



**BURNSVILLE SANITARY LANDFILL, INC**

2650 West Cliff Road

Burnsville, MN 55337

(952) 656-5014

January 18<sup>th</sup>, 2021

David Benke

Division Director

MPCA

RE: Application for Certificate of Need, Burnsville Sanitary Landfill, Permit Number; SW-56

Mr. Benke,

Please find the completed Application for Certificate of Need for the Burnsville Sanitary Landfill. The team at Waste Management and Carlson McCain look are looking forward to discussing the application with you at your earliest convenience.

Thank you,

A handwritten signature in black ink, appearing to read 'Michael Miller'. The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Miller

Waste Management

Senior District Manager



## APPLICATION FOR CERTIFICATION OF NEED

Burnsville Sanitary Landfill  
MPCA Solid Waste Permit No. SW-56  
*Carlson McCain Project No.: 7694-00*

Prepared for:



Burnsville Sanitary Landfill, Inc.  
2650 West Cliff Road  
Burnsville, Minnesota 55337

January 18, 2021



15650 36TH AVENUE N, SUITE 110  
PLYMOUTH, MN 55446

TEL 952.346.3900  
FAX 952.346.3901

CARLSONMCCAIN.COM

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## **Application for Certification of Need Burnsville Sanitary Landfill, Inc.**

### **1.0 Introduction and Background**

This document constitutes an application for Certification of Need (CON) by the Minnesota Pollution Control Agency (MPCA) for disposal capacity for mixed municipal solid waste (MMSW) at the Burnsville Sanitary Landfill (BSL). This application is made pursuant to MN Statute § 473.823, subd. 6, and addresses the “Procedures for obtaining MPCA CON” identified in Appendix D to the Metropolitan Solid Waste Management Policy Plan 2016-2036 (Policy Plan).

BSL is located at 2650 Cliff Road, Burnsville, Dakota County, Minnesota. BSL accepts MMSW, industrial waste, and construction/demolition debris for disposal under MPCA Permit No. SW-56. The ability of Minnesota MMSW landfills, including BSL, to accept MMSW for disposal is subject to the MPCA CON process. As described in MN Statute § 473.823, no new land disposal capacity for MMSW may be permitted in the TCMA without a CON issued by the MPCA indicating that the additional disposal capacity is needed.

BSL was issued 3,000,000 cubic yards (CY) of CON on October 21, 2005, which includes the volume of final cover soils, in conjunction with an application for expansion of MMSW capacity submitted at that time. As of January 1, 2020, remaining CON volume was 1,205,001 CY including final cover volume, with a remaining net MMSW volume (excluding final cover) of 969,777 CY. Using a weight-to-volume conversion factor of 0.95 tons/CY, BSL’s remaining net CON for MMSW disposal is 921,288 tons. The 0.95 tons/CY conversion factor has been developed in conjunction with, and agreement by, the MPCA as part of Supplemental Environmental Impact Statement (SEIS) being prepared for a proposed expansion of BSL. The conversion factor accounts for long-term consolidation of MMSW in a landfill. At current MMSW acceptance rates, the current CON volume will be consumed by the end of the year 2022.

The following sections present BSL’s request for CON tonnage, and provide information on the following items for this CON request as prescribed by Appendix D to the Policy Plan:

- Annual solid waste estimates
- Origin of waste
- Alternatives
- Estimate of errors

### **2.0 CON Request**

BSL has recently submitted to MPCA an application for major modification of Permit No. SW-56 for expansion of MMSW design capacity in the amount of 23,620,276 cubic yards. BSL requests certification from MPCA of the need for 22,439,262 tons of MMSW land disposal capacity, the equivalent weight of the proposed expansion volume using the 0.95 tons/CY conversion factor. After completion of environmental review and issuance of CON, BSL anticipates receiving a modified solid waste permit with an ultimate design capacity of 42,312,421 cubic yards and an initial 10-year permit term and associated permitted capacity.

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As noted above, MN Statute § 473.823 prohibits permitting of MMSW disposal airspace that exceeds the amount certified through the CON process. Therefore, CON must align and be coordinated with permit quantities. MPCA issues solid waste permits for 10-year periods. Reissuance of a solid waste permit at 10-year intervals is a well-understood and transparent process. BSL can rely on a permit being reissued if it has remained in compliance with permit conditions. Conversely, since the CON approval process is neither well-understood nor transparent, it does not provide reliable assurance of uninterrupted operations.

It is critically important for efficient, orderly, and environmentally sound landfill development and operational practices as well as for conducting prudent business operations that permitted disposal airspace not be hindered by CON limitations. For example, the operation and orderly development of the site would be severely hampered if there was not certainty about operating beyond a current 10-year permit period. Likewise, BSL cannot bid on municipal waste collection and disposal contracts, most of which are for 3- to 5-year periods with some as long as 7 years, if it does not possess sufficient certified, permitted airspace to satisfy the contract term. This is most critical during the second half of a 10-year permit.

While BSL is requesting certification of 22,43,262 tons of MMSW disposal capacity with this application, it understands that a lesser amount may ultimately be issued. BSL asserts that it cannot efficiently and effectively conduct business or site operations without certainty of having at least 15 years of certified, permitted disposal airspace. To maintain compliant, normal operations, BSL envisions a leap-frog scenario will be required between permit cycles and CON cycles where at the start of a 10-year permit period it has sufficient certified need to cover at least 15 years of estimated MMSW tonnage. As the end of a current permit period approaches, BSL would simultaneously apply for permit renewal and certification of need for an additional 10 years of estimated MMSW tonnage so that the certified need extends at least five years past the next permit period. This will allow for normal business and site development to be conducted during the second half of the 10-year permit term with respect to contracting and site development and operations. Therefore, BSL has determined that the minimum certification of need under this application must be 5.8 million tons, the quantity estimated for first 15 years of operation of the proposed expansion (2023 through 2037), based upon the annual solid waste estimates described in Section 3 and tabulated in Table 1.

### **3.0 Annual Solid Waste Estimates**

The annual solid waste estimates to be managed at BSL during its design life, described below, are based upon projections that have been developed in conjunction with, and agreement by, MPCA as part of preparation of the SEIS for the proposed BSL expansion. A summary of annual MMSW estimates for disposal at BSL for the expansion design life period of 2023 through 2070, along with cumulative MMSW disposed and remaining CON status, is shown in the attached Table 1.

As described in the SEIS, MMSW disposed at BSL is projected to be 348,794 tons in year 2023, with an annual escalation of 5,484 tons, resulting in a total of 606,536 tons disposed in 2070. BSL has been diverting MMSW that would ordinarily be managed at BSL to other facilities since 2018 in order to preserve the limited remaining permitted capacity and meet contractual obligations, as well as to satisfy restriction-on-disposal requirements. This diversion is expected to continue into year 2022 or until all required permits for BSL's proposed expansion are in place and expansion capacity has been developed.

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When diversions cease, projected to be year 2023, BSL is projected to receive the above-stated 348,794 tons of MMSW for disposal. This starting point is based upon the pre-diversion disposal rate of 326,859 tons in 2017, plus annual escalation to 2023. As illustrated in Table 1, with the CON amount of 22,439,262 tons requested herein added in year 2023, the proposed expansion capacity and corresponding CON tonnage is consumed during year 2070.

#### **4.0 Origin of Waste**

The origin of MMSW projected to be managed at BSL for the CON tonnage requested herein is provided in this section. Two different methods for estimating the origin of waste are presented below. First, information provided by counties-of-origin is presented as required by Appendix D to the Policy Plan. Second, the origin of waste managed at BSL is presented in terms of recent actual waste receipt records.

##### **4.1 Projection Based Upon County-Furnished Information**

Based upon disposal records for years 2015 through 2019, 99.7% of MMSW disposed at BSL originated from the seven Twin Cities Metropolitan Area (TCMA) counties. The TCMA county solid waste master plans were therefore reviewed to determine if they provided information regarding specific quantities of waste designated to be managed by specific facilities. It was found that specific information was either not provided or was not current (i.e. was more than 5 years old). Therefore, letters from BSL were sent to each of the seven TCMA counties requesting that they provide estimates of MMSW to be managed at BSL over the next 10-, 15-, and 20-year time periods. Responses were received from all counties with information for a 10-year period from 2021 through 2030. The Counties did not provide estimates for longer time periods. The information they provided is summarized below and in Table 2. Copies of the response letters are provided as Appendix A.

Anoka, Carver, and Dakota counties provided annual estimates of MMSW tons generated within their counties that they projected would be managed at BSL. Scott County provided a 10-year total tonnage but not an annual breakdown. The total quantity of MMSW estimated by these four counties to be managed at BSL over the 10-year period from 2021 through 2030 is 1,071,891 tons.

It is noted that Dakota County provided two estimates for allocation to BSL, one where BSL is apportioned a quantity based upon Dakota County's historical records, and a second where a presently-unpermitted facility would be apportioned a share of BSL's apportionment. Since it would be speculative and conjectural to assume that the presently-unpermitted facility would achieve permitted status given the uncertainty of achieving local approvals and the years-long permitting process, the first apportionment is used herein to account for MMSW originating from Dakota County.

It is also noted that Scott County designated 322,241 tons of MMSW for management in years 2021-2030 by an unspecified landfill that is presumed to not presently exist, and certainly does not exist within the TCMA. This designation is speculative and conjectural. Historically, MMSW has been the most difficult category of solid waste for which to achieve local permits, and the time horizon for achieving permits is long. This issue is addressed further in Sections 4.2 and 6.0 below.

Hennepin, Ramsey, and Washington counties responded in a joint letter as the Partnership on Waste and Energy (joint powers board). The letter provides a breakdown of annual waste tonnage available for management by landfilling for the 10-year period from 2021 through 2030. Hennepin County indicated that 4,616,500 tons of MMSW would be available during this period for management by landfilling, but

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declined to designate any particular landfill facilities that might be utilized. Ramsey/Washington counties stated that 839,000 tons of MMSW would be available for management by landfilling during this period, and that under contractual obligation, they anticipate that 11,200 tons of MMSW will be managed by BSL during years 2021-2022. 663,700 tons is estimated to be destined for landfilling during years 2023-2030, is not presently contracted for management, and Ramsey Washington counties declined to speculate on which landfills might receive this waste.

Since Hennepin, Ramsey, and Washington counties declined to designate a quantity of MMSW to be managed at BSL, BSL has derived an estimate based upon the counties' estimates of total tonnage available for landfilling and recent disposal records for the percentages of total MMSW actually managed by BSL that originated in those counties. Based upon this derivation, it is estimated that BSL will manage 1,154,125 tons of Hennepin County's estimated 10-year total, and that BSL will manage 74,333 tons of Ramsey/Washington Counties' estimated total. Thus, using this combination of specific and derived information, it is estimated that BSL will manage 1,239,658 tons of MMSW from these counties (11,200 designated from Ramsey/Washington in 2021-2022 plus 1,154,125 from Hennepin County in 2021-2030 plus 74,333 tons from Ramsey Washington Counties in 2023-2030).

Based upon county-furnished information, the 10-year total MMSW quantity from TCMA counties estimated to be managed at BSL using the estimation methods described above is thus 2,579,612 tons. Although the TCMA counties did not provide estimates for longer periods, there is no county data to support a finding that BSL would receive less waste on annual basis beyond that 10-year window or through the 2036 end of the Policy Plan.

#### **4.2 Projection Based Upon Actual Waste Receipt Records**

An alternative method for estimating the origin of waste to be managed at BSL consists of the following steps:

- analyze recent waste receipt records actually received at BSL to determine the average percentage of total MMSW received at BSL that originated from each county
- utilize those same waste receipt records to project a realistic total annual estimate of MMSW tonnage likely to be received at the start of the period for which CON is requested
- evaluate published data to estimate a likely growth rate in generation of MMSW in the TCMA
- consider ongoing or imminent changes in the overall waste management system in the TCMA that affect land disposal rates, such as waste reduction and reuse reforms, waste processing improvements and opportunities, increasing trends in recycling and organics management, etc.

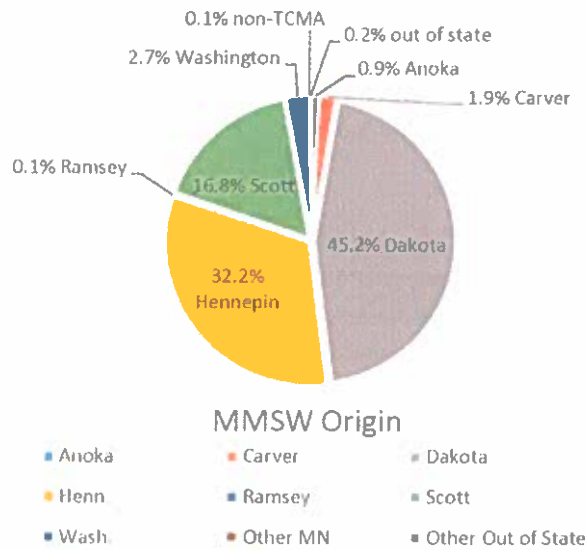
Each of these steps is addressed below.

##### **Percentage Received from Counties of Origin**

Waste receipt records from 2015 through 2019 indicate that approximately 94% of the MMSW received at BSL originated in Dakota, Hennepin, and Scott Counties, with most of the balance originating from the remaining four TCMA counties (plus 0.3% from out-state and out-of-state sources). The distribution of the origin of MMSW received at BSL is shown below.



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**Starting MMSW Tonnage**

As described in Section 3.0 above, it is estimated that 348,784 tons of MMSW will be received for management at BSL in year 2023. As mentioned above, this starting tonnage has been developed in conjunction with, and agreement by, MPCA as part of preparing an Alternatives Analysis for the above-mentioned SEIS.

**Disposal Growth Rate**

An annual growth rate in generation of MMSW requiring land disposal has been estimated at 1.68%, applied in a simple-interest manner (rather than compounding) starting in year 2023. This growth rate is calculated to amount to an annual increase in MMSW quantity to be managed at BSL of 5,484 tons. This growth rate was derived from the Policy Plan and was prescribed by MPCA for use in the alternatives analysis of the above-mentioned SEIS.

**Ongoing and Imminent Changes Affecting Land Disposal**

Ongoing and imminent changes that affect the demand for land disposal of MMSW manifest themselves in actual changes in demand. Trends indicate an increasing rather than decreasing demand for land disposal. MPCA’s own forecast for growth in MMSW generation indicates that source reduction and reuse will not keep pace with the population growth rate and that the tonnage of MMSW generated in the TCMA is increasing. A significant portion of the waste processing capacity serving the TCMA has been lost by the closure of the Great River Energy (GRE) Energy Recovery Facility (GRE-Elk River) in Elk River Minnesota, which invalidates substantial assumptions contained in the Policy Plan. Furthermore, the recently-adopted Goodhue County waste designation ordinance is estimated by the City of Red Wing to fully satisfy the capacity of the City’s waste processing plant. BSL has historically diverted MMSW from landfilling at BSL to the Red Wing processing plant to satisfy restriction-on-disposal requirements; that historical diversion is estimated to be added to future disposal tonnage at BSL.

Projected increases in recycling rates as described in the Policy Plan have not been achieved and recycling markets are being stressed at current recycling levels. Significant barriers to development and operation of organics composting operations are becoming apparent, mostly related to requirements for liners and contact-water management that affect the viability of organics composting operations. These and other factors are discussed in more detail in Section 5.0.

### **Alternative Estimate for Origin of Waste**

Land disposal of MMSW is largely controlled by market forces with a strong geographic influence, as well as strong influence by affiliation between waste collection/hauling companies and landfill companies. This is evidenced by the fact that 94% of MMSW received by BSL originates from within BSL's home county and two neighboring counties, and 99.7% originates from the seven TCMA counties. As such, BSL expects the distribution of the origin of waste in future years to remain similar to the recent past.

Using the recent percentage-distribution provided above and the annual solid waste estimates described in Section 3.0, an alternative distribution of the origin of MMSW quantities for each metropolitan county has been calculated. This alternative calculation estimates a total MMSW quantity to be managed at BSL for years 2021-2030 of 3,558,096 tons, compared with 2,579,612 tons based upon information provided by counties and estimates derived from that information. The increase of nearly 1,000,000 tons over that period is driven by closure of GRE-Elk River, increased MMSW generation through population and economic growth, and constraints on alternatives. Table 3 provides annual estimates and ten-year totals for MMSW tons estimated to be managed at BSL, distributed across the counties of origin according to the method described above.

A comparison of the 10-year total MMSW tonnage to be managed at BSL for these two methods of estimation is given in Table 4.

## **5.0 Alternatives**

Alternatives to the expanded land disposal capacity proposed by BSL, as described in the Policy Plan, include recycling, composting, resource recovery, and land disposal at other permitted facilities.

### **5.1 Recycling**

According to data from the Governor's Select Committee on Recycling and the Environment (SCORE), the recycling rate (including traditional recycling and organics diversion) for the TCMA for the year 2019 was 47.06 percent, and in the previous five years (2014-2018) ranged from 38.9% to 49.6%. This rate is significantly lower than the state-mandated recycling + organics goal of 75% by the year 2030. Recycling trends published in the Policy Plan suggest that the recycling goal must be considered speculative and conjectural rather than a feasible and prudent alternative to BSL's proposed land disposal capacity. There are both technological and economic barriers to significant increases in recycling rates above 50%. Recycling markets are driven by the purity of the recycled product.

Market purity demands have been increasing. Achieving higher purity is technologically challenging, because of the difficulty of removing the many forms of "contaminants" found in the stream of recyclables. (In this context, a "contaminant" is simply an unwanted material of any kind for a particular recyclable end-product). While increased subsidies for recycling may marginally reduce the amount of

contaminants in the recycling stream or create/support new markets, such efforts may only act to counterbalance the trends requiring increased purity.

Waste Management, one of largest recycling companies in the US, reports that the recycling industry is struggling to find ways to reduce their operational risks due to China's 2018 ban on 24 categories of solid waste. This includes paper, textiles and most plastics. Up until then, China had handled half of the world's recyclable waste, but the flood of contaminated materials at their processing centers created an environmental problem. This has led to a global shift in where and how materials are recycled. China's plastic imports fell by 99% and mixed paper by around a third. There are no substantive descriptions of technologies, incentives, or planned facilities in the Policy Plan that would support a conclusion of achieving recycling rates over 50% through 2036.

## **5.2 Composting**

Organics (food waste, non-recyclable paper products, yard waste) comprise approximately 30% of MMSW based on an MPCA statewide waste characterization study conducted in 2013. Composting of source-separated organics and yard waste has increased in the past 10 to 15 years, and Dakota County is home to source-separated organic material (SSOM) and yard waste compost facilities. Despite the progress made in organics diversion, TCMA composting and organics recovery rates continue to fall short of Policy Plan goals. This is primarily due to lack of SSOM composting capacity (there is currently one commercial SSOM composting facility that serves the TCMA), and development of additional capacity is hindered by a depressed market for SSOM compost. There are significant regulatory barriers to achieving improvements in the organics composting rate. Minnesota has promulgated liner and contact water management requirements that significantly increase the cost of operating a SSOM composting facility relative to a yard waste composting facility.

Yard waste composting is common throughout the TCMA. A yard waste facility is located next to BSL, and the businesses work collaboratively in identifying and managing materials that may be unacceptable at one facility but acceptable at the other. Disposal of yard waste in MMSW landfills is prohibited by law, unless approved the MPCA, so increases in yard waste composting are unlikely to affect the amount of MMSW that is landfilled.

## **5.3 Resource Recovery**

Three resource recovery facilities serve the TCMA. These include the Hennepin Energy Recovery Center (HERC) facility in Minneapolis, the Ramsey/Washington R&E Center in Newport, and a refuse-derived fuel (RDF) processing plant in Red Wing. The three resource recovery facilities have a combined permitted processing capacity of 895,000 tons per year. The previously mentioned GRE-Elk River facility closed in 2019 and stopped accepting MMSW for processing and resource recovery. This closure removes 547,000 tons per year of permitted resource recovery capacity from the TCMA waste management system, a loss that is not addressed in the Policy Plan. County Master Plans for 2018-2038 indicate that 971,000 tons of MMSW was delivered to the four resource recovery facilities that were operating in 2016. That amount exceeds the currently permitted capacity of the three resource recovery facilities remaining in the system. The resource recovery trend reported in the Policy Plan is not feasible given the current operating capacity in the TCMA.

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No new facilities are currently planned, and the TCMA counties do not forecast any additional resource recovery capacity through 2030. Furthermore, because of the capital and permitting requirements associated with resource recovery, installation of new capacity would be a multi-year process. Consideration of resource recovery as an alternative to the land disposal capacity proposed by BSL must be considered speculative and conjectural rather than feasible and prudent, at least through the duration of the current Policy Plan.

#### **5.4 Alternate Landfills**

BSL is one of four Minnesota landfills that accept TCMA MMSW, along with Pine Bend Landfill in Inver Grove Heights, Elk River Landfill in Elk River, and Spruce Ridge Landfill in Glencoe. Under normal market conditions (i.e. without current voluntary diversion) BSL accepts roughly one-third of the TCMA MMSW that is landfilled. Out-of-state landfills also receive a portion of the TCMA MMSW, and would likely receive a significant increase in disposal if waste is diverted from BSL. BSL already diverts some waste to other Waste Management Inc. landfills due to permitted capacity constraints at BSL. Diverting a high volume of MMSW to alternate landfills would involve significant logistical and transportation considerations and associated costs. Other impacts associated with out-of-state disposal include traffic and air emissions resulting from the additional trucking, as well as financial impacts for local and state programs due to loss of solid waste host fees and taxes.

The expanded MMSW land disposal capacity proposed by BSL accounts only for waste generated from within its current market area, and does not assume BSL will acquire additional market share from other TCMA landfills.

#### **6.0 Estimate of Errors**

BSL asserts that the annual solid waste estimate stated in Section 3.0, including the starting tonnage for 2023 and the annual growth rate, represent the most realistic forecast for the quantity of MMSW to be managed at BSL. The estimates are derived from actual data, reflect current trends, and have been developed in conjunction with, and agreement by, MPCA. The estimates are not based upon policies, goals, or aspirations that may be speculative or conjectural.

There are errors in the guidance to counties regarding achievement of MMSW management practices provided in the Policy Plan, primarily due to the fact that the Policy Plan is now over five years old, and many of the admirably-aspirational goals for MMSW management have not been updated to reflect the current status of MMSW management practices in the TCMA. As discussed, the most important change is the closure of GRE-Elk River. But further improvements to recycling and compost rates are also speculative given the market and regulatory constraints discussed above.

Information received from the TCMA counties in their response letters regarding origin of waste is generally reasonable and realistic, with the exception of certain elements of Dakota and Scott county responses which are discussed further below. County estimates for the quantity of waste forecast for generation is likely influenced by optimism and speculation regarding future achievement of landfill diversions goals imposed upon them by the Policy Plan. County attempts to designate a receiving landfill are fraught with peril because counties do not control such designation. Selection of a receiving landfill for waste collected in a county that is destined for landfilling is generally made by the collection/hauling company as influenced by market and affiliation forces, not by the county.

### **Dakota County**

BSL asserts that its estimates for the quantity of waste to be received from Dakota County is more realistic than the estimate provided in Dakota County's response letter. No attempt is made herein to analyze the methods and assumptions used by Dakota County in preparing its estimates. BSL's estimate provided in Section 4.2 above is based upon objective historical information and realistic assumptions about future trends. BSL asserts that use of Dakota County's alternative apportionment of 305,000 tons of MMSW to a presently-unpermitted facility would be a significant error in estimating the origin of waste from Dakota County to be managed at BSL.

Dakota County represents the largest single source of MMSW at BSL, and accounted for approximately 110,000 tons of MMSW disposal at BSL in 2019 – which reflects a year in which a substantial portion of all waste that would have been sent to BSL was diverted to other landfills due to capacity limitations. Although the 2018 ReTRAC form did not request county of origin data, using the average annual 45% of total waste received at BSL from Dakota County, the 2018 tonnage was approximately 144,000 tons prior to diversion. In 2017, the ReTRAC form stated the Dakota County portion as 43.37%, for an estimated 142,000 tons. In 2016, the ReTRAC form stated the Dakota County portion as 46.04%, for an estimated 143,000 tons. These amounts are significantly more than the amounts estimated by Dakota County. The response from Dakota County acknowledged that TCMA organics recycling is operating at current permitted capacity, and therefore growth in that method is capped at current levels. Given that MSW had been diverted from BSL in 2019 due to capacity constraints at BSL, it is expected that the MMSW tonnage will return to pre-diversion levels once the proposed landfill expansion receives all required approvals.

### **Scott County**

BSL asserts that there is a significant error in the Scott County estimate related to designation of a non-existent Dem Con MMSW landfill for receiving 40% of the MMSW available for landfilling from Scott County. This designation is purely speculative. BSL estimates that it controls (through hauling contracts) and would receive at least 50% of the MMSW quantity that Scott County has designated to the non-existent Dem Con landfill, and asserts that its estimate provided in Section 4.2 for MMSW to be received from Scott County is the most realistic estimate.

Scott County estimates that an average of 27,000 tons of MMSW per year would be disposed at BSL from 2021 through 2030. This is significantly less than the amounts received from Scott County during the period from 2016 through 2019, which ranged from 44,000 to 49,000 tons per year. A major factor in this reduction is Scott County's allocation of approximately 32,000 tons MMSW per year to Dem Con. Dem Con is not permitted to accept MMSW for disposal and would be subject to a multi year process of environmental review and state and local permitting if it wishes to permit a facility located in the TCMA to accept MMSW. It is therefore unrealistic for Scott County to allocate a portion of its anticipated MMSW generation to Dem Con.

### **7.0 Summary**

Shortfalls in achieving recycling and composting goals and a contraction in processing capacity result in an ongoing need for land disposal capacity for management of MMSW in the TCMA. The annual solid waste estimates presented in Section 3.0 represent the most realistic projection of future capacity needs

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at BSL. In order to provide ongoing dependable and responsible management of MMSW generated in the BSL service area, and for alignment and coordination of CON with BSL's solid waste permit, BSL requests that the MPCA certify the need for 22,439,262 tons of MMSW land disposal capacity at BSL.

## ***Tables***

**Table 1**  
**Annual Solid Waste Estimates and CON Utilization**  
**Burnsville Sanitary Landfill, SW-56**

Calculation Basis	Notes	
2019 MMSW disposed	245,100 Tons	
Remaining CON from 2005	1,205,001 Cubic Yards	As of Jan 1, 2020
MMSW density (tons/cubid yard)	0.95	
Remaining CON from 2005	1,144,751 Tons	
2020 CON request	22,439,262 Tons	

Date	Tons MMSW disposed during prior year	Cumulative MMSW tons	Remaining CON tons	Notes
1/1/2020	245,100	245,100	1,144,751	
1/1/2021	249,212	494,312	895,539	
1/1/2022	253,324	747,636	23,081,477	Add 2020 CON request
1/1/2023	257,436	1,005,072	22,824,041	2022 is last year of diversion
1/1/2024	348,794	1,353,867	22,475,246	
1/1/2025	354,278	1,708,145	22,120,968	
1/1/2026	359,762	2,067,907	21,761,206	
1/1/2027	365,246	2,433,153	21,395,960	
1/1/2028	370,730	2,803,883	21,025,230	
1/1/2029	376,214	3,180,097	20,649,016	
1/1/2030	381,698	3,561,794	20,267,318	
1/1/2031	387,181	3,948,976	19,880,137	
1/1/2032	392,665	4,341,641	19,487,472	
1/1/2033	398,149	4,739,790	19,089,323	
1/1/2034	403,633	5,143,423	18,685,690	
1/1/2035	409,117	5,552,540	18,276,573	
1/1/2036	414,601	5,967,141	17,861,972	
1/1/2037	420,085	6,387,225	17,441,888	
1/1/2038	425,568	6,812,794	17,016,319	
1/1/2039	431,052	7,243,846	16,585,267	
1/1/2040	436,536	7,680,382	16,148,731	
1/1/2041	442,020	8,122,402	15,706,711	
1/1/2042	447,504	8,569,906	15,259,207	
1/1/2043	452,988	9,022,894	14,806,219	
1/1/2044	458,472	9,481,365	14,347,748	
1/1/2045	463,955	9,945,320	13,883,792	
1/1/2046	469,439	10,414,760	13,414,353	
1/1/2047	474,923	10,889,683	12,939,430	



**Table 1 (continued)**  
**Annual Solid Waste Estimates and CON Utilization**  
**Burnsville Sanitary Landfill, SW-56**

<b>Date</b>	<b>Tons MMSW disposed during prior year</b>	<b>Cumulative MMSW tons</b>	<b>Remaining CON tons</b>	<b>Notes</b>
1/1/2048	480,407	11,370,090	12,459,023	
1/1/2049	485,891	11,855,981	11,973,132	
1/1/2050	491,375	12,347,355	11,481,758	
1/1/2051	496,859	12,844,214	10,984,899	
1/1/2052	502,342	13,346,556	10,482,557	
1/1/2053	507,826	13,854,382	9,974,730	
1/1/2054	513,310	14,367,692	9,461,420	
1/1/2055	518,794	14,886,486	8,942,626	
1/1/2056	524,278	15,410,764	8,418,349	
1/1/2057	529,762	15,940,526	7,888,587	
1/1/2058	535,246	16,475,771	7,353,341	
1/1/2059	540,729	17,016,501	6,812,612	
1/1/2060	546,213	17,562,714	6,266,399	
1/1/2061	551,697	18,114,411	5,714,702	
1/1/2062	557,181	18,671,592	5,157,521	
1/1/2063	562,665	19,234,257	4,594,856	
1/1/2064	568,149	19,802,405	4,026,707	
1/1/2065	573,632	20,376,038	3,453,075	
1/1/2066	579,116	20,955,154	2,873,959	
1/1/2067	584,600	21,539,754	2,289,358	
1/1/2068	590,084	22,129,838	1,699,274	
1/1/2069	595,568	22,725,406	1,103,706	
1/1/2070	601,052	23,326,458	502,655	
1/1/2071	606,536	23,932,994	-103,881	

**Table 2  
Origin of Waste Summary (tons MMSW)  
to be Managed at BSL Based Upon County Information**

County	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	10-yr Total	% of Total (incl DemCon)	% of Total (excl DemCon)
Anoka to BSL	1,415	1,457	1,501	1,546	1,592	1,640	1,689	1,740	1,792	1,846	16,218	0.6%	0.6%
Carver to BSL	8,517	8,641	8,766	8,891	9,015	9,127	9,238	9,350	9,462	9,573	90,580	3.5%	3.2%
Dakota to BSL	104,049	100,624	97,190	96,505	95,825	95,096	94,474	93,848	93,218	94,264	965,093	37.4%	34.4%
Hennepin (undesignated)	423,600	438,900	450,600	459,800	467,000	471,500	474,700	476,500	477,200	476,700	4,154,125	44.7%	41.2%
to BSL by historical %	105,900	109,725	112,650	114,950	116,750	117,875	118,675	119,125	119,300	119,175	1,120,000	0.4%	0.4%
Ramsey/Wash to BSL	5,600	5,600	5,600	5,600	5,600	5,600	5,600	5,600	5,600	5,600	56,000	0	0.0%
undesignated			87,200	86,600	85,700	84,500	83,000	81,200	79,000	76,500	743,333	2.9%	2.7%
to BSL by historical %			9,766	9,699	9,598	9,464	9,296	9,094	8,848	8,568	83,000	0	0
Scott to BSL	26,806	26,806	26,806	26,806	26,806	26,806	26,806	26,806	26,806	26,806	268,063	10.4%	10.4%
excluding DemCon allocation	49,044	49,044	49,044	49,044	49,044	49,044	49,044	49,044	49,044	49,044	490,437		17.5%
<b>Total (including Scott Co. allocation to DemCon)</b>	<b>252,287</b>	<b>252,853</b>	<b>256,679</b>	<b>258,397</b>	<b>259,586</b>	<b>260,008</b>	<b>260,178</b>	<b>259,963</b>	<b>259,426</b>	<b>260,232</b>	<b>2,579,612</b>	<b>100.0%</b>	<b>100.0%</b>
<b>Total (excluding Scott Co. allocation to DemCon)</b>	<b>274,525</b>	<b>275,091</b>	<b>278,917</b>	<b>280,635</b>	<b>281,824</b>	<b>282,246</b>	<b>282,416</b>	<b>282,201</b>	<b>281,664</b>	<b>282,470</b>	<b>2,801,986</b>		<b>100.0%</b>

Note: Hennepin and Ramsey/Wash. Co. annual distributions and 10-year totals include "to BSL" line based upon historical percentages received since facility-specific allocation was not provided  
 Note: Scott Co. provided a speculative and conjectural allocation to DemCon; DemCon does not have a permitted metro MMSW landfill. "excluding DemCon" line reallocates tonnage to BSL.

Table 3

**Origin of Waste Summary (tons MMSW)  
to be Managed at BSL Based Upon SEIS Projection and Historical Percentages**

County	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	10-yr Total	% of Total
Anoka to BSL	2,764	2,764	3,139	3,189	3,238	3,287	3,337	3,386	3,435	3,485	32,023	0.9%
Carver to BSL	5,835	5,835	6,627	6,731	6,835	6,940	7,044	7,148	7,252	7,356	67,604	1.9%
Dakota to BSL	138,807	138,807	157,655	160,134	162,612	165,091	167,570	170,049	172,527	175,006	1,608,259	45.2%
Hennepin to BSL	98,885	98,885	112,312	114,078	115,843	117,609	119,375	121,141	122,907	124,673	1,145,707	32.2%
Ramsey/Washington to BSL	8,599	8,599	9,766	9,920	10,073	10,227	10,380	10,534	10,688	10,841	99,627	2.8%
Scott to BSL	51,285	51,285	58,249	59,164	60,080	60,996	61,912	62,828	63,744	64,659	594,202	16.7%
Out-State & Out-of-State to BSL	921	921	1,046	1,063	1,079	1,096	1,112	1,129	1,145	1,162	10,674	0.3%
<b>Total</b>	<b>307,096</b>	<b>307,096</b>	<b>348,794</b>	<b>354,278</b>	<b>359,762</b>	<b>365,246</b>	<b>370,730</b>	<b>376,214</b>	<b>381,698</b>	<b>387,182</b>	<b>3,558,096</b>	<b>100.0%</b>

**Table 4**  
**Origin of Waste Comparison**  
**County-Furnished Info vs. SEIS Projection/Historical Info**  
**10-Year Total MMSW Tons to BSL**

<b>County</b>	<b>County Info</b>	<b>SEIS/Historical</b>	<b>Difference</b>
Anoka	16,218	32,023	15,805
Carver	90,580	67,604	-22,976
Dakota	965,093	1,608,259	643,166
Hennepin (w/hist. % to BSL)	1,154,125	1,145,707	-8,418
Ramsey Wash (w/hist. % to BSL)	85,533	99,627	14,094
Scott	268,063	594,202	326,139
<b>Total</b>	<b>2,579,612</b>	<b>3,547,422</b>	<b>967,810</b>

**Appendix A**

***TCMA County Responses***

December 30, 2020

Mr. Michael Miller  
Senior District Manager  
Burnsville Sanitary Landfill  
2650 West Cliff Road  
Burnsville, MN 55337

Re: Burnsville Sanitary Landfill – Certificate of Need

Dear Mr. Miller:

As a follow-up to your letter regarding a certificate of need (CON) request for the prospective expansion of the Burnsville Sanitary Landfill, Anoka County understands the closing of the Great River Energy Waste-to-Energy Facility caused waste collected within the county by Waste Management and waste generated within the County and delivered to the Waste Management Transfer Station in Blaine to be diverted for disposal at municipal solid waste (MSW) landfills within Minnesota as well as outside of the state borders.

As per the 2018 Anoka County Solid Waste Management Master Plan, it is the policy of Anoka County that landfills are a necessary component of an integrated solid waste management system. Sufficient landfill capacity should be available to:

- manage solid wastes that cannot be reduced, reused, recycled, composted or processed;
- operate an efficient regional solid waste management system; and
- manage waste in the event of unscheduled facility shutdowns, abatement market downturns, or catastrophic events.

While the County supports a market approach, in order to minimize the County's long-term liability with waste generated within the County, it is preferred for MSW generated within Anoka County be disposed of at MSW Landfills within Minnesota to ensure all disposal facilities are meeting the Minnesota Pollution Control Agency (MPCA) minimum permit requirements for construction, operation, closure and monitoring. The County is working diligently to meet our goals to divert as much waste from MSW landfills as possible. It is the understanding of the County all other waste-to-energy facilities are currently operating at capacity. We estimate between 2021 and 2030, 1414.62 - 1845.74 tons of MSW per year from Anoka County (which has historically been disposed of at Burnsville Sanitary Landfill) could be disposed of at the Burnsville Sanitary Landfill in Burnsville if/when a permit is approved.

Anoka County prefers the unprocessable MSW be disposed of within the State of Minnesota boundaries, we anticipate the Burnsville Sanitary Landfill to meet a portion of our MSW disposal needs. In the event new or additional MSW processing capacity serving the Metropolitan Area becomes available, the County maintains the management of MSW generated in the County follows the waste management hierarchy and applicable restrictions on disposal.

Anoka County reviewed historical data of the amounts of MSW disposed of at the Burnsville Sanitary Landfill in Burnsville as well as factored in a theoretical portion of what had been going to processing to now be managed at the Burnsville Sanitary Landfill. Also included in the analysis was an assumed 3% rate of growth due to population increases, etc. as is consistent with the estimates provided to the Minnesota Pollution Control Agency.

As such, Anoka County anticipates the following volumes to be available to go to the Burnsville Sanitary Landfill:

Waste Flows	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Tons	1414.62	1457.06	1500.77	1545.79	1592.17	1636.93	1686.13	1739.8	1791.99	1845.74

Please feel free to call or email Alison Peterson, Anoka County Environmental Services Manager if you have any further needs.

Sincerely;

Anoka County Board of Commissioners



**Office of County Commissioners**  
Carver County Government Center  
Human Services Building  
602 East Fourth Street  
Chaska, MN 55318-1202  
Phone: 952 361-1510  
Fax: 952 361-1581

December 15, 2020

Michael Miller  
Senior District Manager  
Burnsville Sanitary Landfill, Inc.  
2650 West Cliff Road  
Burnsville, MN 55337

**Re: Burnsville Sanitary Landfill, Inc. – Certificate of Need**

Dear Mr. Miller:

This letter is in response to Waste Management's letter dated October 30, 2020 requesting information pertaining to municipal solid waste (MSW) management in Carver County. In accordance with the Metropolitan Solid Waste Management Policy Plan, Carver County has prepared its best estimate of MSW tonnages available for management at Burnsville Sanitary Landfill from 2021 through 2030.

Carver County is committed to protecting and improving the environment and the quality of life within the County through the implementation of the 2018-2038 Carver County Solid Waste Management Master Plan (Master Plan). The overall objective of the Master Plan is to manage MSW consistent with the waste management hierarchy, which identifies waste reduction, recycling, and the processing of waste as preferred methods over land disposal. While it is our goal to divert waste from land disposal, the County understands the role that land disposal plays for the current and future management of municipal solid waste.

Forecast models generated by the Minnesota Pollution Control Agency (MPCA) estimate that Carver County will need enough local land disposal capacity to properly dispose of approximately 566,121 tons of unprocessable MSW from 2021 through 2030. To determine the best estimate of MSW available for management at Burnsville Sanitary Landfill for that time period, the County analyzed information provided by Waste Management as well as historical data provided by haulers and disposal facilities.

Waste Management indicated that from 2014-2019, approximately 2.23% of the waste managed at Burnsville Sanitary Landfill originated from Carver County. Waste Management applied this percentage to waste forecasts they developed in conjunction with and in agreement by the MPCA for the Burnsville Sanitary Landfill expansion and estimated approximately 83,359 tons of Carver County MSW would be available for management at Burnsville Sanitary Landfill from 2023-2032.

Carver County utilized data from the MPCA ReTRAC data management system to determine the percentage of Carver County MSW managed by Waste Management Burnsville. Based on this data, approximately 16% of Carver County waste was managed by Waste Management Burnsville in 2019. When applying this percentage to the waste forecasts developed by the MPCA, the County estimated that approximately 98,971 tons of Carver County MSW would be available for management at Burnsville Sanitary Landfill from 2021-2030. This estimate does not include the approximately 13% that was managed by Waste Management Winsted in 2019. Historically, Waste Management Winsted delivers MSW to Spruce Ridge Landfill in McLeod County.



Year	WM Estimates (tons)	Carver County Estimates (tons)	
	Total MSW for Burnsville Sanitary Landfill	Total MSW Available for Land Disposal	Total MSW for Burnsville Sanitary Landfill
2021	Not Provided	53,229	8,517
2022	Not Provided	54,008	8,641
2023	7,785	54,787	8,766
2024	7,907	55,566	8,891
2025	8,030	56,345	9,015
2026	8,152	57,042	9,127
2027	8,275	57,740	9,238
2028	8,397	58,437	9,350
2029	8,519	59,135	9,462
2030	8,642	59,832	9,573
2031	8,764	Not Provided	Not Provided
2032	8,887	Not Provided	Not Provided
2021-2030	N/A	566,121	98,971
2023-2032	83,358	N/A	N/A

The County would like to point out that MSW collection and disposal within Carver County is entirely managed by private entities. The County does not control or require all or a portion of MSW to be delivered to a designated waste management facility. Therefore, the estimates Carver County provided could change greatly between 2021 and 2030 depending on private business decisions within the waste industry.

To help minimize our long-term liability with our waste (“cradle to grave” responsibility), the County would like to see our waste stay within Minnesota to ensure all disposal facilities are meeting the MPCA minimum permit requirements for construction, operation, closure and monitoring. Additionally, Carver County supports utilizing local facilities to minimize energy resources and environmental impacts of transporting waste for disposal.

If new or additional MSW processing capacity serving the Metropolitan Area becomes available, the County maintains that the management of the MSW generated in the County follows the waste management hierarchy and applicable restrictions on disposal.

Please contact Brad Hanzel at 952-361-1805 or [bhanzel@co.carver.mn.us](mailto:bhanzel@co.carver.mn.us) if you have questions or require additional information.

Sincerely,



James Ische  
Carver County Board of Commissioners, Chair

Cc: Greg Boe, Carver County Environmental Services  
Brad Hanzel, Carver County Environmental Services  
Peder Sandhei, MPCA



December 15, 2020

Michael Miller  
Burnsville Sanitary Landfill  
2650 West Cliff Road  
Burnsville, MN 55337

Re: Certificate of Need letter request

Dear Mr. Miller:

Per your request on October 30, 2020, Dakota County has prepared an estimate of the amount of municipal solid waste (MSW) that will be generated within Dakota County over the next ten years (2021-2030), and the amount of that waste that will be available for management at the Burnsville Sanitary Landfill (BSL) during that same time period.

Estimates for the total amount of MSW that will be generated in Dakota County over the next ten years were based on population forecasts and current per capita waste generation rates.

Waste diversion from land disposal estimates were based on successful implementation of the strategies and tactics detailed within the 2018–2038 Dakota County Solid Waste Master Plan (SWMP). The estimated diversion used for these calculations did not include any increase in organics diversion due to a lack of current capacity in the Twin Cities Metropolitan Area to accept those increased quantities.

The difference between the estimated total waste generated and the estimated waste diverted provides the total amount of waste that will need to be managed across all landfills from 2021 to 2030.

SKB Environmental, Inc. (SKB) has also requested a Certificate of Need (CON), with a commitment from a local hauler for 30,500 tons of MSW per year. This hauler currently disposes of waste at the Burnsville Sanitary Landfill. SKB does not currently receive Dakota County generated MSW; therefore, the success of their CON

County Board of Commissioners

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application is unknown. To address this uncertainty, Dakota County has prepared two estimates.

BSL is apportioned 53.58% of the MSW generated in Dakota County based on historical receipts. The first estimate assumes BSL receives this full apportionment of 965,093 tons of MSW generated in Dakota County over the next ten years. The second estimate assumes SKB receives CON resulting in a reduced apportionment to BSL to 660,093 tons of Dakota County generated MSW over the next ten years. See the table below for details:

Dakota County MSW Estimates (all values are in tons)

Year	Total MSW	Waste to Energy	Recycling	Organics	Landfill	BSL Allocation	BSL Allocation with SKB CON
2021	467,907	13,000	158,770	101,944	194,193	104,049	73,549
2022	471,290	13,000	168,544	101,944	187,802	100,624	70,124
2023	474,674	13,000	178,338	101,944	181,392	97,190	66,690
2024	478,056	13,000	182,998	101,944	180,114	96,505	66,005
2025	481,440	13,000	187,651	101,944	178,845	95,825	65,325
2026	484,339	13,000	191,911	101,944	177,484	95,096	64,596
2027	487,238	13,000	195,971	101,944	176,323	94,474	63,974
2028	490,137	13,000	200,038	101,944	175,155	93,848	63,348
2029	493,035	13,000	204,112	101,944	173,979	93,218	62,718
2030	495,933	13,000	205,057	101,944	175,932	94,264	63,764
<b>TOTAL</b>	<b>4,824,049</b>	<b>130,000</b>	<b>1,873,390</b>	<b>1,019,440</b>	<b>1,801,219</b>	<b>965,093</b>	<b>660,093</b>

If you have questions regarding this letter, please contact Georg T. Fischer, Dakota County Environmental Resources Department Director, at 952-891-7554 or [georg.fischer@co.dakota.mn.us](mailto:georg.fischer@co.dakota.mn.us).

Sincerely,

Mike Slavik  
Chair, Dakota County Board of Commissioners

County Board of Commissioners





**PARTNERSHIP ON  
WASTE AND ENERGY**  
HENNEPIN | RAMSEY | WASHINGTON

December 14, 2020

Michael Miller  
Senior District Manager  
Burnsville Sanitary Landfill, Inc.  
2650 West Cliff Road  
Burnsville, MN 55337

Dear Michael Miller,

The Partnership on Waste & Energy (PWE) is a joint powers board between Hennepin County and Ramsey/Washington Recycling & Energy (R&E). PWE includes Hennepin, Ramsey, and Washington counties and collaborates in areas of waste and energy management.

The PWE is submitting this letter on behalf of the three counties pertaining to the Minnesota Pollution Control Agency's (MPCA) notice of intent to accept certificate of need (CON) requests from Twin Cities metropolitan area landfills. Under state law, a CON request by a landfill must include annual solid waste estimates and the origin of waste from each county or waste management district.

Hennepin, Ramsey, and Washington counties support the policy goals of the Waste Management Act and the solid waste management hierarchy. The counties developed their 2018 Solid Waste Management Master Plans to make progress toward the goals in state statute and the objectives in the Metropolitan Solid Waste Management Policy Plan. The master plans and annual progress reports demonstrate each county's commitment to public health and the environment.

#### **Hennepin County**

Hennepin County has estimated the total amount of mixed municipal solid waste (MMSW) to be generated annually in the county from 2021 through 2030. The county estimates that 365,000 tons per year of MMSW will be managed at Hennepin Energy Recovery Center (HERC) for resource recovery and an additional 60,000 tons per year of MMSW will be managed at the county's Brooklyn Park Transfer Station (BPTS).

The remaining tons of MMSW will be managed in the private system. The MPCA is in the best position to determine how those remaining tons should be allocated by facility for the purposes of Certificate of Need requests. The MPCA has access to statewide waste data, an in-depth knowledge of landfill permits, and a holistic perspective on capacity needs. In addition, it is the MPCA's responsibility to ensure the orderly and deliberate development of facilities, including landfills.

**PARTNERSHIP ON WASTE AND ENERGY**  
HENNEPIN | RAMSEY | WASHINGTON

2785 White Bear Avenue North, Suite 350 | Maplewood, MN 55109  
info@morevaluesstrash.com | 651-266-1199

**Hennepin County Tonnage Estimates**

<b>Year</b>	<b>MMSW Generated</b>	<b>Resource Recovery at HERC</b>	<b>Tons Available for Landfill</b>	<b>BPTS to Landfill</b>	<b>Private System to Landfill</b>
2021	848,600	365,000	483,600	60,000	423,600
2022	863,900	365,000	498,900	60,000	438,900
2023	875,600	365,000	510,600	60,000	450,600
2024	884,800	365,000	519,800	60,000	459,800
2025	892,000	365,000	527,000	60,000	467,000
2026	896,500	365,000	531,500	60,000	471,500
2027	899,700	365,000	534,700	60,000	474,700
2028	901,500	365,000	536,500	60,000	476,500
2029	902,200	365,000	537,200	60,000	477,200
2030	901,700	365,000	536,700	60,000	476,700

**Ramsey/Washington Recycling & Energy**

All MMSW generated in Ramsey and Washington counties is designated through county ordinance to the Ramsey/Washington Recycling & Energy Center (R&E Center) located in Newport, MN. A percentage of that waste is non-processible or residual and needs to be disposed of at a landfill.

Ramsey and Washington counties’ Joint Waste Designation Plan was approved by the MPCA in 2017 and includes waste projections for the counties through the R&E Center system. While adjustments are made as new data comes in such as from annual SCORE reports, the counties and R&E continue to base waste projections and future plans on these waste designation projections.

Ramsey and Washington counties have estimated the total amount of MMSW to be generated from the two counties annually from 2021 through 2030, as well as the estimated annual amounts to be managed at the R&E Center for processing. The remaining MMSW is estimated for waste needed to be disposed in landfills for the two counties in the table below.

R&E currently contracts with Burnsville Sanitary Landfill and with BFI Waste Systems of North America dba Pine Bend with agreements through 2022. Tonnages in 2021 and 2022 are estimated based on the proportion of landfilled waste delivered to each landfill facility in 2019. After 2022, the estimated annual tonnage is shown as total landfill capacity needed, and is not identified by landfill facility. R&E cannot identify estimated quantities by landfill facility after 2022, as new landfill agreements will need to be solicited. In selecting landfills for contracts, Ramsey and Washington counties, through R&E, will take into consideration a number of elements, such as long-term environmental liability; facility compliance with federal, state and local regulations; operating factors such as hours of operation and services offered at the site; transportation costs; and general risk associated with the landfill.

**Ramsey and Washington Counties Tonnage Estimates**

<b>Year</b>	<b>Burnsville Sanitary Landfill est.</b>	<b>BFI Waste Systems of North America dba Pine Bend est.</b>	<b>Total Landfill Tons</b>
2021	5,600	82,100	87,700
2022	5,600	82,000	87,600
2023			87,200
2024			86,600
2025			85,700
2026			84,500
2027			83,000
2028			81,200
2029			79,000
2030			76,500

Please contact Dave McNary, Hennepin County at 612-348-5906, Zack Hansen, Ramsey County at 651-266-1160 or Nikki Stewart, Washington County at 651-430-6713 with questions.

Sincerely,



Commissioner Debbie Goettel, Hennepin County  
Chair, Partnership on Waste and Energy



Commissioner Fran Miron, Washington County



Commissioner Victoria Reinhardt, Ramsey County



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**SCOTT COUNTY  
COMMUNITY SERVICES DIVISION  
ENVIRONMENTAL SERVICES DEPT  
200 FOURTH AVE W  
SHAKOPEE, MN 55379-1220  
(952) 496-8475 Fax: (952) 496-8496**

December 23, 2020

Mr. Michael Miller  
Senior District Manager  
Burnsville Sanitary Landfill, Inc.  
2650 West Cliff Road  
Burnsville, MN 55337

Re: Burnsville Sanitary Landfill – Certificate of Need

Dear Mr. Miller:

Scott County is working to divert as much waste as possible from Mixed Municipal Solid Waste (MSW) landfills as outlined in the 2018 Solid Waste Management Plan to achieve the 75% recycling goal by 2030 consistent with the 2016 Metro Solid Waste Management Plan. However, we understand the need to properly manage our current and future MSW waste.

Scott County would prefer our waste stay within Minnesota to ensure all disposal facilities meet the Minnesota Pollution Control Agency (MPCA) minimum permit requirements for construction, operation, closure and monitoring. In addition, the County prefers to manage MSW from Scott County in the most economically feasible manner.

We understand that landfills applying for a Certificate of Need must provide a letter from the County as a part of the application expressing where the County prefers the waste to be landfilled, and the amount that would go to each facility (see table below).

Although Scott County does not mandate where to dispose of unprocessable MSW, Scott County prefers that waste to be disposed of within the State of Minnesota boundaries. We expect DEMCON Companies, Pine Bend Landfill, and Burnsville Sanitary Landfill will meet our MSW disposal needs.

The MPCA estimates Scott County will need enough local landfill capacity to properly dispose of approximately 808,635 tons of unprocessable MSW through 2030.

Traditionally, roughly 78% of MSW generated in Scott County has been landfilled at either the Burnsville or Pine Bend Landfills, about 19% was transferred to Spruce Ridge, and approximately 4% went to other landfills in the state or region.

We estimate that the Pine Bend Landfill will continue to manage approximately 100% of the total MSW that their companies collect and haul from Scott County for disposal. In 2019, this amounted to approximately 20% of all Scott County MSW landfilled.

Burnsville Landfill, sited just outside Scott County, is estimated to continue to manage approximately 100% of the total MSW that their companies collect and haul from Scott County for disposal. This was determined to be approximately 18% of all Scott County MSW landfilled.

We estimated that Dem-Con Companies, *if permitted*, would receive in the future a similar percentage of the total waste that they usually manage through their MSW Transfer Station. In 2019, Dem-Con's MSW Transfer Station accepted approximately 25% of all Scott County MSW for transfer that needed to be landfilled.

There is still 37% of Scott County's landfilled waste unaccounted for that will ultimately need to go to area landfills. We estimated that a new MSW landfill permitted in Scott County and the Burnsville landfill would receive a larger percentage (approximately 15% each) of the remaining waste due to their location. We estimated that Pine Bend would receive the smallest portion of the remainder, approximately 7%.

As such, we estimate the following volumes of Scott County MSW waste would go to the three local Companies who have requested a letter from Scott County.

Waste Flows Tons	% MSW estimated to be disposed of at each landfill	Total Tons Capacity needed through 2030 at each landfill for Scott County MSW
DEMCON Companies	40%	322,241.05
Burnsville Sanitary Landfill	33%	268,062.50
Pine Bend Landfill	27%	218,331.45

In the event that new or additional MSW processing capacity serving the Metropolitan Area becomes available, the County prefers that the management of the MSW generated in the County follow the waste management hierarchy and applicable restrictions on disposal if required.

Sincerely,



Kate Sedlacek  
Environmental Services Manager  
Scott County

Attachment: Signed and certified copy of Board Resolution No. 2020-242