

February 1, 2022

Senator Bill Ingebrigtsen
Chair, Senate Environment and Natural Resources Finance Committee
3207 Minnesota Senate Building
St. Paul, MN 55155

Re: County Waste Management Priorities for 2022

Dear Chair Ingebrigtsen,

The Association of Minnesota Counties (AMC), the Minnesota Inter-County Association (MICA), the Partnership on Waste and Energy (Partnership), and the Minnesota Solid Waste Administrators Association (SWAA) would like to highlight our 2022 solid waste legislative priorities.

Permanent Increase to SCORE Grants as Proposed by S.F. 1531 (Ruud)

Less than 25% of total Solid Waste Management Tax (SWMT) collections are dedicated to the solid waste management work of counties. Even more than that is skimmed off to the General Fund and not used to address growing solid waste challenges at all.

We appreciate your committee's leadership in 2021 to increase SCORE grant funding by \$700,000 annually. Under current law, however, 30% of SWMT revenue goes to the state General Fund (about \$27 million in 2020) even as growth in solid waste volumes continues to outpace growth in recycling. The current state budget surplus offers a critical opportunity to right-size SCORE grant levels to meet the challenges counties face to increase reuse and recycling of valuable materials and prevent environmental pollution from landfills.

We urge the Legislature to finally and fully allocate the above-mentioned 30% in SWMT revenues to solid waste management activities found under Minn. Stats. 115A.557, as proposed in S.F. 1531 (Ruud).

Four Additional Pollution Prevention Priorities

We also encourage the Chair and committee members to prioritize other pollution prevention efforts aimed at responsible waste management, minimizing the use of landfills and protecting public and environmental health at active and closed landfills. Here are four recommended actions.

- **Fund Capital Projects.** Counties are mandated to prevent landfilling waste. Counties need state support to build the modern infrastructure required to do this. Please support the county bonding project proposals put forward this year to keep hazardous materials and other resources out of landfills. Also, increasing the current per-project cap in the MPCA's Capital Assistance Program will provide greater flexibility for counties to boost recycling and prevent landfilling.
- **Repayment of the Metropolitan Landfill Contingency Action Trust (MLCAT) account.** The funding agreed to in the 2021 session provides for annual repayment of \$100,000 starting in FY 2022. This is a welcome but inadequate action to restore borrowed MLCAT funds. It would take about 140 years to repay the \$13.9 million that was borrowed since 2003 to balance General Fund budgets.

- **Strengthen the Closed Landfill Investment Fund (CLIF).** A 2010 law transferred \$48 million out of the CLIF to the state's General Fund. Repayment, with lost interest and other investment earnings, was to be made in three payments during FYs 2014-2017. Only the FY2014 repayment was made, and \$38.1 million, plus lost interest, still has not been repaid with no mechanism in place to do so. CLIF is now available for use. While the 2021 Legislature set up an annual limit of up to a \$4.5 million, with limited additional emergency use authority granted to MPCA, the CLIF will run out of funding to clean up and permanently maintain the landfills that are in the program as well as others anticipated to be added in the future.
- **Meet the Emerald Ash Borer (EAB) Challenge.** The state faces serious consequences from the sheer volume of waste generated by the rapidly spreading emerald ash borer as it destroys community and managed forests. Thirty counties are now subject to ash quarantines. The state needs a framework and oversight for managing the surging volume of EAB-related wood waste, like other waste streams. The Minnesota Pollution Control Agency should be tasked to lead preparation of a statewide EAB wood waste management plan, with counties and cities as active partners. We encourage funding called for in the Minnesota Environmental Quality Board's 2019 report, *Emerald Ash Borer in Minnesota*, of \$8.5 million annually.

There is also a need to address continued wood waste management through District Energy's St. Paul Cogeneration facility. The facility currently serves as a practical outlet to responsibly manage hundreds of thousands of tons of dead and dying ash trees each year. Legislation passed in 2021 threatens to shift costs to the local governments and small businesses who provide the wood. Creating an incentive approach will maintain this responsible, affordable wood waste management solution while other more time-intensive solutions are pursued.

Counties seek solutions to increase recycling and manage challenging waste streams, build infrastructure to keep materials out of landfills, and responsibly address landfill clean-up challenges.

Our organizations stand ready to work with the Chair, the committee, state agencies, communities and the private sector to take action on these issues in 2022.

Sincerely,



Commissioner Todd Patzer, Lac qui Parle County
President, Association of Minnesota Counties



Matt Massman, Executive Director
Minnesota Inter-County Association



Commissioner Fran Miron, Washington County
Chair, Partnership on Waste and Energy



Laine Sletta, Brown County
President, Solid Waste Administrators Association

cc: Senate Environment and Natural Resources Finance Committee members