



MEETING NOTICE PARTNERSHIP ON WASTE AND ENERGY BOARD

Date: Thursday, August 26, 2021
Time: 12:30 pm – 2:00 pm
Zoom: <https://zoom.us/j/92910976997?pwd=bGZ2KzM4U01jc09mWHJ5TUVSbmE2UT09>
Phone: 651-372-8299 | **Meeting ID:** 929 1097 6997 | **Passcode:** 632271

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 January 28, 2021 | Action | Page 2 |
| 4. Business | | |
| a. Budget Update | Information | Page 5 |
| b. Agreement with Product Stewardship Institute | Action | Page 7 |
| 5. Updates and Reports | | |
| a. PWE Annual Report | Information | Page 24 |
| b. Legislative Update | Information | Page 28 |
| 6. Other | | |
| 7. Adjourn | | |

NEXT MEETING

Thursday, September 23, 2021 | 12:30-2:00 PM

Tentative location:

Ramsey County Environmental Health | 2785 White Bear Ave. N. | Maplewood, MN



JANUARY 28, 2021
PARTNERSHIP ON WASTE AND ENERGY BOARD MEETING

A meeting of the Partnership on Waste and Energy (PWE) was held as a remote Zoom meeting at 12:30 p.m. on Thursday, January 28, 2021 as a virtual meeting. 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

Leigh Behrens, Zack Hansen, John Ristad, Nikki Stewart, Jody Tharp, Jordan Thone

ATTENDING REMOTELY

Dave Benke, Katelyn Bocklund, Shannon Conk, Dan Donkers, Rae Eden Frank, Tony Hainault, Sam Hanson, Sam Holl, John Jaimez, Kevin Magnuson, Leslie Duling McCollam, Andrea McKennan, Dave McNary, Logan O'Grady, Kyle Olson, Melissa Peck, Sam Richie, Ken Smith, John Springman, Jeff Travis, Ryan Tritz, 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 12:42 pm. The statement regarding conduct of a remote meeting was read. Introductions of participants present at Maplewood were made. A roll call of commissioners was conducted.

APPROVAL OF AGENDA AND DECEMBER 10, 2020 MINUTES

Chair Goettel proposed approval of the agenda and minutes together. Commissioner Reinhardt moved, seconded by Goettel, to approve the January 28, 2021 agenda and the December 10, 2020 minutes.

Motion passed 3-0. Roll Call vote:

Ayes: Goettel, Miron, Reinhardt

Nays: None

Chair Goettel introduced Commissioner Reinhardt as the 2021 chair of the PWE Board and handed conduct of the meeting to Chair Reinhardt.

RECOGNIZE ZACK HANSEN UPON HIS RETIREMENT

Chair Reinhardt read the proclamation recognizing Zack Hansen, Ramsey County Environmental Health and PWE Lead Staff, upon his retirement.

Commissioner Miron moved, seconded by Goettel, to approve Resolution PWE-2021-01, Recognizing Zack Hansen Upon His Retirement.

Motion passed 3-0. Roll Call vote:

Ayes: Goettel, Miron, Reinhardt

Nays: None

Zack Hansen thanked the board for their recognition. He emphasized the importance of collaboration and stated that he has appreciated being able to work together to make people's lives better and to improve the environment in which they live.

Commissioners shared their appreciation for the collaboration made possible by Hansen's work, including transitions made in recent years in managing waste-to-energy, policy development and the creation of the Partnership. Hansen's experience, knowledge and relationships have been key to the work that has been done and the progress made.

BUSINESS

Governing Board Leadership 2021

Nikki Stewart, Washington County and PWE Lead Staff, reviewed the governing board leadership for 2021. The PWE joint powers agreement states the governing board will include the chair and vice chair of the Recycling & Energy Board and a commissioner appointed by Hennepin County. PWE members serve two-year terms.

The Hennepin County Board appointed Commissioner Debbie Goettel to the first year of a two-year term at its organizational meeting on January 5, 2021. Since leadership of the PWE for chair and vice chair rotates annually by county name in alphabetical order, the 2021 PWE chair will be the Ramsey County commissioner elected to chair the R&E Board, and the PWE vice chair will be the Washington County commissioner elected to vice chair of the R&E Board.

It was determined at the January 28, 2021 R&E Board meeting that Commissioner Reinhardt will be chair and Commissioner Miron will be vice chair. The R&E Board appointed PWE alternates Commissioner Wayne Johnson, Washington County, and Commissioner Trista MatasCastillo, Ramsey County, to serve in 2021. Hennepin County appointed Commissioner Chris LaTondresse as the 2021 PWE alternate at its organizational meeting on January 5, 2021.

Amendment to Agreement with Great Plains Institute, Inc. (GPI)

Dave McNary, Hennepin County, and PWE Lead Staff, presented an overview of the proposed agreement amendment.

Commissioner Miron moved, seconded by Reinhardt, to approve Resolution PWE-2021-02, Amendment to Agreement with Great Plains Institute, Inc. The PWE Board:

SUBJECT: PWE Board Minutes 1-28-2021

- Approves the Amendment to the Agreement with GPI with a term from January 1, 2021 through December 31, 2021, increasing the not to exceed amount of the agreement by \$25,000.
- Authorizes the chair to execute the agreement upon approval as to form by the county attorney.

Motion passed 3-0. Roll Call vote:

Ayes: Goettel, Miron, Reinhardt

Nays: None

UPDATES AND REPORTS

Legislative Session Preview

Sam Richie, Fryberger Law Firm, presented an overview of the current legislative session. It has been a slow start to a budget-setting year. There is a large backlog of bills, and committee work has been primarily on overviews. A \$54.2 billion budget was presented by Governor Walz.

Rob Vanasek, Capitol Hill Associates, stated that House Democrats are supportive of the Governor's budget. House Republicans seek an across-the-board 5% reduction in all departments. Vanasek indicated there won't be a lot of room for policy work in the current session and that much of the committee action will take place in March and April. Capitol Hill's effort has been primarily focused on House Bill 278 Carbon Free by 2040, under which no electricity that is not carbon free could be sold by utilities to consumers. Thirteen waste to energy facilities serving 33 counties would have their markets for electricity greatly reduced under that scenario. The Governor's budget includes funds for the MPCA that would bolster environmental justice, landfills and uniform labelling of compostable items.

OTHER

Dave Benke, MPCA, expressed thanks to Zack Hansen for his years of service and dedication to environmental health.

ADJOURN

Chair Reinhardt called the meeting adjourned at 1:27 pm.

NEXT MEETING

Thursday, June 24, 2021 | 12:30-2:00 pm | Zoom meeting

ATTESTED TO:

Approved: _____
August 26, 2021

Approved: _____
August 26, 2021

PARTNERSHIP MEETING DATE:		August 26, 2021		AGENDA ITEM:		4.a	
SUBJECT:		PWE Budget Update					
TYPE OF ITEM:		<input checked="" type="checkbox"/>	INFORMATION	<input type="checkbox"/>	POLICY DISCUSSION	<input type="checkbox"/>	ACTION
SUBMITTED BY:		PWE Lead Staff					

PWE BOARD ACTION REQUESTED:

For information only.

EXECUTIVE SUMMARY:


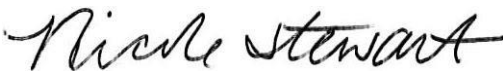

The PWE Board approved the 2021 budget at its December 2020 meeting. Staff will provide a budget status report.

ATTACHMENTS:

1. PWE 2021 Year-End Projection Report as of June 30, 2021

FINANCIAL IMPLICATIONS:

None.

AUTHORIZED SIGNATURES		DATE
Hennepin County		7/7/21
Ramsey/Washington Recycling & Energy		7/7/21
		7/7/21

Partnership on Waste and Energy
2021 Year-End Projection Report
As of June 30, 2021

Category, Item, Description	2021 Approved Budget	Year-end Projection	Variance
<u>Staffing and Administration</u>			
- Planning Specialist Salary, 25%	9,300	9,300	-
- Intern, 75%	5,000	-	5,000
- Accounting Manager, 4%	6,800	6,800	-
- Contract Manager, 4%	5,700	5,700	-
Staffing and Administration Subtotal	26,800	21,800	5,000
<u>Contracts</u>			
- Insurance, MCIT	1,200	1,224	(24)
- Business Waste & Recycling Guide	-	3,900	(3,900)
- Lobbying Contract - Capital Hill	50,000	50,000	-
- Lobbying Contract - Fryberger	25,000	25,000	-
- Anaerobic Digestion Contract Great Plains	25,000	25,000	-
- Energy Policy Development Services	46,000	-	46,000
Battery Recycling Campaign	45,000	45,000	-
EAB Woodwaste	50,000	-	50,000
- Contingency Funds	16,639	-	16,639
Contracts Subtotal	258,839	150,124	108,715
Grand Total	285,639	171,924	113,715
<u>Total Available Partnership on Waste and Energy</u>			113,715

PARTNERSHIP MEETING DATE:			August 26, 2021		AGENDA ITEM:		4.b.		
SUBJECT:		Agreement with Product Stewardship Institute							
TYPE OF ITEM:		<input type="checkbox"/>	INFORMATION		<input type="checkbox"/>	POLICY DISCUSSION		<input checked="" type="checkbox"/>	ACTION
SUBMITTED BY:		PWE Lead Staff							

PWE BOARD ACTION REQUESTED:

1. Approve the agreement with the Product Stewardship Institute (PSI) to complete work on extended producer responsibility for packaging, with a term of September 1, 2021 through February 28, 2022, with a not to exceed an amount of \$25,000; with an option to renew the agreement for the period of March 1, 2022 through June 30, 2023 should funding become available.
2. Authorize the chair to execute the agreement upon approval as to form by the county attorney.
3. Authorize the Partnership leadership team to adjust the 2021 Partnership on Waste and Energy (PWE) budget to fund work with PSI on extended producer responsibility for packaging, and for 2022 and 2023, execute amendments to the agreement in accordance with the PWE procurement policies and procedures, provided the amounts are within the limits of available funding.

EXECUTIVE SUMMARY:

Packaging and paper products are a growing part of our waste stream. These single-use products create a burden on our waste management system and contribute to environmental pollution. Plastics are rapidly replacing more traditional recyclable materials like paper, aluminum, and steel and are not recovered or recycled at high rates. The Partnership is committed to reducing waste by eliminating unnecessary packaging, advocating for packaging that is reusable, and supporting a system where packaging is kept in a circular economy and out of the environment.

Extended producer responsibility (EPR) takes a systems-based approach to create better health and environmental outcomes by placing shared responsibility for end-of-life product management on the producers of the product while encouraging design that minimizes negative impacts in all stages of the product's lifecycle. EPR policies for packaging have been introduced in eleven states in the past two years to address rising recycling costs; increase access to recycling service; increase private investments in collection, sorting and recycling; and incentivize packaging that has a lower environmental impact.

Although Minnesota has avoided the worst impacts of the China National Sword policy, recycling has been impacted across the nation. PWE is seeking to better understand how EPR for packaging and paper products could benefit Minnesota by defining the issue, discussing goals, identifying barriers and exploring potential solutions. PSI will coordinate and facilitate PWE staff and stakeholders through its method for developing EPR policies, which divides each product into 16 common best practice elements.

SUBJECT: *Agreement with Product Stewardship Institute*

PSI is uniquely situated to complete this work because it is the leading expert on product stewardship in the United States. PSI has an in-depth technical understanding of EPR policy for nearly 25 product sectors. It also draws from a global network of EPR experts, including PSI government members from 47 state agencies and hundreds of local governments, as well as over 100 partners including businesses, nonprofit organizations, academic institutions and non-US governments.


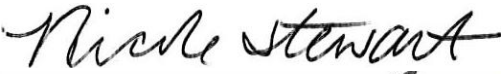



In 2019, PSI used its specialized method to develop best practice elements of EPR for packaging and paper products with input from its network of experts. PSI used this tool to educate and develop consensus with multiple stakeholder groups, including those developing EPR for packaging and paper product bills in Vermont, New York, Maryland, Massachusetts, Maine, Oregon, Washington and other states. PSI also used this model to reach an agreement on EPR for packaging and paper product policy with the Flexible Packaging Association, state and local governments, recyclers and environmental groups. PSI's model has also been integrated as the centerpiece of the federal Break Free From Plastic Pollution Act.

ATTACHMENTS:

1. Draft Resolution
2. Draft Agreement Between Governing Board of the Partnership on Waste and Energy and the Product Stewardship Institute, Inc.
3. Attachment A: Product Stewardship Institute Packaging Extended Producer Responsibility in Minnesota Proposal to Partnership on Waste and Energy

FINANCIAL IMPLICATIONS:

The estimated cost of the work is \$25,000 for Phase I. Funding is available in the 2021 budget.

AUTHORIZED SIGNATURES	DATE
Hennepin County 	8/9/2021
Ramsey/Washington Recycling & Energy 	8/6/2021
	8/8/2021
Washington County Attorney 	8/6/2021
Approved as to form: Ramsey County Attorney 	8/4/2021

**Resolution PWE-2021-03
Agreement with Product Stewardship Institute**

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 Partnership has determined a need for collaboration in certain areas of waste management, including legislation and policy development, communication and outreach, planning and evaluation of waste processing and other selected programs; 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, Packaging and paper products are a major and growing portion of the municipal solid waste stream, amounting to 28% of total waste disposed nationwide in 2018; and

WHEREAS, Extended producer responsibility results in better health and environmental outcomes, reduced financial impacts on taxpayers and local government by creating producer-led partnerships that reduce the lifecycle impacts of products and packaging; and

WHEREAS, There is a need to develop a better understanding of how extended producer responsibility for packaging and paper products could benefit Minnesota by defining the issue, discussing goals, identifying barriers and exploring potential solutions; and

WHEREAS, The Product Stewardship Institute is uniquely situated to lead work to research, facilitate and build consensus on product stewardship initiatives due to its network of experts and experience supporting states introducing product stewardship for packaging and paper products in the United States. NOW, THEREFORE, BE IT

RESOLVED, The Governing Board hereby approves the agreement with the Product Stewardship Institute to complete work on extended producer responsibility for packaging, with a term of September 1, 2021 through February 28, 2022, with a not to exceed an amount of \$25,000; with an option to renew the agreement for the period of March 1, 2022 through June 30, 2023 should funding become available. BE IT FURTHER

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

RESOLVED, The Governing Board hereby authorizes the Partnership leadership team to adjust the 2021 Partnership on Waste and Energy budget to fund work with the Product Stewardship Institute on extended producer responsibility for packaging, and for 2022 and 2023, execute amendments to the agreement in accordance with Partnership procurement policies and procedures, provided the amounts are within the limits of available funding.

Draft Resolution: Agreement with Product Stewardship Institute

Chair, Governing Board

Date

Attest, Vice Chair

Date

PARTNERSHIP ON WASTE AND ENERGY
HENNEPIN | RAMSEY | WASHINGTON

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

Agreement Between Governing Board of the Partnership on Waste and Energy and the Product Stewardship Institute, Inc.

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 the Product Stewardship Institute, Inc. located at One Beacon Street, Suite 1500, Boston, MA 02108, a Massachusetts Nonprofit Corporation registered in the State of Minnesota, referred to as “Contractor” or “Vendor.”

1. Term

The term of the Agreement shall be September 1, 2021 through February 28, 2022, with the possibility of a renewal term for the period of March 1, 2022 through June 30, 2023.

2. Cost/Payment

- a) The Partnership shall pay the Contractor for services performed in Phase I of Attachment A a not to exceed amount of \$25,000. The payment schedule is outlined in Attachment A. This cost includes all federal and state taxes, transit fees/taxes, and the design, supplies, equipment, material, labor, warranty and training.
- b) Contract renewals and changes to pricing shall be made by written agreement.
- c) Invoices shall show applicable sales tax separately.
- d) Each application for payment shall contain the order/contract number, an itemized list of goods or services furnished, dates of services provided, cost per item or service, and total invoice amount.
- e) No payment will be made until the invoice has been approved by the Partnership.
- f) 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.
- g) Payment of interest and disputes regarding payment shall be governed by the provisions of Minnesota Statutes §471.425.
- h) The Contractor shall email invoices to Mallory.Anderson@hennepin.us.

3. Contractor Obligations

The Partnership agrees to purchase, and the Contractor agrees to furnish, services as set forth below:

- a) Perform services outlined in Phase I of Attachment A.
- b) The supplies and services furnished under this Agreement is guaranteed against any defect due to faulty material or workmanship. Such defects will be replaced by the Contractor with no additional cost to the Partnership.

4. Audits, Reports, Records and Monitoring Procedures

The Contractor shall:

- 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 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 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.

SUBJECT: Agreement Between Governing Board of the Partnership on Waste and Energy and the Product Stewardship Institute, Inc.

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.

SUBJECT: Agreement Between Governing Board of the Partnership on Waste and Energy and the Product Stewardship Institute, Inc.

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

PRODUCT STEWARDSHIP INSTITUTE, INC.

DocuSigned by:
Amanda Nicholson
By: B5C5506A8558401...
Amanda Nicholson, Chief Operating Officer
Date: 8/10/2021

Federal ID No.: 20-2059607

GOVERNING BOARD OF THE PARTNERSHIP ON WASTE AND ENERGY

By: _____
Partnership Chair

Date: _____

Attest to: _____
Partnership Vice Chair

Date: _____

Recommended By Partnership Policy Staff

By: Nicole Stewart
Nicole Stewart, Washington County

Date: 8/6/2021

By: Michael Reed
Michael Reed, Ramsey County

Date: 8/8/2021

By: Dave McNary
Dave McNary, Hennepin County

Date: 8/9/2021

Approved As To Form

By: John A. Ristad
John A. Ristad, Asst. Ramsey County Attorney

Date: 8/4/2021

By: Kevin Magnuson
Kevin Magnuson, Asst. Washington County Attorney

Date: 8/6/2021

Reviewed By: Kris Wehlage
J8A10F57A30B400
Kris Wehlage, Accounting Mgr.

Reviewed By: Ben Knudson
J1C14CE7901940F
Ben Knudson, Hennepin County



June 18, 2021

Scott Cassel
Chief Executive Officer/Founder

Board of Directors

Tom Metzner – **President**
*CT Dept. of Energy and
Environmental Protection*

Scott Klag – **Vice President**
Metro, OR

Jennifer Semrau – **Treasurer**
WI Dept. of Natural Resources

Mallory Anderson
Hennepin County, MN

Elena Bertocci
*ME Dept. of Environmental
Protection*

Abby Boudouris
*OR Dept. of Environmental
Quality*

Jennifer Heaton-Jones
*Housatonic Resources Recovery
Authority, CT*

Jennifer Holliday
*Chittenden Solid Waste District,
VT*

Kate Kitchener
NY City Dept. of Sanitation

Cathy Jamieson
*VT Dept. of Environmental
Conservation*

Andrew Radin
*Onondaga County Resource
Recovery Agency, NY*

Joe Rotella
*RI Resource Recovery
Corporation*

Patrick Riley
*OK Dept. of Environmental
Quality*

Honorary Directors

Sego Jackson
Seattle Public Utilities, WA

Walter Willis
Solid Waste Agency of Lake

Ben Knudson

The Partnership on Waste and Energy
c/o Hennepin County
701 4th Ave South
Minneapolis, MN 55415

Dear Mr. Knudson:

The Product Stewardship Institute (PSI) is pleased to submit the attached Phase I and Phase II proposals to help the Partnership on Waste and Energy develop and introduce, in 2023, an effective extended producer responsibility (EPR) bill for packaging and paper products (PPP) that meets the interests of the Partners, state and local governments, and other key Minnesota stakeholders.

PSI is uniquely situated to complete this work because it is the leading expert on product stewardship in the United States. PSI has an in-depth technical understanding of EPR policy for nearly 25 product sectors. It also draws from a global network of EPR experts, including PSI government members from 47 state agencies and hundreds of local governments, as well as over 100 partners including businesses, nonprofit organizations, academic institutions, and non-US governments.

PSI has created a unique, standard method for developing EPR policies, which divides each product into 16 common best practice elements. In 2019, PSI used this method to develop best practice elements of EPR for PPP with input from its network of experts. During the past two years, PSI has used this tool to educate and develop consensus with multiple stakeholder groups, including those developing EPR for PPP bills in Vermont, New York, Maryland, Massachusetts, Maine, Oregon, Washington, and other states. PSI also used this model to reach a mediated agreement on EPR for PPP policy with the Flexible Packaging Association, state and local governments, recyclers, and environmental groups. PSI's model has also been integrated as the centerpiece of the federal Break Free From Plastic Pollution Act.

We appreciate the opportunity to work with you and other Minnesota stakeholders, as we have with others across the country, to develop an EPR for PPP program that meets the state's needs. We are available at your convenience to answer any questions you may have and look forward to hearing from you.

Sincerely,

A handwritten signature in black ink that reads 'Scott Cassel'.

Scott Cassel
CEO/Founder



Packaging Extended Producer Responsibility in Minnesota

Phase I Proposal to Partnership on Waste and Energy

May 6, 2021; Revised June 14, 2021; Timeline updated July 26, 2021

PROJECT GOAL

To define the problem and goal, identify barriers and opportunities, and develop solutions and strategies for the eventual introduction and passage of an effective extended producer responsibility (EPR) bill for packaging and paper products (PPP) in Minnesota in 2023 that meets the interests of Hennepin County, the Partnership on Waste and Energy (PWE), state and local governments including the Solid Waste Administrators Association (SWAA), and other key allies in Minnesota.

SCOPE OF WORK

The proposed Scope of Work is presented as Phase I of a two-phase initiative. Phase I will be conducted in 2021 and will be comprised of four project elements: (1) Project Team Kick-off Call; (2) Develop Project Summary; (3) Provide Context and Develop a Strategy for Advancing a Minnesota EPR for PP bill; and (4) Develop and Finalize *Elements of a PPP EPR bill for Minnesota* through 6-8 committee calls. The outcomes of Phase I (the Minnesota Elements of a PPP EPR Bill and the Minnesota EPR for PPP Strategy) will establish the groundwork for Phase II. In Phase II, the Project Team will introduce the EPR for PPP initiative to additional partners throughout Minnesota and further develop with them a shared EPR for PPP bill to introduce in the 2023 legislative session.

1. Kick-Off Call with the Project Team (Hennepin, Washington, Ramsey Counties – PWE), September 2021

PSI will convene a kick-off meeting with staff from Partnership on Waste and Energy (PWE) counties – Hennepin, Ramsey, and Washington Counties – which will constitute the core Project Team. To prepare for the meeting, PSI will meet first with a group of no more than five core Project Team members who will lead the work. At the Project Team kick-off meeting, the five core Project Team members and the PSI staff will provide a project overview, including the project workplan, timeline, and Project Team roles. PSI will seek input on short draft statements about the packaging problems the group seeks to address, the goals it would like to achieve, the barriers to achieving those goals, and how EPR and other strategies are solutions to achieve the goals. PSI will also seek input on a preliminary draft *Elements of Effective EPR for PPP Legislation for Minnesota*. The Elements document will include a definition of PPP, the entities that can use the recycling system, a definition of which producers are legally responsible, how the system will be financed and how the funds will be spent, performance goals, and other considerations that align with PSI's best practices Elements model. The Project Team will also identify up to 15 key stakeholders to be invited to form a Packaging EPR Committee (see Phase II).

2. Develop Draft Project Summary, September 2021

Based on input from the Project Team, PSI will develop a Draft Project Summary (3-5 pages) that will be used as an introduction to the project and to solicit participants to serve on the Packaging EPR Committee. The Project Summary will provide basic information about the project, including draft statements pertaining to the packaging problem, project goals, barriers, and EPR solution. The

Summary will also include other important information that will engage participants and prepare them to provide input on the Elements document.

3. Provide Context and Develop a Minnesota Strategy for a PPP EPR Bill, October 2021 – February 2022

Following the kick-off call, PSI will coordinate and facilitate a call with the core Project Team to provide more in-depth context for the development of a Minnesota EPR for PPP bill and begin to develop a strategy for advancing an EPR for PPP bill in the state. In a concise presentation to the core Project Team, PSI staff will outline the policies in effect and introduced in the United States and Canada to date, provide an overview of the positions of the various stakeholders (proponents and opponents/adversaries) relative to key program elements and legislative language, and summarize the key arguments used to support and oppose bills that have been introduced in the U.S. After the presentation, PSI staff and the core Project Team will address questions and discuss the relevance to the Minnesota landscape of stakeholder positions and arguments (for and against), including categorizing key Minnesota stakeholders into proponent, neutral, and opponent categories. The outcome of this discussion will form the core of a strategy for advancing EPR for PPP in Minnesota, which PSI will develop further, with input from the Project Team, over the following few months. The strategy document will incorporate the information summarized in the presentation into a cohesive strategy for Minnesota.

4. Develop and Finalize Elements of a PPP EPR Bill for Minnesota, October 2021 – February 2022

Beginning in September, after the context and strategy development call, PSI will coordinate and facilitate 6 to 8 calls with a Packaging EPR Committee of up to 15 key stakeholders selected by the Project Team to develop and refine the *Elements of Effective EPR for PPP Legislation for Minnesota*. To develop the Elements document, PSI will conduct the following activities:

- a) Develop **Packaging EPR Committee**. PSI will invite up to 15 key stakeholders selected by the Project Team to participate in six to eight 2-hour web meetings with the Project Team. PSI will draft an email for Hennepin County (or the full Project Team) to send to prospective Committee members. PSI will manage the process and communicate with the Project Team to ensure a robust representation on the Committee.
- b) Develop **Project Contact Database**. PSI will manage an Excel spreadsheet of project contacts, continually updating it as new participants are added. At the end of the project, PSI will provide a final list to Hennepin County.
- c) Convene **six to eight 2-hour web meetings** with the Project Team and Packaging EPR Committee. Based on the Project Summary, PSI will facilitate discussions and seek to reach consensus on the problems, goals, barriers, and EPR solution. Using its own model *Elements of Effective EPR for PPP Legislation*, PSI will also seek to reach consensus on a set of about 15 key Elements of an effective EPR for PPP bill designed specifically for Minnesota.
- d) Between calls, conduct **targeted research**, as needed, to answer technical questions that arise during discussions, incorporate information into the Elements document, and share it with the Project Team and Packaging EPR Committee.
- e) Conduct **conversations with seven to ten** influential stakeholders, including SWAA, manufacturers, brand owners, retailers, recyclers, and others to seek their input on the Elements document and potential support for a bill.

QUOTE

The Phase I scope described above is quoted at \$25,000. PSI encourages PWE and Hennepin County to budget an additional \$65,000 for 2022 to 2023 to advance Phase II (see Phase II proposal).

Project Tasks	Amount
Task 1: Kick-off Calls w/ Hennepin County and Project Team	\$2,100
Task 2: Develop a draft project summary	\$1,900
Task 3: Provide Context and Develop a Minnesota Strategy for an PPP EPR Bill	\$4,000
Task 4: Develop and finalize elements of a Minnesota PPP EPR Bill.	\$14,000
Project Management	\$3,000
TOTAL	\$25,000



Packaging Extended Producer Responsibility In Minnesota Phase II Proposal to the Partnership on Waste and Energy May 6, 2021; Revised June 14, 2021

PROJECT GOAL

To develop, introduce, and pass an effective extended producer responsibility (EPR) bill for packaging and paper products (PPP) in Minnesota in 2023 that meets the interests of Hennepin County, the Partnership on Waste and Energy (PWE), state and local governments including the Solid Waste Administrators Association (SWAA), and other key allies in Minnesota.

SCOPE OF WORK

The proposed Scope of Work is conceived as Phase II of a two-phase project that begins in 2021. Phase II is comprised of three project elements: (1) Design, Coordinate, and Facilitate a Multi-Stakeholder Workshop to Seek Feedback on the Minnesota Elements of and EPR for PPP Document; (2) Build a Coalition of Support for a PPP EPR bill in Minnesota; and (3) Develop bill language; Support Introduction and Passage of PPP EPR Legislation in 2022. The outcome of this project will be an EPR for PPP bill to be introduced in the 2023 legislative session.

1. Design, Coordinate, and Facilitate a Multi-Stakeholder Workshop to Seek Feedback on Elements Document, March – July 2022

In consultation with the core Project Team (five stakeholder from the three counties represented by PWE, per the Phase I scope), PSI will design, coordinate, and facilitate a **multi-stakeholder workshop** on the *Elements of EPR for PPP Legislation*. The workshop will consist of two, 4-hour video conference sessions that outline the problems, goals, barriers, and EPR solution and seek feedback on the Elements document. The workshop will seek to educate a wider group and gain their support for an EPR bill. In collaboration with Hennepin County and the project team, PSI will conduct the following activities:

- a) Develop a **Workshop Agenda**. PSI will develop a draft agenda that will include a brief presentation by Hennepin County and other Project Team staff about the problems with managing packaging in Minnesota. PSI will provide a brief overview of packaging EPR around the world, best practices for legislative models, and the status of EPR legislation in the U.S. The main part of the agenda will be to receive extensive input on the Elements document.
- b) Convene the Project Team to finalize the **workshop agenda**.
- c) **Identify and invite additional stakeholders** to participate in two, 4-hour video Workshop Sessions that seek feedback on the Elements document. PSI will develop an invitation email with the Project Team, monitor invitation responses, and develop a workshop participants list.
- d) **Add new stakeholders to the project contact list**, which will likely include additional MN state and local government officials, manufacturers, retailers, recyclers, and others.
- e) Conduct **outreach to vital stakeholders** to identify potential dates for the meeting and select meeting dates and times.
- f) Email a meeting **save-the-date** to all identified stakeholders and conduct **phone outreach to additional stakeholders** as needed to secure their participation for a specific date and obtain their input on the agenda.

- g) Coordinate all **meeting logistics**, including promotion, registration, Zoom preparedness guidance for speakers and participants, speaker prep calls, slides, and communication with registrants.
- h) **Facilitate two 4-hour Zoom sessions** over two days. PSI will create and use meeting slides to guide and facilitate the conversation. PSI will facilitate input on the Elements documents from workshop participants while building support for an EPR for PPP bill to be introduced in 2022.
- i) Hold a **debrief call** with the core Project Team to plan next steps. PSI will synthesize key discussion points, decisions, and action items from the dialogue meeting into concise notes, as well as provide a suggested redraft of the Elements document based on input. PSI will share these first with the Project Team and then with all workshop participants to ensure stakeholder feedback has been accurately captured. PSI will distribute the final workshop summary, Elements document, and slides to all participants.
- j) Host post-workshop debrief calls for key influential stakeholders to incorporate further feedback into the bill Elements.

2. **Build a Coalition of Support for a PPP EPR bill in Minnesota, August 2022 – November 2022**

PSI and the Project Team will build support for the Elements document among groups such as the PWE and SWAA, environmental and community NGOs, and the MN Pollution Control Agency. In conjunction with Hennepin County, PSI will identify and recruit other entities to support the bill. PSI will conduct the following activities:

- a) Circulate the final *Elements of a PPP EPR bill for Minnesota* to governments, manufacturers, retailers, and other stakeholders who participated in and/or were invited to the stakeholder workshop and who expressed interest in, or support for, packaging EPR in MN. PSI will invite these parties to support the bill by **signing onto a support letter** and providing support testimony and positive press coverage.
- b) **Create educational materials** about the final elements and bill for legislators and County Commissioners, which will be used by Hennepin County lobbyists to secure a bill sponsor and cosponsors. The educational materials will also be used by coalition members to recruit additional supporters to the coalition. Materials may include a public website or landing page on PSI's website, a flyer or fact sheet, and/or social media messaging and graphics.
- c) **Coordinate and host public events** for legislators, County Commissioners, key interest groups, and members of the public to promote the bill.

3. **Develop bill language; Support Introduction and Passage of Packaging EPR Legislation in 2022 January – May 2023**

PSI will work with Hennepin County to secure a bill sponsor and provide the Elements document to legislative counsel to be turned into bill language. PSI will work with legislative counsel to ensure the bill is accurate. PSI will track the bill through the legislative process and support its passage in the legislature. PSI will conduct the following activities:

- a) Provide the final *Elements of a PPP EPR bill for Minnesota* to legislative counsel for conversion into a bill, and support bill drafting.
- b) Track and report on bill progress via PSI's online legislation library and legislative updates emails.
- c) Collect and archive testimony in support of, and opposition to, the bill from legislative hearings.
- d) Track and collect press coverage of the bill.
- e) Participate in coalition calls coordinated by Hennepin County to strategize on bill support.
- f) Provide testimony in support of the bill at legislative hearings.
- g) Develop a coalition support letter and coordinate the addition of supporters.
- h) Assist in generating positive press coverage in support of the bill by providing content, quotes, and media contacts as needed.

QUOTE

Project Tasks	Amount
Task 1: Design, Coordinate, and Facilitate a Multi-Stakeholder Workshop	\$22,500
Task 2: Build a Coalition of Support for Packaging EPR in MN	\$31,500
Task 3: Develop bill language; Support Introduction and Passage of Packaging EPR Bill	\$8,000
Project Management	\$3,000
TOTAL	\$65,000

PARTNERSHIP MEETING DATE:		August 26, 2021		AGENDA ITEM:		5.a	
SUBJECT:		PWE Annual Report					
TYPE OF ITEM:		<input checked="" type="checkbox"/>	INFORMATION	<input type="checkbox"/>	POLICY DISCUSSION	<input type="checkbox"/>	ACTION
SUBMITTED BY:		PWE Lead Staff					

PWE BOARD ACTION REQUESTED:

For information only.

EXECUTIVE SUMMARY:

Staff will present an overview of the Partnership on Waste and Energy (PWE) Annual Report. Highlights include:


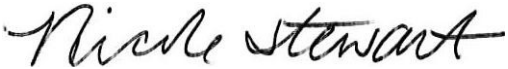

- Legislative work
- Emerald Ash Borer and wood waste management
- Work on anaerobic digestion
- Online training for hazardous waste generators
- Battery campaign

ATTACHMENTS:

1. 2020 PWE Annual Report

FINANCIAL IMPLICATIONS:

None.

AUTHORIZED SIGNATURES		DATE
Hennepin County		7/7/21
Ramsey/Washington Recycling & Energy		7/7/21
		7/7/21



PARTNERSHIP ON
WASTE & ENERGY
Hennepin | Ramsey | Washington

Partnership on Waste and Energy 2020 Annual Report

Letter from the Chair

The Partnership on Waste and Energy (PWE) is a joint powers board between the Ramsey/Washington Recycling & Energy Board and Hennepin County. PWE, established in 2017, is the organization through which Hennepin, Ramsey and Washington counties collaborate on solid waste management issues. Serving over two million residents, the three counties work together through PWE to develop policy, research waste processing technologies and communicate with the public about issues related to waste management.

2020 was a challenging year. Faced with the need to provide essential solid waste services while keeping staff and the public safe during a pandemic, the counties were able to share information that helped them adapt operations, prioritizing safety and continuing service delivery throughout the pandemic.

- Victoria Reinhardt, Ramsey County Commissioner and 2021 PWE Board Chair



Governance and Administration

PWE is governed by a board of three county commissioners, including the chair and vice chair of the Ramsey/Washington Recycling & Energy Board (Ramsey County Commissioner Victoria Reinhardt and Washington County Commissioner Fran Miron, respectively) and Hennepin County Commissioner Debbie Goettel. The chair of the PWE Board rotates annually, and in 2020 the chair was Commissioner Goettel.

Ramsey/Washington Recycling & Energy serves as the administrative agent for PWE, providing financing, procurement and planning services to the partnership.



Legislative Work

PWE, through its legislative advocacy efforts, seeks to reduce waste, promote renewable energy and enhance the health and resiliency of its communities while advancing equity and responding to the challenges of a changing climate. Each year the PWE governing board adopts a [legislative platform](#). In the 2020 legislative session, PWE's lobbying activities included advocacy for the following:

Market development for recyclables

Food waste reduction initiatives

Wood waste management through biomass energy

Financing for solid waste infrastructure

PWE board members and lobbyists engaged with legislators around these topics, providing written and oral testimony, and continued ongoing collaboration with partners toward common goals.

Emerald Ash Borer and Wood Waste Management



PWE continues to focus on wood waste resulting from Emerald Ash Borer (EAB). EAB kills ash trees, and all ash trees are susceptible to EAB, which has spread to at least 26 Minnesota counties. The volume of wood waste will increase as the infestation of trees continues to accelerate. In the metro area, this will result in over 1.67 million tons of wood waste that needs to be properly handled as EAB spreads through the region.

Counties are charged with the responsibility of managing solid waste. The volume of ash wood waste that is being generated due to EAB is challenging our communities' capability to properly manage it. Wood waste, by law, cannot be landfilled. It cannot be delivered to a resource recovery facility. Nor is open burning allowed. One option is landscape mulch, but those markets are nearly at capacity. The only practical outlet at this time is using it as a fuel for the Saint Paul District Energy facility, but

this option faces an unsure future due to uncertainty about its power purchase agreement with Xcel. PWE has been involved in discussions with state agencies and the legislature to voice support for the service provided by Saint Paul District Energy. Other reliable markets for this material are difficult to find, and PWE also advocates for the development of alternative uses for wood waste.

Work on Anaerobic Digestion

Since 2018, PWE has worked with Great Plains Institute (GPI) to explore anaerobic digestion (AD) as a technology to capture the resource value of organic waste in Minnesota. In 2020, GPI built on previous work to expand this exploration, including research to identify specific steps that can facilitate the development of new AD projects in Minnesota. This was undertaken through additional stakeholder meetings, interviews and literature review, as well as case studies of other US states' policies that support and incentivize AD. The project culminated in a report of policy and regulatory considerations presented to the Partnership Board in December 2020 and [published online](#).



Online Training for Hazardous Waste Generators

The COVID-19 pandemic created a disruption in the regular course of business, including hazardous waste compliance programs and the businesses they regulate. Training on proper management of hazardous waste is an essential function, and businesses are required to complete this training. Due to the pandemic, offering this training in a classroom setting was not feasible. Additionally, even before the pandemic, feedback from many businesses indicated a growing interest in an online training that could be completed at their convenience.



Ramsey, Hennepin and Washington counties' compliance staff identified an opportunity for collaboration. Using Hennepin County's well-established online training content as a foundation, the three counties adapted the video materials to meet all three of the counties' needs and regulations. The project also allowed the counties to offer the training in Spanish and include closed captioning. This partnership also provides the opportunity to develop the training in other languages in the future.

Battery Campaign

When improperly disposed of, batteries can create fire hazards that presents risks to waste management facilities like those owned by the counties, not to mention the people who work in those facilities. In 2020, the counties, through PWE, initiated a communication campaign to educate the public about proper battery disposal. The campaign will debut in 2021.



Financials

Each year the board approves a budget for the following fiscal year, which aligns with the calendar year. In 2020 the PWE budget was as follows:

Personnel	\$10,536	R&E staffing support to PWE for planning, accounting, and contract management
Hazardous Waste Training	\$5,000	Online training for hazardous waste generators.
Lobbying Services	\$74,975	Contracts with lobbying firms of Capitol Hill Associates and Fryberger Law Firm.
Anaerobic Digestion	\$50,000	Contract with Great Plains Institute to explore anaerobic digestion opportunities.
Insurance	\$1,121	Organizational insurance
Total	\$141,632	

PARTNERSHIP MEETING DATE:		August 26, 2021		AGENDA ITEM:		5.b	
SUBJECT:		Legislative Update					
TYPE OF ITEM:		<input checked="" type="checkbox"/>	INFORMATION	<input type="checkbox"/>	POLICY DISCUSSION	<input type="checkbox"/>	ACTION
SUBMITTED BY:		PWE Lead Staff					

PWE BOARD ACTION REQUESTED:

For information only.

EXECUTIVE SUMMARY:




The 2021 regular legislative session concluded on May 17, 2021, with major budget bills not yet passed. A special session commenced June 14, and final budget and tax bills were passed on or before June 30, 2021. The attached summaries provide information on bills of interest to the Partnership on Waste and Energy (PWE). Staff and lobbyists will provide a brief report and answer questions.

ATTACHMENTS:

1. 2021 Session Summary provided by Fryberger
2. 2021 Session Summary provided by Capitol Hill Associates
3. 2021 PWE Legislative Platform

FINANCIAL IMPLICATIONS:

None.

AUTHORIZED SIGNATURES		DATE
Hennepin County		7/7/21
Ramsey/Washington Recycling & Energy	 	7/7/21 7/7/21

FRYBERGER

— LAW FIRM —

MEMORANDUM

TO: Partnership on Waste and Energy Board

FROM: Sam Richie and Kevin Walli, Fryberger Law Firm

RE: 2021 Legislative Outcomes

DATE: July 12, 2021

After a tightly contested 2020 election in which all 201 members of the Minnesota Legislature were on the ballot, Minnesota remained the only divided Legislature in the nation with Republicans maintaining their narrow majority in the state Senate and the DFL able to keep their slim majority in the state House. Given this split control, each Chamber could veto any policy advanced from the other body, a complicating factor that made the 2021 Legislative Session difficult to navigate.

The Legislature blew through the Constitutionally mandated adjournment date of May 17th with little to show for the regular Session. While Legislative leaders were able to strike a deal on overall budget numbers by the deadline, they needed extra time to work through most of the details and actually assemble bill language. This process took place entirely in private with little to no input from the public or even rank-and-file Legislators. The Legislature was eventually able to pass the budget in time to avoid a government shutdown, but not before furlough notices were sent to thousands of state employees warning of a July 1st shutdown.

One bill that did manage to pass during the regular Legislative Session was an extension of the power purchase agreement (PPA) between District Energy and Xcel, an issue the Partnership took an active role in supporting. The PPA had been set to expire in 2022 but has been extended through 2024 which will allow the St. Paul District Energy plant to continue disposing of wood waste created by emerald ash borer. The bill moves the deadline for a new PPA to be submitted to the Public Utilities Commission by August 1, 2022.

While a lot of policy remained undone this year, there were some notable provisions for the Partnership to be aware of that were included in the Environment and Natural Resources budget bill as well as the Commerce and Energy budget bill that were passed during Special Session.

FRYBERGER, BUCHANAN, SMITH & FREDERICK, P.A

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p: (651)221-1044

Environment and Natural Resources Budget Provisions

- **Advisory Group to Develop and Implement an Initiative to Reduce Sources of PFAs in the Environment.**

The Partnership is specifically named as one of the organizations to have a representative on the Advisory Group to work with the Commissioner of Natural Resources and the Commissioner of Health to mitigate the release of PFAs. The Bill includes \$600,000 in the first year to facilitate the efforts of the Advisory Group.

The Advisory Group is to identify sources of PFAs that are eventually conveyed to municipal waste water treatment facilities and that are contained in solid waste disposed of at solid waste facilities.

The Advisory Group is also to identify source reduction strategies and publish and distribute guidance documents for local governments to provide effective strategies to reduce PFA sources.

The Advisory Group is to report back to the chairs and ranking minority members of the House and Senate Committees with jurisdiction over environment and natural resources. The report is due January 31, 2023.

- **SCORE Block Grants**

The Bill includes the funding for SCORE Block Grants in the amount of \$18,450,000 the first year and \$18,450,000 in the second year from the Environmental Trust Fund.

- **Grants to Develop and Expand Recycling Markets**

\$400,000 the first year and \$400,000 the second year from the Environmental Trust Fund for grants to develop and expand recycling markets for Minnesota Businesses.

- **Reduce and Divert Food Waste**

\$750,000 the first year and \$750,000 the second year from the Environmental Trust Fund to reduce and divert food waste, redirecting edible foods for consumption and removing barriers to collecting and recovering organic waste (\$500,000 each year for grants to increase food rescue and waste prevention).

- **Community Ash Management Plans (EAB)**

\$1,200,000 the first year and \$1,200,000 the second year from the General Fund and \$500,000 the first year and \$500,000 the second year from the Heritage Enhancement Account of the Game & Fish Fund for grants to local units of government to develop Community Ash Management Plans; to identify and convert ash dams to more diverse, climate-adapted species and to replace removed ash trees.

Grants may cover up to 75% of eligible costs and may not exceed \$500,000. Matching grants provided through this appropriation are available to cities, counties, regional authorities, joint powers boards, towns, Tribal nations, and parks and recreation boards in cities of the first class.

The Commissioner of Natural Resources in consultation with the Commissioner of Agriculture must establish criteria to determine funding priorities between submitted requests to determine activities and expenses that qualify to meet local match requirements.

- **Extension of Time for Use of Previous Appropriation for Community Ash Management Plans (EAB)**

A \$700,000 appropriation from 2019 which was to be used in the first year is made available also in the second year for grants to local units of government to develop Community Ash Management Plans; to identify and convert ash dams to more diverse climate-adapted species; and to replace removed ash trees.

- **Food Packaging, PFAS**

The new statutory authority is established under Minn. Stat. §325F.075 is to prohibit the use of PFAs for use in materials in Minnesota Food Packaging.

Environment and Natural Resources Trust Fund (LCCMR) Provisions

- **Minnesota Invasive Species (EAB)**

\$5,000,000 in the second year is provided to the University of Minnesota - Minnesota Terrestrial Plants and Pests Center to fund high-priority research projects to insure better management of invasive plants, pathogens, and pests on Minnesota's natural and agricultural lands.

- **Protect Community Forests by Managing for Emerald Ash Borer (EAB)**

\$3,500,000 in the second year is from the Trust Fund to reduce Emerald Ash Borer by providing surveys, assessments, trainings, assistance and grants for communities to manage Emerald Ash Borer, plant a diversity of trees, and engage citizens in community forestry activities.

- **Emerald Ash Borer and Black Ash Forests (EAB)**

\$700,000 in the second year is from the Trust Fund to the University of Minnesota for ongoing experiments to determine long-term Emerald Ash Borer impacts on water, vegetation, and wildlife and to determine optimal replacement species and practices for forest diversification and to develop criteria for mitigation activities.

- **Eco-Friendly Plastics from Cloquet Pulp Mill (Lignin)**

\$193,000 in the second year is from the Trust Fund to the University of Minnesota to reduce environmental pollution from plastics by creating eco-friendly replacements using lignin from the pulp mill at Cloquet, Minnesota.

- **Diverting Unsold Food from Landfills to Reduce Greenhouse Gases (Food Waste)**

\$130,000 in the second year is from the Trust Fund to the Commissioner of Natural Resources to enter into an agreement with Second Harvest Heartland to prevent food from going to landfills and reduce greenhouse gas emissions by helping businesses donate unsold prepared food to food shelves.

Commerce and Energy Budget Bill Provisions

- **Base Funding for Department of Commerce Energy Regulation and Planning Staff**

\$851,000 in the first year and \$870,000 in the second year is for base level funding of the Department of Commerce Energy Regulation and Planning Unit.

- **Solar in Schools**

\$8,000,000 in the first year for schools to purchase and install solar energy generating systems. (The enabling statute for the program is established at Minn. Stat. §216C.375-.376.)

- **Solar at State Colleges and Universities**

\$1,242,000 in the first year is for state colleges and universities to purchase and install solar energy generating systems.

- **Appropriations Riders for Natural Gas Innovation Act**

\$89,000 each year for activities of the Department of Commerce associated with utility implementation of natural gas innovation plans.

\$112,000 each year is for activities of the Minnesota Public Utilities Commission associated with utility implementation of natural gas innovation plans. (These appropriations are intended to “net out” to zero as utilities are charged back these process costs.)

- **Solar Pilot Project at Closed Landfill**

A solar installation at the closed Anoka-Ramsey landfill would benefit from \$100,000 to prepay and defease outstanding general obligation bonds associated with the landfill closure. (The enabling statute for this initiative is established at Minn. Stat. §115B.431.)

- **State Building Energy Improvement Conservation Loans**

(The enabling statute for this program is established at Minn. Stat. §16B.86.)

- **Solar Energy Production Incentive Program—Base Level Funding is Extended to 2024 and 2025**
- **Energy Transition Office**

A new energy transition office is to be established at the Department of Employment and Economic Development. (The enabling statute is established at Minn. Stat. §116J.5491 to 116J.5493) The transition office is intended to mitigate impacts of power plant closings. An advisory committee would be established and a state energy transition plan produced.

- **Minnesota Efficient Technology Accelerator**

The enabling statute for this initiative is established by expanding authority at Minn. Stat. §260B.241.

- **Natural Gas Utility Innovation Plans**

The Natural Gas Utility Innovation Plans allows for utilities to prepare and present plans for biogas production by means of anaerobic digestion or gasification of biomass. (The enabling statute is established at Minn. Stat. §216B.2427 and .2428.) CenterPoint Energy led the effort in support of this provision and was strongly supported by the Partnership.

- **Future Fuels**

The Partnership also supported the Future Fuels proposal. This provision was *not* included in the final Energy and Commerce Bill. We worked closely with the chief advocates for this measure and have already been in contact with them to discuss the development of strategy moving forward. This effort was spearheaded by the Great Plains Institute who have already indicated they will make another run at this legislation in 2022 and will look to continue to build on the coalition assembled over the past year.

- **Carbon-Free or Clean Energy Standards**

The Energy Budget bill also contains *no* language on carbon-free or clean energy standards or requirements, and no mention of waste-to-energy or disqualifications of facilities as renewable energy sources as had been proposed by the House.

The Legislature will return on January 31, 2022 for the second year of the biennium where the focus will be on policy issues left undone in 2021, spending the remaining leftover federal funds,

and assembling a bonding bill. Thanks to once-in-a-decade redistricting, all 201 Legislators will be on the ballot again in November of 2022, as well as the Governor and the remaining Constitutional officers – so we can expect politics to continue to play a major role in the Legislative process again in 2022.

As we review all our priorities and focus our efforts for 2022, some of the ongoing issues for the Partnership include:

- Securing additional funding for the state and local response to the growing EAB problem
- Continuing support for market development for products relying on Ash wood or fiber from our urban or community forests
- Support enactment of the Future Fuels legislation and continue working with stakeholder group



PARTNERSHIP ON
WASTE AND ENERGY

HENNEPIN | RAMSEY | WASHINGTON

Legislative Update – July 2021

Waste Issues

**Submitted by Rob Vanasek, Sam Walseth and Britta Torkelson, Capitol Hill Associates, Inc.
on behalf of the Partnership on Waste and Energy Team**

The 2021 session results were quite positive as viewed through the prism of the Partnership's Legislative Platform.

Enacted legislation includes new PFAS pollution restrictions, District Energy's transition legislation finally made it into law but still needs approval by the Public Utilities Commission, and additional SCORE dollars were added to base funding going into the future.

Not enacted initiatives include the initial threat to waste to energy (WTE) facilities that the Partnership testified and lobbied against, which evolved into a focused threat to the HERC that was carried into Conference Committee by the House. A few initiatives that attempted to pass as product stewardship bills or new ways to recycle, including mattresses, carpet and Advanced Recycling of plastic/petroleum products occupied a large portion of the Partnership team's time and energy but failed to find agreement between the involved parties.

2020's complexities of legislating via telephone or internet (along with some last minute extraordinarily rare in-person lobbying) continued to challenge everyone in Minnesota's legislative arena in 2021.

The state's lawmakers' focus was primarily on passing the state's two-year \$52 billion budget and secondarily providing COVID relief and COVID guidance where possible. The relatively late addition of billions of federal aid – twice – changed and complicated the dynamics at the capitol. Strong additional session spices included wrangling over the governor's use of emergency powers and how far policing reforms should or should not go. Language carried to conference committee that was objected to by either chamber was, for the most part, left behind. This included most mentions regarding climate or environmental justice.

Though the majorities' leadership in each chamber agreed to a potential bonding bill of possibly up to \$500 million, there was not enough interest by the minority party in the House to move it. Governor Walz is very interested in enacting a bonding bill in the coming year.

A special session was called to enact the "closed door" agreements and despite many meetings and hours spent with advocates in June (and the previous months) the Partnership, in conjunction with AMC, was not able reach an accord with those pushing for a mattress recycling program that would have convincingly met the goals of the Partnership.

Although the House adjourned, the Senate stayed in Special Session and in doing so forced out Laura Bishop, the Commissioner of the Pollution Control Agency, (formerly Chief Corporate Responsibility and Sustainability Officer, Best Buy) mainly over the agency's promulgation of rules for "clean cars," which is a priority of the governor as part of his climate agenda.

Below are highlights of bills and issues of interest to the Partnership on Waste and Energy. Hennepin, Ramsey, and Washington County staff worked closely with us, along with other allies, to advocate the Partnership legislative platform.

All items below were in the final version of the omnibus environment bill. Enacted—1st Special Session SF 20, 1st Engrossment (now Chapter 6).

- **\$700,000 annually of new, additional base funding (Environmental Fund) for SCORE Recycling Grants to Counties:**

Though again not enacted via our preferred mechanism of HF 2367 (Hornstein)/SF 1531 (Ruud), which would have increased the proportion of the solid waste management tax allocated to SCORE from the General Fund. The Senate championed SCORE throughout the work group meetings and the funds come from the Environmental Fund. The previous annual SCORE level was \$17.75M and the new amount of annual funding is \$18.45M.

- **Continued Environmental Fund dollars for Market Development at the MPCA:**

A 2019 initiative by the MPCA included in this Governor's first budget, \$400,000 annually via the Environmental Fund supports development and expansion of recycling markets for Minnesota businesses following the decision of developing countries to stop accepting poorly sorted, no to low quality recycling materials.

- **PFAS study group includes the Partnership; watered down PFAS food packaging ban:**

An advisory group, including a representative from the Partnership, AMC, SWAA and others is to report back to the legislature in about 17 months with model guidance on how local governments deal with PFAS. The group is charged with identifying sources of PFAS and source reduction strategies for all PFAS that end up at wastewater treatment plants or solid waste facilities. Also included is compromise language that hopes to mostly ban PFAS in food packaging.

- **\$800,000 (Environment and Natural Resources Trust Fund) mapping hazardous and solid waste cleanup:**

A Groundwater Contamination Mapping Project (phase II) was funded to MPCA to improve the protection of groundwater resources for drinking water. The project will expand a web-based interactive ground water contamination mapping system to include all state hazardous and solid waste cleanup programs and collect monitoring data.

- **\$2.244 million (Environment and Natural Resources Trust Fund) to work with cities, counties, businesses to divert waste from landfills:**

The MDNR is funded to contract with Better Futures Minnesota and the Natural Resources Research Institute to partner with local governments and businesses to create and implement a collection and reuse program focused on household goods and building materials in an effort to keep them from landfills.

- **\$334,000 (Environmental Trust Fund) to increase reuse, rental, and repair:**

The MDNR is funded to contract with ReUSE Minnesota to provide outreach and technical assistance to communities and businesses in an effort to up the reuse, rental, and repair of consumer goods and to reduce solid waste disposal impacts.

- **Closed landfill investment fund:**

Appropriates up to \$4,500,000 annually to the MPCA from the closed landfill investment fund (CLIF). Appropriates up to \$9,000,000 annually if the commissioner determines there is an emergency. Requires the PCA to report to the legislature if emergency money is appropriated. Sunsets the appropriations on June 30, 2025. These will be the first regular expenditures from the CLIF.

- **Real property interests in landfill if state funding involved:**

Authorizes the MPCA to acquire interests in a solid waste disposal property if related to closure or postclosure care.

- **Electronic waste technical changes including recycler responsibilities:**

There was some obsolete language removed from statute and minor technical changes made to the e-waste statute, including a prohibition of recyclers from charging collectors for any supplies related to transporting or recycling covered electronic devices.

Not enacted. These issues will continue in 2022 and beyond.

- **Clean Energy First Act and WTE:**

This session Chair Reinhardt testified in the House Climate and Energy Committee on behalf of PWE and county interests in opposition to the House's anti-WTE legislation found in their 100% Renewable Energy Standards bill. The bill would have required 100% of the energy purchased by utilities to be carbon free by 2040. Ten years earlier than last session's legislation. Chair Reinhardt stated that while the Partnership "fully supports" the intention to become carbon free, there also "needs to be flexibility on what qualifies as carbon free [and] the community benefit of waste energy needs to be weighed with its role in generation of greenhouse gases." A provision that removed the classification of renewable from all WTE facilities was amended by Representative Hornstein in committee to narrow that effect to just the HERC. This provision was carried to conference but not found in the final omnibus bill due to the Senate's objection to the use of the term environmental justice in the definition.

- **Carpet:**

Chair Reinhardt did testify in the House Environment Committee in general support of a product stewardship program for carpet, but the Partnership prefers a different version that was being heard in committee that day. We met with the proponents on a handful of occasions and the author, Rep. Jordan,

but the House moved forward with a study on how to create a carpet product stewardship program. The study was not enacted.

- **Advanced Recycling:**

Following multiple negotiations with the American Chemistry Council, the Partnership supported an agreement reached that would have created a modified version of legislation being passed in multiple states that creates a more industry friendly regulatory framework for what's referred to as Advanced Recycling for plastics. Despite our agreement, the MPCA and certain environmental groups were not favorable towards the proposed changes.

- **Bonding Bill:**

There was no bonding bill but Chair Reinhardt did testify in the House Capital Investment Committee in support of the MPCA's Solid Waste Capital Assistance Program (CAP) the state's main program to assist local governments in financing the infrastructure necessary to minimizing land disposal of municipal solid waste.



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

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