

**STATE OF MINNESOTA
POLLUTION CONTROL AGENCY**

In the Matter of the Adoption of the
Metropolitan Solid Waste Management Policy
Plan 2010-2030

**FINDINGS OF FACT,
CONCLUSIONS,
AND ORDER**

FINDINGS OF FACT

AUTHORITY

1. Pursuant to Minn. Stat. § 473.149, subd. 1, the Commissioner of the Minnesota Pollution Control Agency (MPCA) has authority to revise the Metropolitan Solid Waste Management Policy Plan (Policy Plan).
2. After adoption of the Policy Plan, the MPCA Commissioner is required by Minn. Stat. § 473.149, subd. 6 and Minn. Stat. § 115A.411, subd. 1 to report to the Legislature as part of the MPCA Solid Waste Management Policy Report.

SUMMARY OF THE POLICY PLAN

3. The Policy Plan is the plan for managing solid waste in the seven-county Metropolitan Area. This revision to the Policy Plan is for the years 2010 through 2030. The Policy Plan was prepared by the MPCA in consultation with the metropolitan counties.
4. The Policy Plan sets forth a vision of sustainability and assumes that all stakeholders have a responsibility to ensure that solid waste is managed in a manner that protects the environment and public health and conserves resources.
5. One of the key themes of the Policy Plan is that fundamental change, in the form of accountability and use of effective tools, is necessary among the stakeholders responsible for solid waste management in the Metropolitan Area, if the region is to continue to move beyond current trends and meet the goals of the Waste Management Act.
6. The Policy Plan includes a Metropolitan System Plan for 2010-2030, which sets specific numerical objectives for land disposal abatement and solid waste management as required by Minn. Stat. § 473.149, subds. 2d. and 2e. The Policy Plan also identifies potential strategies to achieve the objectives. The Metropolitan System Plan promotes aggressive goals that support the upper end of the waste management hierarchy in Minn. Stat. § 115A.02.

7. The Policy Plan describes the tools that the MPCA and metropolitan counties will use to implement the Plan and monitor the progress toward meeting the objectives in the Metropolitan System Plan
8. The Policy Plan places an emphasis on a regional approach to solid waste management in order to gain efficiencies, better manage the flow of waste and spread economic risks over a larger generator base. The Policy Plan calls for an analysis to evaluate and recommend key issues for consideration regarding regional governance of solid waste management in the Metropolitan Area.
9. The Policy Plan Appendices include an overview of the Metropolitan Area's current solid waste management system; an executive summary of the Integrated Solid Waste Management Stakeholder Process; the Policy Plan's predrafting notice; and review criteria for MPCA's approval authorities. MPCA is authorized to approve solid waste facility permit applications; solid waste supply and processing contracts; waste district proposals; waste designation proposals; landfill certificates of need proposals; county annual and waste certification reports; and county solid waste master plans.

THE POLICY PLAN PREPARATION PROCESS

10. A Predrafting Notice for the Policy Plan was published in the *State Register* on December 29, 2008 in accordance with the requirements of Minn. Stat. § 473.149, subd. 3(c). The Predrafting Notice described the anticipated contents of the Policy Plan. The Predrafting Notice solicited comments from the public. The public comments were taken into consideration in the preparation of the draft Policy Plan.
11. On September 13, 2010, the MPCA Commissioner published in the *State Register* a notice of the draft Policy Plan in accordance with the requirements in Minn. Stat. § 437.149, subd. 3(d) and solicited public comments on the draft Policy Plan. The notice contained a summary of the draft Policy Plan; locations where the draft Policy Plan could be reviewed; notice of the public meeting on the draft Policy Plan; information on how to obtain a copy of the draft Policy Plan; and where to send comments on the draft Policy Plan. The notice stated that written comments would be accepted on the draft Policy Plan from September 13 through November 15, 2010.
12. Copies of the draft Policy Plan were also posted on the MPCA's website for public review (www.pca.state.mn.us) and mailed to solid waste industry officials, representatives of cities and counties; environmental groups; citizens groups and other interested parties who submitted their names and addresses to the MPCA.
13. On October 14, 2010, the MPCA Commissioner held a public meeting to receive public comments on the revisions to the draft Policy Plan. The public meeting was held at the MPCA St. Paul Office, 520 Lafayette Road North, St. Paul. At the

meeting, the public was invited to speak, to ask questions, and to provide written comments on the draft Policy Plan.

14. The MPCA received 46 written comments on the draft Policy Plan.
15. Pursuant to Minn. Stat. § 473.140, subd. 3(e), the MPCA prepared a Response to Public Comments on the Draft Metropolitan Solid Waste Policy Plan 2010-2030 that addresses issues raised in the written comments received on the draft Policy Plan. The response included an analysis of the issues raised and a response to the comments, including whether and how the MPCA Commissioner intended to change the draft Policy Plan in response to the comments. The preparation of the final Policy Plan took into consideration the public comments received on the draft Policy Plan. A copy will be made available to the public and sent to all persons who commented on the draft Policy Plan and other interested parties.

CONCLUSIONS

- A. The MPCA Commissioner has authority to revise the Metropolitan Solid Waste Management Policy Plan (Policy Plan) under Minn. Stat. § 473.149, subd. 1 (2010).
- B. The revised Policy Plan satisfies the content requirements of Minn. Stat § 473.149 (2010).
- C. The MPCA Commissioner followed procedures in Minn. Stat. § 473.149, subd. 3, in the preparation, revision, and adoption of the Policy Plan.
- 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. § 473.149, subd. 1, I do hereby adopt the Metropolitan Solid Waste Management Policy Plan 2010-2030.

4/6/2011
Dated: _____

Paul W. Aasen
Paul Aasen
Commissioner, MPCA