steinbeck.
- **Angie Timmons:** Strategic Initiatives Manager with Hennepin County's Environment and Energy Department. Directed surveillance.
- **Joseph (Joe) Vital:** Environmental Engagement Coordinator, Hennepin County. Attended coalition events and wrote them up. Conducted surveillance under direction from Angie Timmons, David McNary, and possibly others.
- **Rosemary Lavin**, Director at Hennepin County's Department of Environment and Energy. Supervises Angie Timmons and David McNary, and appears to be aware of surveillance.

- **Lisa Cerney:** Assistant county Administrator for Hennepin County Public Works, parent of Department of Environment and Energy. Appears to be aware of surveillance.
- **Tim Steinbeck**, CEO of GRE HERC Services, which operates HERC under contract with Hennepin County. Treasurer-Secretary of Minnesota Resource Recovery Association (incinerator industry association) alongside David McNary.
- **Kareem Murphy**. Deputy county Administrator,
- **Ben Knudson,** Waste Reduction and Recycling Manager.
- **Audua Pugh:** executive director, Jordan Area Community Council. Named in the county's June 2023 notes.
- **Nazir Khan:** Executive Director, Minnesota Environmental Justice Table. Spoke at meetings county staff wrote up.
- **Kent Mori:** member of the Climate Justice Committee. Quoted in the county's June 2023 notes.
- **Sigurd Scheurle:** retired Minnesota Pollution Control Agency employee. Briefed the MRRA board in Nov. 2023 on his meeting with the EJ Table and MCEA. Wrote a May 2, 2026 Star Tribune op-ed defending the HERC trash burner.
- **Omar Fateh:** state senator. Senate author of the 2024 Amortization Bill (SF 4316) to let cities phase out polluting facilities.
- **Samantha Sencer-Mura:** state representative. House author of that bill, HF 4231.
- **Randy Kiser**: Former Operations & Compliance Manager, Solid Waste & Energy Division, Hennepin County Environment & Energy Department. Copied on Vital's Aug. 2023 rally alert (000073). In a September 2024 email to Xcel Energy, which the coalition obtained through a Data Practices Act request and previously released, he confirmed the county had no plans to terminate HERC's operation.