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BY: .....

Commissioner Jan Callison, Chair  
Hennepin County Board of Commissioners  
A2400 Government Center  
300 South 6th Street  
Minneapolis, MN 55487

Dear Commissioner Callison:

I am pleased to inform you that Hennepin County's Master Plan (Plan), dated January 8, 2018, was approved by the Minnesota Pollution Control Agency (MPCA). MPCA staff reviewed the Plan and determined that it meets the requirements outlined in Minn. Stat. §473.803 and supports achieving the objectives of the 2016-2036 Metropolitan Solid Waste Policy Plan. The Findings of Fact approving the Plan are enclosed. MPCA staff feel that Hennepin County has developed a strong Plan that includes innovative and aggressive elements, such as:

- A strong focus on organics management –
  - Proposed organics recycling requirements for cities and large volume commercial generators
  - Infrastructure development to support organics recovery
  - Wasted food prevention strategies for commercial and residential sectors
- Expansion of strong existing reuse and recycling programming, including updates to the successful Choose to Reuse program and continuing to host Fix-It clinics
- Development and implementation of an ongoing socially inclusive outreach campaign

The MPCA appreciates Hennepin County's continued leadership and commitment to implementing comprehensive and effective solid waste management programs. We commend Hennepin County staff for their hard work throughout the planning process and would like to request an opportunity to speak to the County Board at an upcoming meeting to express our appreciation.

Sincerely,



David J. Benke  
Division Director  
Resource Management & Assistance Division

Enclosure

cc: Rosemary Lavin, Hennepin County  
Kirk Koudelka, MPCA  
Steve Giddings, MPCA  
Mark Rust, MPCA  
Peder Sandhei, MPCA



## MINNESOTA POLLUTION CONTROL AGENCY

### In the Matter of the Approval of the Hennepin County Solid Waste Master Plan

### FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER

Hennepin County submitted a Solid Waste Master Plan to the Commissioner of the Minnesota Pollution Control Agency (MPCA) for review and approval pursuant to Minn. Stat. § 473.803. After reviewing the Solid Waste Master Plan, the MPCA makes the following Findings of Fact, Conclusion of Law and Order.

#### FINDINGS OF FACT

##### A. Authority, Procedure, Requirements, and Background

1. Minn. Stat. § 115A.42 provides that the Commissioner of the Minnesota Pollution Control Agency (MPCA) is to establish and administer a program to encourage and improve regional and local solid waste management planning activities and to further the state policies and purposes expressed in Minn. Stat. § 115A.02. The program under sections 115A.42 to 115A.46 is administered by the MPCA pursuant to rules promulgated under chapter 14, except in the metropolitan area where the program is administered by the MPCA pursuant to Minn. Stat. § 473.149.
2. Minn. Stat. § 473.149 required the MPCA to revise the metropolitan long range policy plan for solid waste management ("Policy Plan") by December 31, 2016, and every sixth year thereafter.
3. Minn. Stat. § 473.803, subd. 1 provides that "each metropolitan county, following adoption or revision of the [Policy Plan] and in accordance with the dates specified therein, and after consultation with all affected local government units, shall prepare and submit to the [MPCA] for approval, a county solid waste master plan to implement the policy plan."
4. Minn. Stat. § 473.803, subd. 2 provides that the "commissioner shall review each master plan or revision thereof to determine whether it is consistent with the metropolitan policy plan. If it is not consistent, the commissioner shall disapprove and return the plan with its comments to the county for revision and resubmittal."
5. Minn. Stat. § 473.803 and the Policy Plan pages D-10 through D-15 ("Appendix D"), describe the procedure and requirements for MPCA review and approval of the Master Plan. The Master Plan must be consistent with and implement the Plan, and include:
  - a. **473.803, subd. 1 Contents.** The Master Plan includes the required general contents (see Minn. Stat. § 473.803, subd. 1 and Appendix D, bullet 9 under "Standard");
  - b. **Land Disposal Abatement.** The Master Plan includes a land disposal abatement element to implement the metropolitan land disposal abatement plan (see Minn. Stat. § 473.083, Subd. 1c., Appendix D, bullets 1-5 under "Standard," and Policy Plan Part 3);
  - c. **Oversight.** The Master Plan provides oversight over entities delegated by the county to implement the plan and the private sector (see Minn. Stat. § 473.803, Subd. 5; Appendix D, bullets 6-8 under "standard"; and Appendix D, "Role of private sector; county oversight");



- d. **Designation to Resource Recovery Facility.** The Master Plan proposes designation of a resource recovery facility and evaluates the benefit of the proposal (see Minn. Stat. § 473.803, subd. 1d);
  - e. **Advisory Committee.** The Master Plan was prepared with the aid of a solid waste management advisory committee (see Minn. Stat. § 473.803, subd. 4).
6. On April 6, 2017, the MPCA adopted a revised Metropolitan Solid Waste Management Policy Plan, 2016-2036, pursuant to Minn. Stat. § 473.149.
  7. On January 8, 2018, Hennepin County submitted its Solid Waste Management Master Plan, 2018-2038 ("Master Plan"), for MPCA review.

## B. Master Plan

### a. 473.803, Subd 1 Contents

1. The Master Plan includes the general contents required under Minn. Stat. 473.803, subd. 1 and Appendix D.
2. The Master Plan includes:
  - county solid waste activities, functions, and facilities; (pages 15 – 45)
  - the existing system of solid waste generation, collection, and processing, and disposal within the county; (Attachment titled "County system")
  - proposed mechanisms for complying with the recycling requirements of section 115A.551, and the household hazardous waste management requirements of section 115A.96, subdivision 6; (pages 15 – 33; 34 – 35)
  - existing and proposed county and municipal ordinances and license and permit requirements relating to solid waste facilities and solid waste generation, collection, and processing, and disposal; (Attachment titled "Hennepin County Solid Waste Ordinances")
  - existing or proposed municipal, county, or private solid waste facilities and collection services within the county together with schedules of existing rates and charges to users and statements as to the extent to which such facilities and services will or may be used to implement the policy plan; (page 19, page 39, Attachment titled "City Contract Rates", Attachment titled "Hennepin County Solid Waste System Operating Manual 2017")
  - any solid waste facility which the county owns or plans to acquire, construct, or improve together with statements as to the planned method, estimated cost and time of acquisition, proposed procedures for operation and maintenance of each facility; (not applicable)
  - an estimate of the annual cost of operation and maintenance of each facility; (Attachment titled "County System")
  - an estimate of the annual gross revenues which will be received from the operation of each facility; (Attachment titled "County System")
  - a proposal for the use of each facility after it is no longer needed or usable as a waste facility; (Attachment titled "County System")
  - encouragement of ownership and operation of solid waste facilities by private industry; (Attachment titled "County System")

- for solid waste facilities owned or operated by public agencies or supported primarily by public funds or obligations issued by a public agency, the master plan contains criteria and standards to protect comparable private and public facilities already existing in the area from displacement unless the displacement is required in order to achieve the waste management objectives identified in the plan. (Attachment titled "County System", page 19)

#### **b. Land Disposal Abatement**

1. The Master Plan includes a land disposal abatement element to implement the metropolitan land disposal abatement plan adopted under section 473.149, subdivision 2d ("Metropolitan System Plan").

2. The Master Plan implements the local abatement objectives for the county and cities within the county by incorporating strategies identified in Part Three of the Policy Plan:

- The Master Plan must include two regional solutions as provided in the Policy Plan. Hennepin County included two of the recommended strategies from the Policy Plan and therefore meets this criterion;
- The Master Plan must include two source reduction strategies as provided in the Policy Plan. Hennepin County included three of the recommended strategies from the Policy Plan and therefore meets this criterion;
- The Master Plan must include one collection strategy as provided in the Policy Plan. Hennepin County included two of the recommended strategies from the Policy Plan and therefore meets this criterion;
- The Master Plan must include one traditional recycling strategy as provided in the Policy Plan. Hennepin County included one of the recommended strategies from the Policy Plan and several approved additional strategies and therefore meets this criterion;
- The Master Plan must include three organics management strategies as provided in the Policy Plan. Hennepin County included four of the recommended strategies from the Policy Plan and therefore meets this criterion;
- The Master Plan must include one Non-MSW management strategy as provided in the Policy Plan. Hennepin County included one of the recommended strategies and one approved additional strategy from the Policy Plan and therefore meets this criterion;
- The Master Plan must include one organics market development strategy as provided in the Policy Plan. Hennepin County included one of the recommended strategies from the Policy Plan and therefore meets this criterion;
- The Master Plan must include two product stewardship strategies as provided in the Policy Plan. Hennepin County included two of the recommended strategies from the Policy Plan and two approved additional strategies and therefore meets this criterion.

3. The Master Plan includes specific and quantifiable county landfill abatement objectives, based on the objectives in the metropolitan landfill abatement plan, for abating to the greatest feasible and prudent extent the need for and practice of land disposal of mixed municipal solid waste and of specific components of the solid waste stream generated in the county, stated in six-year increments for a period of at least 20 years from the date of the Policy Plan revisions. (page 2 – 3, Attachment titled "Hennepin County Residential Recycling Funding Policy")



4. The Master Plan includes measurable performance standards for local abatement of solid waste through resource recovery and waste reduction and separation programs and activities for the county as a whole and for statutory or home rule charter cities of the first, second, and third class, respectively, in the county, stated in six-year increments for a period of at least 20 years from the date of the Policy Plan revisions. (Attachment titled "Hennepin County Residential Recycling Funding Policy")
5. The performance standards in the Master Plan implement the metropolitan and county abatement objectives. (Attachment titled "Hennepin County Residential Recycling Funding Policy")
6. The Master Plan includes standards and procedures to be used by the county in determining annually under Minn. Stat. § 473.803, subd. 3 whether a city within the county has implemented the plan and has satisfied the performance standards for local abatement. (Attachment titled "Hennepin County Residential Recycling Funding Policy")
7. The above land disposal abatement criteria included in the Master Plan are consistent with the Policy Plan. (pages 15 – 45)

**c. Oversight.**

1. The Master Plan provides oversight over entities delegated by the county to implement the plan and the private sector:
  - Retains active oversight over the efforts of the private sector and monitors performance to ensure compliance with the law and the goals and standards in the Policy Plan and the master plan. (Attachment titled "Hennepin County Solid Waste Ordinances")
  - Continues to meet its responsibilities under the law for ensuring proper waste management, including, at a minimum, enforcing waste management law, providing waste education, promoting waste reduction, and providing its residents the opportunity to recycle waste materials. (pages 15 – 45)
  - Continues to provide all required reports on the county's progress in meeting the waste management goals and standards of Minn. Stat. chs. 473 and 115A. (reports annually to the MPCA on Master Plan implementation and submits quarterly Certification Reports)
  - Whether the plan outlines specific and measurable actions to be taken by entities delegated by the county to implement the Policy Plan. (Attachment titled "Hennepin County Residential Recycling Funding Policy")
  - Whether the plan outlines accountability measures for solid waste programs delegated to the private sector. (Attachment titled "Hennepin County Solid Waste Ordinances")

**d. Advisory Committee.**

1. Hennepin County gathered input from 1,705 participants through meetings, one-on-one interviews, and online surveys. Participants included residents, elected officials, and representatives from businesses, business associations, cities, schools, community groups, multifamily property owners, haulers, and other waste industry experts (pages 4 – 7), in lieu of a solid waste management advisory committee prescribed in statute.

### CONCLUSIONS OF LAW

- A. The MPCA Commissioner has the authority under Minn. Stat. § 473.803, subd. 1 and 2, to review and to approve the Hennepin County Solid Waste Master Plan.
- B. Hennepin County's Solid Waste Master Plan meets the requirements of Minn. Stat. §§ 473.803 and the Policy Plan.
- C. Hennepin County's Solid Waste Master Plan is consistent with and implements the Policy Plan, 2018-2038, as required under Minn. Stat. § 473.803, subd. 1.
- D. Any findings that might properly be termed conclusions and any conclusions that might properly be termed findings are hereby adopted as such.

### ORDER

NOW THEREFORE, pursuant to the authority vested in me by Minn. Stat. §§ 115A.42, 473.149 and 473.803, the Hennepin County Master Plan is APPROVED.

Dated: 6/21/18

  
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John Linc Stine  
MPCA Commissioner

6/21/18

6/21/18