

SWAA LEGISLATIVE POLICY PLATFORM 2022

Approved on SEPTEMBER 23, 2021

LEGISLATIVE PRIORITIES

- **CAPITAL ASSISTANCE PROGRAM:** SWAA supports fully funding the bonding requests for proposed solid waste management projects as a partial match to the funds that counties invest in infrastructure for safe, environmentally sound management of solid wastes mandated by the state.
- **E-WASTE:** SWAA supports the use of manufacturer payments to fully reimburse county collection and recycling costs.
- **LEGISLATIVE SOLID WASTE Commission:** SWAA supports the establishment of a bi-partisan, bi- cameral commission to address solid waste related issues.
- **SOLID WASTE MANAGEMENT TAX USAGE:** SWAA supports allocating 100 percent of the revenue generated by the Solid Waste Management Tax (SWMT) to state and county waste management activities, including increased funding for SCORE (Governor’s Select Committee on Recycling and the Environment) grants to counties.
- **ORGANICS:** SWAA supports State encouragement and funding to prevent food waste and divert food scraps and other organics from the MSW stream, and resolve permitting and other issues to facilitate expansion of composting and other organic management facilities and methods.
- **COMPOSTABLE PRODUCTS:** SWAA supports standards/labeling requirements for compostable products to reduce processing impacts and costs of contamination at composting facilities.

POLICY POSITIONS

CONSTRUCTION AND DEMOLITION DEBRIS MANAGEMENT

- **RULEMAKING:** SWAA supports construction and demolition rulemaking utilizing a comprehensive stakeholder engagement process that provides an adequate timeline allowing for detailed discussions and collaborative solutions for rule change recommendations that weigh economic and social impacts along with the environmental impacts.
- **C&D SYSTEM CHANGES/SUSTAINABLE BUILDING:** SWAA supports changes in traditional C&D system focusing on voluntary approaches with state support of, and resources for, increasing deconstruction, salvage, recycling, and other reuse and reduction activities.
- **PERMITTING:** SWAA supports the timely issuance of permits that conform to statutory and rule requirements and are free of conditions not in adopted rules or statute. Permit issuance and permit requirements should account for the economic and social costs of implementation.

CONTINUING EDUCATION/STAKEHOLDER MEETINGS

- **REMOTE PARTICIPATION:** SWAA supports all state agency stakeholder meetings, public hearings and all required training, continuing education or refresher courses made available to participate from remote locations and/or be available in digital archive for later review.

ENVIRONMENTAL JUSTICE

- **FAIRNESS IN DECISIONS:** SWAA supports efforts of Minnesotans to live in an environment with clean air, clean water and unpolluted land. SWAA encourages work to incorporate environmental justice considerations as part of an integrated waste management system to achieve the public health and environmental protection goals established in state law.
- **FAIRNESS IN IMPACTS:** SWAA recognizes the potential impacts waste management activities and facilities can have on various social and economic groups in our communities. SWAA seeks solutions that minimize negative impacts and do not burden one group more than another.
- **FAIRNESS IN PROCESS:** SWAA supports the state promulgating rules to set the framework of the use of environmental justice considerations in the siting, environmental review, and permitting of solid waste management facilities.

MARKET DEVELOPMENT

- **STATEWIDE COORDINATION:** SWAA supports coordinated statewide market development for materials recoverable from waste. Market development efforts should: strengthen existing and establish new commodity markets, develop and support high-value uses of recovered materials, create demand for recycled materials and products across all sectors of the economy, and provide funding support to businesses that use recovered materials.
- **GLASS:** SWAA supports high value, beneficial uses of crushed glass; these uses are considered recycling and included in SCORE goals.
- **PLASTIC FILM:** SWAA supports state funding and assistance to support the collection, reuse, and recycling of recovered plastic films, including agricultural plastic and marine wrap.
- **EMERGING/CHALLENGING RECYCLABLE MATERIALS:** SWAA supports creating or strengthening processing capacity and markets for materials like solar panels, wind turbine blades, plastic film, cartons, flexible packaging, other consumer packaging, compost and other organics materials and products.

NOXIOUS WEEDS DISPOSAL

- For those engaged in the eradication of noxious weeds and invasive species, (i.e. garlic mustard, buckthorn, emerald ash borer or jumping worms) SWAA supports disposal in a suitable MPCA solid waste permitted disposal facility, such as waste-to-energy, landfill or compost facilities able to document meeting the Process to Further Reduce Pathogens

(PFRP) requirements. Yard waste facilities may be included if they can document meeting PFRP.

ON-SITE BURNING OF SOLID WASTE

- SWAA supports a state initiative to ‘close the loophole’ that allows for the continuation of on-site Municipal Solid Waste (MSW) burning activities. This initiative should be implemented at the state level.

ORGANIZED WASTE COLLECTION (INVERSE CONDEMNATION)

- SWAA opposes any legislation which would further restrict, hinder, or impair a local unit of government’s ability to organize waste collection services, or which would require a Local Unit of Government (LGU) to compensate a private waste hauler for claimed lost business due to LGU’s decision to organize waste collection. SWAA opposes legislation allowing a government unit to opt-out of county waste designation ordinances which would undermine county authority and solid waste management planning and fiscal management.

PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)

- **CLASSIFICATION:** SWAA opposes adding PFAS to Minnesota Environmental Response and Liability Act (MERLA) as doing so would shift responsibility to local taxpayers by making waste facilities responsible for management and clean-up of PFAS.
- **STATE RESOURCES FOR PFAS RESPONSE:** SWAA supports state actions to address PFAS in our environment through producer responsibility. When producer responsibility is insufficient to address the problem, state resources should be used to address this issue of general statewide significance and PFAS source reduction recommendations included in the State PFAS Blueprint. SWAA supports the MPCA working with MDH and an industry stakeholder group (as defined 2021 MN Session Law Chapter 6) to identify PFAS sources received by wastewater and solid waste management facilities.
- **EXEMPTIONS FOR PFAS RECEIVERS:** SWAA recognizes that solid waste management and wastewater treatment facilities, both critical for public health, neither manufacture nor use PFAS but rather are passive “receivers” of PFAS from consumers and industry. Due to society’s historic use and disposal of PFAS, these facilities will continue to manage trace amounts of PFAS in their wastewaters, bio-solids, contact waters, and leachates. These facilities should be exempt from MERLA and CERCLA liability due to PFAS.
- **PFAS RESPONSE:** SWAA supports the development of a scientifically based and targeted response plan, jointly developed by the MPCA and these “receivers,” that targets methods that cost-effectively protect human health and the environment.
- **REDUCING PFAS IN THE ENVIRONMENT:** SWAA supports state actions to address PFAS in our environment through producer responsibility.

PROCESSING FACILITIES

- **INCENTIVES:** SWAA supports increased incentives by the state for the retention, development, and permitting of new or expansion of existing solid waste processing and resource management facilities, including organics recovery, organics composting, anaerobic digestion, and waste-to-energy (WTE) facilities and other uses of waste as a resource.
- **SOLID WASTE AS A RENEWABLE ENERGY SOURCE:** SWAA supports recognition of energy recovered from solid waste as renewable energy.”
- **RESPONSIBLE LOCAL HANDLING OF WASTE:** SWAA supports a county’s or district’s ability to perform its solid waste management responsibilities as required by Minnesota Statutes Chapters 400 and 473 without prohibitions and restrictions that prevent responsible local handling of waste. This includes ensuring the viability of resource recovery facilities, which support the state’s solid waste management hierarchy and help counties provide an effective, efficient, and environmentally focused waste management system for all residents.

PRODUCT STEWARDSHIP

- **EXTENDED PRODUCER RESPONSIBILITY:** SWAA supports product stewardship among manufacturers, retailers, and consumers, with an emphasis on industry through an Extended Producer Responsibility framework approach, which creates producer-led material and toxicity reductions, reuse, and recycling programs, to deal with a product’s life cycle impacts from design through end-of-life management, which does not rely on local government programs and finances.
- **E-WASTE:** SWAA supports efforts to make improvements that would maximize recovery and responsible management of e-waste, including promotion of repair and reuse. Producers must be responsible for the management system(s) and all costs, including transportation and recycling costs. Furthermore, SWAA supports reducing end-of-life costs to consumers through increased manufacturer responsibility.
- **PHARMACEUTICALS AND SHARPS:** SWAA supports maximizing the collection and safe disposal of unwanted prescription and over-the-counter medicines and sharps through an internalized manufacturer financing mechanism that covers the costs of collection, transportation, and end of life disposal, and that does not rely on government funding.
- **SOLAR PANELS and WIND TURBINE BLADES:** SWAA supports addressing end-of-life handling in which the financial burden does not fall onto local governments and taxpayers.
- **PACKAGING WASTE REDUCTION:** SWAA supports an Extended Producer Responsibility approach to reduce the volume and toxicity of product packaging, builds on, and supports existing reuse and recycling infrastructure and displaces taxpayer funding for these efforts
- **MATTRESSES:** SWAA supports an extended producer responsibility program that addresses statewide, end-of-life handling for all mattresses according to the highest and best use on the waste hierarchy and displaces taxpayer funding for these efforts. The program and program funding must include transparency and accountability measures, should ensure use of existing recycling infrastructure, and provide local governments with a voluntary role in development, evolution, and implementation.

SOLID WASTE DISPOSAL CAPACITY AND CERTIFICATE OF NEED

- **CLEAR PLAN FOR DISPOSAL CAPACITY:** SWAA supports MPCA's development of a clear plan to address statewide diminishing MSW landfill and processing capacity, and a clearly defined process for the issuance and approval of certificate of need (CON) and subsequent environmental review, disposal facility siting and permitting.
- **FULL CAPACITY PERMIT:** To best make use of limited resources, SWAA supports environmental review of solid waste facilities based on the entire site capacity, in phased development, as allowed by rule; permits should be issued for the entire facility capacity.
- **ORGANICS:** SWAA supports State encouragement and funding to prevent food waste and divert food scraps and other organics from the MSW stream, and resolve permitting and other issues to facilitate expansion of composting and other organic management facilities and methods.

SOLID WASTE FINANCING

- **CAPITAL ASSISTANCE PROGRAM (CAP):** SWAA supports increased state funding for the CAP to assist counties with solid waste management projects.
- **SOLID WASTE MANAGEMENT TAX USAGE:** SWAA supports allocating 100 percent of the revenue generated by the Solid Waste Management Tax (SWMT) to state and county waste management activities, including increased funding for SCORE (Governor's Select Committee on Recycling and the Environment) grants to counties.
- **SOLID WASTE MANAGEMENT TAX REFORM:** SWAA supports making the solid waste management tax fairer and more consistent by: (1) set the industrial waste rate at 17%; and (2) change the construction and demolition (C&D) tax rate from \$0.60 per cubic yard to 5% of disposal fee.
- **INCENTIVES FOR RECLAIMING RECYCLABLE MATERIALS:** SWAA supports the state providing monetary incentives for reclaiming recyclable materials from wastes deposited at processing and disposal facilities operating in Minnesota. To accomplish this end, the state would provide payments to the facility for documented reclaimed materials in the amount of the SWMT that had been collected on those materials.
- **NEW SOLID WASTE PROGRAMS:** SWAA opposes any new legislation which would provide for the implementation of any new solid waste related programs if corresponding legislation does not provide for full, long-term sustainable funding — that is not a tax on solid waste management facilities — for the implementation, administration, and execution of said program.
- **CLOSED LANDFILL PROGRAM:** SWAA supports adequate funding and preservation of the closed landfill program (CLP), including both the Closed Landfill Investment Fund (CLIF) and the Metropolitan Landfill Contingency Action Trust (MLCAT). Additionally, SWAA supports protecting these funds from uses other than Landfill Cleanup Program uses, in accordance with Minnesota Statutes 115.39 – 115B.444, to generate a sufficient fund balance to take care of the needs of closed landfills throughout Minnesota in the future. Funds previously transferred out of these accounts for balancing state deficits should be repaid on a schedule necessary to address identified priorities.

STATE GOVERNANCE

- **INNOVATIVE TECHNOLOGIES:** SWAA supports state leadership in actively supporting innovative technologies. The state should, through policy, regulatory changes, and financial solutions, provide tools to meet the challenges of evolving waste and recycling streams. Such tools should encourage extracting value out of resources in waste and address emerging environmental/health priorities/challenges.
- **WOOD WASTE AND EMERALD ASH BORER (EAB):** SWAA supports state action to properly respond to the rapidly expanding EAB infestation across the state and the resulting volume of wood waste. SWAA supports creating a wood waste management policy framework consistent with the waste management hierarchy, sustaining and expanding markets and end-uses for wood waste and developing funding mechanisms that avoid additional burdens on counties. SWAA supports substantial state resources to assist counties and communities in slowing the spread of EAB, thereby reducing the surge of wood waste requiring management.
- **LEGISLATIVE SOLID WASTE COMMISSION:** SWAA supports the establishment of a bi-partisan, bi- cameral commission to address solid waste related issues.
- **PROHIBITIVE OR LIMITING LEGISLATION:** SWAA opposes any legislation that limits, prohibits, or interferes with a county's ability to implement any component of its solid waste management plan as required by Minnesota Statutes Chapters 400 and 473.
- **STATE PERMITTING PROCESSES:** SWAA supports the need to update and increase efficiency of state permitting processes in ways that establish appropriate health and environmental regulatory oversight without unnecessarily burdening development and operation of new facilities/emerging technologies that serve to advance solid waste and other environmental policies.
- **COMPOSTABLE PRODUCTS:** SWAA supports standards/labeling requirements for compostable products to reduce processing impacts and costs of contamination at composting facilities.

WASTE ASSURANCE

- SWAA supports efforts to streamline, modify, or simplify state requirements and reduce barriers to utilizing waste assurance tools.