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Minnesota Chapter

April 15, 2020

The Honorable John Lesch
Minnesota House of Representatives
Via EMAIL: rep.john.lesch@house.mn

Dear Representative Lesch,

The Minnesota Chapter of the National Waste and Recycling Association (NWRA), representing the waste and recycling industry in Minnesota, has concerns with Section 5 of HF 4058. The language in this part of the bill allows the Minnesota Pollution Control Agency (MPCA) to acquire interests in landfill property, at the discretion of the Commissioner, including easements and environmental covenants under Chapter 114E. The language allows the MPCA to acquire the property based on the status of closure, post closure, and broadly, “any other actions needed after the post closure period expires”. NWRA feels this language grants broad, indiscriminate authority to the MPCA that is neither justified or warranted and deserves more discussion amongst stakeholders.

As written, the language applies to all landfills, not just those landfills that are currently in the MPCA Closed Landfill Program (CLP). In the late 1980’s, Federal Subtitle D regulations for land disposal facilities were put into place, creating criteria and standards that provide environmental protection through siting, design, operation, closure and post closure standards. Landfills in operation at that time that did not meet Federal standards in Minnesota were given the option of bringing their facilities up to these standards or closing. Many landfills opted to close and entered the CLP. The remaining landfills upgraded, and most continue to operate today. Currently operating landfills meet Federal and State of Minnesota standards that are protective of human health and the environment, including closure, post closure standards and have the required financial assurance in place to provide for their future care.

We feel the language should only apply to those land disposal facilities that closed and entered the CLP. These facilities never met Federal and State regulations and did not set aside funds for future closure and post closure activities. Landfills in the CLP are owned by the State, but those that are opening and operating today have the necessary means to close and maintain property per State and Federal regulations.

Lastly, our Association respectfully requests that the legislature consider setting aside this provision in the legislation to allow for a more transparent and thorough discussion. Certainly,

due to the COVID 19 crisis there is restricted access to legislators and to the legislative process. We feel that, given the current circumstances, the opinion of affected parties will not be fully considered on this issue. Further, given the gravity of legislative issues related to the pandemic, this issue should not be a priority for legislative action.

Thank you for the opportunity to provide input on this very important matter. NWRA looks forward to working with the bill Author and MPCA to find some clarifying language to alleviate our concerns with the bill. If you have any questions, you may contact me at 630-848-1101.

Sincerely,



Peggy Macenas
NWRA

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