

**STATE OF MINNESOTA
POLLUTION CONTROL AGENCY**

In the Matter of the Adoption of the
Metropolitan Solid Waste Management Policy Plan
2016-2036

**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 2016 through 2036. The Policy Plan was prepared by the MPCA after consultation with Metropolitan counties as required by Minn. Stat. § 473.149, subd. 3.
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 2016-2036, which sets specific numerical objectives for land disposal abatement and solid waste management as required by Minn. Stat. § 473.149, subs. 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, Metropolitan counties, cities and towns, and other stakeholders will use to implement the Policy Plan and monitor the progress toward meeting the objectives in the Metropolitan System Plan.

8. The Policy Plan appendices include an overview of the Twin Cities Metropolitan Area’s current solid waste management system (Appendix A); an environmental justice review (Appendix B); the Policy Plan’s predrafting notice (Appendix C); procedures, standards, and review criteria for MPCA’s approval authorities (Appendix D); a glossary of terms (Appendix E); the methodology used for waste forecasting and analysis of waste composition (Appendix F); a strategy implementation table (Appendix G); MPCA’s response to public comments received on the draft Policy Plan (Appendix H); and comment letters on the draft Policy Plan (Appendix I). MPCA is authorized under Minn. Stat. chs. 115A, 116, and 473 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 under the procedures, standards and review criteria in Appendix D.

THE POLICY PLAN PREPARATION PROCESS

9. A Predrafting Notice for the Policy Plan was published in the *State Register* on August 20, 2015, 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.
10. On July 11, 2016, 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 meetings 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 July 11 through September 16, 2016.
11. The draft Policy Plan was also posted on the MPCA’s website for public review (www.pca.state.mn.us) and shared with stakeholders through MPCA’s distribution lists.
12. On August 10 and August 11, 2016, the MPCA Commissioner held public meetings to receive public comments on the revisions to the draft Policy Plan. The public meetings were held at the MPCA’s St. Paul Office, 520 Lafayette Road North, St. Paul and at the Minneapolis Urban League, 2100 Plymouth Ave N, Minneapolis, respectively. At the meetings, the public was invited to speak, to ask questions, and to provide written comments on the Policy Plan.
13. The MPCA received 36 written comment letters and 326 individual comments on the Policy Plan.
14. The MPCA prepared a Response to Public Comments on the Policy Plan that responded to the written comments received on the 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. The MPCA’s Responses to Public Comments are contained in Appendix H.

CONCLUSIONS

- A. The MPCA Commissioner has authority to revise the Policy Plan under Minn. Stat. § 473.149, subd. 1 (2016).
- B. The revised Policy Plan satisfies the content requirements of Minn. Stat § 473.149 (2016).
- 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 2016-2036.

A handwritten signature in black ink that reads "John Linc Stine". The signature is written in a cursive, slightly slanted style.

Dated: 4/6/17

John Linc Stine
Commissioner, MPCA