



Minnesota Pollution Control Agency

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July 20, 2016

JUL 25 2016

Mr. J. Mark Wedel
217 2nd Street Northwest Room 134
Aitkin, MN 56431

RE: Minnesota Pollution Control Agency Recommendations to Counties in Northeast Minnesota

Dear Mr. Wedel:

The purpose of this letter is to provide information to Counties in Northeast Minnesota regarding development of potentially new Mixed Municipal Solid Waste (MMSW) management facilities in Northeast Minnesota. The Minnesota Pollution Control Agency (MPCA) has received several formal and informal inquiries about how firms obtain MPCA authorization for new MMSW landfill and processing capacity. This letter is intended to answer some of the questions about obtaining MPCA's authorization to proceed.

If the Counties in Northeast Minnesota want the MPCA to approve the development of new MMSW management facilities, the MPCA strongly recommends that the Counties perform an analysis of alternatives to their present systems.

State Policy

First, and foremost, State policy, as outlined in Minn. Stat. § 115a.03, outlines the goals of managing materials for their highest and best use through the development and implementation of an integrated solid waste management system. It is the policy of the State of Minnesota that Counties implement solid waste management programs (as per Minn. Stat. § 400.01), participate in orderly and deliberate planning, contribute to the development and financial security of solid waste facilities (including landfills) and coordinate solid waste management between political subdivisions.

The State of Minnesota has established particular checks on permitting any new landfill development in Minn. Stat. § 115A.917 Certificate of Need (CON) and in County Plans in Minn. Stat. § 116.07. The MPCA is aware of environmental and financial risks associated with MMSW landfills and the failure of many landfill based solid waste systems in achieving state policies and goals.

Current Status

The MPCA reviewed Solid Waste Management Plans for Aitkin, Carlton, Cook, Itasca, Koochiching, Lake, and Saint Louis Counties, and the Western Lake Superior Sanitary District (WLSSD). The MPCA also examined County arrangements for MMSW land disposal at various public and private landfills. These County Plans do not indicate that additional MMSW landfill capacity is needed. The Counties have long term contractual arrangements in place to use landfills outside the region and the Saint Louis County Regional landfill also serves a portion of the region. A regional landfill located in Superior, Wisconsin currently serves several counties in Northeast Minnesota, and that facility is set to close in 2022. The counties using this facility will need to find other options for managing their waste and should explore all management options, not simply look for a new land disposal facility.

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However, as noted above, owing to the risks and need for perpetual care, landfills (whether public or private) must be supported by County Plans.

The assessment of alternatives could assess the intrinsic suitability of potential MMSW landfill sites owned by firms vying to accept waste generated in the region. Zoning and land use, transportation issues, existing solid waste management infrastructure, financial assurances, hydrogeological and soil conditions, leachate management options, anticipated fees and taxes, and other factors related to candidate MMSW landfills could all be part of the County analysis. Anticipated cost and pricing may also need to be explored in an alternatives analysis.

Process for obtaining an MMSW landfill permit outside of the Metropolitan Area

Statutes and rules governing MMSW landfill development in greater Minnesota identify County Planning as the first step in identifying facilities and need. If approved County Plans identify a particular new landfill as necessary, then the following process could commence:

1. Submit a complete CON request to the MPCA containing the information required in Minn. R. 9215.0890; if approved by the MPCA then,
2. Submit a preliminary application to the MPCA as per Minn. R. ch. 7035
3. Submit solid waste application to the MPCA as per Minn. R. ch. 7035 and complete any required Environmental Review as per Minn. R. ch. 4410 Environmental Review and obtain a negative declaration; if completed
4. Obtain applicable local approvals; if approved
5. MPCA issues applicable MMSW landfill permits with CON.

Your County's support of a comprehensive review of alternatives would be helpful to the State and to the citizens of northeast Minnesota who may benefit from regional cooperation. The MPCA will ask MMSW facilities currently serving the region and any future MMSW facilities to support the alternatives analysis and planning process. An alternatives analysis performed by the Counties and approved by the MPCA is essential to obtain information that either supports or does not support planned MMSW landfills.

If you have any questions or concerns feel free to contact me at 651-757-2221 or at david.benke@state.mn.us or contact our regional planning coordinator, Anna Kerr, at 651-757-2488 or at anna.kerr@state.mn.us.

Sincerely,



David J. Benke
Division Director
Resource Management & Assistance Division

DJB/AK:vs

We as residents, land owners and other interested parties along County Road 3, Aitkin County, Minnesota are apposed to the ATV Trail being constructed adjacent to County Road 3. This trail would run on the North side of the highway between Palisade and Rat Lake and would end there. We are Petitioning for the cancellation of this project.

We feel that this trail could be placed to connect with an existing trail in a less populated area and be more beneficial to ATV Riders and Aitkin County Citizens.

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