

# Solid Waste Management Options After *United Haulers*

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# Designation Panel Discussion

- What does *United Haulers v. Oneida* decision mean for Minnesota?
- How does designation compare to other solid waste management options?
- What factors should be considered when evaluating solid waste options?

# Impact of *United Haulers* In Minnesota

- One more tool in the solid waste management tool box.
- Opens up designation as an option under the right set of facts.

# Key Consideration after *United Haulers*

- Is the facility publicly owned and operated?
- What are the benefits of designation?
- Does the designation comply with Minnesota's designation statute?
- Is Intra-state designation still an option?

# Solid Waste Management Options

- Contracts
- Designation
- Solid Waste Service Fee
- Organized Collection
- Public Collection
- Public Entities Law

# Factors to Consider

- Statutory Authority & Requirements
- Legal Considerations
- Resources to Administer

# Statutory Authority

- **Contracts** – Minn. Stat. ch. 400
- **Designation** – Minn. Stat. §§ 115A.80 – 115A.893
- **Solid Waste Service Fee** – Minn. Stat. § 400.08
- **Organized Collection** – Minn. Stat. § 115A.94
- **Public Collection** – Minn. Stat. § 400.01- 400.17 and § 145A.05, subd. 4
- **Public Entities Law** – Minn. Stat. § 115A.46, subd. 5 and § 115A.471

# Legal Considerations

- **Contracts**
  - Fair & open process - open bid or negotiation options.

# Legal Considerations

- **Solid Waste Service Fee**
  - Public hearing required before Board establishes service area & fee.

# Legal Considerations

- Organized Collection
  - County ordinance to require cities/towns to organize collection.
  - If cities/towns don't comply – county can organize collection.

# Legal Considerations

- **Public Collection**
  - Contracting – fair & open bidding process.
  - Identification of public benefits.
  - County must oversee contractor implementation.

# Legal Considerations

- Designation
  - Do your facts fit within *United Haulers*?
  - Have you followed the designation process?

# Legal Considerations

- **Public Entities Law**
  - Does the Solid Waste Management Plan clearly identify county waste management requirements?

# Resources to Administer

## Contracts

- Determining terms of contracts.
- Negotiating contracts.
- Administration & enforcement.

# Resources to Administer

## Designation

- Drafting designation plan & ordinance.
- Public hearing.
- Attempts to negotiate contracts.
- MPCA approval.
- Administration and enforcement.

# Resources to Administer

## Solid Waste Service Fee

- Determining fee amount and service area.
- Board approval and public process.
- County billing or supervising hauler fee collection.

# Resources to Administer

## Public Collection or Organized Collection

- Collecting and managing waste.
- Negotiating and administering contracts with private haulers.

# Resources to Administer

## Public Entities Law

- Educating public entities on solid waste plan requirements.
- Monitoring compliance.

# Conclusions

- Designation is another tool in the solid waste tool box.
- Carefully analyze legal risks and resources available to administer each solid waste management option.
- Follow statutory and legal requirements for the selected option.