



SCOTT COUNTY BOARD OF COMMISSIONERS

200 FOURTH AVENUE WEST · SHAKOPEE, MN 55379-1220
(952)496-8100 · www.scottcountymn.gov

July 21, 2026

Minnesota Pollution Control Agency
Attn: Alison Cameron
520 Lafayette Rd N
Saint Paul, MN 55155

RE: Comments on the Draft Resource Management Report (May 2026)

Dear Ms. Cameron,

Thank you for the opportunity to review and comment on the draft Resource Management Report. Scott County shares the state's long-standing objective of keeping valuable materials in use and reducing what we send to final disposal, and we have invested in that objective for decades.

Scott County is not a bystander to this system. The upper-hierarchy diversion the report champions is already being built and operated here: the Dem-Con environmental campus, with one of Minnesota's largest materials recovery facilities and a planned first-in-Minnesota anaerobic digestion and biochar facility, and Dakota Prairie Composting, the Shakopee Mdewakanton Sioux Community's facility and the largest organics recycling operation in the Midwest, through which the County offers residents free food-waste recycling.

We comment, then, as a county that manages this system in practice and in partnership with residents, other local governments, and private businesses.

The Scott County Board wants to emphasize strong concerns regarding the following:

- The draft reclassifies waste-to-energy (WTE) as "disposal" and treats it as the equivalent of landfilling. This departs from the existing statutory waste management hierarchy. WTE remains an important tool and the final report should treat it as such by highlighting the energy created.
- The report's "90 percent diversion" scenario, although described as analytical, risks hardening into a target that drives mandates, permitting, and funding decisions. The final report should state plainly that the modeled scenarios are non-binding.
- The report should clearly state its objective and affirm that it is not a planning, regulatory, or policy-guidance document. In our experience, comparable reports and plans have repeatedly become the foundation for later legislative and regulatory action.
- Minnesota's waste system needs a range of approaches that work for the many parties who actually manage waste—counties, licensed facilities, haulers, and residents—rather than a framework that discourages investment in proven and emerging recovery options.
- The infrastructure and idealistic restructuring of the entire economy envisioned in the report would impose substantial costs and burdens on all stakeholders. A transparent cost, phasing, and funding analysis should precede any move toward targets.
- A framework that devalues WTE before higher-level diversion is actually achieved will, in practice, send more waste to landfills. This will concentrate additional trucking and disposal burdens on host communities, including communities in Scott County.

We have two primary requests: **rewrite the report so that it conforms to current Minnesota statute by recognizing waste-to-energy as resource recovery, not disposal and states clearly that the report is not a planning, regulatory, or policy-guidance document.**

The comments that follow explain why each point above matters.

Waste-to-Energy and Minnesota's Statutory Waste Hierarchy

The draft defines “disposal” as the management of municipal solid waste through landfills or WTE facilities, and it depicts the two together as co-equal, last-resort options. It uses that definition as a substitute for Minnesota’s actual statutory waste management hierarchy. That characterization does not match the statute. Under Minn. Stat. § 115A.02(b), the hierarchy lists “resource recovery through mixed municipal solid waste composting or incineration” as a distinct tier ranked above land disposal. WTE is not statutory “disposal”; it is resource recovery, and the Legislature has expressly placed it ahead of landfilling in order of preference. Section 115A.03 reinforces the point by defining a waste management method as “environmentally inferior” when it falls lower on the § 115A.02 list, as land disposal does relative to resource recovery.

The 2023 legislative charge does not change this. Laws 2023, chapter 60, article 3, section 35 directs the Agency to study reducing the materials disposed of “in landfills or incinerators” by more than 90 percent and to analyze scenarios “above Waste-to-Energy on the state’s Waste Hierarchy.” The Legislature thus asked the Agency to reduce reliance on both endpoints and to prioritize the tiers above WTE, but it did not amend § 115A.02, redefine “disposal,” or place WTE on the same rung as landfilling. By referring to options above WTE “on the state’s Waste Hierarchy,” the charge treats WTE as the recognized intermediate tier the statute makes it. The decision to merge resource recovery and land disposal into a single “disposal” category and to model a scenario in which WTE does not operate at all is the report’s own framing, and it obscures a distinction the Legislature left intact.

This is not an academic point. WTE reduces waste volume, recovers energy and metals from the waste stream, and is part of how metropolitan-area waste is lawfully processed before land disposal. If diversion does not reach the modeled levels, which the report itself describes as aspirational, then reducing or eliminating WTE capacity does not make that material disappear. It sends it to landfills, which is the very method the statute deems environmentally inferior.

Scott County’s position is straightforward: WTE remains an important tool that is environmentally superior to landfilling, and the final report should treat it that way. We ask that the report:

- preserve the statutory distinction between resource recovery and land disposal, rather than merging both into a single “disposal” category;
- evaluate any reduction in WTE capacity against a realistic diversion trajectory; and
- explicitly quantify the additional landfilling that would result if processing capacity is reduced before diversion targets are met.

The Report’s Stated Purpose, Non-Regulatory Status, and Protection of Existing Investments

The final report should begin by stating plainly what it is and what it is not. On the Agency’s June 3 webinar, MPCA staff explained that the Resource Management Report is neither a planning document nor a regulatory or enforcement document, and that the Agency does not intend to enforce the policies and vision it presents. We appreciate that clarification, but a statement made on a webinar does not travel with the document. The final report should say so expressly in its own text and should clearly state the report’s objective, so that readers understand the limited purpose it is meant to serve.

We urge this because our experience is that documents of this kind do not stay analytical. Reports and plans that are described as informational or non-binding when issued have repeatedly become the foundational reference for later action, cited to justify legislation, permitting decisions, funding criteria, and rulemaking long after the original caveats are forgotten. The more confidently the report’s modeled vision is stated, the more likely it is to be treated as settled policy. A clear, prominent, in-text statement of the report’s non-binding status is the only practical protection against that drift, and it is one of our two central requests.

For the same reason, the final report should affirm a commitment to protecting the investments already made in good faith under the existing statutory framework. Scott County, the Shakopee Mdewakanton Sioux Community, and private operators have committed substantial capital to the recovery and processing infrastructure this report envisions—including the materials recovery, anaerobic digestion, and biochar capacity on the Dem-Con campus and the regional organics capacity at Dakota Prairie Composting. A framework that retroactively devalues lawful, environmentally beneficial capacity such as WTE undermines those investments and chills the future investment the state will need. The report should commit to protecting existing investments.

The 90 Percent Diversion Figure Should Remain Analytical and Non-Binding

The draft is candid that the 90 percent reduction scenario “is not a mandated target, but rather an analytical framework,” and that the figure “should not be interpreted as a guaranteed outcome.” We appreciate that framing and ask the Agency to protect it. Once a number like this enters planning documents, it tends to harden into a goal that drives mandates, permitting decisions, and funding criteria regardless of the caveats in the original text. The final report should state explicitly, in its executive summary and recommendations, that the modeled scenarios are not performance standards, are not binding on counties, and should not serve as the basis for future mandates without separate legislative authorization, feasibility analysis, and dedicated funding.

Minnesota Needs a Range of Approaches

Reducing waste is the right goal, but a single idealized pathway is not a plan. The report treats mixed waste processing as a limited “safety net” and frames WTE as something to be all but eliminated. Yet the report’s own caution about uncertain diversion outcomes is precisely why a portfolio of proven and emerging technologies matters. Scott County’s experience with the anaerobic digestion and biochar facility on the Dem-Con campus shows that processing-based and energy-recovery technologies can deliver real diversion and climate benefits today. A statewide strategy should be technology-inclusive and outcomes-based, crediting any approach that demonstrably keeps material out of landfills, rather than ranking technologies in a way that discourages investment in capacity the state will need.

Costs, Funding, and Feasibility

The report contemplates very substantial investment across recycling, organics, drop-off and special-collection, and processing infrastructure, and it acknowledges that outcomes depend on sustained funding over time. Counties and their residents ultimately pay for collection, processing, and disposal through rates, fees, and levies. Before the modeled scenarios inform policy, the Agency should provide a transparent accounting of total capital and operating costs, a realistic phasing timeline, and identified funding sources, including a clear statement of what share would fall to counties and ratepayers versus the state, producers through extended producer responsibility, or federal assistance.

Host Communities and Environmental Justice

The report places significant weight on environmental justice, and Scott County shares that concern, including for our own residents. Scott County host communities already bear real burdens from the regional waste system. As this Board noted in its 2024 Met Council Imagine 2050 comments, decisions to close WTE facilities, move organics from one county to another, and truck solid waste to landfills across the metropolitan area are regional issues, and communities near landfills suffer the burden. A framework that drives material away from WTE risks increasing the trucking and disposal burdens the report seeks to reduce and concentrating them in host communities. We ask that the final report assess this risk directly and weigh the host-community consequences of reduced processing capacity.

Reducing Waste at the Source

The report’s own technical assessments reach a striking conclusion: managing waste does not eliminate its impacts so much as relocate them. As the draft states at page 162, “Diversion alters the spatial distribution and dominant exposure pathways of ecological concern rather than total pressure outright.” In plain terms, every method of managing waste—landfilling, WTE, recycling, organics processing—carries impacts on human health and the environment, and the central effect of shifting

among methods is to move where those impacts fall, which facilities bear them, and which populations are exposed. The burden is redistributed, not removed.

Meaningfully reducing waste generation means changing consumer behavior and confronting a culture of buying and discarding at scale. This is a monumental societal challenge, and one the report should not sidestep. The final report should foreground source reduction and the challenge of reducing consumption as the primary path to lowering total burden, rather than presenting a reshuffling of management methods as if it reduced harm overall. This is also why method-ranking that pushes material from WTE toward landfills is the wrong emphasis: it relocates harm onto host communities without reducing it, and it diverts attention from the reductions that would actually help.

Our Specific Request

To restate our two central asks: the final report should be **rewritten so that it conforms to current Minnesota statute by recognizing waste-to-energy as resource recovery, not disposal**, and preserves the statutory distinction between resource recovery and land disposal; and **states clearly, within the document itself, that it is not a planning, regulatory, or policy-guidance document.**

Scott County stands ready to be a constructive partner. We have invested, and continue to invest, in the very infrastructure this report envisions, and we want a statewide strategy that succeeds in practice. Thank you for considering these comments.

Respectfully,


Jon Ulrich
Scott County Board Chair



PHYSICAL DEVELOPMENT/ENVIRONMENTAL SERVICES

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952-496-8177 • www.scottcountymn.gov

July 21, 2026

Minnesota Pollution Control Agency
Attn: Alison Cameron
520 Lafayette Rd N
Saint Paul, MN 55155

RE: Comments on the Draft Resource Management Report

Dear Ms. Cameron,

Thank you for the opportunity to review and comment on the draft Minnesota Resource Management Report released for comment May 2026. In addition to comments provided by the Scott County Board Commissioners, Environmental Services staff are providing these additional following comments for your consideration.

Introduction to Minnesota's Waste Management Hierarchy

Discussion of Minnesota's statutory waste management hierarchy should be much more prominent and covered in the Introduction section (rather than first discussed on page 41) to provide better context for the entire report. This discussion must be expanded to provide a detailed analysis of each management tier or strategy rather than an oversimplified overview that waste management falls neatly into two buckets: (Reduce, Reuse, and Recycle) or (WTE/Landfill). This oversimplification adds confusion to local jurisdictions and industries reviewing this report. Decision-makers require an understanding of the operational complexities within each strategy along the continuum, including the specific trade-offs and differentiation among them. As an example, why are anaerobic digester (AD) systems that recover energy excluded from the "recycling" strategy, while AD with beneficially digestate is included as "recycling" and furthermore implied in the report as the "preferred method of disposal."

Furthermore, the Introduction section should include information on the Metro Policy Plan and County Solid Waste Management Plans (presently on page 90), as these documents outline the statutory obligations binding the State and local counties. Moving this information to the Introduction section properly contextualizes the report, respecting the fact that many stakeholders have already heavily invested in the directives set by the Metro Policy Plan.

Diversion Infrastructure Investments

Infrastructure data and graphs should maintain consistency by clearly distinguishing both existing and proposed facilities. Specifically, Figure 29 (Illustrative Siting of SSO Facilities) needs to be updated to include existing source-separated organics (SSO) facilities. Without differentiating between existing and new infrastructure, Figure 29 implies that a new SSO facility is needed in Scott County. In fact, the Shakopee Mdewakanton Sioux Community's Dakota Prairie composting facility is a large SSO facility located in our county.

Statutory changes, regulations, and enforcement

The report recommends statutory updates (metro and statewide) and revising statutory language to require recycling for commercial, industrial and institutional generators. While the policy intent is supported, the report lacks a fiscal impact analysis regarding labor to administer programs (e.g., FTE hours inspecting hundreds of larger generators or CIIIs). Furthermore, it fails to identify the responsible regulatory authority for enforcement administration. If enforcement is expected to fall on local government units without additional capacity (such as additional funding and local government support), the projected waste diversion metrics should be downgraded to reflect anticipated non-compliance.

Thank you again for the opportunity to share our feedback. We appreciate your work on this report and look forward to continuing our partnership as it moves toward final adoption.

Sincerely,

A handwritten signature in black ink, reading "Kate Sedlacek". The signature is fluid and cursive, with the first name "Kate" and last name "Sedlacek" clearly distinguishable.

Kate Sedlacek
Scott County Environmental Services
952-496-851
ksedlacek@co.scott.mn.us

**BOARD OF COUNTY COMMISSIONERS
SCOTT COUNTY, MINNESOTA**

Date: July 21, 2026

Resolution No.: 2026-151

Motion by Commissioner: Jody Brennan

Seconded by Commissioner: Dave Beer

**RESOLUTION NO. 2026-151; AUTHORIZING SUBMITTAL OF COMMENTS ON THE MINNESOTA
POLLUTION CONTROL AGENCY'S DRAFT RESOURCE MANAGEMENT REPORT**

WHEREAS, the Minnesota Pollution Control Agency has prepared a draft Resource Management Report in response to direction from the Minnesota Legislature to evaluate how Minnesota can reduce waste sent to disposal and strengthen materials management systems; and

WHEREAS, the draft Resource Management Report provides an overview of how waste is currently generated and managed in the state and highlights opportunities to improve how materials are used, reused, and recovered; and

WHEREAS, the draft Resource Management Report considers the types of infrastructure, policies, and investments that could support progress over time; and

WHEREAS, the Minnesota Pollution Control Agency prepares reports like the Resource Management Report to inform future planning, policy discussions, and program development; and

WHEREAS, the Minnesota Pollution Control Agency has requested comments regarding the Resource Management Report.

NOW THEREFORE BE IT RESOLVED by the Board of Commissioners in and for the County of Scott, Minnesota, that it thanks the Minnesota Pollution Control Agency for the opportunity to review and comment on the Resource Management Report.

BE IT FURTHER RESOLVED, that the Scott County Board of Commissioners believes that the comment letter provided by staff should be considered and incorporated into the final Resource Management Report, including:

- The draft reclassifies waste-to-energy (WTE) as "disposal" and treats it as the equivalent of landfilling. This departs from the existing statutory waste management hierarchy. WTE remains an important tool and the final report should treat it as such by highlighting the energy created.
- The report's "90 percent diversion" scenario, although described as analytical, risks hardening into a target that drives mandates, permitting, and funding decisions. The final report should state plainly that the modeled scenarios are non-binding.
- The report should clearly state its objective and affirm that it is not a planning, regulatory, or policy-guidance document. In our experience, comparable reports and plans have repeatedly become the foundation for later legislative and regulatory action.
- Minnesota's waste system needs a range of approaches that work for the many parties who actually manage waste—counties, licensed facilities, haulers, and residents—rather than a framework that discourages investment in proven and emerging recovery options.
- The infrastructure the report envisions would impose very substantial costs, much of which falls on counties and ratepayers. A transparent cost, phasing, and funding analysis should precede any move toward targets.
- A framework that devalues WTE before higher-level diversion is actually achieved will, in practice, send more waste to landfills. This will concentrate additional trucking and disposal burdens on host communities, including communities in Scott County.

BE IT FURTHER RESOLVED, that the Scott County Board of Commissioners urges the MPCA to rewrite the report so that it conforms to current Minnesota statute by recognizing waste-to-energy as resource recovery, not disposal, and states clearly that the report is not a planning, regulatory, or policy-guidance document.

BE IT FURTHER RESOLVED, that the Scott County Board of Commissioners authorizes submitting the attached letter requesting the Minnesota Pollution Control Agency to consider revisions to the Resource Management Report.

BE IT FINALLY RESOLVED, that the County is submitting technical comments regarding the Resource Management Report.

VOTE RESULTS:

Yes: Tom Wolf, Jody Brennan, Dave Beer, Jon Ulrich

No: None

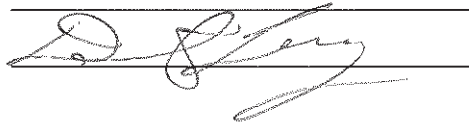
Absent: Barb Weckman Brekke

Abstain: None

State of Minnesota)

County of Scott)

I, Lezlie A. Vermillion, duly appointed qualified County Administrator for the County of Scott, State of Minnesota, do hereby certify that I have compared the foregoing copy of a resolution with the original minutes of the proceedings of the Board of County Commissioners, Scott County, Minnesota, at their session held on July 21, 2026 now on file in my office, and have found the same to be a true and correct copy thereof. Witness my hand and official seal at Shakopee, Minnesota, on July 21, 2026.



County Administrator
Administrator's Designee