

CHAPTER 9215
OFFICE OF ENVIRONMENTAL ASSISTANCE
SOLID WASTE PLANNING; CERTIFICATE OF NEED

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9215.0420 [Repealed, 17 SR 1405]

GENERALLY

9215.0500 PURPOSE.

The purpose of this chapter is to establish requirements for the preparation and implementation of solid waste management plans, plan updates, and plan amendments by counties and solid waste management districts outside of the seven-county metropolitan area. The plans, plan updates, and plan amendments must be approved by the Office of Environmental Assistance.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405; L 1999 c 73 s 5*

9215.0510 DEFINITIONS.

Subpart 1. **Scope.** As used in this chapter, the terms defined in this part have the meanings given them.

Subp. 2. **Ash.** “Ash” means the incombustible material that remains after a fuel, including solid waste, is incinerated.

Subp. 3. **Composting.** “Composting” means the controlled microbial degradation of organic waste to yield a humus-like product.

Subp. 4. **County.** “County” means a county board of commissioners, established outside the metropolitan area.

Subp. 5. **Demolition debris.** “Demolition debris” means solid waste resulting from the demolition of buildings, roads, and other artificial structures including concrete, brick, bituminous concrete, untreated wood, masonry, glass, trees, rock, and plastic building parts. Demolition debris does not include asbestos wastes.

Subp. 6. **Director.** “Director” means the director of the Office of Environmental Assistance.

Subp. 7. **Disposal facility.** “Disposal facility” has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 10.

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Subp. 8. **District.** "District" means the Western Lake Superior Sanitary District Board or a board established outside the metropolitan area as a solid waste management district pursuant to Minnesota Statutes, sections 115A.62 to 115A.72.

Subp. 9. **Major appliances.** "Major appliances" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 17a.

Subp. 10. **Metropolitan area.** "Metropolitan area" has the meaning given it in Minnesota Statutes, section 473.121, subdivision 2.

Subp. 11. **Mixed municipal solid waste.** "Mixed municipal solid waste" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 21.

Subp. 12. **Office.** "Office" means the Office of Environmental Assistance.

Subp. 13. **Person.** "Person" has the meaning given it in Minnesota Statutes, section 116.06, subdivision 17.

Subp. 14. **Plan.** "Plan" means a solid waste management plan prepared under this chapter.

Subp. 15. **Plan amendment.** "Plan amendment" means a document that is submitted to the Office of Environmental Assistance by a county or district when required by this chapter.

Subp. 16. **Plan update.** "Plan update" means the update of the comprehensive solid waste management plan required by Minnesota Statutes, section 115A.46, and this chapter.

Subp. 17. **Recyclable materials.** "Recyclable materials" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25a.

Subp. 18. **Recycling.** "Recycling" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 25b.

Subp. 19. **Resource recovery.** "Resource recovery" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 27.

Subp. 20. **Solid waste.** "Solid waste" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 31.

Subp. 21. **Solid waste management.** "Solid waste management" means activities which are intended to affect or control the generation of solid waste and activities which provide for or control the collection, processing, and disposal of solid waste.

Subp. 22. **Waste facility.** "Waste facility" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 35.

Subp. 23. **Waste reduction.** "Waste reduction" has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 36a.

Subp. 24. **Yard waste.** "Yard waste" means the garden wastes, leaves, lawn cuttings, weeds, tree and shrub waste, and prunings generated at residential, commercial, industrial, or institutional properties.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405; L 1999 c 73 s 5*

9215.0520 APPLICABILITY.

This chapter applies to all counties and districts outside of the metropolitan area.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

COUNTY AND DISTRICT PLANS

9215.0530 OBLIGATIONS OF COUNTIES AND DISTRICTS.

Subpart 1. **Implementation.** Each county or district shall maintain and implement a solid waste management plan that has been approved by the office.

Subp. 2. **Sanctions.** A county or district that fails to gain approval and maintain and implement an approved solid waste management plan is in violation of Minnesota Statutes, section 115A.46, and this chapter.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0540 CONTENTS OF PLANS, UPDATES, AND AMENDMENTS.

County and district solid waste management plans, including updates and amendments, when necessary, must describe solid waste management programs for a ten-year period immediately following plan approval and must contain the information required by parts 9215.0550 to 9215.0790.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0550 EXECUTIVE SUMMARY.

A plan must include an executive summary that provides an overview of the county's or district's solid waste management system proposed in the plan.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0560 BACKGROUND INFORMATION.

Subpart 1. **Scope.** A plan must contain narrative descriptions and numeric estimates described in this part.

Subp. 2. **Demographic information.** The plan must include demographic information that relates directly to the generation or management of solid waste in the county or district, including current population distribution, population projections for the next ten years, land use, employment, local economic conditions, and median household income.

Subp. 3. **Solid waste collection and generation.** The plan must include the following solid waste collection and generation information:

- A. an estimate of the amount of solid waste generated annually in the county;
- B. an estimate of the percentages of city and rural residents with solid waste collection service;
- C. an estimate of the annual percentage of solid waste disposed of on site by generators;
- D. the solid waste collection and disposal rate structure, including the current range of residential collection rates, the current range of commercial/industrial collection rates, and financial incentives for waste reduction and recycling;
- E. a description of the composition of the overall solid waste generated in the county or district; and
- F. an estimate of the annual percentage of solid waste from residential and commercial/industrial waste generators.

Subp. 4. **Demolition debris.** The plan must include an estimate of the quantity of demolition debris generated annually in the county or district.

Subp. 5. **Major solid waste generators.** The plan must include identification of the major commercial, industrial, and institutional solid waste generators in the county or district, including estimates of the volumes and types of solid waste generated annually.

Subp. 6. **Solid waste planning history.** The plan must describe the history of solid waste planning in the county or district for the previous five years and must:

- A. include a description of any current local and regional planning activities;
- B. include a description of past impediments or barriers to the development of projects on a regional basis; and

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C. address the resolution of conflicting, duplicative, or overlapping local solid waste management efforts.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0570 ASSESSMENT OF ALTERNATIVES TO A LANDFILL-BASED DISPOSAL SYSTEM.

Subpart 1. **Content.** The plan shall include a discussion of landfill abatement alternatives according to this part.

Subp. 2. **Currently using resource recovery.** A county or district that is currently using resource recovery to manage the majority of its solid waste by volume shall evaluate its resource recovery programs to identify opportunities for maximizing resource recovery and minimizing land disposal.

Subp. 3. **Proposing resource recovery.** A county or district that is proposing a resource recovery system must identify mixed municipal solid waste processing alternatives that the county or district analyzed before choosing the proposed system. The assessment shall include a financial analysis, discussion of environmental impacts, and plans and schedules for future studies of the most feasible alternatives analyzed. The county or district must explain why any technologies were eliminated from consideration.

Subp. 4. **Landfill-based system.** If the county proposes to manage the majority of its solid waste for the ten-year period through land disposal, the plan must demonstrate in practical and financial terms why alternative recovery options such as mixed municipal solid waste composting or incineration are not the most feasible and prudent alternatives. The plan must include an environmental, financial, and technical analysis of the following:

A. existing facilities available for use; and

B. technologies available for use or development including mixed municipal solid waste composting, cocomposting, refuse-derived fuel processing, and incineration. In addition, the county or district shall develop ten-year system cost projections for the most feasible of the technologies or facilities that the county or district considered. This analysis shall include a ten-year system cost projection for at least one of the following management systems: solid waste composting, cocomposting, refuse-derived fuel processing, or incineration.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0580 SOLID WASTE REDUCTION.

Subpart 1. **Content.** The plan must include the information on solid waste reduction programs and practices in the county or district described in this part.

Subp. 2. **Policies and goals.** The plan must contain a description of the solid waste reduction policies and goals established by the county including the annual amount or quantity of solid waste to be reduced.

Subp. 3. **Existing solid waste reduction practices.** The plan must describe existing public and private sector solid waste reduction programs in place in the county or district.

Subp. 4. **Specific solid waste reduction programs to be developed.** The plan must describe the solid waste reduction programs that the county or district proposes to maintain or implement in the next ten years, including the responsible persons and annual staff time necessary to implement and manage each program.

Subp. 5. **Program budget.** The plan must identify annual costs that will be incurred by the county or district in implementing and managing solid waste reduction programs.

Subp. 6. **Schedule of implementation.** The plan must include a schedule for the implementation of proposed solid waste reduction programs described in this part.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0590 SOLID WASTE EDUCATION.

Subpart 1. **Content.** The plan must include the information regarding the solid waste education programs and practices in the county or district described in this part.

Subp. 2. **Policies and goals.** The plan must contain a description of the solid waste education policies and goals that the county or district has established and must describe the promotional program that includes publishing quarterly articles pursuant to Minnesota Statutes, section 115A.552, subdivision 3, paragraph (a).

Subp. 3. **Existing solid waste education practices.** The plan must describe existing public and private sector solid waste education programs including solid waste education providers and annual financial and staff commitment in the county or district.

Subp. 4. **Specific programs to be developed.** The plan must describe the solid waste education programs that the county or district proposes to maintain or implement, including the responsible persons and estimated staff time necessary to implement and manage each program.

Subp. 5. **Program budget.** The plan must include the projected annual costs incurred by the county or district for implementing and managing the solid waste education program, including staff time, advertising or publicity materials, and other associated costs, and annual costs for the next ten years.

Subp. 6. **Schedule of implementation.** The plan must include a schedule for the implementation of proposed solid waste education programs described in this part.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0600 RECYCLING.

Subpart 1. **Content.** The plan must include the information on the recycling programs and practices in the county or district described in this part.

Subp. 2. **Policies and goals.** The plan must contain a description of the recycling goals and policies that the county or district has established to meet or exceed the recycling goal requirements in Minnesota Statutes, section 115A.551, subdivision 2, the opportunity to recycle requirements in Minnesota Statutes, section 115A.552, and the organized collection requirements of Minnesota Statutes, section 115A.94.

Subp. 3. **Existing recycling practices.** The plan must:

A. describe the existing public and private sector recycling system in the county or district including collection, processing, and marketing, including the number of haulers operating in the county or district and collection or processing facilities used by haulers in the county or district; and

B. identify the annual recycling tonnages collected, processed, and marketed by sector or program, for the last two years, if available, the county's annual financial and staff commitment, and local market conditions for recyclable materials.

Subp. 4. **Specific programs to be developed.** The plan must describe the recycling programs that the county or district proposes to maintain or implement during the next ten years. The description shall include the responsible persons and estimated annual staff time necessary to implement and manage each program.

Subp. 5. **Program budget.** The plan must estimate the annual costs to be incurred by the county or district in implementing and managing recycling programs over the next ten years, including itemized capital and operating costs such as staff time, land, buildings, equipment, redemption costs, and other associated costs.

Subp. 6. **Schedule of implementation.** The plan must include a schedule for the implementation of proposed recycling programs described in this part.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0610 YARD WASTE PROGRAMS.

Subpart 1. **Content.** The plan must include the information on the yard waste management programs and practices in the county or district described in this part.

Subp. 2. **Policies and goals.** The plan must:

A. contain a description of the yard waste separation and composting goals and policies that the county or district has established;

B. describe methods for identifying the portions of the waste stream such as leaves, grass clippings, tree and plant residue, and paper for use in agricultural practices in accordance with Minnesota Statutes, section 115A.46, subdivision 2, paragraph (d); and

C. recognize the prohibition on disposal of yard waste in the land and at resource recovery facilities in Minnesota Statutes, section 115A.931.

Subp. 3. **Existing yard waste management programs.** The plan must describe existing public and private sector yard waste management programs in the county or district. The plan must also include an estimated level of backyard composting, the yard waste collection system including licensed haulers, if any; number of county, district, and municipal composting sites; tonnages collected for the last two years, if available; the county's or district's financial and staff commitment; and local market conditions for finished yard waste compost.

Subp. 4. **Specific programs to be developed.** The plan must describe the yard waste programs that the county or district proposes to maintain or implement during the next ten years, including the responsible persons and estimated staff time necessary to implement and manage each program.

Subp. 5. **Program budget.** The plan must estimate the annual costs to be incurred by the county or district in implementing and managing yard waste programs over the next ten years, including itemized capital and operating costs.

Subp. 6. **Schedule of implementation.** The plan must include a schedule for the implementation of proposed yard waste programs described in this part.

Subp. 7. **Environmental risks of yard waste management.** The plan must briefly describe any odor problems, leachate generation, or other impacts of yard waste management that have occurred in the county or district.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0620 MIXED MUNICIPAL SOLID WASTE COMPOSTING.

Subpart 1. **Content.** The plan must include the information in this part on mixed municipal solid waste composting facilities if used or proposed to be used to manage all or a portion of the county's or district's mixed municipal solid waste.

Subp. 2. **Policies and goals.** The plan must describe the county's or district's goals and policies on mixed municipal solid waste composting.

Subp. 3. **Existing mixed municipal solid waste composting facilities.** The plan must:

A. describe the mixed municipal solid waste composting facility or facilities where the county's or district's mixed municipal solid waste is managed; and

B. include information on facility operational history and management, removal of problem wastes, volumes managed, and compost marketing.

Subp. 4. **Environmental and public health impacts.** The plan must consider and evaluate known and potential environmental and public health impacts and propose a

course of action to alleviate those impacts. The plan must include results of compost testing, results of inspection and monitoring by the appropriate state regulatory agency, and assessment of operational safety at the facility during the past two years.

Subp. 5. **Specific programs to be developed.** The plan must describe the mixed municipal solid waste composting facilities and programs that the county or district proposes to maintain, implement, or participate in during the next ten years, including the responsible persons and estimated staff time necessary to implement or manage each program.

Subp. 6. **Program budget.** The plan must estimate the annual costs to be incurred by the county or district in implementing and maintaining the mixed municipal solid waste composting programs during the next ten years, including itemized capital and operating costs.

Subp. 7. **Implementation timeline.** The plan must include a schedule for the implementation of the proposed mixed municipal solid waste composting programs described in this part.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0630 SOLID WASTE INCINERATION AND ENERGY RECOVERY.

Subpart 1. **Content.** The plan must include the information in this part on solid waste incineration and energy recovery facilities if used or proposed to be used to manage all or a part of the county's or district's mixed municipal solid waste.

Subp. 2. **Policies and goals.** The plan must describe the county's or district's goals and policies on solid waste incineration and energy recovery.

Subp. 3. **Existing solid waste incineration and energy recovery facilities.** The plan must:

A. describe the facility or facilities where the county's or district's mixed municipal solid waste is or will be managed; and

B. include information on the operational history, removal of problem wastes, facility management, volumes managed for the past two years, and energy marketing.

Subp. 4. **Environmental and public health impacts.** The plan must consider and evaluate known and potential environmental and public health impacts and propose a course of action to alleviate those impacts. The plan must include results of ash and emissions testing, results of inspection and monitoring by the appropriate state regulatory agency, and assessment of operational safety at each facility during the past two years. The plan must include the plans and programs for reducing the toxicity and quantity of incinerator ash.

Subp. 5. **Specific programs to be developed.** The plan must describe the energy recovery facilities and programs that the county or district proposes to maintain, implement, or participate in during the next ten years, including the responsible persons and estimated staff time necessary to implement or manage each program.

Subp. 6. **Program budget.** The plan must estimate the annual costs to be incurred by the county or district in implementing and maintaining the energy recovery programs during the next ten years, including itemized capital and operating costs.

Subp. 7. **Implementation timeline.** The plan must include a schedule for the implementation of the proposed energy recovery programs described in this part.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0640 LAND DISPOSAL OF MIXED MUNICIPAL SOLID WASTE.

Subpart 1. **Content.** The plan must include the information on land disposal facilities described in this part if they are being used or proposed for use to manage all or part of the county's or district's mixed municipal solid waste.

Subp. 2. **Policies and goals.** The plan must describe the county's or district's goals and policies on land disposal.

Subp. 3. **Existing land disposal facilities.** The plan must:

A. identify and discuss the status of closed landfills within the county or district and whether the county or district is implementing any programs for mitigating the environmental effects of past disposal practices;

B. describe the land disposal facility or facilities where the county's or district's mixed municipal solid waste is managed;

C. include a table indicating the amount received, processed, and disposed during the previous two years; and

D. include information on the operational history, removal of problem wastes, and facility management.

Subp. 4. **Environmental and public health impacts.** The plan must evaluate known and potential environmental and public health impacts of operating and proposed disposal facilities and propose a course of action to alleviate those impacts. The plan must include information summarizing the results of recent inspections by the appropriate state agency, report on the results of ground and surface water monitoring at the facilities, and assess operational safety at each facility during the past two years.

Subp. 5. **Specific programs to be developed.** The plan must describe the land disposal facilities and programs that the county or district proposes to maintain, implement, or participate in during the next ten years, including:

A. the responsible persons and estimated staff time necessary to implement or manage each program; and

B. the following information about mixed municipal solid waste land disposal programs and practices in the county or district:

- (1) permitting schedule;
- (2) schedule of phase development;
- (3) status of financial assurance; and
- (4) status of leachate treatment.

Subp. 6. **Program budget.** The plan must estimate the annual costs that will be incurred by the county or district in implementing and managing the land disposal programs during the next ten years, including itemized capital and operating costs.

Subp. 7. **Schedule of implementation.** The plan must include a schedule for the implementation of the proposed land disposal programs described in this part.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0650 WASTE TIRE DISPOSAL AND RECOVERY.

Subpart 1. **Content.** The plan must include the information in this part on waste tire recovery programs and practices in the county or district.

Subp. 2. **Policies and goals.** The plan must contain a description of the waste tire disposal goals and policies that the county or district has established that comply with Minnesota Statutes, section 115A.914, subdivision 3.

Subp. 3. **Existing waste tire practices.** The plan must describe existing public and private sector waste tire disposal programs and practices in place throughout the county or district. The description must include the waste tire management system including permitted storage and processing facilities, location of known unpermitted tire dumps, transportation and disposal system used by local collectors, current end uses of the waste tires, and status of county solid waste ordinance relative to waste tire management.

Subp. 4. **Specific programs to be developed.** The plan must describe the waste tire programs that the county or district proposes to maintain or implement during the next

ten years, including the responsible persons and estimated staff time necessary to implement and manage each program.

Subp. 5. **Program budget.** The plan must estimate the annual costs to be incurred by the county or district in implementing or maintaining the waste tire programs during the next ten years, including itemized capital and operating costs.

Subp. 6. **Schedule of implementation.** The plan must include a schedule for the implementation of the proposed waste tire programs.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0660 MAJOR APPLIANCE MANAGEMENT.

Subpart 1. **Content.** The plan must include the information in this part on major appliance management programs and practices in the county or district.

Subp. 2. **Policies and goals.** The plan must contain a description of the appliance management goals and policies that the county or district has established that comply with Minnesota Statutes, sections 115A.552, subdivision 1, and 115A.9561.

Subp. 3. **Existing appliance management practices.** The plan must describe the existing public and private sector appliance management programs in the county or district. The description must indicate the process used by the county or district to comply with applicable state, federal, and local regulations for disposal of used appliances and capture of hazardous wastes contained in the appliances.

Subp. 4. **Specific programs to be developed.** The plan must describe the appliance management programs that the county or district proposes to maintain or implement during the next ten years, including the responsible persons, estimated staff time, and education campaigns necessary to implement or manage each program.

Subp. 5. **Program budget.** The plan must estimate the annual costs to be incurred by the county or district in implementing or managing the appliance management programs for the next ten years, including itemized capital and operating costs.

Subp. 6. **Schedule of implementation.** The plan must include a time schedule for the implementation of the proposed appliance management programs described in this part.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0670 USED MOTOR OIL AND LEAD-ACID AND DRY CELL BATTERIES MANAGEMENT.

Subpart 1. **Content.** The plan must include the information in this part on used motor oil and lead-acid and dry cell battery management programs and practices in the county or district.

Subp. 2. **Policies and goals.** The plan must contain a description of the used motor oil and lead-acid and dry cell battery management goals and policies that the county or district has established that comply with Minnesota Statutes, sections 115A.915, 115A.9155, and 115A.916.

Subp. 3. **Existing used motor oil and lead-acid and dry cell battery programs and practices.** The plan must describe the existing public and private sector used motor oil and lead-acid and dry cell battery management programs and practices in the county or district, including public education, collection options, processing, recycling, and disposal.

Subp. 4. **Specific programs to be developed.** The plan must describe the specific used motor oil and lead-acid and dry cell battery programs that the county or district proposes to maintain or implement during the next ten years, including the responsible persons and estimated staff time necessary to implement and manage each program.

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Subp. 5. **Program budget.** The plan must estimate the annual costs to be incurred by the county or district in implementing and maintaining the used motor oil and lead-acid and dry cell battery management programs during the next ten years, including itemized capital and operating costs.

Subp. 6. **Schedule of implementation.** The plan must include a schedule for the implementation of the proposed used motor oil and lead-acid and dry cell battery management programs described in this part.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0680 HOUSEHOLD HAZARDOUS WASTE MANAGEMENT.

Subpart 1. **Content.** The plan must include the information in this part on the household hazardous waste management programs and practices in the county or district.

Subp. 2. **Policies and goals.** The plan must contain a description of the household hazardous waste goals and policies established by the county or district that comply with the requirements in Minnesota Statutes, section 115A.96, subdivision 6.

Subp. 3. **Existing programs and practices.** The plan must describe existing household hazardous waste management programs including collection, separation from mixed municipal solid waste, and education and promotion to reduce the use of household hazardous waste.

Subp. 4. **Specific programs to be developed.** The plan must describe the household hazardous waste programs that the county or district proposes to maintain or implement during the next ten years, including the responsible persons and estimated staff time necessary to develop and manage each program. These programs must include a broad-based public education component, a strategy for reduction of household hazardous waste, and a strategy for separation of household hazardous waste from mixed municipal solid waste and the collection, storage, and proper management of that waste.

Subp. 5. **Program budget.** The plan must estimate the annual costs to be incurred by the county or district in implementing and maintaining the household hazardous waste management programs during the next ten years, including itemized capital and operating costs.

Subp. 6. **Schedule of implementation.** The plan must include a schedule for the implementation of the proposed household hazardous waste management programs described in this part.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0690 DEMOLITION DEBRIS.

Subpart 1. **Content.** The plan must include the information in this part on demolition debris management programs and practices in the county or district.

Subp. 2. **Policies and goals.** The plan must contain a description of the demolition debris management goals and policies that the county or district has established.

Subp. 3. **Existing demolition debris practices.** The plan must describe demolition debris practices and programs including private and public sector Pollution Control Agency permitted facilities.

Subp. 4. **Specific programs to be developed.** The plan must describe the demolition debris programs that the county or district proposes to maintain or implement during the next ten years, including the responsible persons and estimated staff time necessary to implement and manage each program.

Subp. 5. **Program budget.** The plan must estimate the annual costs to be incurred by the county or district for demolition debris programs for the next ten years, including itemized capital and operating costs.

Subp. 6. **Schedule of implementation.** The plan must include a schedule for the implementation of the proposed demolition debris programs.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0700 SOLID WASTE ORDINANCE.

Subpart 1. **Content.** The plan must include the information in this part on the solid waste management ordinance in the county or district.

Subp. 2. **Status of solid waste ordinance.** The plan must describe the status of the county's or district's solid waste ordinance. The plan must list any problems with implementing or enforcing the current ordinance. The plan must include a copy of the county or district solid waste ordinance as an appendix item in the plan.

Subp. 3. **Ordinance amendments.** The plan must describe any planned amendments to the county solid waste ordinance. The description must include the responsible persons and estimated staff time necessary annually to monitor or enforce the ordinance.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0710 SOLID WASTE STAFF.

Subpart 1. **Content.** The plan must include the information in this part regarding the county or district solid waste staff.

Subp. 2. **Existing county or district solid waste staff.** The plan must describe existing levels of staffing for solid waste programs in place throughout the county or district.

Subp. 3. **Future staffing needs.** The plan must include estimates of staffing needed to implement the programs described in the plan.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0720 SOLID WASTE PROGRAM FUNDING.

Subpart 1. **Content.** The plan must include the information in this part regarding the county or district solid waste program funding.

Subp. 2. **Policies and goals.** The plan must contain a description of the future solid waste program funding goals and policies that the county or district has established.

Subp. 3. **Existing solid waste funding practices.** The plan must include a description of the county's or district's existing solid waste management financing mechanisms. The plan must indicate the current year and future projected amounts and sources of funding for solid waste programs including:

- A. tipping fees at solid waste transfer, processing, and disposal facilities; and
- B. governmental subsidies of waste management.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0730 PLAN REVIEW AND FIVE-YEAR UPDATE.

The plan must contain a description of the process and timelines for developing the county's or district's five-year update.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

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9215.0740 GOAL-VOLUME TABLE.

The plan must include a numeric presentation of the county's or district's goals and the volumes of solid waste to be managed for a ten-year period immediately following plan approval. It must include the recycling goal as required in Minnesota Statutes, section 115A.551; an estimate of land disposal capacity needed for the ten-year period in acre feet, tons, and cubic yards; and an estimate of remaining capacity at land disposal facilities that will be used. The table must be on a format approved by the director.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0750 ITEMIZED SOLID WASTE BUDGET.

The plan must include a projected ten-year county or district solid waste budget. The budget must include itemized capital and operating costs for each major solid waste program and the annual cost per ton and cost per household. The budget must be in a format approved by the director. A narrative discussion of the financial assumptions used in development of the budget shall be included.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0760 ALTERNATIVES TO PROPOSED SYSTEM.

The plan must include a description of the process that the county or district will use to evaluate, identify, and implement alternatives to the proposed system if the system described in parts 9215.0620 to 9215.0640 is not developed or has major operational difficulties.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0770 ENVIRONMENTAL RISKS.

Subpart 1. **Content.** In addition to the discussion of environmental and public health impacts required in parts 9215.0610 to 9215.0640, the plan must address the county's or district's plans and programs for mitigating the environmental risks associated with each item identified.

Subp. 2. **On-site disposal.** The plan must describe plans and programs for mitigating impacts to air, surface water, and groundwater and avoiding nuisance conditions from the on-site disposal of mixed municipal solid waste at farms or households.

Subp. 3. **Illegal disposal.** The plan must describe plans and programs for mitigating impacts to air, surface water, and groundwater from the practice of illegal disposal.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0780 SOLID WASTE FACILITY SITING PROGRAM.

Plans that indicate the development of new or expanded waste facilities must contain a detailed siting procedure and development program to ensure the orderly location, permitting, development, and financing of new or expanded solid waste facilities and services sufficient for the ten-year planning period. The procedure and program must be consistent with applicable rules of the office, the Pollution Control Agency, the Department of Natural Resources, the Environmental Quality Board, and other state agencies. The procedure and program must include siting criteria and a program for public participation.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0790 PUBLIC PARTICIPATION.

Subpart 1. **Documentation.** The plan must explain the methods for documenting public participation during the development and implementation of the solid waste management plan. The plan must include the location of where documentation of public input by interested parties including citizens, public advisory committees, regional authorities, adjacent counties or districts, local units of government, and waste service companies conducting business within the county or district is kept.

Subp. 2. **Ongoing public input.** The county or district shall describe a process to ensure the ongoing involvement of and consultation with persons who are concerned with solid waste management including those listed in subpart 1.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

REGIONAL PLANNING**9215.0800 REGIONAL PLANNING.**

A joint plan, plan update, or plan amendment may be submitted by a regional planning group formed through a joint powers agreement. It must:

A. indicate how each county or district in the region will comply with the county or district goals or responsibilities prescribed in statute or rule;

B. be adopted by each participating county and district; and

C. delineate the responsibility of each county or district and the Joint Powers Board with respect to implementation of the joint plan, plan update, or plan amendment.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

**APPROVAL AND SUBMITTAL OF PLANS,
PLAN UPDATES, AND PLAN AMENDMENTS****9215.0810 REQUIREMENTS FOR PLAN, PLAN UPDATE, AND PLAN AMENDMENT APPROVAL.**

Subpart 1. **Goals and objectives.** Each solid waste management plan including updates and amendments, when necessary, must provide for the implementation of policies and programs that are designed to achieve the state policy as declared by Minnesota Statutes, section 115A.02, of reducing the need for land disposal of unprocessed mixed municipal solid waste to the maximum extent possible.

Subp. 2. **Ten-year plan.** Each plan must address the county's or district's methods for managing solid waste in the county or district for the ten-year period immediately following adoption of the plan.

Subp. 3. **Land disposal reduction.** Each solid waste management plan must contain an integrated solid waste management system to achieve the most feasible and prudent reduction in the need for and practice of land disposal of mixed municipal solid waste. Plans proposing land disposal as the primary management method must contain technical, financial, and other documentation demonstrating that there are no solid waste management alternatives available to manage the solid waste stream that are more feasible and prudent than the proposed land disposal. Economic considerations alone will not justify the rejection of alternatives to land disposal. In determining feasibility and prudence, the office shall consider the factors in items A to C.

A. The plan must include a review of whether the proposed system is based on proven methods and technologies capable of commercial-scale application and whether the technologies can be successfully put into practice. Alternatives that are experimental or theoretical and cannot be put into commercial-scale application will not be considered feasible and prudent.

B. The plan must indicate whether the proposed system can be implemented consistent with projected revenues and budgets for solid waste management as prepared under part 9215.0750.

C. The plan must indicate whether the proposed system promotes solid waste management practices that minimize adverse impacts on natural resources.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0820 SUBMITTAL OF PLANS, PLAN UPDATES, AND PLAN AMENDMENTS FOR APPROVAL.

Subpart 1. **Draft plan.** A county or district seeking approval of a solid waste management plan shall submit its draft plan to the director. The draft plan must contain the information required in parts 9215.0540 to 9215.0790.

Subp. 2. **Plan update.** A county or district seeking approval of a plan update shall submit updated information required by parts 9215.0540 to 9215.0790 to the director. In addition, the county or district shall provide in the update:

A. an evaluation of the progress that has been made since approval of the plan to achieve the goals and policies of the programs proposed in the existing plan;

B. a discussion of the problems that have been encountered by the county or district in implementing the existing plan and the solutions established;

C. a discussion of the changes in the updated plan from the existing plan; and

D. information required by new statutes or rules that have been adopted since the existing plan was approved.

Subp. 3. **Plan amendment.** A county or district seeking approval of a plan amendment shall submit the amendment to the director. The county or district shall include the following information in its amendment:

A. the reasons for the proposed plan amendment;

B. the benefits of the changes proposed in the plan amendment, including: the purposes achieved by the conservation and recovery of resources and the furtherance of any regional waste management programs;

C. the consistency of the amendment with the policies and purposes expressed in Minnesota Statutes, section 115A.02;

D. updated goals and a revised goal-volume table as required in part 9215.0740;

E. an updated itemized solid waste budget for the county or district as required in part 9215.0750;

F. updated implementation information relevant to the changes proposed by the county or district as required in parts 9215.0570 to 9215.0800;

G. updated information on environmental risk as required in part 9215.0770 and updated waste facility siting information as required by part 9215.0780 if new information relating to planned activities has been developed since approval of the plan or plan update; and

H. for amendments that would result in an increase in the previously certified need for land disposal, documentation that the revised system is now the most feasible and prudent for the county or district.

Subp. 4. **Format.** A county or district submitting a plan, plan update, or plan amendment to the director for approval shall submit two copies of the plan and accompanying information. The plan must be in a three-ring binder, single-spaced, and printed on both sides if possible.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0830 TIMING OF SUBMITTAL.

Subpart 1. **Submittal of plan.** A county or district that has not submitted a solid waste management plan by December 14, 1992, shall submit a draft plan to the office within 90 days of that date.

Subp. 2. **Submittal of plan update.** Each county or district shall submit a plan update to the office when six months remains on the approval of the latest plan.

Subp. 3. **Submittal of plan amendment.** Each county or district shall submit a plan amendment according to items A to C.

A. Each county or district shall submit an amendment to the approved plan when the county or district is proposing to make substantial changes in its solid waste management system from what was contained in the approved plan.

B. If the director determines that an amendment to the plan is required due to substantial changes in solid waste management in the county or district, including, but not limited to, an increase in the amount of waste needing land disposal, the director shall notify the county or district in writing of the need to amend its plan. The county or district shall have six months from the receipt of notice to submit an amendment to the director.

C. If changes in statute or rule require plans to be amended on a schedule other than indicated in plan approval, the county or district shall submit a plan amendment in accordance with statutory and rule requirements.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0840 REVIEW BY OFFICE OF ENVIRONMENTAL ASSISTANCE.

Subpart 1. **Preliminary review.** On receipt of a draft plan, plan update, or plan amendment, the director shall review the draft and notify the county or district of any part of the submittal that requires redrafting and resubmittal. The office shall complete its review of the draft plan, plan update, or plan amendment within 45 days of receipt.

Subp. 2. **Supplemental information.** If advised by the office that a redraft and resubmittal are necessary, the county or district shall submit its redraft to the director within 90 days of the director's request for a redraft. The redraft shall be reviewed according to the procedures in subpart 1.

Subp. 3. **Preliminary decision to approve plan.** The director shall make a preliminary decision to approve a plan, plan update, or plan amendment within 90 days of the county's or district's submittal of a draft and all additional information required by the director. When the director makes a preliminary decision to approve a plan, plan update, or plan amendment, the director shall provide public notice of the preliminary decision and an opportunity for public comment in accordance with parts 9215.0850 and 9215.0860.

Subp. 4. **Preliminary decision to disapprove plan.** If the county or district does not resubmit a redraft and other additional information in response to a request by the director for the information, the director shall notify the county or district that the director intends to disapprove the plan, plan update, or plan amendment.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405; L 1999 c 73 s 5*

9215.0850 PUBLIC NOTICE AND PUBLIC COMMENT.

Subpart 1. **Public notice.** The director shall prepare and issue a public notice of the director's preliminary decision to approve a plan, plan update, or plan amendment. The public notice must include, at a minimum:

A. the business address and telephone number of the county or district chair, address and telephone number of the office, and a statement that additional information may be obtained at these offices;

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B. a brief description of the solid waste management plan or plan update or plan amendment, the duration of the approval, and any conditions of the approval;

C. a brief description of the procedures the office will use to reach a final decision on approval of the plan or plan update or plan amendment, including procedures for requesting that the county or district hold a public informational meeting; and

D. a statement that during the public comment period a person may submit comments to the office on the plan, plan update, or plan amendment, a statement of the dates on which the public comment period begins and ends, and a statement of the information a person is required to include in the comments.

Subp. 2. **Distribution of public notice.** The director shall distribute the public notice by:

A. making a copy of the public notice available at the office;

B. mailing a copy of the public notice to the chair of the county or district whose plan is subject to approval and to the Pollution Control Agency; and

C. by posting the notice in a building or buildings used by the general public in the county or district whose plan, plan update, or plan amendment is subject to approval, and by placing an advertisement containing the information required in subpart 1 in one or more newspapers of general circulation in the county or district.

Subp. 3. **Public comments.** The public shall have a minimum of 30 days to comment on the director's preliminary decision to approve a plan, plan update, or plan amendment. All comments shall be submitted in writing. Comments must include the following:

A. a statement of the person's interest in the plan, plan update, or plan amendment;

B. a statement of the action the person wishes the director to take, including specific references to the plan, plan update, or plan amendment that the person believes should be changed; and

C. the reasons for the person's position, stated with sufficient specificity to allow the director to assess the merits of the person's statements.

Subp. 4. **Extension of comment period.** The director may extend the public comment period if the director finds an extension of time is necessary to facilitate additional public comment.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0860 PUBLIC INFORMATIONAL MEETING.

Subpart 1. **Request.** A person may request the director to hold a public informational meeting on a plan, plan update, or plan amendment. A person requesting a public informational meeting shall submit the following information as part of the request:

A. a statement why a public informational meeting is necessary;

B. the issues the director should address at the public informational meeting; and

C. a proposed time and place for the public informational meeting.

Subp. 2. **Decision to hold public informational meeting.** If the director determines that a public informational meeting would help clarify and resolve issues regarding the plan or plan update or plan amendment, the director shall hold a public informational meeting. The director may decide to hold a public informational meeting without receiving a request from the public.

Subp. 3. **Location of meeting.** The director must hold the public informational meeting in the geographical area of the county or district included in the plan, plan update, or plan amendment.

Subp. 4. **Notice of public informational meeting.** The director shall prepare a notice of the public informational meeting. The notice must contain a reference to the public notice of the preliminary approval of the plan, plan update, or plan amendment, including the dates of issuance of the public notice; the date, time, and location of the public informational meeting; a concise description of the manner in which the public informational meeting will be conducted; and the issues to be discussed.

Subp. 5. **Distribution of notice.** The director shall publish the notice in a newspaper of general circulation in the geographical area of the plan or plan update or plan amendment, and shall mail a copy of the notice to the county or district and all other persons determined by the director to have an interest in the plan, plan update, or plan amendment.

Subp. 6. **Joint meeting.** If the director determines that no person would be adversely affected by consolidating two or more plans, plan updates, or plan amendments into one public informational meeting, the director may elect to do so.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0870 FINAL DECISION.

Subpart 1. **Record.** The director shall consider all information submitted by the county or district in seeking approval of its plan, plan update, or plan amendment and all information received from the public during the public comment period and all information submitted during the public informational meeting if one was held in making a final decision on the plan, plan update, or plan amendment.

Subp. 2. **Notification.** The director shall notify the county or district and all persons who submitted public comments or participated in a public informational meeting of the final decision on the plan, plan update, or plan amendment.

Subp. 3. **Approval of plan.** The director shall approve those plans, plan updates, and plan amendments that meet the requirements of parts 9215.0540 to 9215.0790 and 9215.0810. The director's approval shall remain in effect for five years unless the director determines that a shorter period of time is required to ensure that the county or district implements the plan.

Subp. 4. **Approval of amendment.** The approval of a plan amendment shall not change the due date of the county's or district's next plan update unless the director determines in the decision approving the amendment that the amendment eliminates the need to update the plan. If so, the director shall determine when the next update will be required.

Subp. 5. **Resolution.** Before final approval of the plan, plan update, or plan amendment, the director shall request the county or district to submit a certified copy of a resolution, passed by the county or district, that approves the plan, plan update, or plan amendment as the county's or district's solid waste management plan. No approval by the director of a plan, plan update, or plan amendment shall be final until a resolution is received by the office.

Subp. 6. **Submittal of final plan.** On final approval of a plan, plan update, or plan amendment, the county or district shall submit two copies of the final plan to the director. The plan must be submitted in a three-ring binder, must be single-spaced, and must be printed on both sides of the page if possible.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0880 REVOCATION OF APPROVAL.

Subpart 1. **Failure to implement.** The director shall require the county or district to amend its plan pursuant to part 9215.0820, subpart 3, if the director determines that a county or district has failed to implement substantial programs contained in the plan as approved.

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Subp. 2. **Failure to amend.** The director shall revoke the approval of a plan if the director determines that a county or district has failed to submit a plan amendment within six months of being notified by the director that an amendment is required.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

CERTIFICATE OF NEED

9215.0890 CERTIFICATE OF NEED.

Subpart 1. **Scope.** Applicants for permits for existing or proposed disposal facilities located outside of the metropolitan area cannot be issued a permit for new capacity for disposal of unprocessed mixed municipal solid waste without a certificate of need issued by the office. No state or local government body shall issue a permit for disposal of unprocessed mixed municipal solid waste until a certificate of need is issued by the office.

Subp. 2. **Timing.** The office shall review requests for a certificate of need submitted by an applicant of a proposed or existing disposal facility. The request must be submitted before a preliminary permit application is submitted to the Pollution Control Agency. The office shall review the request for a certificate of need within 90 days of submittal of a completed request.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0900 CONTENT OF CERTIFICATE OF NEED REQUEST.

Subpart 1. **Scope.** The certificate of need request shall contain the information described in this part.

Subp. 2. **Annual solid waste estimates.** The request shall include estimates of the amount and type of solid waste to be managed annually at the facility during its design life.

Subp. 3. **Origin of waste.** The request shall include identification of the origin of the solid waste including estimates of the amount of solid waste to be received annually from each county or district of origin. Information about quantities of solid waste from counties or districts outside the metropolitan area shall be based on information in approved county solid waste management plans. Information about quantities of solid waste from counties or districts within the metropolitan area shall be based on information in approved county or district solid waste master plans. If an approved county or district solid waste management plan or master plan does not state that solid waste from a county or district will be managed at the proposed facility, the request shall include a letter from the county or district board of the county or district generating the solid waste indicating that in the county's or district's best estimate the amount of solid waste in question is available for management at the proposed facility. The letter must be consistent with the approved plan and the plan amendment requirements of part 9215.0810.

Subp. 4. **Alternatives.** The request shall include an analysis of alternatives to the new or expanded disposal capacity if the new capacity has not been included in the approved county solid waste management plan or county master plan.

Subp. 5. **Estimate errors.** If the amount of new capacity needed is greater than the amount identified in the approved plan due to erroneous assumptions concerning the amount of solid waste generated, the application must document the basis for calculating the amount of capacity needed in lieu of an analysis of alternatives.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0910 PUBLIC INFORMATIONAL MEETING ON CERTIFICATE OF NEED REQUEST.

The office may hold a public informational meeting on its preliminary determination to approve or deny the request for a certificate of need if the director determines that a public informational meeting would help to clarify and resolve issues regarding the certificate of need request.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0920 APPROVAL OF CERTIFICATE OF NEED.

The office shall issue a certificate of need to the owner or operator of a proposed or existing disposal facility outside of the metropolitan area if the office determines that the additional disposal capacity is needed.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0930 FINAL DECISION.

The office shall make a final decision on a request for a certificate of need within 90 days after determining that a request is complete or after holding a public informational meeting.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0940 REVOCATION OF CERTIFICATES OF NEED.

The office shall revoke or revoke and reissue the certificate of need if the director determines that the information contained in the certificate of need is no longer accurate or that the owner or operator of the disposal facility has not fulfilled all applicable state and federal requirements.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*

9215.0950 REVIEW AND EXPIRATION OF EXISTING CERTIFICATES OF NEED.

Certificates of need issued prior to December 14, 1992, will be considered to be documentation of the land disposal needs of the county or district and will expire at the time of the county's or district's next plan update. The director shall reissue a certificate of need if the director determines that the certificate of need is required based on the provisions of parts 9215.0890 to 9215.0930.

Statutory Authority: *MS s 115A.06*

History: *17 SR 1405*