

## Solid Waste Management in Minnesota

### *State agencies*

There are two state agencies that have significant responsibilities for managing solid waste in Minnesota. The Minnesota Pollution Control Agency (MPCA) is the state's equivalent of the federal Environmental Protection Agency; it develops and enforces the state's waste management regulations. In addition, the MPCA issues permits for solid waste management to waste haulers and solid waste facility owners.

In contrast, the Minnesota Office of Environmental Assistance (OEA) is not a regulator. Instead, the OEA provides technical and financial assistance and environmental education to businesses, local governments, schools, community groups, and individual citizens, with a specific focus on waste reduction and recycling. The OEA is also responsible for approving county solid waste plans.

### *State solid waste management policy*

The state's solid waste management policy is specified in Minnesota Statutes, section 115B.02, which says that the goal of solid waste management in the state is to "protect the state's land, air, water, and other natural resources and the public health by:"

- reducing the amount and toxicity of waste generated;
- recovering usable materials and energy from waste;
- reducing dependence on land disposal of waste;
- coordinating waste management among political subdivisions; and
- ensuring the orderly and deliberate development of waste management facilities.

Solid waste consists of mixed municipal solid waste (what we commonly refer to as "garbage"), construction debris, and other nonhazardous waste. Solid waste is managed separately from hazardous waste.

### *The waste management hierarchy*

Minnesota law describes a hierarchy for various solid waste management practices. To the extent practicable, solid waste is to be managed as high on the hierarchy as possible. The waste management practices listed in the statute, in order of preference, are:

- waste reduction and reuse
- waste recycling
- composting of yard waste and food waste
- resource recovery through composting or incineration and
- land disposal

When this hierarchy was first enacted, policymakers believed that government had the authority to direct waste to be managed in specific ways, and even at specific facilities, to ensure that waste was managed at the appropriate level of the hierarchy. However, judicial decisions in recent years have constrained governments' ability to do so. Policymakers have responded by implementing tools other than their regulatory "flow control" authority, such as contracts with haulers and other financial incentives, to guide waste to be managed in accordance with state policy. Many policymakers remain frustrated at the increasing amount of waste that is managed low on the hierarchy (land disposal, primarily) and by the difficulty in financing new waste-processing facilities.

### ***Planning***

Planning for the management of solid waste is primarily a county responsibility, but the planning requirements vary according to whether the county is a metropolitan county or a county in greater Minnesota. Regardless of where the county is located, the county's proposed plan must be approved by the OEA; it must include waste reduction and recycling provisions, as well as provisions to minimize the amount of waste that is disposed of in landfills. Metropolitan counties must develop county plans that are in accordance with the most recent "metropolitan long-range policy plan" adopted by the Metropolitan Council, and revised by the OEA.

### ***Collection***

Providing for the collection of solid waste is primarily a municipal responsibility. Municipal governments have three main options with regard to collection:

1. **Municipal:** the city collects garbage with city trucks and workers;
2. **Organized:** the city contracts with one or more waste haulers to collect waste within the city; and
3. **Open:** the city allows licensed haulers to collect waste within the city.

The OEA estimates that approximately 80 percent of the cities within the metropolitan area are "open" whereas cities in greater Minnesota are fairly evenly split between municipal/organized collection and open collection.

### ***Where does the waste go?***

The OEA estimates that the amount of solid waste generated in Minnesota has increased 37 percent since 1992, notwithstanding a statutory goal to reduce the amount of waste generated by 10 percent in that period. Of the approximately 5.6 million tons generated:

- approximately 47 percent is recycled;
- less than half a percent is composted;
- roughly 20 percent is incinerated in waste-to-energy facilities; and
- about 33 percent is disposed of in landfills. Of the amount landfilled, 658,000 tons went to landfills outside the state.

**For more information:** Contact legislative analyst Mike Bull at 651-296-8961. Also see the House Research publication *Minnesota Solid Waste History*, January 2002 .

The Research Department of the Minnesota House of Representatives is a nonpartisan office providing legislative, legal, and information services to the entire House.