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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 2356

03/22/2021 Authored by Boe, Raleigh and Jurgens The bill was read for the first time and referred to the Committee on Environment and Natural Resources Finance and Policy

1.1 A bill for an act
1.2 relating to solid waste; incorporating the factor of a county's proximity to a waste
1.3 processing facility in various waste management provisions; defining waste to
1.4 energy facility; requiring commissioner of Pollution Control Agency to reassess
1.5 county recycling goals; amending Minnesota Statutes 2020, sections 115A.02;
1.6 115A.03, subdivision 28, by adding a subdivision; 115A.46, subdivision 1;
1.7 115A.54, subdivision 1; 115A.551, subdivision 2a.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2020, section 115A.02, is amended to read:

1.10 115A.02 LEGISLATIVE DECLARATION OF POLICY; PURPOSES.

1.11 (a) It is the goal of this chapter to protect the state's land, air, water, and other natural
1.12 resources and the public health by improving waste management in the state to serve the
1.13 following purposes:

- 1.14 (1) reduction in the amount and toxicity of waste generated;
1.15 (2) separation and recovery of materials and energy from waste;
1.16 (3) reduction in indiscriminate dependence on disposal of waste;
1.17 (4) coordination of solid waste management among political subdivisions; and
1.18 (5) orderly and deliberate development and financial security of waste facilities including
1.19 disposal facilities.

1.20 (b) The waste management goal of the state is to foster an integrated waste management
1.21 system in a manner appropriate to the characteristics of the waste stream and thereby protect
1.22 the state's land, air, water, and other natural resources and the public health. The following
1.23 waste management practices are in order of preference:

- 2.1 (1) waste reduction and reuse;
- 2.2 (2) waste recycling;
- 2.3 (3) composting of source-separated compostable materials, including but not limited to,
- 2.4 yard waste and food waste;
- 2.5 (4) resource recovery through mixed municipal solid waste composting or incineration,
- 2.6 including waste to energy;
- 2.7 (5) land disposal which produces no measurable methane gas or which involves the
- 2.8 retrieval of methane gas as a fuel for the production of energy to be used on site or for sale;
- 2.9 and
- 2.10 (6) land disposal which produces measurable methane and which does not involve the
- 2.11 retrieval of methane gas as a fuel for the production of energy to be used on site or for sale.
- 2.12 (c) The legislature recognizes that the physical distance waste must be transported to
- 2.13 reach the various types of waste processing facilities listed in paragraph (b) and the resulting
- 2.14 costs a county would incur are likely to influence a county's selection of waste management
- 2.15 options.

2.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.17 Sec. 2. Minnesota Statutes 2020, section 115A.03, subdivision 28, is amended to read:

2.18 Subd. 28. **Resource recovery facility.** "Resource recovery facility" means a waste

2.19 facility established and used primarily for resource recovery, including related and

2.20 appurtenant facilities such as transmission facilities and transfer stations primarily serving

2.21 the resource recovery facility. Resource recovery facility includes a waste to energy facility.

2.22 Sec. 3. Minnesota Statutes 2020, section 115A.03, is amended by adding a subdivision to

2.23 read:

2.24 Subd. 37a. **Waste to energy facility.** "Waste to energy facility" means a facility that

2.25 recovers energy from waste incineration.

2.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.27 Sec. 4. Minnesota Statutes 2020, section 115A.46, subdivision 1, is amended to read:

2.28 Subdivision 1. **General.** (a) Plans shall address the state policies and purposes expressed

2.29 in section 115A.02 and may not be inconsistent with state law.

3.1 (b) Plans for the location, establishment, operation, maintenance, and postclosure use  
 3.2 of facilities and facility sites, for ordinances, and for licensing, permit, and enforcement  
 3.3 activities shall be consistent with the rules adopted by the agency pursuant to chapter 116.

3.4 (c) Plans shall address:

3.5 (1) the resolution of conflicting, duplicative, or overlapping local management efforts;

3.6 (2) the establishment of joint powers management programs or waste management  
 3.7 districts where appropriate; and

3.8 (3) other matters as the rules of the agency may require consistent with the purposes of  
 3.9 sections 115A.42 to 115A.46.

3.10 (d) Plans must include an analysis of factors that may limit a county's ability to employ  
 3.11 various waste management options, including the physical distance waste must be transported  
 3.12 to reach the nearest waste management facility offering a specific type of processing and  
 3.13 the costs a county would incur for that transportation.

3.14 ~~(d)~~ (e) Political subdivisions preparing plans under sections 115A.42 to 115A.46 shall  
 3.15 consult with persons presently providing solid waste collection, processing, and disposal  
 3.16 services.

3.17 ~~(e)~~ (f) Plans must be submitted to the commissioner for approval. When a county board  
 3.18 is ready to have a final plan approved, the county board shall submit a resolution requesting  
 3.19 review and approval by the commissioner. After receiving the resolution, the commissioner  
 3.20 shall notify the county within 45 days whether the plan as submitted is complete and, if not  
 3.21 complete, the specific items that need to be submitted to make the plan complete. Within  
 3.22 90 days after a complete plan has been submitted, the commissioner shall approve or  
 3.23 disapprove the plan. If the plan is disapproved, reasons for the disapproval must be provided.

3.24 ~~(f)~~ (g) After initial approval, each plan must be updated and submitted for approval at  
 3.25 least every ten years. The plan must be revised as necessary so that it is not inconsistent  
 3.26 with state law.

3.27 ~~(g)~~ (h) Rules that regulate plan content under subdivision 2 must reflect demographic,  
 3.28 geographic, regional, and solid waste system differences that exist among the counties.

3.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.30 Sec. 5. Minnesota Statutes 2020, section 115A.54, subdivision 1, is amended to read:

3.31 Subdivision 1. **Purposes; public interest; declaration of policy.** The legislature finds  
 3.32 that the establishment and convenient location of waste processing and management facilities

4.1 and transfer stations serving such facilities is needed to manage properly the solid waste  
4.2 generated in the state and to conserve and protect the natural resources in the state and the  
4.3 health, safety, and welfare of its citizens; that opportunities to establish the facilities and  
4.4 transfer stations are not being fully realized by individual political subdivisions or by  
4.5 agreements among subdivisions; and that therefore it is necessary to provide capital assistance  
4.6 to stimulate and encourage the acquisition and betterment of the facilities and transfer  
4.7 stations.

4.8 Sec. 6. Minnesota Statutes 2020, section 115A.551, subdivision 2a, is amended to read:

4.9 Subd. 2a. **County recycling goals.** (a) By December 31, 2030, each county will have  
4.10 as a goal to recycle the following amounts:

4.11 (1) for a county outside of the metropolitan area, 35 percent by weight of total solid  
4.12 waste generation; and

4.13 (2) for a metropolitan county, 75 percent by weight of total solid waste generation.

4.14 (b) Each county will develop and implement or require political subdivisions within the  
4.15 county to develop and implement programs, practices, or methods designed to meet its  
4.16 recycling goal. Nothing in this section or in any other law may be construed to prohibit a  
4.17 county from establishing a higher recycling goal.

4.18 (c) Any quantified recyclable materials that meet the definition in subdivision 1, paragraph  
4.19 (a), or section 115A.03, subdivision 25a, are eligible to be counted toward a county's  
4.20 recycling goal under this subdivision.

4.21 (d) No sooner than three years before the date county recycling goals established in  
4.22 paragraph (a) are to be met, the commissioner must reassess the feasibility of counties  
4.23 meeting the goals. In determining feasibility, the commissioner must consider changes in:

4.24 (1) global and regional markets for recyclable materials that affect the prices recycled  
4.25 materials can bring;

4.26 (2) technologies and uses of materials that may affect the recyclability of products;

4.27 (3) consumer consumption patterns;

4.28 (4) the number, type, and proximity of waste processing facilities available to counties;  
4.29 and

4.30 (5) other factors outside the counties' control that may affect the counties' ability to  
4.31 achieve the goals.

5.1 The commissioner must, no later than 30 months before the date county recycling goals  
5.2 established in paragraph (a) are to be met, submit a report on the findings and  
5.3 recommendations of the analysis required under this paragraph to the chairs and ranking  
5.4 minority members of the senate and house committees with jurisdiction over solid waste  
5.5 policy, including recommendations on how to overcome barriers to achieving the recycling  
5.6 goals in paragraph (a) and any recommendations on amending the goals.

5.7 **EFFECTIVE DATE.** This section is effective the day following final enactment.