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September 15, 2023

Minnesota Pollution Control Agency
520 Lafayette Road N
St. Paul, MN 55155

RE: Metropolitan Solid Waste Policy Plan 2022-2042

To whom it may concern,

I am writing in response to the draft of the *Metropolitan Solid Waste Policy Plan 2022-2042* on behalf of Morrison County. While this plan does not directly affect Morrison County or Greater Minnesota, the County felt it appropriate to respond since metropolitan policies often become statewide policies.

The County specifically wishes to address concerns with “Standards/criteria for approval of solid waste facility permits as consistent and in accordance with the MPP” and “Procedures for obtaining MPCA CON for landfills in the Metropolitan Area” which is contained in “Appendix D: Procedures, standards, and criteria”. In Morrison County’s views and experience, plan timelines, while ideal, do not accurately reflect actual timelines and processes. In addition, the plan fails to address some of the existing flaws with the landfill certificate of need (CON) and permitting processes.

“Standards/criteria for approval of solid waste facility permits as consistent and in accordance with the MPP” within Appendix D begins with the requirement that the MPCA commissioner will determine whether a permit is consistent with the MPP within 90 days. In Morrison County’s experience, the 90-day timeline represents an ideal but not actual timeline for approval or rejection of a permit. In addition, the plan fails to specify what happens should the MPCA fail to meet the 90-day timeline. As such, the plan allows for the commissioner to hold permits indefinitely whether they meet the requirements of and are in accordance with the MPP or not.

Similarly, in Appendix D, both scenario one and two under “Procedures for obtaining MPCA CON for landfills in the Metropolitan Area” fail to address a situation where timely processing of a landfill permit does not happen and exacerbates this issue by tying the ten-year operating permits, designed with 15 years of capacity, and CON, with ten years of capacity, together. This once again creates a situation where the MPCA, by delaying permit or CON approval, whether intentional or not, can functionally shut down any facility applying for permit reissuance or CON. Current practice for a delayed review is to allow facilities to operate under an expired license if a complete application has been submitted. However, these facilities are generally using CON that has recently been approved prior to submitting a new permit application. If CON requires a current permit, delays in permit review mean that, while an operating facility may be allowed to operate under an expired permit, if the facility runs out of CON, they will not be allowed to accept waste, as acceptance of waste requires CON for disposal.

Morrison County would suggest that issuing CON in 15-year increments, and permitting entire site capacity, in phased development, as allowed by rule, would remedy the issues identified above. Issuing CON in 15-year increments would provide an adequate capacity buffer for ten-year landfill permits. In addition, these changes would de-couple CON from permit issuance, and even if permit applications are delayed, facilities still have adequate CON to continue operation until permits are finalized. Permitting an entire site capacity would reduce the complexity of permit reissuance and better enable MPCA engineers and staff to meet the timelines laid out in the proposed Metropolitan Solid Waste Policy Plan.

Thank you for the opportunity to comment on this important plan.

Sincerely,

Drew Hatzenbihler
Environmental/Recreation Manager
Morrison County Public Works