



**MEETING NOTICE
PARTNERSHIP ON WASTE AND ENERGY BOARD**

Date: Thursday, December 10, 2020
Time: 1:00 pm - 2:30 pm
Virtual Meeting: <https://zoom.us/j/99902553263?pwd=R3hjcUVOWmlMRldFQ3Z3WUIKUnlCZz09>
Meeting ID: 999 0255 3263 | **Passcode:** 657568 | **Phone:** +1 651-372-8299

The Chair of the Partnership on Waste and Energy Board has determined that an in-person meeting is not practical or prudent because of the COVID-19 pandemic and the declared state and local emergencies. Commissioners will participate by telephone or other electronic means and the Board meeting will be conducted pursuant to and in compliance with Minnesota Statute 13D.021 and 13D.04 Subd. 3. Members of the public will be able to watch the public meeting live online.

AGENDA

1. Call to Order, Introductions, Commissioner Roll Call
2. Approval of Agenda Action Page 1
3. Approval of Minutes of September 24, 2020 Action Page 2
4. Business
 - a. 2021 Budget Action Page 5
 - b. 2021 PWE Legislative Platform Action Page 9
 - c. Contract for Lobbying Services Action Page 13
 - d. Certificate of Need Letter to Metro Landfills Action Page 22
 - e. 2021 Board Meeting Schedule Action Page 28
5. Other
 - a. Great Plains Institute Update Information Page 31
 - b. Battery Recycling Campaign Update Information Page 46
6. Adjourn

NEXT MEETING

Tentative: Thursday, January 28, 2021, 12:30-2:00 PM | Zoom Meeting



**PARTNERSHIP ON
WASTE AND ENERGY**
HENNEPIN | RAMSEY | WASHINGTON

A meeting of the Partnership on Waste and Energy (PWE) Board was held as a remote Zoom meeting at 12:30 p.m. on Thursday, September 24, 2020. Essential staff participants met at the Ramsey County Environmental Health Office, 2785 White Bear Avenue North, Suite 350, Maplewood, Minnesota. Other participants joined through Zoom.

The Chair of the Partnership on Waste and Energy Board has determined that an in-person meeting is not practical or prudent because of the COVID-19 pandemic and the declared state and local emergencies. Commissioners will participate by telephone or other electronic means and the Board meeting will be conducted pursuant to and in compliance with Minnesota Statute 13D.021 and 13D.04 Subd. 3. Members of the public will be able to watch the public meeting live online.

MEMBERS PRESENT

Commissioner Debbie Goettel – Hennepin County
Commissioner Fran Miron – Washington County
Commissioner Victoria Reinhardt – Ramsey County

ATTENDING AT RAMSEY ENVIRONMENTAL HEALTH, MAPLEWOOD

Zack Hansen, Katie Keller, Kevin Magnuson, Nikki Stewart, Jody Tharp, Jordan Thone

ATTENDING REMOTELY

Leigh Behrens, Dave Benke, Shannon Conk, Dan Donkers, Jamie Giesen, Tony Hainault, Sam Hanson, Grady Harn, Matt Herman, Sam Holl, Brendan Jordan, Andrea McKennan, Leo Moreno, Dave McNary, Logan O’Grady, Michael Reed, Sam Richie, Peder Sandhei, Ken Smith, John Springman, Tim Steinbeck, Darren Tobolt, Britta Torkelson, Jeff Travis, Rob Vanasek, Margaret Vesel, Kevin Walli, Sam Walseth, Kris Wehlage

CALL TO ORDER AND COMMISSIONER ROLL CALL

Chair Goettel called the meeting to order at 12:31 pm.

APPROVAL OF AGENDA AND MINUTES

Chair Goettel proposed approval of the agenda and minutes together. Commissioner Reinhardt moved, seconded by Commissioner Miron, to approve the September 24, 2020 agenda and June 25, 2020 minutes.

| Roll Call | <u>Commissioner</u> | <u>Yay</u> | <u>Nay</u> |
|-----------|---------------------|------------|------------|
| | Goettel | X | |
| | Miron | X | |
| | Reinhardt | X | |

Ayes: 3 Nays: 0 Motion Carried.

BUSINESS

Legislative Platform Review

Tony Hainault, Hennepin County Environment and Energy, presented proposed changes to the 2021 PWE legislative platform. With board input, staff will draft the proposed platform and present it for approval at the December 10, 2020 board meeting.

Proposed structure, formatting and style changes include:

- Add an overarching statement that defines the Partnership and its high-level vision for policy direction.
- Highlight priorities so they are more easily seen.
- Condense descriptions of priorities.
- Create one-page fact sheet documents on key issues.

Commissioner Reinhardt stated that a one-page format will be more effective for use with legislators. She suggested an electronic version be created with links to more in-depth information, such as the fact sheets.

Content ideas include:

No significant content changes are recommended. Some policy positions will emphasize an interest in stronger state leadership on longer-term waste and energy issues and critical shorter-term needs. Two ideas emerged:

- Condense similar topics and leave details to fact sheets: circular economy items, solid waste financing, changing climate, waste management goals and energy
- Address changing ways PWE talks about issues that have been pursued for years: source reduction, waste hierarchy, food waste management, toxicity, system financing. Staff proposes wrapping these ideas into platform items that resonate with the current discussions in waste management, describe more interest in a circular economy, and reflect a commitment to environmental justice and equity.

New items for the platform, while not new to the work of PWE, include: new technologies for waste processing, C&D waste, clean fuels, environmental justice and equity, changing climate, food waste as a market development priority, product stewardship for mattresses and packaging, and wood waste management related to Emerald Ash Borer (EAB).

Commissioner Reinhardt recommends looking at platforms for SWAA and Association of MN Counties, whose approach is very similar. The more coordinated the priorities are with other organizations, the more effective lobbying efforts will be. Hainault said staff are actively engaged with SWAA.

Commissioner Miron agreed that broadening the approach may help gain support for PWE initiatives, and may resonate better with legislators from other areas of the state.

Hainault addressed staff conversations with PWE's lobbyist team. It will be a difficult budget session, and PWE will have to work to maintain existing funding streams. On key policy issues, some funding exists outside the general budget, and PWE will pursue even small amounts of funding.

Rob Vanasek, Capitol Hill Associates, stated that a better sense of what to expect for funding and support will emerge following this intense election season. As of August, Minnesota's \$50 billion budget had a \$4.7 billion shortfall. Recent federal GDP figures indicate the possibility of improvement, perhaps

SUBJECT: *PWE Meeting Minutes 9-24-2020*

resulting in an estimated \$3.5 billion deficit for Minnesota. Funding cuts are anticipated, with new spending areas unlikely.

OTHER

Ken Smith, District Energy, reported that good progress is being made in negotiations with Xcel. This year, more tree waste has been seen at District Energy than any other year in the company's 17 years of operation, with Emerald Ash Borer (EAB) as one reason for the increase. District Energy is exploring other sites for temporary storage of tree waste.

ADJOURN

Chair Goettel called the meeting adjourned at 1:11 pm.

NEXT MEETING:

Thursday, December 10, 2020 | 1:00-2:30 PM | Zoom meeting

ATTESTED TO:

Approved: _____
Commissioner Debbie Goettel, Chair
December 10, 2020

Approved: _____
December 10, 2020



**PARTNERSHIP ON
WASTE AND ENERGY**
HENNEPIN | RAMSEY | WASHINGTON

| | | | | | | | |
|----------------------------------|--|---|-------------|--------------------------|-------------------|-------------------------------------|--------|
| PARTNERSHIP MEETING DATE: | | December 10, 2020 | | AGENDA ITEM: | | 4.a. | |
| SUBJECT: | | 2021 Budget | | | | | |
| TYPE OF ITEM: | | <input type="checkbox"/> | INFORMATION | <input type="checkbox"/> | POLICY DISCUSSION | <input checked="" type="checkbox"/> | ACTION |
| ACTION REQUESTED: | | Approve the 2021 Partnership on Waste and Energy Budget | | | | | |

EXECUTIVE SUMMARY:

Section 5.2.4. of the joint powers agreement that creates the Partnership on Waste and Energy (PWE) provides direction on an annual budget:

- 5.2.4. The Governing Board shall develop and approve an annual budget (for the calendar year January 1 to December 31) at its first official meeting, and at a fall meeting in subsequent years.
- 5.2.4.1. The budget shall specify contributions by the Parties, which shall be allocated in equal parts to the Parties.
- 5.2.4.2. The Parties shall make their contributions to the Administrative Agent by February 28th of each year.

Staff have prepared a 2021 budget. Some changes from 2020:

- Decrease in funding for the Business Waste & Recycling Guide. This work is budgeted in 2021 as part of the Intern responsibilities.
- Added battery recycling campaign program in 2021. Improper disposal of batteries continues to be an issue for county facilities and the waste industry, and funding is needed to develop a common message for the PWE counties.
- Added Emerald Ash Borer (EAB) program in 2021. Funds are budgeted for evaluating options for wood waste management that are higher on the waste management hierarchy than landfilling
- Contingency funds are budgeted in 2021 as a way to allow flexibility in the 2021 budget and are part of the carryover funds from previous budgets.
- Carryover funds budgeted are a result of unused funding from previous budgets. Most notably \$50,000 from 2019 for the commercial waste sort program not implemented as a result of unforeseen circumstances and \$46,062 from 2020 for the energy policy development services.

PARTNERSHIP ON WASTE AND ENERGY
HENNEPIN | RAMSEY | WASHINGTON

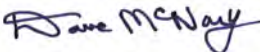

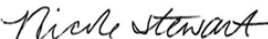
2785 White Bear Avenue North, Suite 350 | Maplewood, MN 55109
info@morevaluelesstrash.com | 651-266-1199

SUBJECT: *Proposed 2021 Budget*

ATTACHMENTS:

1. Draft Resolution
2. Proposed 2021 Partnership Budget

FINANCIAL IMPLICATIONS:

| AUTHORIZED SIGNATURES | DATE |
|---|----------|
| Hennepin County | 11/30/20 |
| Recycling & Energy | 11/30/20 |
|    | 11/30/20 |
| Approved as to form: Ramsey County Attorney | 12/1/20 |



**PARTNERSHIP ON
WASTE AND ENERGY**
HENNEPIN | RAMSEY | WASHINGTON

Draft Resolution: 2021 Budget

**Resolution PWE-2020-05
2021 Budget**

WHEREAS, The Joint Powers Agreement (“JPA”) between the Ramsey/Washington Recycling & Energy Board (“R&E Board”) and Hennepin County for a Partnership on Waste and Energy Issues (“Partnership”) directs the Governing Board of the Partnership to develop an annual budget; and

WHEREAS, The JPA further specifies that the Partnership budget shall specify contributions by the Parties, which shall be allocated in equal parts to the Parties; and

WHEREAS, A 2021 budget for the Partnership has been presented by staff. NOW, THEREFORE,
BE IT

RESOLVED, The Governing Board hereby approves the 2021 Partnership Budget.

Chair, Governing Board

12/10/2020
Date

Attest, Vice Chair

12/10/2020
Date

2021 Partnership on Waste and Energy Budget

| | 2020 Approved Budget | 2021 Proposed Budget |
|---|-------------------------------------|-------------------------------------|
| | <u> </u> | <u> </u> |
| APPROPRIATIONS: | | |
| Staffing and Administration | | |
| Planning Specialist | - | 9,300 |
| Intern | 18,800 | 5,000 |
| Accounting Manager | 5,592 | 6,800 |
| Contract Manager | 4,944 | 5,700 |
| Communications Staff | - | - |
| | <u>29,336</u> | <u>26,800</u> |
| Contracts | | |
| Insurance, MCIT | 1,200 | 1,200 |
| Business Waste & Recycling Guide | 10,500 | - |
| Lobby Contract - Waste, Capital Hills Association | 50,000 | 50,000 |
| Lobby Contract - Energy, Fryberger | 25,000 | 25,000 |
| Anaerobic Digestion Contract - Great Plains | 25,000 | 25,000 |
| Energy Policy Development Services | 46,062 | 46,000 |
| Battery Recycling Campaign | - | 45,000 |
| EAB Woodwaste | - | 50,000 |
| Contingency Funds | - | 16,639 |
| | <u>157,762</u> | <u>258,839</u> |
| Total Appropriations | <u><u>187,098</u></u> | <u><u>285,639</u></u> |
| REVENUE: | | |
| SWMCB | 20,598 | - |
| Carryover Funds | - | 119,139 |
| Recycling and Energy Board | 83,250 | 83,250 |
| Hennepin County | 83,250 | 83,250 |
| | <u>187,098</u> | <u>285,639</u> |
| Total Revenue | <u><u>187,098</u></u> | <u><u>285,639</u></u> |



**PARTNERSHIP ON
WASTE AND ENERGY**
HENNEPIN | RAMSEY | WASHINGTON

| | | | | | | | |
|----------------------------------|--|---------------------------------------|-------------|--------------------------|-------------------|-------------------------------------|--------|
| PARTNERSHIP MEETING DATE: | | December 10, 2020 | | AGENDA ITEM: | | 4.b. | |
| SUBJECT: | | 2021 Legislative Platform | | | | | |
| TYPE OF ITEM: | | <input type="checkbox"/> | INFORMATION | <input type="checkbox"/> | POLICY DISCUSSION | <input checked="" type="checkbox"/> | ACTION |
| ACTION REQUESTED: | | Approve the 2021 legislative platform | | | | | |

EXECUTIVE SUMMARY:

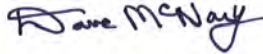

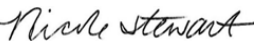

The 2021 Legislative Session will convene in January 2021. Staff and lobbyists have prepared an updated platform for consideration by the Governing Board based on member input at the September 24 board meeting. The 2021 Legislative Platform will guide efforts for the 2021 Legislative Session. Issue-specific fact sheets will be created as needed, serving as an extension of the platform’s priorities and direction.

ATTACHMENTS:

1. Draft Resolution
2. 2021 Draft Legislative Platform
3. Draft sample of an issue-specific fact sheet

FINANCIAL IMPLICATIONS:

None.

| AUTHORIZED SIGNATURES | DATE |
|--|--|
| Hennepin County |  12/1/20 |
| Recycling & Energy |  11/24/20 |
| |  11/24/20 |
| Approved as to form: Ramsey County Attorney |  12/1/20 |



Draft Resolution: 2021 PWE Legislative Platform

Resolution PWE-2020-06
2021 Partnership on Waste and Energy Legislative Platform

WHEREAS, The Joint Powers Agreement (“JPA”) between the Ramsey/Washington Recycling & Energy Board (“R&E Board”) and Hennepin County for a Partnership on Waste and Energy Issues (“Partnership”) directs the Governing Board of the Partnership to develop an annual budget; and

WHEREAS, Section 5.1.1. of the JPA specifies that the Governing Board shall develop a legislative and policy platform; and

WHEREAS, The Governing Board has discussed legislative and policy issues that are in the interests of the Partnership’s member counties, and has identified the key issues to be addressed in a platform. NOW, THEREFORE, BE IT

RESOLVED, The Governing Board hereby approves the 2021 Partnership Legislative Platform.

Chair, Governing Board

December 10, 2020
Date

Attest, Vice Chair

December 10, 2020
Date

A collaboration between Hennepin, Ramsey, and Washington counties

Partnership on Waste and Energy 2021 State Legislative Platform

The Partnership on Waste and Energy (PWE) seeks to end waste, promote renewable energy and enhance the health and resiliency of communities we serve while advancing equity and responding to the challenges of a changing climate.

Support initiatives to build a sustainable, circular economy

PWE supports measures to design waste, toxicity and pollution out of the marketplace, keep products and materials in use and restore natural systems.

PWE supports shared responsibilities and partnerships among private and public entities to manage waste generation and use waste as a resource.

Make solid waste financing a robust, equitable tool for achieving environmental and public health goals

PWE supports tax and finance policies that adequately fund local government to carry out responsibilities required in statute, that provide incentives to create a stronger and more circular Minnesota economy and that equitably apply costs and distribute financial resources in alignment with policy goals.

PWE supports strategic financing to encourage emerging technologies and advance the solid waste, resource and energy management systems in ways that are more sustainable, equitable and protective of the environment and public health.

Build on Waste Management Act goals

PWE supports public health and environmental goals established in the Waste Management Act. PWE believes that integrating energy and materials management strategies to reach beyond current goals, policies and structures will achieve a more sustainable economy without waste, reduce greenhouse gases and improve other environmental outcomes.

PWE supports stronger and more resilient partnerships among state and local governments to ensure the ability of government to implement waste and resource policies and programs that achieve statutory goals.

Contact for More Information

Rob Vanasek
Capitol Hill Associates
Phone: 612-964-4876
rob@capitolhillassoc.com

Sam Richie
Fryberger, Buchanan, Smith & Frederick, P.A.
Phone: 218-301-9758
srichie@fryberger.com



Partnership on Waste and Energy

Product Stewardship and Extended Producer Responsibility

The Partnership on Waste and Energy (PWE) seeks to end waste, promote renewable energy and enhance the health and resiliency of communities we serve while advancing equity and responding to the challenges of a changing climate.

PWE supports product stewardship among manufacturers, suppliers, retailers and consumers, relying on an extended producer responsibility (EPR) framework to create producer-led partnerships that reduce lifecycle impacts of products and packaging.

PWE supports EPR strategies that lead producers to manufacture non-toxic products, prevent waste, preserve natural resources, increase reuse or recycling of products and achieve public health and environmental protection at end-of-life management.

PWE supports EPR systems that reduce the financial burden on local government and taxpayers and establish measurable and enforceable goals.

Better resource management, building a circular economy

Product stewardship and EPR policies can effectively address problem materials, especially the following:

- Prescription drugs
- Electronic devices
- Medical sharps
- Carpet
- Lithium-ion batteries
- Mattresses
- Product, food and beverage packaging
- Solar panels

Better health and environmental outcomes, reduced financial impacts on taxpayers and local government

Well-designed product stewardship and EPR approaches:

- Encourage product and packaging redesign
- Shift end-of-life management costs to consumers
- Provide funding relief to local programs and taxpayer
- Offer consumers management options that are fair, convenient and better for the environment

\$XX million annually

spent by Hennepin, Ramsey and Washington counties to properly manage materials.

Contact for More Information

Rob Vanasek
Capitol Hill Associates
Phone: 612-964-4876
rob@capitolhillassoc.com





**PARTNERSHIP ON
WASTE AND ENERGY**
HENNEPIN | RAMSEY | WASHINGTON

| | | | | | | | |
|----------------------------------|--|---|-------------|--------------------------|-------------------|-------------------------------------|--------|
| PARTNERSHIP MEETING DATE: | | December 10, 2020 | | AGENDA ITEM: | | 4.c. | |
| SUBJECT: | | Contract for Lobbying Services | | | | | |
| TYPE OF ITEM: | | <input type="checkbox"/> | INFORMATION | <input type="checkbox"/> | POLICY DISCUSSION | <input checked="" type="checkbox"/> | ACTION |
| ACTION REQUESTED: | | 1. Approve the agreement with Fryberger Law Firm with a term of January 1, 2021 through December 31, 2023, in an amount not to exceed \$74,925. 2. Authorize the chair to execute the agreement upon approval as to form by the county attorney. | | | | | |

EXECUTIVE SUMMARY:

Section 5.1.1. of the Joint Powers Agreement states that the Partnership is responsible to “Develop a legislative and policy platform, and to select the contract lobbyists for waste management and energy.”

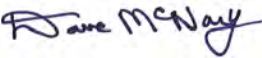

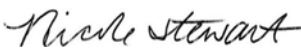

Staff is recommending contracting with Fryberger Law Firm based on the previous work the contractor has provided for the Partnership using the single source procurement method approved in the Administrative Agent’s Procurement Guidelines.

ATTACHMENTS:

1. Draft Resolution
2. Agreement with Fryberger Law Firm

FINANCIAL IMPLICATIONS:

Included in budgets.

| AUTHORIZED SIGNATURES | DATE |
|------------------------------|---|
| Hennepin County |  12/1/20 |
| Recycling & Energy |  12/1/20 |
| Approved as to form: |  12/1/20 |
| Ramsey County Attorney |  12/1/20 |



Draft Resolution: Selection of Lobbyist

**Resolution PWE-2020-07
Selection of Lobbyist**

WHEREAS, The Joint Powers Agreement (“JPA”) between the Ramsey/Washington Recycling & Energy Board (“R&E Board”) and Hennepin County for a Partnership on Waste and Energy Issues (“Partnership”) directs the Governing Board of the Partnership to develop an annual budget; and

WHEREAS, The JPA further specifies that the Governing Board may negotiate, enter, and enforce contracts necessary to accomplish the purposes set forth in the JPA; and

WHEREAS, The JPA identifies the R&E Board as the Administrative Agent for the Partnership, and that its procurement guidelines will be used for Partnership procurement; and

WHEREAS, The JPA further charges the Governing Board to develop a legislative and policy platform, and to contract with waste management and energy lobbyists; and

WHEREAS, Pursuant to the R&E Board’s Procurement Guidelines, single source procurement method is being used based on Fryberger Law Firm’s previous lobbyist work with the Partnership; and

WHEREAS, Staff recommend that the Governing Board select the Fryberger Law Firm as the Partnership’s lobbyist. NOW, THEREFORE, BE IT

RESOLVED, The Governing Board hereby approves agreement with Fryberger Law Firm with a term of January 1, 2021 through December 31, 2023, in an amount not to exceed \$74,925. BE IT FURTHER

RESOLVED, The Governing Board hereby authorizes the chair to execute the agreement upon approval as to form by the county attorney.

Chair, Governing Board

12/10/2020
Date

Attest, Vice Chair

12/10/2020
Date



Partnership on Waste and Energy Board

Contract Number: RESRC-1252

Contractor Name: Fryberger, Buchanan, Smith & Frederick, P.A.
Vendor ID: 213408
CERT SBE SVN:

Department: PWE

Contract Authority/Resolution: Resolution
Resolution #: PWE 2020-XX

Good/Service Type: Professional Services

Contract Description: Specialty Lobbying Services

Contract Type: rate setting

Not To Exceed Amount: \$24,975 per year

Funding Notes: 421201-35101-140101-51811

Original Contract Begin Date: 01/01/2021
Original Contract End Date: 12/31/2023

Comments:

Sole source procurement terms are being used based on the following - continuation of previous or additional work that cannot be acquired easily or effectively from another contractor or individual due to patent or institutional knowledge gained performing the previous work.



Agreement between Governing Board of the Partnership on Waste and Energy and Fryberger, Buchanan, Smith & Frederick, P.A. For Lobbying Services

THIS AGREEMENT made and entered into by and between the Governing Board of the Partnership on Waste and Energy, hereinafter referred to as the “Partnership”, and Fryberger, Buchanan, Smith & Frederick, P.A., with its principal place of business at 302 W Superior St., Suite 700, Duluth, MN 55802, hereinafter referred to as the “Contractor” or “Vendor”.

1. Term

The term of the Agreement shall be January 1, 2021 through December 31, 2023 with the option of two, one-year renewals upon mutual written agreement of the parties.

2. Scope of Services

The Contractor shall carry out the following services throughout the term of the Agreement:

- a) Report to, and take direction from the Policy Staff.
- b) Attend a minimum of three Partnership and no fewer than three Policy Staff meetings per year.
- c) Stay in regular communication with Policy staff on legislative and policy development matters.
- d) Develop strategies for advancing issues that are raised by the Partnership in the course of energy policy development. Provide strategy for implementing Partnership legislative principles.
- e) For any Partnership initiated legislation, identify and secure bill authors.
- f) Work with key legislative committee chairs, members and staff to advance the Partnership’s legislative initiatives.
- g) Assist Policy Staff with the preparation and dissemination of background materials related to the Partnership legislative issues
- h) Develop testimony with Policy Staff on energy issues impacting the Partnership and its member counties. Identify commissioners and other testifiers and review testimony developed with Policy Staff with them. Attend hearings with testifiers.
- i) Coordinate with other organizations as appropriate on Partnership legislative issues, and work towards reaching consensus on these policy matters.
- j) Work with the Revisor’s office on language and develop support for changes desired.
- k) Under direction of the Policy staff, serve as a central contact on Partnership legislative issues for stakeholder sectors including MPCA, Department of Commerce, Department of Agriculture, Public Utilities Commission, Department of Employment and Economic Development, AMC, other counties and the Governor’s office.
- l) Working with Policy Staff, attend meetings on legislative issues with other stakeholders
- m) Share the Partnership’s legislative platform specifics with Governor’s office staff and appropriate Administration officials.
- n) Work with other stakeholders and develop coalitions, as necessary, to advance the Partnership’s legislative and policy platform.



3. Cost/Payment

The Partnership shall pay the Contractor at the following rates, inclusive of expenses, for the initial term of the Agreement and for all Agreement renewal years:

| | |
|-----------|------------|
| January | \$3,000.00 |
| February | \$3,000.00 |
| March | \$3,000.00 |
| April | \$3,000.00 |
| May | \$3,000.00 |
| June | \$1,425.00 |
| July | \$1,425.00 |
| August | \$1,425.00 |
| September | \$1,425.00 |
| October | \$1,425.00 |
| November | \$1,425.00 |
| December | \$1,425.00 |

- a) The Contractor shall submit monthly invoices to the Partnership.
- b) If applicable, invoices shall show applicable Minnesota sales tax of 6.875% separately.
- c) No payment will be made until the invoice has been approved by the Partnership.
- d) The Partnership shall make payment to the Contractor within thirty (30) days of the date on which the invoice is received. If the invoice is incorrect, defective or otherwise improper, the Partnership will notify the Contractor within ten (10) days of receiving the incorrect invoice. Upon receiving the corrected invoice, the Partnership will make payment within thirty (30) days of the corrected invoice.
- e) Payment of interest and disputes regarding payment shall be governed by the provisions of Minnesota Statutes §471.425.

4. Audits, Reports, Records and Monitoring Procedures

The Contractor will:

- a) Maintain records which reflect all revenues, costs incurred and services provided in the performance of the Agreement.
- b) Agree that the Partnership, the State Auditor or legislative authority, or any of their duly authorized representatives at any time during normal business hours, and as often as they may deem reasonable and necessary for a minimum of six years from the end of this contract pursuant to Minnesota Statute 16C.05, shall have access to and the right to examine, audit, excerpt, and transcribe any books, documents, papers, records, and accounting procedures and practices of the Vendor which are relevant to the Vendor's performance and determination of the agreed upon discounted payment rate under this Agreement.

5. Standards



- a) The Contactor shall comply with all applicable Federal and State Statutes and regulations as well as local ordinances now in effect or hereafter adopted.
- b) Failure to meet the requirements of Section a. above may be cause for cancellation of the Agreement effective the date of receipt of the Notice of Cancellation.

6. Data Privacy

All data collected, created, received, maintained or disseminated for any purpose by the activities of the contractor because of this agreement shall be governed by the Minnesota Government Data Practices Act (Act), Minn. Stat. Chap.13, as amended and Rules implementing the Act. The contractor is subject to the requirements of the Act and Rules and must comply as if it is a governmental entity subject to the Act and Rules. The remedies contained in section 13.08 of the Act shall apply to the contractor.

7. Nondiscrimination

Pursuant to Minn. Stat. Chapter 364 and Minn. Stat. 181.59 and General Partnership policy, every contract shall contain provisions by which the contractor agrees to freedom from discrimination in employment.

8. Indemnity and Insurance

a) Indemnity - The Vendor does hereby agree that it will defend, indemnify, and hold harmless the Partnership, its agents, officers and employees against any and all liability, loss, damages, costs and expenses which the Partnership may hereafter sustain, incur or be required to pay by reason of any negligent act or omission or intentional act of the Vendor, its agents, officers or employees during the performance of this Agreement.

b) Insurance - The Vendor does further agree that in order to protect itself, as well as the Partnership, it will at all times during the term of the Agreement have and keep in force:

- i. Commercial General Liability/Professional Liability with contractual liability coverage in the amount of the Partnership's tort liability limits set forth in Minnesota Statute 466.04 and as amended from time to time. The Partnership, its agents, officers, and employees shall be listed as an additional insured as it relates to these liabilities.
- ii. Automobile coverage in the amount of the Partnership's tort liability limits set forth in Minnesota Statute 466.04 and as amended from time to time.
- iii. Workers' Compensation in statutory amount (if applicable).

Evidence of Insurance shall be provided before this Agreement is effective. The Partnership shall be given thirty (30) days advance written notice of any changes in coverage.

In the event that claims or lawsuits shall arise jointly against the Vendor and the Partnership, and the Partnership elects to present its own defense, using its own counsel, in addition to or as opposed to legal representation available by the insurance carriers providing the coverage as stated above, then such legal expense shall be borne by the Partnership.

9. Independent Contractor



It is agreed that nothing herein contained is intended or should be construed in any manner as creating or establishing the relationship of co-partners between the parties hereto or as constituting the Vendor as the agent, representative, or employee of the Partnership for any purpose or in any manner whatsoever. The Vendor is to be and shall remain an independent contractor with respect to all services performed under this Agreement.

The Vendor represents that it has, or will secure at its own expense, all personnel required in performing services under this Agreement. Any and all personnel of the Contractor or other persons, while engaged in the performance of any work or services required by the Contractor under this Agreement, shall have no contractual relationship with the Partnership and shall not be considered employees of the Partnership.

Neither the Vendor nor its employees will at any time be construed to be employees of the Partnership. The Vendor is responsible for its employees' compensation, fringe benefits and all insurance coverage.

10. Subcontracting and Assignment

The Vendor shall not enter into any subcontract for performance of any services contemplated under this agreement; nor novate or assign any interest in the agreement without the prior written approval of the Partnership. Any assignment or novation may be made subject to such conditions and provisions as the Partnership may impose. If the contractor subcontracts the obligations under this agreement, the contractor shall be responsible for the performance of all obligations by the subcontractors.

11. Modifications

Any material alteration, modification or variation shall be reduced to writing as an amendment and signed by the parties. Any alteration, modification, or variation deemed not to be material by agreement of the Partnership and the Contractor shall not require written approval.

12. Merger

It is understood and agreed that the entire agreement of the parties is contained herein and this Agreement supersedes all oral agreements and negotiations between the parties relating to this subject matter. All items referred to in this Agreement are incorporated or attached and deemed to be a part of the Agreement.

13. Performance

All services performed by the Vendor pursuant to this Agreement shall be performed to the satisfaction of the Partnership, as determined at the sole discretion of its authorized representative, and in accord with all applicable federal, state, and local laws, ordinances, rules and regulations. Services not performed in accordance with the terms and conditions of RFQ and contract shall be considered a material breach and shall be cause for be immediate termination by Partnership. The Vendor shall not receive payment for work found by the Partnership to be unsatisfactory, or performed in violation of federal, state, or local law, ordinance, rule or regulation. In the event of work found by the Partnership to be unsatisfactory, the Partnership shall provide Vendor with written notice describing the work found to be unsatisfactory in any reasonable respect and thirty (30) days to correct the



unsatisfactory service performed. Vendor shall work with the Partnership to correct the unsatisfactory service to Partnership's mutual satisfaction within thirty (30) days of said notice. If service is not corrected to the satisfaction of the Partnership, it shall be considered a material breach and shall be cause for be immediate termination by Partnership.

14. Contractor Debarment, Suspension, and Responsibility

Federal Regulation 45 CFR 92.35 prohibits the Partnership from purchasing goods or services with federal money from vendors who have been suspended or debarred by the federal government. Similarly, Minnesota Statutes, Section 16C.03, subdivision 2, provides the Commissioner of Administration with the authority to debar and suspend vendors who seek to contract with the Partnership. Vendors may be suspended or debarred when it is determined through a duly authorized hearing process, that they have abused the public trust in a serious manner.

15. Termination

The Partnership may immediately terminate this Agreement if any proceeding or other action is filed by or against the Contractor seeking reorganization, liquidation, dissolution, or insolvency of the Contractor under any law relating to bankruptcy, insolvency or relief of debtors. The Contractor shall notify the County upon the commencement of such proceedings or other action.

If the Contractor violates any material terms or conditions of this Agreement the Partnership may, without prejudice to any right or remedy, give the Contractor, and its surety, if any, seven (7) calendar days written notice of its intent to terminate this Agreement, specifying the asserted breach. If the Contractor fails to cure the deficiency within the seven (7) day cure period, this Agreement shall terminate upon expiration of the cure period.

The Partnership may terminate this Agreement without cause upon giving at least thirty (30) calendar days written notice thereof to the Contractor. In such event, the Contractor shall be entitled to receive compensation for services provided in compliance with the provisions of this Agreement, up to and including the effective date of termination.

16. Interpretation of Agreement; Venue

The Agreement shall be interpreted and construed according to the laws of the State of Minnesota. All litigation regarding this Agreement shall be venued in the appropriate State or Federal District Court in Ramsey County, Minnesota.

The provisions of this Agreement are severable. If any part of this Agreement is rendered void, invalid or unenforceable, such rendering shall not affect the validity and enforceability of the remainder of this Agreement.

17. Warranty

The Contractor warrants that it has the legal right to provide the goods and services identified in this Agreement and further warrants that the goods and services provided shall be in compliance with the provisions of this Agreement.



Contract ID RESRC-1252

IN WITNESS WHEREOF the parties have executed this Agreement as of the dates below.

FRYBERGER, BUCHANANA, SMITH, & FREDERICK, P.A.

By: _____
DocuSigned by:
David Oberstar
David _____
44AB80C3AD6F4B7...

Date: 12/1/2020

GOVERNING BOARD OF THE PARTNERSHIP ON WASTE AND ENERGY

By: _____
Partnership Chair

Date: _____

Recommended By Partnership Policy Staff

By: _____
DocuSigned by:
Zack Hansen
Zack Hansen, Ramsey County
6F6294EFCDD340E

Date: 12/1/2020

By: _____
DocuSigned by:
Nicole Stewart
Nicole _____ton County
E6E401905F734BB...

Date: 12/1/2020

By: _____
DocuSigned by:
David McNary
Dave _____ County
83A21F6C03BC439...

Date: 12/1/2020

Approved As To Form

By: _____
DocuSigned by:
John A. Ristad
Assistant County Attorney
9B868D735B2E489...

Date: 12/1/2020



**PARTNERSHIP ON
WASTE AND ENERGY**
HENNEPIN | RAMSEY | WASHINGTON

| | | | | | | | |
|----------------------------------|--|---|-------------|--------------------------|-------------------|-------------------------------------|--------|
| PARTNERSHIP MEETING DATE: | | December 10, 2020 | | AGENDA ITEM: | | 4.d. | |
| SUBJECT: | | Certificate of Need Letter to Metro Landfills | | | | | |
| TYPE OF ITEM: | | <input type="checkbox"/> | INFORMATION | <input type="checkbox"/> | POLICY DISCUSSION | <input checked="" type="checkbox"/> | ACTION |
| ACTION REQUESTED: | | Authorize all commissioners of the PWE Governing Board to sign the letter provided to landfills from Twin Cities metropolitan area requesting letters from the counties for certificate of need (CON) requests. | | | | | |

EXECUTIVE SUMMARY:

The Metropolitan Landfill Abatement Act, Minn. Stat. § 473.823, subd. 6, states that no new land disposal capacity for mixed municipal solid waste (MSW) shall be permitted in the Twin Cities metropolitan area without a certificate of need (CON) issued by the Minnesota Pollution Control Agency (MPCA) indicating that the additional disposal capacity is needed. The MPCA must certify need only to the extent that there are no feasible and prudent alternatives to land disposal.

MPCA issued a notice of intent to accept CON requests in July 2020. The notice informs landfills located in the metropolitan area seeking additional MSW disposal capacity of the requirements for requesting a CON. MPCA issued the notice of intent because resource recovery facilities serving the metropolitan area were operating at full capacity during the first quarter of 2020, resulting in seven metro counties certifying disposed waste as unprocessable in accordance with state law. Under state law, a CON request by a landfill must include annual solid waste estimates and the origin of waste from each county or a waste management district. This information must be provided in the form a letter from the county or district board if it is not part of a county’s waste management master plan.

Staff has confirmed with the MPCA that letters related to CON may come from a joint powers board such as the Partnership on Waste and Energy (PWE), a joint powers board made up of the Ramsey/Washington Recycling & Energy (R&E) Board and Hennepin County.

The R&E Board authorized the chair and vice-chair of the R&E Board to sign letters through the R&E Board or the PWE at its October 22, 2020 meeting.

CON requests from MSW landfills have 180 days after the MPCA notice to be submitted. Requests for letters can be expected through the end of the year. The counties have each received request for letters from landfills.

PARTNERSHIP ON WASTE AND ENERGY
HENNEPIN | RAMSEY | WASHINGTON

2785 White Bear Avenue North, Suite 350 | Maplewood, MN 55109
info@morevaluelesstrash.com | 651-266-1199

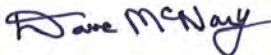

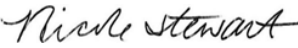

SUBJECT: *Certificate of Need Letter to Metro Landfills*

ATTACHMENTS:

1. Draft Resolution
2. Draft CON Letter

FINANCIAL IMPLICATIONS:

None.

| AUTHORIZED SIGNATURES | DATE |
|---|--|
| Hennepin County | 12/1/20 |
| Recycling & Energy | 11/24/20 |
|  | 11/24/20 |
|  | |
|  | |
| Approved as to form: | 12/1/20 |
| Ramsey County Attorney |  |



Draft Resolution: PWE CON Letter

RESOLUTION PWE-2020-08
Certificate of Need Letter to Metro Landfills

WHEREAS, the Partnership on Waste and Energy ("the Partnership") is a Joint Powers Agreement between the Ramsey/Washington Recycling & Energy Board ("R&E Board") and Hennepin County collaborating in areas of waste and energy management, including legislation and policy development, communication and outreach, planning and evaluation of waste processing and other selected programs; and

WHEREAS, the Ramsey/Washington Recycling & Energy Board (R&E Board) is governed by the amended and restated Joint Powers Agreement by and between Ramsey County and Washington County dated September 22, 2015 (Joint Powers Agreement); and

WHEREAS, Hennepin, Ramsey, Washington counties have in place County Solid Waste Management Master Plans ("Master Plans") approved by the Commissioner of the Minnesota Pollution Control Agency, which state the policy goal of maintaining and improving an integrated system of solid waste management that supports Minnesota's hierarchy of solid waste management, with an emphasis on waste reduction, reuse, recycling and composting before the remaining solid waste is managed through resource recovery; and

WHEREAS, the Master Plans also include policies that affirm the processing of waste for recovering energy and recyclables, and other beneficially usable materials, as the preferred method to manage solid waste that is not reduced, reused or recycled; and

WHEREAS, following the Metropolitan Landfill Abatement Act, Minn. Stat. §473.823, subd.6, the Minnesota Pollution Control Agency (MCPA) has issued a notice of intent to accept certificate of need (CON) requests from landfills in the metropolitan area seeking additional mixed municipal solid waste (MSW) disposal capacity; and

WHEREAS, a CON request submitted by a landfill must include annual solid waste estimates and the origin of waste from a county or a waste management district in the form of a letter from each county or district board if not part of a county's Solid Waste Management Master Plan; and

WHEREAS, the PWE as a joint powers board may provide the letter on behalf of Hennepin, Ramsey and Washington counties; and NOW, THEREFORE, BE IT

RESOLVED, the PWE Governing Board authorizes all commissioners to sign the letter provided to landfills from Twin Cities metropolitan area requesting letters from the counties for CON requests.

Chair, Governing Board

12/10/2020
Date

Attest, Vice Chair

12/10/2020
Date



December __, 202x

Name
Company
Address
Address

Dear xxxx,

The Partnership on Waste & Energy (PWE) is a joint powers board between Hennepin County and Ramsey/Washington Recycling & Energy (R&E). PWE includes Hennepin, Ramsey, and Washington counties and collaborates in areas of waste and energy management.

The PWE is submitting this letter on behalf of the three counties pertaining to the Minnesota Pollution Control Agency's (MPCA) notice of intent to accept certificate of need (CON) requests from Twin Cities metropolitan area landfills. Under state law, a CON request by a landfill must include annual solid waste estimates and the origin of waste from each county or waste management district.

Hennepin, Ramsey, and Washington counties support the policy goals of the Waste Management Act and the solid waste management hierarchy. The counties developed their 2018 Solid Waste Management Master Plans to make progress toward the goals in state statute and the objectives in the Metropolitan Solid Waste Management Policy Plan. The master plans and annual progress reports demonstrate each county's commitment to public health and the environment.

Hennepin County

Hennepin County has estimated the total amount of mixed municipal solid waste (MMSW) to be generated annually in the county from 2021 through 2030. The county estimates that 365,000 tons per year of MMSW will be managed at Hennepin Energy Recovery Center (HERC) for resource recovery and an additional 60,000 tons per year of MMSW will be managed at the county's Brooklyn Park Transfer Station (BPTS).

The remaining tons of MMSW will be managed in the private system. The MPCA is in the best position to determine how those remaining tons should be allocated by facility for the purposes of Certificate of Need requests. The MPCA has access to statewide waste data, an in-depth knowledge of landfill permits, and a holistic perspective on capacity needs. In addition, it is the MPCA's responsibility to ensure the orderly and deliberate development of facilities, including landfills.

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Hennepin County Tonnage Estimates

| Year | MMSW Generated | Resource Recovery at HERC | Tons Available for Landfill | BPTS to Landfill | Private System to Landfill |
|-------------|-----------------------|----------------------------------|------------------------------------|-------------------------|-----------------------------------|
| 2021 | 848,600 | 365,000 | 483,600 | 60,000 | 423,600 |
| 2022 | 863,900 | 365,000 | 498,900 | 60,000 | 438,900 |
| 2023 | 875,600 | 365,000 | 510,600 | 60,000 | 450,600 |
| 2024 | 884,800 | 365,000 | 519,800 | 60,000 | 459,800 |
| 2025 | 892,000 | 365,000 | 527,000 | 60,000 | 467,000 |
| 2026 | 896,500 | 365,000 | 531,500 | 60,000 | 471,500 |
| 2027 | 899,700 | 365,000 | 534,700 | 60,000 | 474,700 |
| 2028 | 901,500 | 365,000 | 536,500 | 60,000 | 476,500 |
| 2029 | 902,200 | 365,000 | 537,200 | 60,000 | 477,200 |
| 2030 | 901,700 | 365,000 | 536,700 | 60,000 | 476,700 |

Ramsey/Washington Recycling & Energy

All MMSW generated in Ramsey and Washington counties is designated through county ordinance to the Ramsey/Washington Recycling & Energy Center (R&E Center) located in Newport, MN. A percentage of that waste is non-processible or residual and needs to be disposed of at a landfill.

Ramsey and Washington counties’ Joint Waste Designation Plan was approved by the MPCA in 2017 and includes waste projections for the counties through the R&E Center system. While adjustments are made as new data comes in such as from annual SCORE reports, the counties and R&E continue to base waste projections and future plans on these waste designation projections.

Ramsey and Washington counties have estimated the total amount of MMSW to be generated from the two counties annually from 2021 through 2030, as well as the estimated annual amounts to be managed at the R&E Center for processing. The remaining MMSW is estimated for waste needed to be disposed in landfills for the two counties in the table below.

R&E currently contracts with Burnsville Sanitary Landfill and with BFI Waste Systems of North America dba Pine Bend with agreements through 2022. Tonnages in 2021 and 2022 are estimated based on the proportion of landfilled waste delivered to each landfill facility in 2019. After 2022, the estimated annual tonnage is shown as total landfill capacity needed, and is not identified by landfill facility. R&E cannot identify estimated quantities by landfill facility after 2022, as new landfill agreements will need to be solicited. In selecting landfills for contracts, Ramsey and Washington counties, through R&E, will take into consideration a number of elements, such as long-term environmental liability; facility compliance with federal, state and local regulations; operating factors such as hours of operation and services offered at the site; transportation costs; and general risk associated with the landfill.

Ramsey and Washington Counties Tonnage Estimates

| Year | Burnsville Sanitary Landfill est. | BFI Waste Systems of North America dba Pine Bend est. | Total Landfill Tons |
|-------------|--|--|----------------------------|
| 2021 | 5,600 | 82,100 | 87,700 |
| 2022 | 5,600 | 82,000 | 87,600 |
| 2023 | | | 87,200 |
| 2024 | | | 86,600 |
| 2025 | | | 85,700 |
| 2026 | | | 84,500 |
| 2027 | | | 83,000 |
| 2028 | | | 81,200 |
| 2029 | | | 79,000 |
| 2030 | | | 76,500 |

Please contact Dave McNary, Hennepin County at 612-348-5906, Zack Hansen, Ramsey County at 651-266-1160 or Nikki Stewart, Washington County at 651-430-6713 with questions.

Sincerely,

Commissioner Debbie Goettel, Hennepin County
Chair, Partnership on Waste and Energy

Commissioner Fran Miron, Washington County

Commissioner Victoria Reinhardt, Ramsey County



**PARTNERSHIP ON
WASTE AND ENERGY**
HENNEPIN | RAMSEY | WASHINGTON

| | | | | | | | |
|----------------------------------|--|--------------------------------------|--|--|--|------|--|
| PARTNERSHIP MEETING DATE: | | December 10, 2020 | | AGENDA ITEM: | | 4.e. | |
| SUBJECT: | | 2021 Board Meeting Schedule | | | | | |
| TYPE OF ITEM: | | <input type="checkbox"/> INFORMATION | <input type="checkbox"/> POLICY DISCUSSION | <input checked="" type="checkbox"/> ACTION | | | |
| ACTION REQUESTED: | | Approve the 2021 meeting calendar. | | | | | |

EXECUTIVE SUMMARY:

The Joint Powers Agreement Section 5.3.1 states the following related to Governing Board meetings:
The Board shall meet a minimum of three times a year including an organizational meeting in January, a meeting following the legislative session, and a meeting in the fall to set the next year’s legislative platform.

The attached schedule identifies dates and times for the known board meetings. January and June meetings will be held on Zoom. September’s meetings will likely be held at the office of Ramsey County Environmental Health in Maplewood, and the meeting in December will likely be held at HERC in Minneapolis. Both the September and December meetings could be held by Zoom, depending on the status of the COVID-19 pandemic.

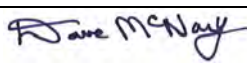

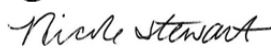

It is possible that meetings may be cancelled or moved, but commissioners will be asked to schedule these dates onto their calendars for 2021.

ATTACHMENTS:

1. Draft Resolution
2. 2021 Board Meeting Calendar

FINANCIAL IMPLICATIONS:

None.

| AUTHORIZED SIGNATURES | DATE |
|--|-------------|
| Hennepin County  | 11/24/20 |
| Recycling & Energy  | 11/24/20 |
|  | 11/24/20 |
| Ramsey County Attorney  | 12/1/20 |



Draft Resolution: 2021 Meeting Schedule

RESOLUTION PWE-2020-09

2021 Meeting Schedule

WHEREAS, The Joint Powers Agreement (“JPA”) between Ramsey/Washington Recycling & Energy Board (“R&E Board”) and Hennepin County for the Partnership on Waste and Energy (“Partnership”) outlines the duties of the Governing Board of the Partnership; and

WHEREAS, Section 5.3.1. of the JPA specifies that the Governing Board shall meet a minimum of three times per year, including an organizational meeting in January, a meeting following the legislative session, and a meeting in the fall to set the next year’s legislative platform. NOW, THEREFORE, BE IT

RESOLVED, The Governing Board hereby approves the 2021 meeting calendar. BE IT FURTHER

RESOLVED, The January and June meetings will be held remotely on Zoom; the September meeting will likely be held at the office of Ramsey County Environmental Health located at 2785 White Bear Avenue North, Suite 350, Maplewood, MN 55109, and the December meeting will likely be held at the Hennepin Energy Recovery Center located at 505 North 6th Avenue, Minneapolis, MN 55405; the September and December meetings could be held remotely on Zoom, depending on the status of the COVID-19 pandemic.

Chair, Governing Board

Date

Attest, Vice Chair

Date



2021 MEETING CALENDAR

Thursday, January 28

12:30 PM – 2:00 PM | Zoom Meeting

Thursday, June 24

12:30 PM – 2:00 PM | Zoom Meeting

Thursday, September 23

12:30 PM – 2:00 PM | Ramsey County Environmental Health Offices – Maplewood [Possible Zoom Meeting]

Thursday, December 9

1:00 PM – 2:30 PM | Hennepin Energy Recovery Center (HERC) – Minneapolis [Possible Zoom Meeting]

Ramsey County Environmental Health Offices

2785 White Bear Ave. N. | Ste. 350 | Maplewood, MN 55109

Hennepin Energy Recovery Center (HERC)

505 N. 6th Ave. | Minneapolis, MN 55405



**PARTNERSHIP ON
WASTE AND ENERGY**
HENNEPIN | RAMSEY | WASHINGTON

| | | | | | | | |
|----------------------------------|--|-------------------------------------|-------------|--------------------------|-------------------|--------------------------|--------|
| PARTNERSHIP MEETING DATE: | | December 10, 2020 | | AGENDA ITEM: | | 5.a. | |
| SUBJECT: | | Great Plains Institute Update | | | | | |
| TYPE OF ITEM: | | <input checked="" type="checkbox"/> | INFORMATION | <input type="checkbox"/> | POLICY DISCUSSION | <input type="checkbox"/> | ACTION |
| ACTION REQUESTED: | | None | | | | | |

EXECUTIVE SUMMARY:

At its June 7, 2018 meeting, the Partnership on Waste and Energy Board approved a contract with the Great Plains Institute (GPI) to study anaerobic digestion (AD). This project includes gathering information on the technology and building consensus in order to move AD forward in Minnesota. The work began with phase one to identify the environmental, economic, energy and regulatory issues to assist policymakers in advancing the use of AD technology in Minnesota. In September 2018, GPI prepared and presented a report, entitled [Anaerobic Digestion Evaluation Study](#), with the results of this work.

Phases two and three began in late 2018, following an amendment to the agreement with GPI. This work included convening key stakeholders to seek consensus on the role of AD technology going forward. The stakeholders included state agencies, counties, and other public sectors involved in organic waste management; universities and private sector companies conducting research; and current and potential private sector AD developers.

Phase three was extended following a second amendment to the GPI agreement approved on June 30, 2020, building on the work from the previous phases. This work identified specific steps that should be taken to facilitate the development of new food waste AD projects in Minnesota. These steps were examined through additional literature review and stakeholder engagement, culminating in a report of policy and regulatory considerations, to be published in December 2020.

GPI staff will be present at the December 10 board meeting to present the findings of this report.

ATTACHMENTS:

1. Draft report executive summary





FINANCIAL IMPLICATIONS:

None.

PARTNERSHIP ON WASTE AND ENERGY
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SUBJECT: *Great Plains Institute Update*

| AUTHORIZED SIGNATURES | DATE |
|--|--|
| Hennepin County | 11/19/20 |
|  | 11/19/20 |
| Recycling & Energy | 11/19/20 |
|  | 11/19/20 |
|  | 11/19/20 |
| Approved as to form: | 11/19/20 |
| Ramsey County Attorney |  |

POLICY AND REGULATORY CONSIDERATIONS TO DEVELOP FOOD WASTE DIGESTION IN MINNESOTA

**PRODUCED BY THE GREAT PLAINS INSTITUTE FOR THE
PARTNERSHIP ON WASTE AND ENERGY**

DRAFT

DECEMBER 2020

About the Great Plains Institute

A nonpartisan, nonprofit organization, the Great Plains Institute (GPI) is transforming the energy system to benefit the economy and environment. Working across the US, we combine a unique consensus-building approach, expert knowledge, research and analysis, and local action to find and implement lasting solutions. Our work strengthens communities and provides greater economic opportunity through creation of higher paying jobs, expansion of the nation's industrial base, and greater domestic energy independence while eliminating carbon emissions.

Learn more: www.betterenergy.org

Acknowledgments

AUTHORS

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Mariem Zaghdoudi, Great Plains Institute
Elizabeth Abramson, Great Plains Institute

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Dane McFarlane, Great Plains Institute

DESIGN

Will Dunder, Great Plains Institute
Elizabeth Abramson, Great Plains Institute

CONTRIBUTORS

This report would not have been possible without the valuable contributions provided by state agencies and other partners, including the Minnesota Pollution Control Agency, Minnesota Department of Natural Resources, Minnesota Department of Agriculture, Minnesota Department of Employment and Economic Development, Minnesota Department of Transportation, and CenterPoint Energy. Specifically, the report authors wish to thank the following individuals:

- Assistant Commissioner Kirk Koudelka, Minnesota Pollution Control Agency
- Kari Howe, Minnesota Department of Employment and Economic Development
- Doug Wetzstein, Division Director at the Minnesota Pollution Control Agency
- Erica Larson, Regulatory Analyst at CenterPoint Energy
- Leigh Behrens, Ramsey/Washington Recycling & Energy Board
- John Jaimez, Hennepin County Environment and Energy Department

This report was funded by the Partnership on Waste and Energy.

EXECUTIVE SUMMARY

PURPOSE

This report was commissioned by the Partnership on Waste and Energy (the Partnership), which is a collaboration between Minnesota's Hennepin, Ramsey, and Washington counties that addresses certain areas of waste and energy management. In Minnesota, counties are tasked with developing solid waste plans in accordance with guidance provided by the Minnesota Pollution Control Agency (MPCA) and the state's waste management hierarchy.

In 2014, the Minnesota legislature passed a goal of recycling 75 percent by weight of total solid waste generation that counties in the Twin Cities metropolitan area must meet by December 31, 2030. A statewide waste characterization report prepared for the MPCA by Burns & McDonnell revealed that 31 percent of the state's solid waste stream consisted of uncaptured organics, such as food waste and compostable products. Current options in the greater Twin Cities metropolitan area for managing these organics include food waste prevention, food-to-people, food-to-animals, and composting. However, these options do not provide enough capacity to recycle the quantities of organic material necessary to meet mandatory recycling goals. As organic collection programs continue to grow, the capacity shortage is expected to increase over time. Based on the definition of recycling under Minnesota statute 115A.03, subdivision 25b, anaerobic digestion (AD) could help meet this capacity shortage.

AD is a widely used technology in North America and Europe for processing organic waste into biogas and digestate. Depending on the level of conditioning and upgrading, biogas can be used to produce heat, electricity, vehicle fuel, or renewable natural gas (a natural gas substitute also known as RNG) that can be directly integrated into the natural gas network.

According to Great Plains Institute's (GPI's) analysis in the 2018 report, *Anaerobic Digestion Evaluation Study*, displacing diesel in transportation vehicles with compressed RNG and displacing conventional North American natural gas with RNG offer the greatest greenhouse gas (GHG) emission reductions from biogas produced by AD. Additionally, RNG is likely to be an economically attractive market for AD projects in Minnesota.

GPI's conversations with stakeholders revealed that there are significant market barriers that are preventing AD from becoming a widely used food waste and organics processing technology. These barriers include a perceived lack of clear and predictable pathways for permitting, cost-competitiveness of end products, and lack of clarity from state agencies in treating AD as a viable waste and energy solution.

Focused on food waste digestion, this report investigates Minnesota's existing permitting and regulatory environment along with existing policies and incentives. It then discusses that environment in California, Oregon, Wisconsin, and Iowa. Lastly, it provides policy and regulatory considerations that could support developing food waste digesters in Minnesota.

Policy and Regulatory Considerations to Develop Food Waste Digestion in Minnesota

It should be noted that there are three primary types of food waste digesters:

- Stand-alone: facilities that primarily process food waste but may source other organic materials as well, such as manure and wastewater solids
- On-farm digesters that co-digest food waste: facilities that are located on farms and primarily process manure but also accept food waste
- Digesters at wastewater resource recovery facilities (WRRF) that co-digest food waste: facilities that primarily process wastewater solids but also accept food waste

The information presented in this report primarily focuses on information that would be helpful to develop stand-alone food waste digesters, though on-farm digesters and digesters at WRRFs processing food waste may also benefit from the policy considerations included.

REGULATORY ENVIRONMENT IN MINNESOTA

Minnesota's Permitting Efficiency Law directs state agencies to reach permitting decisions within 150 days and develop online permitting processes. Agencies, including the MPCA, have worked toward compliance and have issued permits on time over 90 percent of the time. Yet, while permitting in general has streamlined, permitting uncommon projects, like food waste digesters, is challenging.

Minnesota currently has eight permitted anaerobic digesters, which all use agricultural waste as a feedstock. To date, Minnesota has not permitted a food waste digester and does not provide guidance in a centralized location to project developers looking to develop one. Because all anaerobic digesters could potentially impact several aspects of the environment, project developers need to apply for permits from the MPCA and other agencies. Common permitting areas include air, water, environmental review, and solid waste.

Air

The MPCA has the primary responsibility for implementing and enforcing state and federal air quality requirements. Once facilities have demonstrated compliance, they are issued construction permits that include operating requirements to assure continued compliance. The MPCA encourages project developers to work with the agency from project inception to get preliminary review and feedback prior to permitting.

Water

Water quality permits address wastewater and stormwater concerns. There are two types of wastewater permits generally required from the MPCA:

- The National Pollutant Discharge Elimination System (NPDES) permit is required when process water will be discharged to surface water or sanitary sewers
- The State Disposal System (SDS) permit addresses surface water and groundwater concerns and may be required if process water will be land-applied or infiltrated to a pond.

Policy and Regulatory Considerations to Develop Food Waste Digestion in Minnesota

Stormwater permits include the Construction Stormwater permit, which is required for facilities disturbing one or more acre of soil, and the Industrial Stormwater permit, which is required after the facility is constructed to address ongoing stormwater management.

Environmental Review

Environmental review includes completing an Environmental Assessment Worksheet (EAW) prior to receiving other permits. Permits can be started while environmental review is happening, but they cannot be issued until after review is completed. An Environmental Impact Statement (EIS) may also be required during the environmental review process. An EIS is more stringent than an EAW and is required when higher thresholds of size or production level are met. For example, under the solid waste category of the mandatory EAW and EIS categories, the construction or expansion of an MSW energy recovery facility that accepts 250 tons or more of input per day requires an EAW and EIS while one that accepts 30 tons or more per day only requires an EAW. An AD developer would need to complete the EAW process and may be required to complete an EIS if any component of the project meets EIS thresholds.

Solid Waste

Solid waste permits are required when food waste is being stored, transferred, or processed in Minnesota. They may be required by the state, county, and municipality depending on where the AD facility is to be located.

Other

AD facilities looking to upgrade their biogas to RNG have additional approvals to consider. The key approvals to consider include being able to interconnect and sell RNG to a natural gas local distribution company or interstate pipeline and review under the Information Book Process from the Minnesota Public Utilities Commission (PUC).

At present, only one natural gas distribution company, CenterPoint Energy, has explored accepting RNG into its system. Its interconnect petition was recently approved by the PUC. Beyond CenterPoint's system, AD developers need to locate their facility near an interstate pipeline, which is regulated by the Federal Energy Regulatory Commission. This limits the available sites at which to erect a food waste digester and may add additional regulatory considerations.

Survey Analysis

GPI conducted a survey of several Minnesota AD facilities in January 2020 to further understand permitting experiences. Three out of six facilities responded—two were operating and one was undergoing permitting at the time of the survey. Respondents confirmed that permitting was an extensive process and desired more clarity and streamlining in the permitting process. Only one company was familiar with the Minnesota Business First Stop program, a group of state agencies designed to assist companies with complex projects, and the company indicated working with the program improved its permitting experience.

EXISTING REGULATIONS AND POLICY INCENTIVES IMPACTING PROJECTS IN MINNESOTA

There are several existing policies and regulations at both the federal and state levels that could support food waste digestion in Minnesota.

Federal

The primary federal regulation that could encourage food waste digestion in Minnesota is the Renewable Fuel Standard (RFS). It is a national policy that requires refiners or importers of fossil fuels (gasoline and diesel) to incorporate a certain volume of renewable fuel into existing transportation fuel, heating oil, or jet fuel, known as the renewable volume obligation (RVO). Annual RVOs have been established, working toward a goal of 36 billion gallons of total renewable fuel annually by 2022.

Fuel producers collect financial incentives by selling environmental credits, called renewable identification numbers (RINs) associated with the production of renewable fuels. RNG is an eligible fuel under the program. To generate and sell RINs, renewable fuel producers must have their fuel verified by the US Environmental Protection Agency (EPA) and receive a pathway approval. RNG produced from biogas will generate D5 or D3 RINs based on feedstock. D5 RINs are produced from qualifying renewable biomass except cornstarch and need to meet a 50% lifecycle greenhouse gas (GHG) reduction. D3 RINs are produced from cellulose, hemicellulose, or lignin and need to meet a 60% lifecycle GHG reduction. Most food waste is non-cellulosic, so biogas produced from food waste will generate D5 RINs.

The RFS makes RNG investments more attractive and affordable from the generation and selling of RINs to obligated parties, but the program is very complex. While there are two generally applicable pathways that biogas producers can use to generate RINs from RNG, it can be challenging to secure offtake agreements due to limitations with pipeline infrastructure and a lack of end users. Producers need to secure offtake agreements or indicate that they will fully utilize the RNG prior to receiving EPA approval.

States

The California Low Carbon Fuel Standard (LCFS) and Oregon Clean Fuels Program are two clean fuel markets available to Minnesota project developers. The policies work to reduce carbon and incentivize the deployment of low carbon fuels, including RNG. Clean fuel producers, including RNG producers, benefit from the program by generating and selling credits to fuel producers that aren't meeting the carbon intensity standard set by the policy. Both the California LCFS and Oregon Clean Fuels Program are important drivers of RNG projects around the country. RNG producers must sell their product to the operator of a compressed natural gas vehicle in California or Oregon to be eligible.

Minnesota

Minnesota has several regulations, policies, other incentives, and administrative services that can help drive food waste digestion. These include the Bioincentive Program, the Renewable Energy Standard, state general obligation bonding, and Minnesota Business First Stop.

Bioincentive Program: The Agricultural Growth, Research, and Innovation Bioincentive Program encourages the production of commercial-scale advanced biofuels, renewable chemicals (for example, biobased plastics, dissolving wood pulp, biobutanol), and biomass thermal energy. The incentive rewards producers once they have met the requirements of the program, including meeting quarterly production thresholds. A food waste digester could be eligible for both the advanced biofuel program and biomass thermal program, depending on how the biogas is used. If upgraded to RNG, the biogas would qualify for the advanced biofuel program with an EPA pathway. If used as a heat source, the biogas would be eligible under the biomass thermal program. While the program has numerous benefits as cited in the report, its main drawback is lack of funding appropriated by the Minnesota legislature. The current allocation for FY 2020-21 is \$2.5 million per year, and projections from companies intending to use the program indicate that at least \$9-10 million per year is needed.

Renewable Energy Standard: The Minnesota Renewable Energy Standard requires electric utilities to source 25 percent of their electricity sold to customers from renewable sources by 2025, which includes AD. However, many utilities are meeting and surpassing the standard by sourcing solar and wind energy, which are less expensive to produce than biogas. For this reason, generating biogas for electricity is not likely to be very profitable or competitive in Minnesota without changes to the policy or additional incentives.

State general obligation bonding: State general obligation bonds are sold on the bond market to investors, and the proceeds are granted to capital improvement projects named in the enacted bonding bill. Bonds can only be issued for publicly owned capital projects with a public purpose, which prevents private AD developers from benefitting. While these bonds could fund the capital for food waste digesters and other AD facilities run by local governments, there are numerous complexities. The process to receive bonds is very competitive, and bonding bills are not guaranteed to pass. Additionally, if a project receives bonding funds, the state holds restrictions on the property, preventing the public entity from selling, mortgaging, or otherwise encumbering it without approval from the Minnesota Management and Budget Commissioner.

Minnesota Business First Stop: The Minnesota Business First Stop is a collaboration of nine state agencies that work together to streamline the development process for companies undergoing licensing, permitting, financing, or other processes that require multi-agency assistance. It has been an effective program for connecting project developers with relevant staff and agencies, but not all companies are aware of the program. Marketing of the program is limited at present to word-of-mouth. Additionally, the success of the program is limited by the policies and incentives that currently exist in Minnesota.

POLICY AND REGULATORY ENVIRONMENTS IN OTHER STATES

GPI conducted a literature review to further understand the impact policies and regulations in other states have on AD markets in those states. The review included California, Oregon, Wisconsin, and Iowa.

California

California has numerous policies and regulations that impact the development of AD, in addition to the aforementioned California LCFS:

- **The Pollution Control Tax-Exempt Bond Financing Program (1972):** this program provides private activity tax-exempt bond financing in the form of loans to California businesses for the acquisition, construction, or installation of qualified pollution control, waste disposal, or waste recovery facilities, and the acquisition and installation of new equipment.
- **Natural Gas Research and Development Program (2004):** this program aims to increase the energy efficiency of existing uses of conventional natural gas and increase the use of alternatives to conventional natural gas, including biogas and RNG. It is part of a suite of energy research and development programs administered by the California Energy Commission (CEC).
- **Global Warming Solutions Act of 2006 (AB 32):** this act requires California to lower its GHG emissions to 1990 levels by 2020.
- **Assembly Bill No. 341 (2011):** the bill requires 75 percent of the state's waste to be reduced, recycled, or composted by 2020.
- **Electric Program Investment Charge (2012):** the program was established by the California Public Utilities Commission and invests over \$130 million annually in technologies that benefit ratepayers and decarbonize electricity, including biogas development.
- **Cap-and-trade Program (2013):** a market-based mechanism aimed at reducing GHG and other emissions that also provides incentives for AD projects
- **Greenhouse Gas Reduction Grant and Loan Programs (2013):** Using revenue from California's cap-and-trade program, CalRecycle established a suite of grant and loan programs to fund capital investments that reduce GHG emissions, including AD projects.
- **Assembly Bill 1826 (2014):** this bill required businesses generating eight or more cubic yards of organic waste per week and businesses generating four or more cubic yards of commercial solid waste per week to recycle organics. It also required local jurisdictions to implement organics diversion programs to assist businesses in recycling organics.
- **Short Lived Climate Pollutants Strategy SB 1383 (2016):** this bill established SLCP emissions reductions targets and specified targets to reduce organics in landfills by 50 percent by 2020 and 75 percent by 2025 from 2014 levels.

California has the highest number of operating food waste digesters at 30, which includes stand-alone and wastewater resource recovery facilities (WRRFs).

Oregon

Oregon has the easiest to understand permitting process for AD, which follows a six-step process and is detailed on the Department of Environmental Quality's website.

Policy and Regulatory Considerations to Develop Food Waste Digestion in Minnesota

Combined with the Clean Fuels Program described above, Oregon also has several policies, regulations, and other incentives in place that are supporting food waste digestion:

- **Energy Trust of Oregon (2002):** this non-profit organization provides project development assistance to facilities looking to generate renewable electricity from biogas.
- **Rural Renewable Energy Development (RRED) Zones (2011):** Business Oregon provides a three- to five-year exemption from property taxes on new investments in solar energy farms, geothermal power generation, biofuel production facilities, and other eligible projects in designated rural areas.
- **Senate Bill 98 (2019):** this bill established voluntary goals for adding up to 30 percent RNG into Oregon's pipeline system by 2050.

Oregon has four operating food waste digesters, including stand-alone and WRRFs.

Wisconsin

All permits required to develop an anaerobic digester in Wisconsin can be obtained from the Wisconsin Department of Natural Resources. However, guidance specific to food waste digesters is limited.

Compared to California and Oregon, Wisconsin has fewer policies, regulations, and other incentives in place that are supporting food waste digestion:

- **Focus on Energy (formed in 1999, operating since 2001):** this is a statewide program within Wisconsin's Office of Energy Innovation offering information, services, and financial incentives for a variety of energy efficiency and renewable energy initiatives.
- **Renewable Energy Competitive Incentive Program (RECIP) (created in 2012, started awarding projects in 2013):** administered by Focus on Energy, this program is a grant process that provides financial support to eligible renewable energy projects, including biogas, biomass, solar thermal, and wind, based on cost effectiveness.
- **Biogas, Solar, and Wind Property Tax Exemption (2013 AB 40/2013 Wisconsin ACT 20) (2013):** this is a property tax exemption for biogas or synthetic gas, solar, and wind energy systems in Wisconsin.

Wisconsin has 14 operating food waste digesters, including stand-alone, farm-based co-digesters, and WRRFs. It does not appear that policies and regulations are driving AD development in the state based on the low number of incentives available. One possible driver regarding the high number of digesters could be related to the state's larger agricultural footprint and need to manage manure. Additionally, because many of the existing digesters in the state are selling electricity, they could be benefiting from prior power purchase agreements from electric utilities and electric cooperatives that offered higher rates in addition to other utility policies impacting the success of these projects.

Policy and Regulatory Considerations to Develop Food Waste Digestion in Minnesota

Iowa

Like Wisconsin, the Iowa Department of Natural Resources administers all permits for anaerobic digesters in the state. Further streamlining and consolidating was recommended in the Iowa Energy Office's 2018 Biomass Conversion Action Plan, however.

Iowa has the smallest number of policies, regulations, and incentives supporting food waste digestion:

- **Iowa Energy Center Grant Program (2019):** this is a grant program funded by gas and electric utilities across Iowa for projects that would aid in the implementation of a key focus area of the Iowa Energy Plan, including biomass conversion.
- **Alternate Energy Revolving Loan Program (2019):** this program provides zero-interest loans for the development of alternative energy production facilities in Iowa.

Iowa has five operating food waste digesters, which are all WRRFs.

Additional Policies, Regulations, and Guidance

All states reviewed shared similar policies and regulations including net metering and renewable portfolio standards. Additionally, several states provided comprehensive permitting guidance.

Net metering: Net metering policies provide customers that supply renewable energy to the electric grid with compensation or credits on their electric bill based on the amount of electricity supplied. Minnesota, California, and Oregon all specify that biogas is an eligible technology under these programs; biogas is not specified in Wisconsin or Iowa, but that does not mean it is not an eligible technology. Net metering policies tend to vary between utilities. Additionally, they generally have maximum project size thresholds that would limit applicability for all but the smallest AD projects. Net metering could benefit very small biogas projects that are primarily focused on serving internal demands for heat or electricity and sell excess electricity on the margin when internal demand is low.

Renewable portfolio standards: Renewable portfolio standards (RPS), sometimes referred to as renewable energy standards or renewable electricity standards (or Alternative Energy Production law in Iowa), require electric utilities to source a percentage of their overall energy from qualifying renewable sources. Minnesota, California, Oregon, and Wisconsin all specified that biogas was a qualifying renewable source; it was not specified in Iowa, but that does not mean it is not a qualifying renewable source. Because of the low cost of other renewable sources (e.g. wind and solar) and the subsequent low cost of renewable electricity credits, RPS policies are unlikely to be a driver for AD projects unless there are special incentives or carve-outs for biogas.

Permitting guidance: Several states developed permitting guides to demystify the permitting process in that state. Notable examples include California, Maryland, and Oregon. California and Maryland both produced comprehensive permitting guides, but

they were static in nature. Oregon provides readily accessible information online, which allows it to update information when needed.

POLICY AND REGULATORY CONSIDERATIONS FOR MINNESOTA

While food waste digestion is a fully mature technology, it is underutilized in Minnesota and across the United States. However, the policies, regulations, guidance, and recognition of AD as a waste and energy solution provided in other states indicates that food waste digestion, and AD generally, is likely to grow in most states. After analyzing progress being made in other states compared to Minnesota, GPI lists several considerations that could accelerate and expand the development of food waste digestion in Minnesota. By implementing these strategies, Minnesota could become a leader in food waste digestion:

- **Implement a clean fuels policy in Minnesota:** There is strong stakeholder support to use information presented in [A Clean Fuels Policy for the Midwest](#), a white paper produced by the Midwestern Clean Fuels Policy Initiative, to develop a clean fuels policy for Minnesota. A Minnesota policy could help grow the RNG market, improving the economics for food waste digesters.
- **Pass the Natural Gas Innovation Act to make AD more feasible:** During the 2020 legislative session, CenterPoint Energy supported the Natural Gas Innovation Act, which was authored by Representative Stephenson and Senator Weber. Under the legislation, natural gas utilities could submit an alternative resource plan, which could include using RNG, for approval to the PUC. Additionally, the legislation would require the PUC to establish a program for tradable RNG credits, which would further incentivize sourcing RNG, and require the Department of Commerce to develop an inventory of Minnesota's potential RNG sources. The passing of this act could increase demand for RNG, which would contribute to stronger, stable, and reliable markets for RNG. The result would be improved access to financing, as well as more reliable revenue streams for facilities that use AD to manage organic waste.
- **Explore ways to encourage biogas as a source of renewable electricity:** Biogas is an eligible source of renewable electricity for existing policies like the RFS, RPS, and net metering. However, it tends to be higher cost than solar and wind. When combined with the right set of policies, however, renewable electricity production can be a strong source of revenue, particularly for smaller AD facilities. Minnesota should explore additional policies that can improve the economics of renewable electricity production for smaller AD facilities and help meet state renewable electricity goals. This could include supporting efforts of other coalitions working to establish an eRIN process with the EPA as part of the federal RFS program.
- **Explore the feasibility of implementing a cap-and-trade program in Minnesota:** California's cap-and-trade program has been largely successful in reducing GHG emissions and funding local projects that improve air quality. While a cap-and-trade program is far broader than the other policies under

Policy and Regulatory Considerations to Develop Food Waste Digestion in Minnesota

consideration and impacts a wide variety of projects, it could be helpful for AD projects as it has been in California. More discussion would be required with Minnesota stakeholders to test the feasibility of implementing a similar program in the state and identifying program design principles. How a carbon emissions regulation impacts AD projects will depend on how the program is designed and implemented.

- **Fully fund the Bioincentive Program:** The Legislature has not appropriated enough funding for this program, and there is increasing demand by companies wanting to receive incentive payments. Fully funding the program would mean appropriating about \$9-10 million annually. A fully funded Bioincentive Program could assist development of food waste digesters in Minnesota.
- **Increase state funding for Minnesota Business First Stop:** State agency staff time to serve the program is constrained, which has prevented the program from further marketing its services. Supplying the program with additional funding could mean adding additional staff capacity. Additionally, more funding dedicated to marketing would increase awareness of the program for AD developers (and other developers) looking to site facilities in Minnesota. Increased marketing efforts could be a combination of billboard ads, earned media, paid social media, magazine advertisements, online media stories, and others.
- **Support grant-making through state general obligation bonds or other funding sources:** The MPCA and the Walz Administration have shown interest in funding grants to construct public AD facilities utilizing food waste through state general obligation bonds. Although bond funding is highly competitive, a grant program funded with bonds or other means could help develop publicly owned food waste digesters in Minnesota and should continue to be explored.
- **Create a greenhouse gas reduction grant program:** Using California's Greenhouse Gas Reduction Grant and Loan Programs as an example, Minnesota could adopt a similar program if it implemented a cap-and-trade program. Revenue generated from the sale and purchase of credits in a cap-and-trade program could be deposited into a Greenhouse Gas Reduction Grant program, which could be administered by a state agency.
- **Outline the permitting process for AD, including food waste digesters, on the MPCA's website:** Minnesota could demystify the permitting process for food waste digesters and produce a guide, like Oregon, to be housed online with information regarding permits needed and other considerations.
- **Recognize AD as a viable and preferred food waste management solution:** On the existing MPCA website, AD is not recognized as a food waste diversion solution. In other states, AD is widely acknowledged by state agencies as playing an important role in managing food waste and reducing GHG emissions. Minnesota trails behind these other states by not clearly acknowledging the role AD could play in meeting climate goals. To improve this, the MPCA could create a webpage specific to AD or update existing webpages to acknowledge AD as a viable and preferred food waste management solution.

Policy and Regulatory Considerations to Develop Food Waste Digestion in Minnesota

- **Identify a permitting navigator for project developers on the MPCA’s website:** Several states, including California and Oregon, identify a primary contact person that developers can work with when navigating permitting processes in those states. The MPCA has expressed interest and willingness to work with project developers from project inception, but the role has not been formally established. Identifying a contact person on a page specific to AD could streamline permitting for developers.
- **Limit or ban PFAS in consumer products and industrial uses:** If land-application of digestate from the AD of food waste becomes a barrier in Minnesota due to PFAS concerns, state agencies should consider limiting or banning PFAS in consumer products and industrial uses. This would assure that the amount of PFAS entering waste streams is reduced and reduce barriers for AD.

CONCLUSIONS

The report concludes that food waste digestion is a technologically mature but underutilized technology in the United States. Other states have implemented measures that should help grow the national market for food waste digestion, but Minnesota has trailed behind. Minnesota has also failed to recognize AD as a viable and preferred waste and energy solution. Although some projects are being proposed in Minnesota, additional policy and regulatory action could accelerate and expand development of projects in the state. Actions needed to address the slow pace of food waste digestion project development in Minnesota are multi-faceted; there is no single change that will spur AD development. By working toward considerations provided in this report, local and state agencies can improve the policy and regulatory environment in a way that encourages food waste digestion development and helps meet climate goals in Minnesota.



**PARTNERSHIP ON
WASTE AND ENERGY**
HENNEPIN | RAMSEY | WASHINGTON

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|----------------------------------|--|-------------------------------------|-------------|--------------------------|-------------------|--------------------------|--------|
| PARTNERSHIP MEETING DATE: | | December 10, 2020 | | AGENDA ITEM: | | 5.b. | |
| SUBJECT: | | Battery Recycling Campaign Update | | | | | |
| TYPE OF ITEM: | | <input checked="" type="checkbox"/> | INFORMATION | <input type="checkbox"/> | POLICY DISCUSSION | <input type="checkbox"/> | ACTION |
| ACTION REQUESTED: | | N/A | | | | | |

EXECUTIVE SUMMARY:

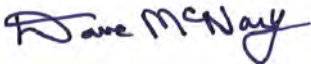

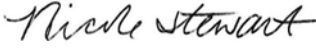

Staff will provide information on a battery recycling campaign program planned for 2021. Improper disposal of batteries is an issue for county facilities and the waste industry. The campaign will be coordinated by the PWE in collaboration with Hennepin, Ramsey, and Washington counties.

ATTACHMENTS:

None.

FINANCIAL IMPLICATIONS:

Funding for communication to develop a common message for the PWE counties is proposed in the 2021 PWE budget.

| AUTHORIZED SIGNATURES | | DATE |
|------------------------------|---|-------------|
| Hennepin County |  | 12/1/20 |
| Recycling & Energy |  | 12/1/20 |
| |  | 12/1/20 |
| Approved as to form: | | |
| Ramsey County Attorney |  | 12/1/20 |

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