

CHAPTER 9215
MINNESOTA POLLUTION CONTROL AGENCY
SOLID WASTE PLANNING; CERTIFICATE OF NEED

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9215.0100 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0110 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0120 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0130 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0140 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0150 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0160 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0170 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0180 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0190 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0200 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0210 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0220 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0230 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0240 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0250 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0300 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0310 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0320 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0330 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0340 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0350 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0360 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0370 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0380 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0390 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0400 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0410 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

9215.0420 [Repealed, 17 SR 1405]

Published Electronically: *January 16, 2009*

GENERALLY

9215.0500 PURPOSE.

The purpose of this chapter is to:

A. establish requirements for the preparation and implementation of solid waste management plans and plan amendments by counties and solid waste management districts and multicounty areas outside of the seven-county metropolitan area. The plans and plan amendments must be approved by the Pollution Control Agency;

B. encourage regional planning; and

C. reflect demographic, geographic, regional, and solid waste system differences that exist among the counties.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; L 1999 c 73 s 5; L 2005 1Sp1 art 2 s 161; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0510 DEFINITIONS.

Subpart 1. **Scope.** As used in this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Ash.** "Ash" means the incombustible material that remains after a fuel, including solid waste, is incinerated.

Subp. 3. **Composting.** "Composting" means the controlled microbial degradation of organic waste to yield a humus-like product.

Subp. 3a. **Construction debris.** "Construction debris" has the meaning given under Minnesota Statutes, section 115A.03, subdivision 7.

Subp. 4. **County.** "County" means a county board of commissioners, established outside the metropolitan area.

Subp. 5. **Demolition debris.** "Demolition debris" means solid waste resulting from the demolition of buildings, roads, and other structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts. Demolition debris does not include asbestos wastes.

Subp. 6. **Commissioner.** "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

Subp. 7. **Disposal facility.** "Disposal facility" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 10.

Subp. 8. **District.** "District" means the Western Lake Superior Sanitary District Board or a board established outside the metropolitan area as a solid waste management district pursuant to Minnesota Statutes, sections 115A.62 to 115A.72.

Subp. 8a. **Electronic products.** "Electronic products" means devices containing complex circuitry, circuit boards, or signal processing capabilities for processing or displaying information. Electronic products include, but are not limited to, computer monitors, computers, televisions, photocopiers, facsimile machines, video monitors and equipment, telephones and telecommunications equipment, cordless rechargeable appliances, and audio equipment.

Subp. 8b. **Feasible.** "Feasible" refers to an alternative that is consistent with sound engineering and environmental practices, is economically affordable, is legally possible, and has supportive governance that can be successfully put into practice to accomplish the task.

Subp. 8c. **Integrated solid waste management system.** "Integrated solid waste management system" means a solid waste management system that is composed of some or all of the preferred solid waste management practices under Minnesota Statutes, section 115A.02.

Subp. 9. **Major appliances.** "Major appliances" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 17a.

Subp. 10. **Metropolitan area.** "Metropolitan area" has the meaning given it in Minnesota Statutes, section 473.121, subdivision 2.

Subp. 11. **Mixed municipal solid waste.** "Mixed municipal solid waste" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 21.

Subp. 11a. **Motor vehicle fluids.** "Motor vehicle fluids" means motor oil, brake fluid, power steering fluid, transmission fluid, or antifreeze.

Subp. 11b. **Multicounty area.** "Multicounty area" means a geographical area consisting of two or more counties, all of which are outside the metropolitan area.

Subp. 12. **Agency.** "Agency" means the Minnesota Pollution Control Agency.

Subp. 13. **Person.** "Person" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 17.

Subp. 14. **Plan.** "Plan" means a solid waste management plan prepared under this chapter.

Subp. 15. **Plan amendment.** "Plan amendment" means a document that is submitted to the Minnesota Pollution Control Agency by a county, district, or multicounty area when required by this chapter.

Subp. 16. [Repealed, 33 SR 1141]

Subp. 16a. **Prudent.** "Prudent" refers to an alternative that is selected with care and sound judgment.

Subp. 17. **Recyclable materials.** "Recyclable materials" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25a.

Subp. 18. **Recycling.** "Recycling" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25b.

Subp. 19. **Resource recovery.** "Resource recovery" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 27.

Subp. 20. **Solid waste.** "Solid waste" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 31.

Subp. 21. **Solid waste management.** "Solid waste management" means activities which are intended to affect or control the generation of solid waste and activities which provide for or control the collection, processing, and disposal of solid waste.

Subp. 21a. **Source-separated compostable materials.** "Source-separated compostable materials" has the meaning given under Minnesota Statutes, section 115A.03, subdivision 32a.

Subp. 21b. **Source-separated organic materials.** "Source-separated organic materials" has the same meaning as source-separated compostable materials.

Subp. 22. **Waste facility.** "Waste facility" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 35.

Subp. 23. **Waste reduction.** "Waste reduction" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 36a.

Subp. 24. **Yard waste.** "Yard waste" means the garden wastes, leaves, lawn cuttings, weeds, tree and shrub waste, and prunings generated at residential, commercial, industrial, or institutional properties.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; L 1999 c 73 s 5; L 2005 1Sp1 art 2 s 161; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0520 APPLICABILITY.

This chapter applies to all counties, districts, and multicounty areas outside of the metropolitan area.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

COUNTY AND DISTRICT PLANS

9215.0530 OBLIGATIONS OF COUNTIES, DISTRICTS, AND MULTICOUNTY AREAS.

Subpart 1. **Implementation.** Each county, district, or multicounty area shall maintain and implement a solid waste management plan that has been approved by the agency.

Subp. 2. **Sanctions.** A county, district, or multicounty area that fails to gain approval and maintain and implement an approved solid waste management plan is in violation of Minnesota Statutes, section 115A.46, and this chapter.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; L 2005 1Sp1 art 2 s 161; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0540 CONTENTS OF PLANS AND AMENDMENTS.

County, district, or multicounty area solid waste management plans, including amendments, when necessary, must describe solid waste management programs for a ten-year period immediately following plan approval and must contain the information required by parts 9215.0550 to 9215.0790. A plan must reflect demographic, geographic, regional, and solid waste system differences that exist among the counties.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0550 EXECUTIVE SUMMARY.

A plan must include an executive summary that provides an overview of the county's, district's, or multicounty area's integrated solid waste management system proposed in the plan.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0560 BACKGROUND INFORMATION.

Subpart 1. **Scope.** A plan must contain narrative descriptions and numeric estimates described in this part that identify demographic, geographic, and regional characteristics that exist within each county, district, or multicounty area.

Subp. 2. **Demographic, geographic, and regional information.** The plan must include demographic, geographic, and regional information that relates to or directly impacts the generation or management of solid waste in the county, district, or multicounty area, to include:

- A. current population distribution and population projections for the next ten years;
- B. current and projected land use patterns;
- C. current and projected employment and wages;
- D. local and regional economic conditions and median household income; and
- E. a summary of demographic, geographical, and regional constraints and opportunities that either have impacted or may impact the existing or proposed integrated solid waste management system.

Subp. 3. **Solid waste collection and generation.** The plan must include the following solid waste collection and generation information:

- A. an estimate of the amount of solid waste generated annually in the county;
- B. an estimate of the percentages of city and rural residents with solid waste collection service;
- C. an estimate of the annual percentage of solid waste disposed of on site by generators;
- D. the solid waste collection and disposal rate structure, including the current range of residential collection rates, the current range of commercial/industrial collection rates, and financial incentives for waste reduction and recycling;
- E. a description of the composition of the overall solid waste generated in the county, district, or multicounty area;
- F. an estimate of the annual percentage of solid waste from residential and commercial/industrial waste generators; and
- G. a summary of solid waste collection and generation constraints and opportunities that either have impacted or may impact the existing or proposed integrated solid waste management system.

Subp. 4. **Construction and demolition debris.** The plan must include an estimate of the quantity of construction and demolition debris generated annually in the county, district, or multicounty area.

Subp. 5. **Major solid waste generators.** The plan must include identification of the major commercial, industrial, and institutional solid waste generators in the county, district, or multicounty area, including estimates of the volumes and types of solid waste generated annually.

Subp. 6. **Solid waste planning history.** The plan must describe the history of solid waste planning in the county, district, or multicounty area for the previous five years and must:

- A. include a description of any current local and regional planning activities;
- B. include a description of past impediments or barriers to the development of projects on a regional basis; and
- C. address the resolution of conflicting, duplicative, or overlapping local solid waste management efforts.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0570 [Repealed, 33 SR 1141]

Published Electronically: *January 16, 2009*

9215.0575 EXISTING INTEGRATED SOLID WASTE MANAGEMENT SYSTEM.

Subpart 1. **Content.** The plan must include an overview described in this part on the existing integrated solid waste management system in the county, district, or multicounty area.

Subp. 2. **Existing system.** The county, district, or multicounty area shall describe in summary form its existing integrated solid waste management system, to include:

- A. policy and goals;
- B. the history of the development of the system to the present;
- C. a description of existing resource recovery programs or facilities presently in use;
- D. a description of land disposal facilities in use;
- E. the costs associated with operating and maintaining the system; and
- F. a summary of the achievements, opportunities, challenges, or problems with the existing system, including, but not limited to, market and economic conditions, availability of resource recovery programs or facilities, and the availability of local and state funding resources.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0577 PROPOSED INTEGRATED SOLID WASTE MANAGEMENT SYSTEM.

Subpart 1. **Content.** The plan or plan amendment must include information described in this part on the proposed integrated solid waste management system that will be developed and implemented in the county, district, or multicounty area. Each system shall be designed to achieve the most feasible and prudent reduction in the need for and practice of land disposal of mixed municipal solid waste.

Subp. 2. **Goals.** The county, district, or multicounty area shall develop and describe the goals of its proposed integrated solid waste management system over the ten-year planning period. The goals shall be consistent with the policy contained in Minnesota Statutes, section 115A.02, paragraph (a).

Subp. 3. **Objectives.** The county, district, or multicounty area shall describe the specific and quantifiable means, including policies and programs, that will be implemented to achieve the goals developed and described under subpart 2. Means or methods to be used are described in parts 9215.0580 to 9215.0700.

Subp. 4. **Landfill disposal system.** Systems, plans, or plan amendments proposing land disposal as the primary management method must include a description of the technical, financial, demographic, geographic, regional, and solid waste system constraints or barriers that limit the county's district's, or multicounty area's ability to achieve greater independence from land disposal. The information must demonstrate that there are no solid waste system alternatives that are more feasible and prudent than the proposed land disposal system.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0580 SOLID WASTE REDUCTION.

Subpart 1. **Content.** The plan must include the information on solid waste reduction programs and practices in the county, district, or multicounty area described in this part.

Subp. 2. **Policies and goals.** The plan must contain a description of the solid waste reduction policies and goals established by the county, district, or multicounty area including the annual amount or quantity of solid waste to be reduced.

Subp. 3. **Existing solid waste reduction practices.** The plan must describe existing public and private sector solid waste reduction programs in place in the county, district, or multicounty area.

Subp. 4. **Specific programs to be developed.** The plan must describe any new or existing solid waste reduction programs that the county, district, or multicounty area proposes to maintain, expand, or implement in the next ten years, including the responsible persons and annual staff time necessary to implement and manage each program.

Subp. 5. **Program budget.** The plan must identify annual costs that will be incurred by the county, district, or multicounty area in implementing and managing solid waste reduction programs.

Subp. 6. **Schedule of implementation.** The plan must include a schedule for the implementation of proposed solid waste reduction programs described in this part.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0590 SOLID WASTE EDUCATION.

Subpart 1. **Content.** The plan must include the information regarding the solid waste education programs and practices in the county, district, or multicounty area described in this part.

Subp. 2. **Policies and goals.** The plan must contain a description of the solid waste education policies and goals that the county, district, or multicounty area has established and must describe the

promotional program that includes publishing quarterly articles pursuant to Minnesota Statutes, section 115A.552, subdivision 3, paragraph (a).

Subp. 3. **Existing solid waste education practices.** The plan must describe existing public and private sector solid waste education programs including solid waste education providers and annual financial and staff commitment in the county, district, or multicounty area.

Subp. 4. **Specific programs to be developed.** The plan must describe any new or existing solid waste education programs that the county, district, or multicounty area proposes to maintain, expand, or implement, including the responsible persons and estimated staff time necessary to implement and manage each program.

Subp. 5. **Program budget.** The plan must include the projected annual costs incurred by the county, district, or multicounty area for implementing and managing the solid waste education program, including staff time, advertising or publicity materials, and other associated costs, and annual costs for the next ten years.

Subp. 6. **Schedule of implementation.** The plan must include a schedule for the implementation of proposed solid waste education programs described in this part.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0600 RECYCLING.

Subpart 1. **Content.** The plan must include the information on the recycling programs and practices in the county, district, or multicounty area described in this part.

Subp. 2. **Policies and goals.** The plan must contain a description of the recycling goals and policies that the county, district, or multicounty area has established to meet or exceed the recycling goal requirements in Minnesota Statutes, section 115A.551, subdivision 2, the opportunity to recycle requirements in Minnesota Statutes, section 115A.552, and the organized collection requirements of Minnesota Statutes, section 115A.94, if a county has organized collection.

Subp. 3. **Existing recycling practices.** The plan must:

A. describe the existing public and private sector recycling system in the county, district, or multicounty area, including collection, processing, and marketing, including the number of haulers operating in the county, district, or multicounty area and collection or processing facilities used by haulers in the county, district, or multicounty area; and

B. identify the annual recycling tonnages collected, processed, and marketed by sector or program, for the last five years, if available, the county's annual financial and staff commitment, and local market conditions for recyclable materials.

Subp. 4. **Specific programs to be developed.** The plan must describe any new or existing recycling programs that the county, district, or multicounty area proposes to maintain, expand, or implement during the next ten years. The description shall include the annual recycling tonnages to be collected, processed, and marketed and the responsible persons and estimated annual staff time necessary to implement and manage each program.

Subp. 5. **Program budget.** The plan must estimate the annual costs to be incurred by the county, district, or multicounty area in implementing and managing recycling programs over the next ten years, including itemized capital and operating costs such as staff time, land, buildings, equipment, redemption costs, and other associated costs.

Subp. 6. **Schedule of implementation.** The plan must include a schedule for the implementation of proposed recycling programs described in this part.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0610 YARD WASTE PROGRAMS.

Subpart 1. **Content.** The plan must include the information on the yard waste management programs and practices in the county, district, or multicounty area described in this part.

Subp. 2. **Policies and goals.** The plan must:

A. contain a description of the yard waste separation and composting goals and policies that the county, district, or multicounty area has established;

B. describe methods for identifying the portions of the waste stream such as leaves, grass clippings, tree and plant residue, and paper for use in agricultural practices in accordance with Minnesota Statutes, section 115A.46, subdivision 2, paragraph (d); and

C. recognize the prohibition on disposal of yard waste in the land and at resource recovery facilities in Minnesota Statutes, section 115A.931.

Subp. 3. **Existing yard waste management programs.** The plan must describe existing public and private sector yard waste management programs in the county, district, or multicounty area. The plan must also include an estimated level of backyard composting, the yard waste collection system including licensed haulers, if any; number of county, district, and municipal composting sites; tonnages collected for the last five years, if available; the county's, district's, or multicounty area's financial and staff commitment; and local market conditions for finished yard waste compost.

Subp. 4. **Specific programs to be developed.** The plan must describe any new or existing yard waste programs that the county, district, or multicounty area proposes to maintain, expand, or implement during the next ten years, including the annual yard waste tonnage to be collected, processed, and marketed and the responsible persons and estimated staff time necessary to implement and manage each program.

Subp. 5. **Program budget.** The plan must estimate the annual costs to be incurred by the county, district, or multicounty area in implementing and managing yard waste programs over the next ten years, including itemized capital and operating costs.

Subp. 6. **Schedule of implementation.** The plan must include a schedule for the implementation of proposed yard waste programs described in this part.

Subp. 7. **Environmental impacts of yard waste management.** The plan must briefly describe any odor problems, leachate generation, or other impacts of yard waste management that have occurred in the county, district, or multicounty area.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0615 SOURCE-SEPARATED ORGANIC MATERIALS COMPOSTING.

Subpart 1. **Content.** Counties, districts, or multicounty areas proposing to develop, implement, or use source-separated organic materials composting programs must include in the plan information on the source-separated organic materials composting programs that are being used or proposed to be used to manage all or a portion of the organic materials generated in the county, district, or multicounty area.

Subp. 2. **Policies and goals.** The plan must contain a description of the county, district, or multicounty area goals and policies on source-separated organic materials composting.

Subp. 3. **Existing source-separated organic materials composting programs.** The plan must contain a description of the existing collection system used to collect source-separated organic materials, the amount and types of source-separated organic material collected annually, the generators of the material, the location of the composting facility, the composting methods employed, the financial and staff commitment, and the finished compost marketing efforts.

Subp. 4. **Environmental and public health impacts.** The plan must consider and evaluate known and potential environmental and public health impacts. The plan must include a proposed course of action to alleviate those impacts. For existing facilities, the results of compost testing must be used to evaluate the quality of the finished compost and propose methods to reduce contaminant levels. The plan must include a history of the results of inspections and monitoring by the appropriate state regulatory agency and an assessment of the operational safety at the facility during the past five years.

Subp. 5. **Specific programs to be developed.** The plan must describe any new or existing source-separated organic materials composting programs that the county, district, or multicounty area proposes to maintain, expand, or implement in the next ten years, including a description of the proposed collection system used to collect source-separated organic materials, the amount and types of source-separated organic material to be collected annually, the generators of the material, the location of the proposed composting facility, the composting methods to be employed, the finished compost marketing strategy, and the responsible persons and estimated annual staff time necessary to implement and manage the programs.

Subp. 6. **Program budget.** The plan must estimate the annual cost to be incurred by the county, district, or multicounty area in implementing and maintaining source-separated organic materials composting programs, including itemized capital, operating, and maintenance costs.

Subp. 7. **Schedule of implementation.** The plan must include a schedule for implementation of the proposed source-separated organic materials composting programs described in this part.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0620 MIXED MUNICIPAL SOLID WASTE COMPOSTING.

Subpart 1. **Content.** Counties, districts, and multicounty areas proposing to develop, implement, or use mixed municipal solid waste composting must include in the plan information described in this part.

Subp. 2. **Policies and goals.** The plan must describe the county's, district's, or multicounty area's goals and policies on mixed municipal solid waste composting.

Subp. 3. **Existing mixed municipal solid waste composting facilities.** The plan must:

A. describe the mixed municipal solid waste composting facility or facilities where the county's, district's, or multicounty area's mixed municipal solid waste is managed; and

B. include information on facility operational history and management, removal of problem wastes, volumes managed, and compost marketing.

Subp. 4. **Environmental and public health impacts.** The plan must consider and evaluate known and potential environmental and public health impacts and propose a course of action to alleviate those impacts. The plan must include results of compost testing, results of inspection and monitoring by the appropriate state regulatory agency, and assessment of operational safety at the facility during the past five years.

Subp. 5. **Specific programs to be developed.** The plan must describe any new or existing mixed municipal solid waste composting facilities and programs that the county, district, or multicounty area proposes to maintain, expand, implement, or participate in during the next ten years, including the annual amount or quantity of waste to be composted and the responsible persons and estimated staff time necessary to implement and manage each program.

Subp. 6. **Program budget.** The plan must estimate the annual costs to be incurred by the county, district, or multicounty area in implementing and maintaining the mixed municipal solid waste composting programs during the next ten years, including itemized capital and operating costs.

Subp. 7. **Implementation timeline.** The plan must include a schedule for the implementation of the proposed mixed municipal solid waste composting programs described in this part.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0630 SOLID WASTE INCINERATION AND ENERGY RECOVERY.

Subpart 1. **Content.** Counties, districts, and multicounty areas proposing to develop, implement, or use solid waste incineration and energy recovery must include in the plan information described in this part.

Subp. 2. **Policies and goals.** The plan must describe the county's, district's, or multicounty area's goals and policies on solid waste incineration and energy recovery.

Subp. 3. **Existing solid waste incineration and energy recovery facilities.** The plan must:

A. describe the facility or facilities where the county's, district's, or multicounty area's mixed municipal solid waste is or will be managed; and

B. include information on the operational history, removal of problem wastes, facility management, volumes managed for the past five years, and energy marketing.

Subp. 4. **Environmental and public health impacts.** The plan must consider and evaluate known and potential environmental and public health impacts and propose a course of action to alleviate those impacts. The plan must include results of ash and emissions testing, results of inspection and monitoring by the appropriate state regulatory agency, and assessment of operational safety at each facility during the past five years. The plan must include the plans and programs for reducing the toxicity and quantity of incinerator ash.

Subp. 5. **Specific programs to be developed.** The plan must describe any new or existing energy recovery facilities and programs that the county, district, or multicounty area proposes to maintain, expand, implement, or participate in during the next ten years, including the annual amount or quantity of waste to be incinerated, energy and recyclables to be recovered, and the responsible persons and estimated staff time necessary to implement and manage each program.

Subp. 6. **Program budget.** The plan must estimate the annual costs to be incurred by the county, district, or multicounty area in implementing and maintaining the energy recovery programs during the next ten years, including itemized capital and operating costs.

Subp. 7. **Implementation timeline.** The plan must include a schedule for the implementation of the proposed energy recovery programs described in this part.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0640 LAND DISPOSAL OF MIXED MUNICIPAL SOLID WASTE.

Subpart 1. **Content.** Counties, districts, and multicounty areas proposing to develop, implement, or use land disposal facilities must include in the plan information on land disposal facilities described in this part.

Subp. 2. **Policies and goals.** The plan must describe the county's, district's, or multicounty area's goals and policies on land disposal.

Subp. 3. **Existing land disposal facilities.** The plan must:

A. identify and discuss the status of closed landfills within the county, district, or multicounty area and whether the county, district, or multicounty area is implementing any programs for mitigating the environmental effects of past disposal practices;

B. describe the land disposal facility or facilities where the county's, district's, or multicounty area's mixed municipal solid waste is managed;

C. include a table indicating the amount received, processed, and disposed during the previous five years; and

D. include information on the operational history, removal of problem wastes, and facility management.

Subp. 4. **Environmental and public health impacts.** The plan must evaluate known and potential environmental and public health impacts of operating and proposed disposal facilities and propose a course of action to alleviate those impacts. The plan must include information summarizing the results of recent

inspections by the appropriate state agency, report on the results of ground and surface water monitoring at the facilities, and assess operational safety at each facility during the past five years.

Subp. 5. **Specific programs to be developed.** The plan must describe any new or existing land disposal facilities and programs that the county, district, or multicounty area proposes to maintain, expand, implement, or participate in during the next ten years, including:

- A. the annual amount or quantity of waste to be landfilled;
- B. the responsible persons and estimated staff time necessary to implement and manage each program; and
- C. the following information about mixed municipal solid waste land disposal programs and practices in the county, district, or multicounty area:
 - (1) permitting schedule;
 - (2) schedule of phase development;
 - (3) status of financial assurance; and
 - (4) status of leachate treatment.

Subp. 6. **Program budget.** The plan must estimate the annual costs that will be incurred by the county, district, or multicounty area in implementing and managing the land disposal programs during the next ten years, including itemized capital and operating costs.

Subp. 7. **Schedule of implementation.** The plan must include a schedule for the implementation of the proposed land disposal programs described in this part.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0650 WASTE TIRE DISPOSAL AND RECOVERY.

Subpart 1. **Content.** The plan must include the information in this part on waste tire recovery programs and practices in the county, district, or multicounty area.

Subp. 2. **Policies and goals.** The plan must contain a description of the waste tire disposal goals and policies that the county, district, or multicounty area has established that comply with Minnesota Statutes, section 115A.914, subdivision 3.

Subp. 3. **Existing waste tire practices.** The plan must describe existing public and private sector waste tire disposal programs and practices in place throughout the county, district, or multicounty area. The description must include the waste tire management system including permitted storage and processing facilities, location of known unpermitted tire dumps, transportation and disposal system used by local collectors, annual amount or quantity of waste tires recovered, current end uses of the waste tires, and status of any county solid waste ordinance relative to waste tire management.

Subp. 4. **Specific programs to be developed.** The plan must describe any new or existing waste tire programs that the county, district, or multicounty area proposes to maintain, expand, or implement during the next ten years, including the annual amount or quantity of waste tires to be recovered and the responsible persons and estimated staff time necessary to implement and manage each program.

Subp. 5. **Program budget.** The plan must estimate the annual costs to be incurred by the county, district, or multicounty area in implementing or maintaining the waste tire programs during the next ten years, including itemized capital and operating costs.

Subp. 6. **Schedule of implementation.** The plan must include a schedule for the implementation of the proposed waste tire programs.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0655 ELECTRONIC PRODUCTS.

Subpart 1. **Content.** The plan must include the information described in this part on electronic products management programs and practices in the county, district, or multicounty area.

Subp. 2. **Policies and goals.** The plan must contain a description of the electronic products management goals and policies that the county, district, or multicounty area has established to comply with Minnesota Statutes, section 115A.9565.

Subp. 3. **Existing electronic products management practices.** The plan must describe the existing public and private sector electronic products management programs in the county, district, or multicounty area. The description must indicate the process used by the county, district, or multicounty area to comply with applicable state, federal, and local regulations for disposal of used electronic products and capture of hazardous waste contained in the products. The description must also include the annual amount or quantity of electronic products recovered; public education efforts; and collection options for processing, recycling, and disposal.

Subp. 4. **Specific programs to be developed.** The plan must describe any new or existing electronic products management programs that the county, district, or multicounty area proposes to maintain, expand, or implement during the next ten years, including the annual amount or quantity of electronic products recovered; public education efforts; collection options for processing, recycling, and disposal; and the responsible persons and estimated staff time necessary to implement and manage each program.

Subp. 5. **Program budget.** The plan must estimate the annual costs to be incurred by the county, district, or multicounty area in implementing or managing the electronic products management programs for the next ten years, including itemized capital and operating costs.

Subp. 6. **Schedule of implementation.** The plan must include a time schedule for implementation of the proposed electronic products management programs described in this part.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0660 MAJOR APPLIANCE MANAGEMENT.

Subpart 1. **Content.** The plan must include the information described in this part on major appliance management programs and practices in the county, district, or multicounty area.

Subp. 2. **Policies and goals.** The plan must contain a description of the major appliance management goals and policies that the county, district, or multicounty area has established that comply with Minnesota Statutes, sections 115A.552, subdivision 1, and 115A.9561.

Subp. 3. **Existing appliance management practices.** The plan must describe the existing public and private sector major appliance management programs in the county, district, or multicounty area. The description must indicate the process used by the county, district, or multicounty area to comply with applicable state, federal, and local regulations for disposal of used appliances and capture of hazardous wastes contained in the appliances. The description must also include the annual amount or quantity of major appliances recovered.

Subp. 4. **Specific programs to be developed.** The plan must describe any new or existing major appliance management programs that the county, district, or multicounty area proposes to maintain, expand, or implement during the next ten years, including the annual amount or quantity of major appliances to be recovered and the responsible persons, estimated staff time, and education campaigns necessary to implement and manage each program.

Subp. 5. **Program budget.** The plan must estimate the annual costs to be incurred by the county, district, or multicounty area in implementing or managing the major appliance management programs for the next ten years, including itemized capital and operating costs.

Subp. 6. **Schedule of implementation.** The plan must include a time schedule for the implementation of the proposed major appliance management programs described in this part.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0670 AUTOMOTIVE MERCURY SWITCHES, MOTOR VEHICLE FLUIDS AND FILTERS, AND LEAD-ACID AND DRY CELL BATTERIES MANAGEMENT.

Subpart 1. **Content.** The plan must include the information described in this part on automotive mercury switches, motor vehicle fluids and filters, and lead-acid and dry cell battery management programs and practices in the county, district, or multicounty area.

Subp. 2. **Policies and goals.** The plan must contain a description of the automotive mercury switch, motor vehicle fluids and filters, and lead-acid and dry cell battery management goals and policies that the county, district, or multicounty area has established that comply with Minnesota Statutes, sections 115A.915, 115A.9155, and 115A.916.

Subp. 3. **Existing automotive mercury switch, motor vehicle fluids and filters, and lead-acid and dry cell battery programs and practices.** The plan must describe the existing public and private sector automotive mercury switch, motor vehicle fluids and filters, and lead-acid and dry cell battery management programs and practices in the county, district, or multicounty area, including the amount or quantity of materials recovered by type, public education, collection options, processing, recycling, and disposal.

Subp. 4. **Specific programs to be developed.** The plan must describe any new or existing automotive mercury switch, motor vehicle fluids and filters, and lead-acid and dry cell battery programs that the county, district, or multicounty area proposes to maintain, expand, or implement during the next

ten years, including the amount or quantity of materials to be recovered by type and the responsible persons and estimated staff time necessary to implement and manage each program.

Subp. 5. **Program budget.** The plan must estimate the annual costs to be incurred by the county, district, or multicounty area in implementing and maintaining the automotive mercury switch, motor vehicle fluids and filters, and lead-acid and dry cell battery management programs during the next ten years, including itemized capital and operating costs.

Subp. 6. **Schedule of implementation.** The plan must include a schedule for the implementation of the proposed automotive mercury switch, motor vehicle fluids and filters, and lead-acid and dry cell battery management programs described in this part.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0680 HOUSEHOLD HAZARDOUS WASTE MANAGEMENT.

Subpart 1. **Content.** The plan must include the information described in this part on the household hazardous waste management programs and practices in the county, district, or multicounty area.

Subp. 2. **Policies and goals.** The plan must contain a description of the household hazardous waste goals and policies established by the county, district, or multicounty area that comply with the requirements in Minnesota Statutes, section 115A.96, subdivision 6.

Subp. 3. **Existing programs and practices.** The plan must describe existing household hazardous waste management programs including collection, separation from mixed municipal solid waste, the amount or quantity of materials recovered, and education and promotion to reduce the use of household hazardous waste.

Subp. 4. **Specific programs to be developed.** The plan must describe any new or existing household hazardous waste programs that the county, district, or multicounty area proposes to maintain, expand, or implement during the next ten years, including the amount or quantity of materials to be recovered and the responsible persons and estimated staff time necessary to develop and manage each program. These programs must include a broad-based public education component, a strategy for reduction of household hazardous waste, and a strategy for separation of household hazardous waste from mixed municipal solid waste and the collection, storage, and proper management of that waste.

Subp. 5. **Program budget.** The plan must estimate the annual costs to be incurred by the county, district, or multicounty area in implementing and maintaining the household hazardous waste management programs during the next ten years, including itemized capital and operating costs.

Subp. 6. **Schedule of implementation.** The plan must include a schedule for the implementation of the proposed household hazardous waste management programs described in this part.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0690 CONSTRUCTION AND DEMOLITION DEBRIS.

Subpart 1. **Content.** The plan must include the information described in this part on construction and demolition debris management programs and practices in the county, district, or multicounty area.

Subp. 2. **Policies and goals.** The plan must contain a description of the construction and demolition debris management goals and policies that the county, district, or multicounty area has established.

Subp. 3. **Existing construction and demolition debris practices.** The plan must describe existing construction and demolition debris practices and programs, including the amount or quantity of materials recovered and disposed of and private and public sector Pollution Control Agency permitted facilities.

Subp. 4. **Specific programs to be developed.** The plan must describe any new or existing construction and demolition debris programs that the county, district, or multicounty area proposes to maintain, expand, or implement during the next ten years, including the amount or quantity of materials to be recovered and disposed of and the responsible persons and estimated staff time necessary to implement and manage each program.

Subp. 5. **Program budget.** The plan must estimate the annual costs to be incurred by the county, district, or multicounty area for construction and demolition debris programs for the next ten years, including itemized capital and operating costs.

Subp. 6. **Schedule of implementation.** The plan must include a schedule for the implementation of the proposed construction and demolition debris programs described in this part.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0700 SOLID WASTE ORDINANCE.

Subpart 1. **Content.** The plan must include the information described in this part on the solid waste management ordinance in the county, district, or multicounty area.

Subp. 2. **Status of solid waste ordinance.** The plan must describe the status of the county's, district's, or multicounty area's solid waste ordinance. The plan must list any problems with implementing or enforcing the current ordinance. The plan must include a copy of the county, district, or multicounty area solid waste ordinance as an appendix item in the plan.

Subp. 3. **Ordinance amendments.** The plan must describe any planned amendments to the county, district, or multicounty area solid waste ordinance. The description must include the responsible persons and estimated staff time necessary annually to monitor or enforce the ordinance.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0710 SOLID WASTE STAFF.

Subpart 1. **Content.** The plan must include the information described in this part regarding the county, district, or multicounty area solid waste staff.

Subp. 2. **Existing county, district, or multicounty area solid waste staff.** The plan must describe existing levels of staffing for solid waste programs in place throughout the county, district, or multicounty area.

Subp. 3. **Future staffing needs.** The plan must include estimates of staffing needed to implement the programs described in the plan.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0720 SOLID WASTE PROGRAM FUNDING.

Subpart 1. **Content.** The plan must include the information described in this part regarding the county, district, or multicounty area solid waste program funding.

Subp. 2. **Policies and goals.** The plan must contain a description of the future solid waste program funding goals and policies that the county, district, or multicounty area has established.

Subp. 3. **Existing solid waste funding practices.** The plan must include a description of the county's, district's, or multicounty area's existing solid waste management financing mechanisms. The plan must indicate the current year and future projected amounts and sources of funding for solid waste programs including:

- A. tipping fees at solid waste transfer, processing, and disposal facilities; and
- B. governmental subsidies of waste management.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0730 PLAN REVIEW AND TEN-YEAR PLAN.

The plan must contain a description of the process and timelines for developing the county's, district's, or multicounty area's ten-year plan.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0740 GOAL-VOLUME TABLE.

The plan must include a numeric presentation of the county's, district's, or multicounty area's goals and the volumes of solid waste to be managed for a ten-year period immediately following plan approval. It must include the recycling goal as required in Minnesota Statutes, section 115A.551; an estimate of land disposal capacity needed for the ten-year period in acre feet, tons, and cubic yards; and an estimate of remaining capacity at land disposal facilities that will be used. The table must be in a format approved by the commissioner.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; L 2005 1Sp1 art 2 s 161; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0750 ITEMIZED SOLID WASTE BUDGET.

The plan must include a projected ten-year county, district, or multicounty area solid waste budget. The budget must include itemized capital and operating costs for each major solid waste program and the annual cost per ton and cost per household. The budget must be in a format approved by the commissioner. A narrative discussion of the financial assumptions used in development of the budget shall be included.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; L 2005 1Sp1 art 2 s 161; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0760 ALTERNATIVES TO PROPOSED SYSTEM.

The plan must include a description of the process that the county, district, or multicounty area will use to evaluate, identify, and implement alternatives to the proposed system if the system described in parts 9215.0580 to 9215.0700 is not developed or has major operational difficulties.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0770 ENVIRONMENTAL AND PUBLIC HEALTH IMPACTS.

Subpart 1. **Content.** In addition to the discussion of environmental and public health impacts required in parts 9215.0610 to 9215.0640, the plan must address the county's, district's, or multicounty area's plans and programs for mitigating the environmental and public health impacts associated with each item identified.

Subp. 2. **On-site disposal.** The plan must describe plans and programs for mitigating impacts to land, air, surface water, and groundwater and avoiding nuisance conditions from the on-site disposal of mixed municipal solid waste at farms or households.

Subp. 3. **Illegal disposal.** The plan must describe plans and programs for mitigating impacts to land, air, surface water, and groundwater from the practice of illegal disposal.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0780 SOLID WASTE FACILITY SITING PROGRAM.

Plans that indicate the development of new or expanded waste facilities must contain a detailed siting procedure and development program to ensure the orderly location, permitting, development, and financing

of new or expanded solid waste facilities and services sufficient for the ten-year planning period. The procedure and program must be consistent with applicable rules of the agency, the Department of Natural Resources, the Environmental Quality Board, and other state agencies. The procedure and program must include siting criteria and a program for public participation.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405; L 2005 1Sp1 art 2 s 161*

Published Electronically: *January 16, 2009*

9215.0790 PUBLIC PARTICIPATION.

Subpart 1. **Documentation.** The plan must explain the methods for documenting public participation during the development and implementation of the solid waste management plan. The plan must include the location of where documentation of public input by interested parties including citizens, public advisory committees, regional authorities, adjacent counties or districts, local units of government, and waste service companies conducting business within the county, district, or multicounty area is kept.

Subp. 2. **Ongoing public input.** The county, district, or multicounty area shall describe a process to ensure the ongoing involvement of and consultation with persons who are concerned with solid waste management including those listed in subpart 1.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

MULTICOUNTY PLANNING

9215.0800 MULTICOUNTY PLANNING.

Multicounty plans prepared by two or more counties are encouraged. A joint plan or plan amendment may be submitted by a multicounty area. It must:

- A. indicate how each county, district, or multicounty area in the region will comply with the county or district goals or responsibilities prescribed in statute or rule;
- B. be adopted by each participating county, district, or multicounty area; and
- C. delineate the responsibility of each county, district, or multicounty area with respect to implementation of the joint plan or plan amendment.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0810 [Repealed, 33 SR 1141]

Published Electronically: *January 16, 2009*

SUBMITTAL AND APPROVAL OF PLANS

AND PLAN AMENDMENTS**9215.0820 SUBMITTAL OF PLANS AND PLAN AMENDMENTS FOR APPROVAL.**

Subpart 1. **Plan.** A county, district, or multicounty area seeking approval of a solid waste management plan shall submit its draft plan to the commissioner. The draft plan must contain the information required in parts 9215.0540 to 9215.0790. The county, district, or multicounty area shall also provide:

- A. an evaluation of the progress that has been made since approval of the plan to achieve the goals and policies of the programs proposed in the existing plan;
- B. a discussion of the problems that have been encountered by the county, district, or multicounty area in implementing the existing plan and the solutions established;
- C. a discussion of the changes in the draft plan from the existing plan; and
- D. information required by new statutes or rules that have been adopted since the existing plan was approved.

Subp. 2. [Repealed, 33 SR 1141]

Subp. 3. **Plan amendment.** A county, district, or multicounty area seeking approval of a plan amendment shall submit the amendment to the commissioner. The county, district, or multicounty area shall include the following information in its amendment:

- A. the reasons for the proposed plan amendment;
- B. the benefits of the changes proposed in the plan amendment, including: the purposes achieved by the conservation and recovery of resources and the furtherance of any regional waste management programs;
- C. the consistency of the amendment with the policies and purposes expressed in Minnesota Statutes, section 115A.02;
- D. updated goals and a revised goal-volume table as required in part 9215.0740;
- E. an updated itemized solid waste budget for the county, district, or multicounty area as required in part 9215.0750;
- F. updated implementation information relevant to the changes proposed by the county, district, or multicounty area as required in parts 9215.0575 to 9215.0800;
- G. updated information on environmental and public health impacts as required in part 9215.0770 and updated waste facility siting information as required by part 9215.0780 if new information relating to planned activities has been developed since approval of the plan or plan amendment; and
- H. for amendments that would result in an increase in the previously certified need for land disposal, documentation that the revised system is now the most feasible and prudent for the county, district, or multicounty area.

Subp. 4. **Format.** A county, district, or multicounty area submitting a plan or plan amendment to the commissioner for approval shall submit two copies of the plan and accompanying information. The plan must be single-spaced and printed on both sides. An electronic copy of the plan in a format approved by the commissioner may also be submitted with the paper copy.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; L 2005 1Sp1 art 2 s 161; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0830 TIMING OF SUBMITTAL.

Subpart 1. [Repealed, 33 SR 1141]

Subp. 2. **Submittal of plan.** Each county, district, or multicounty area shall submit a plan to the agency when six months remain on the approval of the latest plan.

Subp. 3. **Submittal of plan amendment.** Each county, district, or multicounty area shall submit a plan amendment according to items A to C.

A. Each county, district, or multicounty area shall submit an amendment to the approved plan when the county, district, or multicounty area is proposing to make substantial changes in its solid waste management system from what was contained in the approved plan.

B. If the commissioner determines that an amendment to the plan is required due to substantial changes in solid waste management in the county, district, or multicounty area, including, but not limited to, an increase in the amount of waste needing land disposal, the commissioner shall notify the county, district, or multicounty area in writing of the need to amend its plan. The county, district, or multicounty area shall have six months from the receipt of notice to submit an amendment to the commissioner.

C. If changes in statute or rule require plans to be amended on a schedule other than indicated in plan approval, the county, district, or multicounty area shall submit a plan amendment in accordance with statutory and rule requirements.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; L 2005 1Sp1 art 2 s 161; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0840 REVIEW BY POLLUTION CONTROL AGENCY.

Subpart 1. **Preliminary review.** On receipt of a draft plan or plan amendment, the commissioner shall review the draft and notify the county, district, or multicounty area of any part of the submittal that requires redrafting and resubmittal. The agency shall complete its review of the draft plan or plan amendment within 45 days of receipt.

Subp. 2. **Supplemental information.** If advised by the agency that a redraft and resubmittal are necessary, the county, district, or multicounty area shall submit its redraft to the commissioner within 90 days of the commissioner's request for a redraft. The redraft shall be reviewed according to the procedures in subpart 1.

Subp. 3. **Preliminary decision to approve plan.** The commissioner shall make a preliminary decision to approve a plan or plan amendment within 90 days of the county's, district's, or multicounty area's submittal of a draft and all additional information required by the commissioner. When the commissioner makes a preliminary decision to approve a plan or plan amendment, the commissioner shall provide public notice of the preliminary decision and an opportunity for public comment in accordance with parts 9215.0850 and 9215.0860.

Subp. 4. **Preliminary decision to disapprove plan.** If the county, district, or multicounty area does not resubmit a redraft and other additional information in response to a request by the commissioner for the information, the commissioner shall notify the county, district, or multicounty area that the commissioner intends to disapprove the plan or plan amendment.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; L 1999 c 73 s 5; L 2005 1Sp1 art 2 s 161; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0850 PUBLIC NOTICE AND PUBLIC COMMENT.

Subpart 1. **Public notice.** The commissioner shall prepare and issue a public notice of the commissioner's preliminary decision to approve a plan or plan amendment. The public notice must include, at a minimum:

A. the business address and telephone number of the county, district, or multicounty area, the address and telephone number of the agency, and a statement that additional information may be obtained at these offices;

B. a brief description of the solid waste management plan or plan amendment, the duration of the approval, and any conditions of the approval;

C. a brief description of the procedures the commissioner will use to reach a final decision on approval of the plan or plan amendment, including procedures for requesting that the commissioner hold a public informational meeting; and

D. a statement that during the public comment period a person may submit comments to the agency on the plan or plan amendment, a statement of the dates on which the public comment period begins and ends, and a statement of the information a person is required to include in the comments.

Subp. 2. **Distribution of public notice.** The commissioner shall distribute the public notice by:

A. making a copy of the public notice available at the agency;

B. mailing a copy of the public notice to the chair of the county, district, or multicounty area whose plan is subject to approval; and

C. by posting the notice in a building or buildings used by the general public in the county, district, or multicounty area whose plan or plan amendment is subject to approval, and by placing an advertisement containing the information required in subpart 1 in one or more newspapers of general circulation in the county, district, or multicounty area.

Subp. 3. **Public comments.** The public shall have a minimum of 30 days to comment on the commissioner's preliminary decision to approve a plan or plan amendment. All comments shall be submitted in writing. Comments must include the following:

A. a statement of the person's interest in the plan or plan amendment;

B. a statement of the action the person wishes the commissioner to take, including specific references to the plan or plan amendment that the person believes should be changed; and

C. the reasons for the person's position, stated with sufficient specificity to allow the commissioner to assess the merits of the person's statements.

Subp. 4. **Extension of comment period.** The commissioner may extend the public comment period if the commissioner finds an extension of time is necessary to facilitate additional public comment.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; L 2005 1Sp1 art 2 s 161; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0860 PUBLIC INFORMATIONAL MEETING.

Subpart 1. **Request.** A person may request the commissioner to hold a public informational meeting on a plan or plan amendment. A person requesting a public informational meeting shall submit the following information as part of the request:

- A. a statement why a public informational meeting is necessary;
- B. the issues the commissioner should address at the public informational meeting; and
- C. a proposed time and place for the public informational meeting.

Subp. 2. **Decision to hold public informational meeting.** If the commissioner determines that a public informational meeting would help clarify and resolve issues regarding the plan or plan amendment, the commissioner shall hold a public informational meeting. The commissioner may decide to hold a public informational meeting without receiving a request from the public.

Subp. 3. **Location of meeting.** The commissioner must hold the public informational meeting in the geographical area of the county, district, or multicounty area included in the plan or plan amendment.

Subp. 4. **Notice of public informational meeting.** The commissioner shall prepare a notice of the public informational meeting. The notice must contain a reference to the public notice of the preliminary approval of the plan or plan amendment, including the dates of issuance of the public notice; the date, time, and location of the public informational meeting; a concise description of the manner in which the public informational meeting will be conducted; and the issues to be discussed.

Subp. 5. **Distribution of notice.** The commissioner shall publish the notice in a newspaper of general circulation in the geographical area of the plan or plan amendment, and shall mail a copy of the notice to the county, district, or multicounty area and all other persons determined by the commissioner to have an interest in the plan or plan amendment.

Subp. 6. **Joint meeting.** If the commissioner determines that no person would be adversely affected by consolidating two or more plans or plan amendments into one public informational meeting, the commissioner may elect to do so.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; L 2005 1Sp1 art 2 s 161; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0870 FINAL DECISION.

Subpart 1. **Record.** The commissioner shall consider all information submitted by the county, district, or multicounty area in seeking approval of its plan or plan amendment, all information received

from the public during the public comment period, and all information submitted during the public informational meeting if one was held in making a final decision on the plan or plan amendment.

Subp. 2. **Notification.** The commissioner shall notify the county, district, or multicounty area and all persons who submitted public comments or participated in a public informational meeting of the final decision on the plan or plan amendment.

Subp. 3. **Approval of plan.** The commissioner shall approve those plans and plan amendments that meet the requirements of parts 9215.0540 to 9215.0790. The commissioner's approval shall remain in effect for ten years unless the commissioner determines that a shorter period of time is required to ensure that the county, district, or multicounty area implements the plan.

Subp. 4. **Approval of amendment.** The approval of a plan amendment shall not change the due date of the county's, district's, or multicounty area's next plan unless the commissioner determines in the decision approving the amendment that the amendment eliminates the need to submit the next plan. If so, the commissioner shall determine when the next plan will be required.

Subp. 5. **Resolution.** Before final approval of the plan or plan amendment, the commissioner shall request the county, district, or multicounty area to submit a certified copy of a resolution, passed by the county, district, or multicounty area, that approves the plan or plan amendment as the county's, district's, or multicounty area's solid waste management plan. No approval by the commissioner of a plan or plan amendment shall be final until a resolution is received by the agency.

Subp. 6. **Submittal of final plan.** On final approval of a plan or plan amendment, the county, district, or multicounty area shall submit two copies of the final plan to the commissioner. The plan must be single-spaced and must be printed on both sides of the page. An electronic copy of the plan or plan amendment in a format approved by the commissioner may also be submitted with the paper copy.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; L 2005 1Sp1 art 2 s 161; 33 SR 1141*

Published Electronically: *January 16, 2009*

9215.0880 REVOCATION OF APPROVAL.

Subpart 1. **Failure to implement.** The commissioner shall require the county, district, or multicounty area to amend its plan pursuant to part 9215.0820, subpart 3, if the commissioner determines that a county, district, or multicounty area has failed to implement substantial programs contained in the plan as approved.

Subp. 2. **Failure to amend.** The commissioner shall revoke the approval of a plan if the commissioner determines that a county, district, or multicounty area has failed to submit a plan amendment within six months of being notified by the commissioner that an amendment is required.

Statutory Authority: *MS s 115A.06; 115A.42; 115A.45; 115A.46; 116.07*

History: *17 SR 1405; L 2005 1Sp1 art 2 s 161; 33 SR 1141*

Published Electronically: *January 16, 2009*

CERTIFICATE OF NEED**9215.0890 CERTIFICATE OF NEED.**

Subpart 1. **Scope.** Applicants for permits for existing or proposed disposal facilities located outside of the metropolitan area cannot be issued a permit for new capacity for disposal of unprocessed mixed municipal solid waste without a certificate of need issued by the agency. No state or local government body shall issue a permit for disposal of unprocessed mixed municipal solid waste until a certificate of need is issued by the agency.

Subp. 2. **Timing.** The agency shall review requests for a certificate of need submitted by an applicant of a proposed or existing disposal facility. The request must be submitted before a preliminary permit application is submitted to the agency. The agency shall review the request for a certificate of need within 90 days of submittal of a completed request.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405; L 2005 1Sp1 art 2 s 161*

Published Electronically: *January 16, 2009*

9215.0900 CONTENT OF CERTIFICATE OF NEED REQUEST.

Subpart 1. **Scope.** The certificate of need request shall contain the information described in this part.

Subp. 2. **Annual solid waste estimates.** The request shall include estimates of the amount and type of solid waste to be managed annually at the facility during its design life.

Subp. 3. **Origin of waste.** The request shall include identification of the origin of the solid waste including estimates of the amount of solid waste to be received annually from each county or district of origin. Information about quantities of solid waste from counties or districts outside the metropolitan area shall be based on information in approved county solid waste management plans. Information about quantities of solid waste from counties or districts within the metropolitan area shall be based on information in approved county or district solid waste master plans. If an approved county or district solid waste management plan or master plan does not state that solid waste from a county or district will be managed at the proposed facility, the request shall include a letter from the county or district board of the county or district generating the solid waste indicating that in the county's or district's best estimate the amount of solid waste in question is available for management at the proposed facility. The letter must be consistent with the approved plan and the plan amendment requirements of part 9215.0810.

Subp. 4. **Alternatives.** The request shall include an analysis of alternatives to the new or expanded disposal capacity if the new capacity has not been included in the approved county solid waste management plan or county master plan.

Subp. 5. **Estimate errors.** If the amount of new capacity needed is greater than the amount identified in the approved plan due to erroneous assumptions concerning the amount of solid waste generated, the application must document the basis for calculating the amount of capacity needed in lieu of an analysis of alternatives.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

Published Electronically: *January 16, 2009*

9215.0910 PUBLIC INFORMATIONAL MEETING ON CERTIFICATE OF NEED REQUEST.

The agency may hold a public informational meeting on its preliminary determination to approve or deny the request for a certificate of need if the commissioner determines that a public informational meeting would help to clarify and resolve issues regarding the certificate of need request.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405; L 2005 1Sp1 art 2 s 161*

Published Electronically: *January 16, 2009*

9215.0920 APPROVAL OF CERTIFICATE OF NEED.

The agency shall issue a certificate of need to the owner or operator of a proposed or existing disposal facility outside of the metropolitan area if the agency determines that the additional disposal capacity is needed.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405; L 2005 1Sp1 art 2 s 161*

Published Electronically: *January 16, 2009*

9215.0930 FINAL DECISION.

The agency shall make a final decision on a request for a certificate of need within 90 days after determining that a request is complete or after holding a public informational meeting.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405; L 2005 1Sp1 art 2 s 161*

Published Electronically: *January 16, 2009*

9215.0940 REVOCATION OF CERTIFICATES OF NEED.

The agency shall revoke or revoke and reissue the certificate of need if the commissioner determines that the information contained in the certificate of need is no longer accurate or that the owner or operator of the disposal facility has not fulfilled all applicable state and federal requirements.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405; L 2005 1Sp1 art 2 s 161*

Published Electronically: *January 16, 2009*

9215.0950 REVIEW AND EXPIRATION OF EXISTING CERTIFICATES OF NEED.

Certificates of need issued prior to December 14, 1992, will be considered to be documentation of the land disposal needs of the county or district and will expire at the time of the county's or district's next plan update. The commissioner shall reissue a certificate of need if the commissioner determines that the certificate of need is required based on the provisions of parts 9215.0890 to 9215.0930.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405; L 2005 1Sp1 art 2 s 161*

Published Electronically: *January 16, 2009*