



Ramsey and Washington Counties Joint Waste Designation Plan

*Approved by Ramsey and
Washington County Boards
August 2016*

Ramsey/Washington
**RECYCLING &
ENERGY BOARD**

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- Attachment A: Scope for Resource Management
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Approved by Washington County Board of Commissioners on August 2, 2016
Approved by Ramsey County Board of Commissioners on August 16, 2016

I. EXECUTIVE SUMMARY

In late 2015, the Ramsey/Washington Recycling & Energy Board, on behalf of Ramsey and Washington Counties (each a “County”, or collectively, the “Counties”), purchased the waste processing facility (the “Facility”), now called the Recycling & Energy Center, or “R&E Center”, located in Newport, Minnesota. Following an extensive evaluation, the Counties determined that ownership of the Facility and the use of waste designation will provide greater stability to the solid waste management system in the Counties, enabling the significant progress in recycling, reduced landfilling of waste and increased recovery of resources from waste.

Waste designation is the term used in Minnesota law that allows the counties to enact an ordinance (aka regulatory tool) that requires all or a portion of solid waste to be delivered to a designated waste management facility. Sometimes called “flow control,” waste designation can be put into place after a thorough planning process that is approved by the Minnesota Pollution Control Agency (MPCA). Designation relates to what happens to waste after it is collected – it does not affect who collects trash, or when it is collected.

This Joint Waste Designation Plan (“Designation Plan” or “Plan”) was prepared by the Ramsey/Washington Recycling & Energy Board (“R&E Board”), a joint powers board comprised of Ramsey and Washington Counties, and is submitted on behalf of each County. It envisions designating the Facility as the point of delivery for all Acceptable Waste generated in each of the Counties.

History

In the mid-1980s, the Counties embarked on a coordinated effort to pursue recovery of resources from solid waste after a landfill in Washington County significantly contaminated groundwater. This led to the development of the refuse-derived-fuel (“RDF”) facility in Newport, Minnesota and nearly three decades of collaboration between the Counties to reduce the volume and toxicity of the solid waste generated in the Counties, to increase recycling, and to work to ensure that the remaining waste was converted to RDF. That RDF has since been used to generate renewable electricity at two converted power plants owned by Northern States Power Company (“NSP,” today doing business as “Xcel Energy” and sometimes referred to herein as “Xcel”). As a result of this long collaboration, the Facility has become the central pillar to solid waste management in the two counties, receiving the majority of the mixed municipal solid waste generated (after recycling by residents and businesses) in the Counties, recovering additional recyclables that source separated efforts had missed, and processing the remaining waste into RDF.

Since the Facility began operations in 1988 an integrated solid waste and recycling system has developed in the East Metro area, guided by county solid waste master plans, policies and programs, and with a significant environmental impact, as evidenced by:

- A recycling rate increasing from a small amount to over 50% in 2015;
- Recovery of organic waste increasing from zero to almost 8% in 2015;
- The percentage of trash produced that is not recycled and is delivered to the facility increasing from zero to nearly 40%; and
- A decrease in the amount of waste sent directly to landfills from nearly 100% to less than 10%.

Although these efforts have been largely successful in diverting a majority of the waste from landfills, by 2015 it had become clear that the Counties would have to take additional steps to minimize costs while

reaching for more ambitious recycling goals and greater recovery of resources from waste. The Facility, which had long been under private ownership, had tipping fees that remained considerably higher than at landfills serving the metropolitan area, and the Facility owner relied on the Counties to subsidize the difference through a waste hauler rebate program that encouraged haulers to deliver to the Facility instead of the landfills with lower fees. From 2013 to 2015, the Counties collectively paid \$25.2 million in such subsidies (or \$8.4 million each year). In 2015, the Facility owner asked to increase the subsidies. It also became clear that the owner of the Facility intended to sell the Facility if the Counties did not increase the subsidies. Because the Facility could have been sold to a separate private company to be used for another purpose, a sale would have left uncertain the future of the central pillar of solid waste management in the Counties.

The Counties had jointly agreed to go well beyond the status quo and developed a vision for increasing the amount of resources to be recovered from solid waste in the Counties. In order to avoid upheaval to the waste management system in the Counties, retain the Facility jobs in Newport, reduce ongoing financial subsidy of the system and position the Counties for significant improvements in waste management, the Counties purchased the Facility on December 31, 2015 and hired a transition operator to run the Facility from January 1, 2016 to December 31, 2017, at which time the Ramsey/Washington Recycling and Energy Board (“R&E Board”), a joint powers board comprised of Ramsey and Washington Counties, will assume the operational responsibilities. The purchase price paid was the approximate equivalent of what the Counties had paid out every three years in subsidies to support the system under private operation.

Central to the decision to purchase the Facility was the knowledge that under public ownership and operation the Counties could use their regulatory powers to direct solid waste generated in the Counties to the Facility. Even with the significant financial support contributed by the Counties, approximately 100,000 tons per year of mixed municipal solid waste generated in the Counties have not been delivered to the Facility and instead sent directly to landfills in Minnesota and Wisconsin. By implementing waste designation, the Counties can ensure that this waste is instead processed at the Facility, with certain metals being removed and recycled, and the remaining waste processed into RDF for production of renewable energy.

Implementing Designation

The Counties will implement this Designation Plan according to the process set forth in Minnesota Statutes. Although this Designation Plan contemplates potential designation of the full array of solid waste types allowable under Minnesota law, each County would begin by amending existing waste designation ordinances to designate MSW that is acceptable at the Facility, until such time as the Facility has the capacity and capability to manage the broader array of wastes that can be designated under Minnesota law.

Following a public hearing on implementing designation, the Counties will work to develop consistent waste delivery agreements with as many hauling companies and self-haulers as possible, with such haulers being exempt from the County designation ordinances as long as they are under contract. The Counties will also work to maintain agreement with the network of privately-owned transfer stations to deliver waste generate in the Counties to the Facility. Haulers and self-haulers that do not have delivery agreements will be subject to the County designation ordinances.

Waste delivery agreement negotiations will be followed by work to develop ordinance requirements for designation. Although each County currently has designation ordinances in place, they are now decades old and each County will adopt comprehensive ordinance amendments consistent with this Plan. The waste delivery agreements and ordinance changes will be submitted to the MPCA for approval, following which designation would be implemented. It is expected that this will occur at the beginning of 2018.

Between waste delivery agreements and the regulatory “safety net” provided by waste designation, the Counties will have certainty that solid waste generated in the Counties, even after source separation, will be delivered to the Facility in a sufficient amount to allow the Counties to plan and finance future improvements at the Facility, more fully integrate recycling, organics, and processing systems in the East Metro, and that will lead to even greater recycling rates and higher and better use of the remaining resources in the waste.

Under designation the Counties can go as far as possible with source reduction and recycling goals while maintaining stable Facility operations. This is because designation can reach additional sources of waste that are currently landfilled (certain industrial wastes and construction and demolition debris materials) that could eventually supplant a sustained reduction in mixed municipal solid waste (“MSW”) tonnage at the Facility as greater reduction and recycling strategies reduce the amount of MSW generated in the Counties.

The first step in reestablishing waste designation in the Counties is the development and submission of this Plan for review and approval by the Minnesota Pollution Control Agency (“MPCA”).

II. BACKGROUND

Ramsey and Washington Counties purchased the Recycling & Energy Center in Newport, Minnesota in late 2015, and plan to continue to use it as a key component in managing waste and resources in the East Metro area. During a three year planning and evaluation period, the Counties anticipated the use of waste designation as a critical policy choice to achieve State waste management goals. This Designation Plan is submitted on behalf of both Counties as the necessary next step in achieving the vision for waste and resource management in the East Metro.

The R&E Board is a joint powers board comprised of Ramsey and Washington Counties. The R&E Board oversees the implementation of an integrated, regional solid waste management system in the Counties aimed at implementing the Waste Management Hierarchy outlined in the Minnesota Waste Management Act. The Counties have jointly worked on solid waste and recycling issues since the 1980s. A landfill in Washington County that significantly contaminated groundwater caused the Counties to begin analyzing and implementing alternate methods to sending waste to landfills and instead recover energy and recyclables from waste. Like the original Ramsey/Washington Designation Plan (“Initial Plan”), dated October 1984, this current Joint Designation Plan “lays the foundation for the development of a combination of methods to secure an adequate supply of waste for a system of waste management activities that divert waste from landfills and recover both materials and energy.”

By 1987, the Counties had entered into a Joint Powers Agreement (“JPA”), formed a joint powers boardⁱ and jointly began directing waste to the Facility to meet their waste delivery obligations under a “put or pay” service agreement. At the time the Facility opened it was owned by NSP, which eventually sold the Facility to a wholly owned subsidiary, NRG, which then became an independent company, NRG Energy, Inc. The Counties employed waste designation to ensure sufficient deliveries to the Facility from 1987

until 1996, when Ramsey County was enjoined by the Minnesota Federal District Court in a legal challenge to the County's waste designation ordinance. Earlier, the U.S. Supreme Court had issued its decision in *C & A Carbone, Inc. v. Town of Clarkstown, N.Y.*, 511 U.S. 383 (1994), which held that designation to a privately owned waste transfer station violated the dormant Commerce Clause of the U.S. Constitution (discussed in more detail below). After these decisions, the Counties competed in the marketplace to assure delivery of Mixed Municipal Solid Waste ("MSW") to the Facility instead of landfills, which charged less for disposal of MSW. In order to do this, the Counties offered substantial financial incentives for delivery of MSW generated in the Counties to the processing facility instead of the landfills that serve the metropolitan area. At that time both Counties maintained waste designation provisions in their solid waste ordinances, but did not enforce them.

Before the Counties' service agreement with NRG Energy, Inc. was set to expire in 2007, Resource Recovery Technologies, Inc. ("RRT") purchased the Facility. Shortly thereafter, the Counties entered into a six-year Solid Waste Processing Agreement (the "Processing Agreement") with RRT. When the Processing Agreement with RRT was executed, RRT stated that it intended to evolve the Facility to where it could operate as a merchant facility, eventually competing with landfills or alternative options without the Counties' subsidies. Unlike NSP and NRG, RRT contracted directly with private haulers for waste delivery. Over the six-year term of the Processing Agreement, the Counties paid RRT a processing payment, and also paid hauler rebates that caused some haulers to deliver waste to the Facility. The payment for processing began at \$40 per ton in 2007 and declined each year to \$10 per ton in 2012. Hauler rebates began at \$12 per ton, and increased to \$14 per ton by 2012. Total annual cost to the Counties during that period ranged from \$16.8 million (2007) to \$8.4 million (2012).

In 2007, the U.S. Supreme Court issued another decision on waste designation, or flow control, *United Haulers Ass'n v. Oneida-Herkimer Solid Waste Management Authority*, 550 U.S. 330 (2007), that determined that a government using its regulatory powers to direct waste to a publicly owned and operated solid waste facility was not in conflict with the dormant Commerce Clause. This development created an opportunity for the Counties to reevaluate the regional waste management system. When the Processing Agreement expired in 2013, the Counties and RRT entered into a short-term agreement (the "2013-2015 Processing Agreement") and the Counties began an extensive evaluation of whether they should purchase the Facility.

The issue of the failure of the market to support a merchant (unsubsidized) approach was heavily documented during negotiations for an extension of the 2013-2015 Processing Agreement with RRT during 2012. As a result, the counties determined that the market had failed, and a merchant approach was not possible. It was based on this policy direction that the 2013-2015 Processing Agreement included an Option to Purchase provision for the Counties' to purchase the Facility, and the Counties embarked on an evaluation of the future of processing during the term of the 2013-2015 Processing Agreement.

The 2013-2015 Processing Agreement included no direct payment to RRT for processing services, but the Counties agreed to pay a hauler rebate of \$28 per ton delivered to the Facility up to an aggregate amount of \$8.4 million per year (corresponding to 300,000 tons per year ("TPY") guaranteed to be accepted by RRT under the Processing Agreement). Rebate amounts paid to haulers over the \$8.4 million cap were reimbursed to the Counties by RRT at the end of each year.

During the time in which RRT owned and operated the Facility, the Counties were able to assist RRT in obtaining an average of approximately 322,000 tons of waste from Ramsey and Washington Counties each year, ranging from a low of 304,000 tons (2008) to a high of 346,000 tons (2015). However, during

that same period, an average of 111,000 TPY of waste generated in the Counties was landfilled in Minnesota, Iowa, and Wisconsin, ranging from 77,000 tons (2013) to 167,000 tons (2007). In order to secure sufficient waste to operate, RRT worked to replace those missing tons by accepting waste generated outside the Counties. To attract haulers to deliver out-of-county waste to the Facility, RRT charged a tipping fee below the fee of \$86.22 per ton for waste generated in the Counties. As a result, RRT determined that hauler rebates for Ramsey/Washington waste, likely in increasing amounts, would be necessary for the foreseeable future. This is the situation that caused the Counties to determine that a merchant approach for operating the Facility was not feasible.

The R&E Board conducted a policy evaluation on the future of waste processing in the East Metro area during 2013 and 2014. As with most issues related to solid waste, the analysis began with the Counties' respective Solid Waste Management Master Plans ("Master Plans"). Those Master Plans established current County policies related to waste management, and governed the evaluation process.

The analysis and discussion led to the development of a "Scope for Resource Management" (the "Scope"). At its September 2014 meeting, the R&E Board discussed and adopted the Scope (included as Attachment A). The Scope is a vision for how the waste processing elements of the system will emerge over the coming years, and fit within other elements of the County Master Plans. The vision anticipates that the downstream users of products recovered by the Facility will continue to be privately owned and operated.

The Scope also anticipates:

- Increased source separation efforts for recycling and organics from residential and non-residential waste generators;
- The installation of mixed waste processing equipment at the Facility to recover more recyclables and organics that remain in MSW;
- Organic waste from the Facility being used as a feedstock for anaerobic digestion; and
- A transition from using RDF for electrical generation to using some or all RDF for conversion to biofuels.

The R&E Board decided to proceed with Facility acquisition in May 2015, with follow-up action by the two County boards in June 2015. That triggered a number of actions taking place on or around December 31, 2015, including:

- Negotiation of an Asset Purchase Agreement;
- Due diligence to resolve material issues and liabilities;
- Development of a financing structure for the purchase;
- Development of a transition plan for operations; and
- Development of an interim operations agreement.

The R&E Board acquired the Facility, and took over its operations effective January 1, 2016. The R&E Board renamed the Facility the "Recycling and Energy Center", or the R&E Center. Currently, the R&E Board is in the process of evaluating Facility functions and operations and implementing needed capital improvements aimed at improving safety and efficiency. The R&E Board will continue delivering the RDF processed at the Facility to Xcel Energy's RDF combustion units in Red Wing and Mankato. Consistent with the Scope, the R&E Board envisions the possible addition of Mixed Waste Processing ("MWP") at the Facility in future years, along with potential recovery of organics separated at the Facility, as well as a shift

from using all the RDF at Xcel Energy's combustion units to conversion of some or all of the RDF into biofuels.

During the Facility acquisition process, the R&E Board negotiated contracts with licensed haulers in the Counties and with the major transfer stations serving the Facility. While this has enabled fairly steady waste delivery to the Facility in the first quarter of 2016, a significant amount of Ramsey and Washington MSW is still delivered to landfills.

The Joint Powers Agreement between the Counties (see Attachment B) provides the R&E Board with responsibility for owning and operating the Facility. Acting under this delegation of responsibility, the R&E Board has developed this Designation Plan for submission to the Minnesota Pollution Control Agency ("MPCA") for approval, consistent with the requirements set forth in Minn. Stat. § 115A.84. The procedures set forth in Minn. Stat. § 115A.85 also require public notice, a public hearing and contract negotiations with the licensed haulers in the Counties, and MPCA approval of County waste designation ordinances before the designation process can be implemented.

Once the Joint Designation Plan has been approved by the MPCA and the procedures under Minn. Stat. § 115A.85 followed, each County plans to amend its existing waste designation ordinance and submit to MPCA for review and approval.

As discussed in greater detail below, the ability of the Counties to designate waste to the facilities is supported by the Supreme Court's decision in *United Haulers Ass'n v. Oneida-Herkimer Solid Waste Management Authority*, 550 U.S. 330 (2007) (finding that flow control ordinances, or designation, to publicly owned and operated facilities are not per se violations of the dormant Commerce Clause). Because the Facility is owned and will be operated by the R&E Board on the date designation goes into effect, designation to the Facility is consistent with the ruling in *Oneida-Herkimer*.

III. STATE AND REGIONAL POLICIES AND AUTHORITY FOR DESIGNATION

As part of the R&E Board's plans to pivot from managing waste as a liability to regarding it as a resource, the R&E Board has conducted substantial analysis over many years on how to make highest and best use of this resource. After the R&E Board executed a three-year extension with RRT, and used that term to evaluate its alternatives, by the end of 2015 several factors regarding the future of the Facility were clear. First, RRT had disclosed plans to sell the Facility under any scenario. If the R&E Board did not purchase the Facility, the counties anticipated an even longer term and more substantial financial commitment would be necessary to continue. Second, in attempting to negotiate the terms of the 2013-2015 Processing Agreement, the parties had difficulty agreeing on a pathway to implement new technologies and achieve the R&E Board's Scope. An extensive analysis had also shown the Counties could take over operations at the Facility and bring down the cost to the Counties, while delivering more robust environmental and public health benefits. Finally and importantly, acquiring the Facility would also provide certainty that the Facility would stay in operation, serving waste processing needs in the East Metro area and preserving the substantial number of highly skilled jobs associated with the Facility.

Since the R&E Board acquired the Facility, there is a renewed opportunity to determine the downstream uses of the products that result from waste processing and market that material toward more beneficial end uses. For example, the R&E Board is evaluating the addition of mixed waste processing equipment at the Facility in order to extract more recyclable materials from the waste stream and better enable the Counties to meet the 75 percent recycling goal recently established by the Minnesota Legislature. It will

also evaluate separation of organics from the waste stream at the Facility. The R&E Board will also continue to evaluate technology where some or all of the RDF could be turned into renewable biofuel.

In order to meet existing obligations and certainly to give effect to the longer term plans, the Counties took action in September 2015 and determined that they should commence the waste designation process. Further, waste designation and this Joint Designation Plan includes other types of solid waste beyond MSW, allowing the R&E Board to make decisions based on the highest volume of waste resources available to it. The ability to reach beyond MSW supports the Counties' best efforts to reduce waste generation, meet aggressive recycling standards and generally manage waste up the hierarchy without compromising long-term financial viability of the Facility. Because the designated Facility is publicly owned and operated, state and federal laws support this, and the act of designating waste will help fulfill each County's desire to move solid waste management efforts toward higher priority actions on the State's hierarchy.

A. Minnesota Waste Management Act Policies

The Waste Management Act of 1980, as amended (Minn. Stat. Chap. 115A), supports the use of waste designation and sets forth policies, procedures, requirements, priorities and authorization regarding solid waste management and the designation of solid waste. In order of preference, the State prioritizes the following waste management practices (Minn. Stat. § 115A.02(b)):

1. waste reduction and reuse;
2. waste recycling;
3. composting of source-separated compostable materials, including but not limited to, yard waste and food waste;
4. resource recovery through MSW composting or incineration;
5. land disposal which produces no measurable methane gas or which involves the retrieval of methane gas as a fuel for the production of energy to be used on-site or for sale; and
6. land disposal which produces measurable methane and which does not involve the retrieval of methane gas as a fuel for the production of energy to be used on-site or for sale.

Minnesota's waste designation statute (Minn. Stat. §§ 115A.80-.893) provides that Minnesota counties may require all, or a portion, of the solid waste generated within its boundaries to be delivered to a processing or disposal facility identified by the county. Before a county may begin the designation process, it must adopt a comprehensive solid waste management plan or a Metropolitan County Solid Waste Master Plan. Plans for designation must then be consistent with the State's hierarchy listed above and with each county's adopted solid waste management master plan. As discussed in further detail below, this Designation Plan is consistent with each County's approved Master Plan and aims to move each County further toward meeting the State's solid waste management goals. Specifically, the Designation Plan will facilitate substantially greater recycling and resource recovery rates in the Counties, while reducing land disposal of waste.

B. Metropolitan Solid Waste Management Policy

In order to begin the designation process in Minnesota, the Counties must have an approved and consistent Master Plan in place.ⁱⁱ The County Master Plans, in turn, need to be consistent with the Metropolitan Solid Waste Management Policy Plan (“Policy Plan”).ⁱⁱⁱ

In accordance with Minn. Stat. § [473.149](#), the MPCA must revise a long range Policy Plan for solid waste management every six years. This plan includes specific and quantifiable metropolitan objectives for abating land disposal and as well as objectives for waste reduction and abatement through resource recovery, recycling, and source separation programs for each metropolitan county in six-year increments for a period of 20 years from the date of adoption of Policy Plan revisions. The current Policy Plan was prepared by the MPCA and adopted on April 6, 2011. The MPCA is currently in the process of updating the Policy Plan, something that should be completed with the help of the metropolitan counties by the end of 2016.

After adoption of a new Policy Plan, the metropolitan counties revise their Master Plans accordingly and submit them to the MPCA within nine months.^{iv} The Master Plan revision process typically takes nine months to a year following the adoption of a new Policy Plan. Thus if the new Policy Plan remains on schedule, the earliest date the Counties would have new Master Plans in place would be the end of 2017 or early 2018. In order to fulfill its existing contractual obligations and in preparation for complete R&E Board operation of the Facility on January 1, 2018, the Counties have amended their Master Plans consistent with the current Policy Plan, knowing they will also have to again complete revisions once the new Policy Plan is finalized.

The current Policy Plan addresses continued use of the Facility and potential for waste designation. A key policy included in the Policy Plan is to “promote actions that conserve energy, and will encourage the use of renewable energy, which includes recovering energy from waste.” It describes the challenges facing the region, including the “under-utilized resource recovery capacity that currently exists in the region,” and the fact that the “region is potentially facing the permanent loss of resource recovery capacity, because the MSW is being diverted to landfills by private haulers.” As a result, the Policy Plan aims to maintain existing resource recovery facility capacity. The Policy Plan also lists “restoring waste designation or otherwise gaining more control over the waste supply” as one of three overarching needs that would support the reduction of greenhouse gases through improved solid waste management. Thus, the Counties’ Master Plan amendments include waste designation to assure waste processing at the Facility and be consistent with the current Policy Plan.

C. Ramsey/Washington Recycling & Energy Board

In September 2015, the Counties amended and restated their JPA in order to expand the authority of the R&E Board in anticipation of owning and operating the Facility. Although the R&E Board powers under the new JPA are significantly enhanced, the proportionate financial responsibility of each County generally remains the same, whereby Ramsey County is responsible for 73 percent and Washington County is responsible for 27 percent of the Facility financing, capital contributions and operating reserve funds.

Section II of the JPA provides that its purpose is “to create a structure for joint ownership and operation of the Facility by the R&E Board and to define the rights, obligations, and responsibilities of each County with respect to the R&E Board and Facility.” It also explains that an additional purpose is to “accomplish the Vision Statement adopted by the Project in 2013, which calls for significant advancements in waste

reduction, recycling, organics management, and recovery of resources from Waste, promoting economic development through enhanced resource recovery, and accomplishing the goals and requirements of Minnesota Statutes Section 473.803. . . .”

The revised JPA grants the R&E Board powers necessary and convenient to owning, operating and managing the Facility, and it also specifically addresses waste designation. Section VII.D of the JPA addresses the obligations and rights of the Counties as they pertain to waste supply. The second provision under this section provides the following:

The Counties agree to coordinate with each other and the R&E Board to amend the county Solid Waste Master Plans as necessary to accomplish the goals of this [JPA] and prepare a joint Waste Designation Plan pursuant to Minnesota Statutes §§ 115A.80 to 115A.893. Each County agrees to adopt, implement, maintain and enforce waste designation ordinances. From time to time, each County may seek to amend its waste designation ordinance to respond to changing conditions, capture opportunities to manage waste higher on the State of Minnesota’s hierarchy of waste management (as established by Minnesota Statutes § 115A.02), and/or seek to designate additional waste that is allowable but was not initially designated. Such amendments will be coordinated by the Counties.

D. County Solid Waste Management Policy

Each County has a solid waste management system that provides solid waste services as directed by Minnesota’s Waste Management Act (Minn. Stat. Chaps. 115A and 473). Prior to commencing designation procedures under Minn. Stat. § 115A.85, each County must have an approved and consistent solid waste plan.^v If a County plans to use waste designation, the County Master Plan must include specific detail and analysis (see Minn. Stat. § [473.803](#), subd. 1d) very similar to that required as part of this Joint Designation Plan. Further, for solid waste facilities owned or operated by public agencies, the Master Plan must also discuss details related to the public ownership, operation and long-term plans as well as discuss steps to protect comparable private and public facilities already existing in the area from displacement unless displacement is required in order to achieve the waste management objectives identified in the Master Plan. Minn. Stat. § [473.803, subd. 1.](#)

Because the Counties have long used the Facility to process waste, the County Master Plans that were approved in 2012 include a chapter on waste processing that covers the long-standing relationship with the Facility. The Master Plans, however, had prioritized a merchant approach to the Facility. Even so, they had also anticipated that the merchant approach may not be viable and, if it failed, the Counties could seek to acquire the Facility in order to maintain its operation as a resource recovery facility. Both Master Plans state that if the Counties pursued the acquisition, they would also likely consider the use of waste designation to encourage waste processing.

When it became clear that the merchant approach had failed and that RRT would continue to need increasing subsidies to continue operation of the Facility, and that RRT would sell the Facility potentially for another purpose, the Counties elected to purchase the Facility. In order to operate the Facility as efficiently as possible and ensure adequate waste, the Counties are now proceeding with waste designation. These steps are entirely consistent with the 2012 Master Plans. The act of so doing, however, required that the Counties amend their Master Plans to account for the public ownership and operation of the Facility and designation of waste to the Facility.

E. Designation Authority

The R&E Board and Counties are planning on waste designation as one method to ensure delivery of waste to the Facility over the long term. The preferred approach will be to have Waste Delivery Agreements with haulers collecting waste in Ramsey and Washington Counties. By statute, haulers with such agreements are exempt from the designation ordinance so long as the agreements are in effect. The Counties' ability to designate is supported by the 2007 decision of the U.S. Supreme Court in *Oneida-Herkimer*, 550 U.S. 330 (finding that waste designation or "flow-control," ordinances related to publicly owned and operated facilities are not per se in violation of the dormant Commerce Clause of the U.S. Constitution). While ongoing and future cases may further refine just how "public" the facility or system must be under *Oneida-Herkimer*, the Facility clearly fits the *Oneida-Herkimer* test because it is wholly publicly owned and operated.

Chief Justice Roberts, writing for the *Oneida-Herkimer* Court, further explained that "[d]isposing of trash has been a traditional government activity for years, and laws that favor the government in such areas—but treat every private business, whether in-state or out-of-state, exactly the same—do not discriminate against interstate commerce for purposes of the Commerce Clause." *Id.* at 334. Upon applying the balancing test established in *Pike v. Bruce Church, Inc.*, 397 U.S. 137 (1970), Roberts wrote: "we uphold these ordinances because any incidental burden they may have on interstate commerce does not outweigh the benefits they confer on the citizens of Oneida and Herkimer Counties[.]" *Oneida-Herkimer*, 550 U.S. at 334. Moreover, he explained that the Court found it unnecessary to decide whether the "ordinances impose any incidental burden on interstate commerce because any arguable burden does not exceed the public benefits of the ordinances." *Id.* at 346. In describing these benefits, Justice Roberts wrote:

"The ordinances give the Counties a convenient and effective way to finance their integrated package of waste disposal services. While "revenue generation is not a local interest that can justify discrimination against interstate commerce," we think it is a cognizable benefit for purposes of the *Pike* test.

At the same time, the ordinances are more than financing tools. They increase recycling in at least two ways, conferring significant health and environmental benefits upon the citizens of the Counties. First, they create enhanced incentives for recycling and proper disposal of other kinds of waste. Solid waste disposal is expensive in Oneida-Herkimer, but the Counties accept recyclables and many forms of hazardous waste for free, effectively encouraging their citizens to sort their own trash. Second, by requiring all waste to be deposited at Authority facilities, the Counties have markedly increased their ability to enforce recycling laws. If the haulers could take waste to any disposal site, achieving an equal level of enforcement would be much more costly, if not impossible. For these reasons, any arguable burden the ordinances impose on interstate commerce does not exceed their public benefits."

Id. at 346-47 (citations omitted).

Because the Facility is publicly owned and operated, designation to the R&E Center is consistent with the holding in *Oneida-Herkimer*. Oneida and Herkimer Counties had formed a multi-county authority responsible for implementing an organized system of waste management including transfer stations, a recycling center and a landfill.

The focal point of this Joint Designation Plan is a facility that is essential for continued long-term resource recovery that is favored by the State for its public benefits over landfills. The State also expressly recognizes the potential benefits of designation in meeting the State's waste management goals effectively and efficiently.

F. Designation Process Under State Law

Minn. Stat. §§ 115A.80-.893 govern waste designation programs in Minnesota. Under Minnesota law, designation means a requirement by a county that all or any portion of the solid waste generated in that county be delivered to an identified processing or disposal facility. Minn. Stat. § 115A.81, subd. 2.

The Minnesota statutes also set forth elements and analysis that must be included in a Designation Plan, including:

- (1) the benefits of the designation, including the public purposes achieved by the conservation and recovery of resources, the furtherance of local and any district or regional waste management plans and policies, and the furtherance of the state policies and purposes expressed in section 115A.02; and
 - (2) the estimated costs of the designation, including the direct capital, operating, and maintenance costs of the facility designated, the indirect costs, and the long-term effects of the designation.
- (b) In particular the designation plan must evaluate:
- (1) whether the designation will result in the recovery of resources or energy from materials which would otherwise be wasted;
 - (2) whether the designation will lessen the demand for and use of indiscriminate land disposal;
 - (3) whether the designation is necessary for the financial support of the facility;
 - (4) whether less restrictive methods for ensuring an adequate solid waste supply are available;
 - (5) other feasible and prudent waste management alternatives for accomplishing the purposes of the proposed designation, the direct and indirect costs of the alternatives, including capital and operating costs, and the effects of the alternatives on the cost to generators; and
 - (6) whether the designation takes into account and promotes local, regional, and state waste management goals.

Minn. Stat. § 115A.84, subd. 2.

The designation plan must then be submitted to the MPCA for review and approval, and the MPCA must act within 120 days of the submission. Minn. Stat. § 115A.84, subd. 3. MPCA cannot approve a designation

plan unless the county submitting it also has an approved and consistent comprehensive solid waste master plan.

Once the MPCA has approved the designation plan, the county must then hold a public hearing on the designation. Minn. Stat. § 115A.85, subd. 2. Following the public hearing, for a period of at least 90 days, the county must negotiate with licensed haulers for the purpose of attempting to enter into contractual agreements that will require the use of the facilities proposed to be designated (that may also specify use of transfer stations or arrangements not expressly set forth in ordinance). At the end of the negotiation period, the county may proceed to secure approval for and implement the designation as provided in Minn. Stat. § 115A.86. Minn. Stat. § 115A.85, subd. 4. The county will then prepare a designation ordinance and submit it, along with any negotiated contracts ensuring the delivery of solid waste, to the MPCA for review and approval. Minn. Stat. § 115A.86, subds. 1, 2. The MPCA will make a decision within 90 days of submission. Minn. Stat. § 115A.86, subd. 2. Designation can then be placed into effect 60 days after MPCA approval. Minn. Stat. § 115A.86, subd. 3. Except for haulers (and generators) that enter into delivery agreements with the county or, in this case, joint powers board, the designation is then binding on all political subdivisions, landfill operators, solid waste generators and solid waste collectors in the designation area. Minn. Stat. § 115A.86, subd. 4.

The Counties have amended their Solid Waste Master Plans to be consistent with this Designation Plan and submitted them to MPCA for review and approval. The Counties submit this Designation Plan for review and approval by MPCA and to formally begin the process set forth above. Once this Plan is approved, the R&E Board will work to negotiate and execute waste delivery agreements with as many haulers as possible. Because each County has an existing designation ordinance, they will be seeking MPCA approval and eventual County adoption of significant amendments to those ordinances. The Counties have developed this Joint Designation Plan to be purposefully broad and comprehensive enough to cover the full scope of solid waste allowable for designation under state law in each County. That said, however, each of the Counties plans that the ordinance amendment they develop will apply only to MSW. If circumstances develop over time that suit designating additional Solid Wastes allowable under state law, the Counties will develop new designation ordinance amendments and seek MPCA review of them at that time.

IV. EXISTING PROGRAMS, POLICIES AND FACILITIES

The Counties have each set forth a vision for solid waste management in their respective Master Plans. These plans are important tools to protect public health and the environment, to reduce a variety of risks, and to stabilize the economics of waste management for residents and businesses. Although each County has its own Master Plan, both Counties carry out their waste management responsibilities according to the following principles:

- **Developing sound policy:** At the state, regional and local level, by leading to develop legislation on product stewardship and system funding, developing Master Plans that guide the system, and working with cities and towns.
- **Partnering** with cities and towns, school districts, private and non-profit entities, recognizing that the system is operated by a wide variety of entities.
- **Financing the system:** Using the County Environmental Charge (CEC), designed to reflect the volume of waste generated by users of the system.
- **Providing grants** to cities, to school districts, to businesses and institutions.

- **Regulation:** Adopting ordinances to establish standards, licensing of hazardous waste generators, waste haulers, solid waste facilities, assuring compliance through training and consultation, taking enforcement action when necessary.
- **Direct services:** Collecting and managing certain materials, such as yard waste, brush and organics in Ramsey County; collecting household hazardous waste at the County's facilities; providing very small quantity generator hazardous waste; electronic waste in Washington County; and pharmaceutical collections in association with law enforcement.
- **Contracting for services** with other counties for reciprocal use of household hazardous waste facilities, providers of services for recycling, hazardous waste management, and organics management and with haulers and transfer stations for delivery of waste.
- **Education and outreach** broadly and deeply into the counties, using a wide variety of methods and tools, with emphasis on reaching all people in the two counties.
- **Consulting with and providing technical assistance** to municipalities, school districts, businesses, regulated entities and institutions, through staff and consultants, to emphasize pollution prevention, reduction, recycling and wise waste management.

This comprehensive approach, taken over three decades, has resulted in an effective and accountable system in the East Metro area. Short summaries of the Counties' various programs, policies, and facilities are set forth below, while more detailed descriptions can be found in Attachment E.

A. Historical Waste Generation

The following table summarizes the historical volume of waste managed, recycled and landfilled in the Counties.

Historical Waste Management, Processing, Recycling and Landfill Data*									
Total MSW Managed Tons	2007	2008	2009	2010	2011	2012	2013	2014	2015
Ramsey County	710,000	670,000	630,000	630,000	620,000	600,000	620,000	700,000	730,000
Washington County	190,000	190,000	180,000	190,000	190,000	190,000	200,000	220,000	210,000
Total Ramsey/Washington	900,000	860,000	810,000	820,000	810,000	790,000	820,000	920,000	940,000
Percent Recycled	2007	2008	2009	2010	2011	2012	2013	2014	2015
Ramsey County	44%	45%	46%	46%	48%	50%	50%	53%	55%
Washington County	47%	47%	44%	47%	47%	53%	50%	50%	52%
Total Ramsey/Washington	44%	45%	46%	47%	48%	50%	50%	53%	54%
Total MSW Delivered for Processing (Tons)	2007	2008	2009	2010	2011	2012	2013	2014	2015
Ramsey County	240,000	240,000	230,000	220,000	220,000	220,000	240,000	250,000	250,000
Washington County	90,000	90,000	80,000	80,000	80,000	80,000	90,000	90,000	90,000
Total Ramsey/Washington	330,000	330,000	310,000	300,000	300,000	300,000	330,000	340,000	340,000
Total Unprocessed MSW Landfilled (Tons)	2007	2008	2009	2010	2011	2012	2013	2014	2015
Ramsey County	150,000	130,000	110,000	110,000	90,000	70,000	60,000	80,000	90,000
Washington County	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Total Ramsey/Washington	160,000	140,000	120,000	120,000	100,000	80,000	70,000	90,000	100,000

*Numbers round to 10,000 place

Key points about the history of waste management in the East Metro:

- From the opening of the facility in 1987 through 1994, when designation was in effect, an average of 383,000 tons per year of Ramsey/Washington county MSW were delivered, with no acceptable waste being delivered to landfills.
- In 2002, apparently in response to a study of organize collection on a two-countywide basis, waste haulers delivered over 531,000 tons of MSW to the facility in Newport, which is the single greatest annual total delivery to the facility. In that same year, less than 4,300 tons of MSW were delivered directly to landfills.

B. Overarching Policies

The counties each adopted several overarching policies to call attention to issues of broad concern, in addition to sector-specific policies.

1. Ramsey County

Product Stewardship

Ramsey County strongly supports a product-stewardship framework, also known as extended producer responsibility, which creates effective producer-led reduction, reuse and recycling programs, to address a product's lifecycle impacts from design through end-of-life management, without relying solely on state and local governments. Product stewardship has historically focused on products with a toxic or hazardous character, but should be focused broadly on other products, such as packaging. Such an approach can reduce the need for government programs to assure proper end-of-life management of discarded items.

Objectives and Measurement

Minnesota spends a considerable amount of time and money to measure progress in solid-waste management. MPCA's analysis of data documents the inefficiency and ineffectiveness of these efforts. Ramsey County believes strongly in measuring performance of the system in a meaningful manner. Further, the County believes that moving to a measurement system that focuses on a diversion goal from landfills would be a more sensible approach to performance measurement.

2. Washington County

Leading by Example:

Washington County will provide environmentally responsible leadership through a variety of environmental programs by showing awareness of environmental consequences in its actions and by seeking to protect land, air, water and other natural resources and the public health.

Providing Motivation and Resources:

Washington County's waste program is part of a comprehensive system that uses strategies of coordination, cooperation and collaboration to engage and motivate behavior change in residents, business, and public entities. In order to spur behavior change, Washington County strives to educate the community about sound environmental practices related to waste management.

Product Stewardship:

Washington County supports a product stewardship approach that creates effective, flexible, producer-led reduction, reuse, and recycling programs to deal with a product's lifecycle impacts from design through end-of-life product management so that state and local governments do not have primary responsibility for financing such efforts.

Inclusive Thinking and Planning:

Washington County strives to take a holistic view when making purchasing decisions. To that end, Washington County considers factors such as health, safety, and environment and looks for opportunities to include these considerations whenever possible.

C. Communication and Technical Assistance

The State requires counties to provide information on how, when and where materials may be recycled, including a promotional program that publishes notices at least once every three months and encourages source separation of residential, commercial, industrial and institutional materials. Furthermore, counties are required to have a broad based public education component in their household hazardous waste management plan. Public education, including both informational and promotional activities, is an important component of a county's waste management program.

The R&E Board and the Counties promote waste and toxicity reduction, recycling, organics management, and resource recovery opportunities in a variety of ways. BizRecycling, the R&E Board's waste education, reduction, and reuse program, helps local corporations and small businesses reduce their operating costs through customized, on-site recycling programs. For example, BizRecycling worked with all of the colleges in the Counties to assure that they met the State's mandatory recycling law ahead of deadlines. Also, in 2015, the R&E Board entered into a two-year partnership with the St. Paul Saints to assist with the development of a recycling program at CHS Field and notify fans of the materials available to them through the R&E Board. BizRecycling provided the Saints with technical assistance via a project consultant, Minnesota Waste Wise, to help implement a robust recycling and organics program at their new ballpark. Overall, in 2015, BizRecycling technical consultants actively worked with over 740 businesses to start the process of implementing or enhancing recycling programs.

D. Source Reduction, Reuse and Conservation

Waste reduction is the most preferred waste management method in Minnesota's Waste Management Hierarchy. Source reduction results from systemic change, such as product stewardship initiatives or price signals that favor reduced waste. The Counties support actions to reduce waste within internal operations in order to conserve natural resources and energy, reduce or eliminate toxins, support recycling markets, and reduce the need for landfilling.

The R&E Board adopted the EPA food waste hierarchy in 2012, and has worked to implement a comprehensive approach to food waste in the Counties. This includes contracting with Second Harvest Heartland to rescue food for people resulting in 3,313 tons of food rescued in the Counties during 2015.

E. Recycling

The R&E Board and the Counties are committed to achieving a 75 percent recycling rate by 2030. In order to meet that goal, the Counties and the R&E Board strongly support increased recycling for materials generated by residential and commercial entities. This support includes grants and technical assistance to municipalities for operation of residential recycling programs and to businesses and institutions through the BizRecycling and BizAware programs. These programs help businesses and institutions in the Counties start or enhance recycling programs (traditional and organics recycling) by offering individual business grants, free technical assistance, and grants to local business associations (like chambers of commerce, business leagues, economic development commissions/authorities, and non-profit development corporations). The goal of these programs is to promote job growth and protect the environment. To date, over 300 businesses have received BizRecycling grants.

In addition, both Counties offer support to schools in the area so that students have more opportunities to learn about and practice source reduction, recycling, and organics management. Ramsey County offers School Bin Grants that provide funding for recycling bins and containers for the purpose of increasing recycling in public K-12 schools. Program objectives include greater efficiency and potential cost savings for schools, by developing a resource management approach to waste and recycling and enhanced understanding and awareness of the value of recycling on the part of students, administrators, faculty, staff, and visitors. Schools may also apply for a Public Entity Innovation Grant to create and implement their own more robust recycling program. Similarly, Washington County assisted the Stillwater Area Schools in hiring a consultant to develop a Request for Proposals (“RFP”) for a contract to manage the trash and recyclables generated at its buildings. With the County’s help, the school district obtained a vendor with expertise in resource management and facility recycling and waste management. This partnership produced many improvements to the school districts’ recycling practices, including clearer invoicing, better reporting, and reduced collection cost.

F. Organics (Including Yard Waste)

In order to understand the opportunities and barriers related to the development of an organics management system, the R&E Board commissioned a number of studies of organic waste generators. The first, *An Integrated Organic Waste Management System: From the Perspective of Commercial Waste Generators* (May 10, 2010), analyzes anaerobic digestion as a new organic waste management concept from the perspective of commercial waste generators located in the Counties by exploring logistics of daily operations, types of upfront costs, and changes in the configuration of waste management services. The second, *Organic Materials from Commercial Establishments: A Supply Assessment* (June 2010), contains preliminary estimates of quantities of commercial organic materials not currently recovered by other programs that may be available as feedstock for an anaerobic digestion facility. It also characterizes the types of commercial establishments that may be sources of targeted organic materials such as food scraps and non-recyclable paper.

The Counties have numerous programs aimed at reducing the amount of organics in the waste stream through composting. For example, the Counties used the County Environmental Charge to expand their efforts to increase the diversion of food waste and other organics through partnerships with schools and commercial establishments, which has led to an increase in the amount of food/organic waste being recycled. Through this work, schools and commercial establishments in the Counties have adopted organics waste recycling options over traditional disposal, and the tonnage of material diverted from the waste stream has steadily increased annually. Food-to-hogs programs in the schools in both Counties have resulted in the diversion of 44,500 tons of food waste.

Yard waste collection systems have been in place in the two counties dating back to the 1980’s. Ramsey County maintains a system of yard waste sites that collects leaves, grass clippings, garden waste and brush, and, more recently, source separated organics. Washington County developed yard waste sites in the 1980’s-90’s, which have subsequently been maintained by municipalities and/or the private sector.

G. Processing

Consistent with Minnesota’s Waste Management Hierarchy, the Counties process waste for the purpose of recovering energy, recyclables, and other beneficially useful materials at the Facility. Waste processing is the preferred MSW and non-MSW management method over landfilling for waste that is not reduced, reused, or separately recycled or composted. This policy applies to both waste generated throughout the

Counties and MSW generated by public entities, including contracts for organized collection of solid waste. Pursuant to state law, public entities in the Counties assure that MSW generated in the Counties or that the Counties contract for is processed rather than landfilled. Both Counties support the processing of waste in a manner that encourages waste reduction, reuse or recycling, including the separate management of organic waste. In 2014, 86 percent of MSW generated by citizens and businesses in the Counties was diverted from landfills into recycling or energy production.

The Facility receives approximately 1,500 tons of MSW per day, predominantly from Ramsey and Washington counties. The Facility uses shredding, magnetic separation, and density separation to convert waste received into approximately 350,000 tons of RDF per year. After being processed, the RDF is transported to two facilities owned by Xcel that combust the RDF to generate renewable electricity sufficient to power the equivalent of 20,000 homes annually. The Xcel facilities are located in Red Wing, Minnesota and Mankato, Minnesota. Ferrous and non-ferrous metals are separated from MSW and delivered to recyclers.

H. Non-MSW Management

“Non-MSW” encompasses solid waste materials that are not managed as mixed municipal solid waste. Non-MSW includes materials determined by the State to be problem materials (e.g., treated wood) and certain items specifically excluded from the statutory definition of MSW or otherwise managed as separate waste streams. Management of non-MSW occurs primarily through private sector services. Some materials are collected by haulers specializing in transporting particular waste materials, while others may be collected by MSW haulers or delivered by the generator directly to a collection, transfer, or management facility.

Ramsey County operates a pre-demolition inspection program, to assure proper management of hazardous waste and problem materials that are in buildings slated for demolition. Each municipality works with the County, and as demolition permits are issued, an inspection by the County is required before demolition work begins. In 2015, this program documented over 107,000 pounds of hazardous waste, and 133,000 pounds of problem materials being recovered and properly managed from buildings slated for demolition.

I. Regulation

To help accomplish the goals set by the MPCA and the standards set by Minnesota law, and to assure protection of the environment, public health, and safety, both Counties use a variety of tools including regulation (such as adopting ordinances to establish standards); licensing of hazardous waste generators, waste haulers, and solid waste facilities; and assuring compliance through training and consultation, inspecting licensees, and taking enforcement action when necessary.

Protection of public health, welfare, safety and the environment are of great importance to the R&E Board. Accordingly, the R&E Board and each County provide for household hazardous waste management services at a level of convenience and financial accessibility to encourage proper management and that is compatible and consistent with other programs in the region. At the same time, the R&E Board and each County strongly encourage the reduction in household hazardous waste generation.

Much of the Counties’ household hazardous waste work utilizes existing facilities. For instance, Washington County’s household hazardous waste program is housed at the Washington County Environmental Center in Woodbury. The Environmental Center collects household hazardous waste

generated in the County but also allows residents of other counties, including Ramsey County, to deliver household hazardous waste at no charge, through reciprocal use agreements. Ramsey County has a year-round collection site in Saint Paul, and seasonal satellite sites that operate in spring, summer and fall. Both counties collect pharmaceutical waste, and sharps from households.

J. Landfill

There are no operating landfills in the Counties; however, some MSW generated in the Counties is delivered as unprocessed waste to landfills in Minnesota and neighboring states. Because some MSW generated by the Counties is landfilled, the Counties and the R&E Board use responsible waste management principles, and careful risk analysis, when arranging for land disposal of waste. The list of landfills used for disposal of waste generated in the Counties is below:

2015 Landfills Used for Disposal of MSW from Ramsey and Washington Counties that was not Delivered for Processing			
Landfill	Owner	Location	
Burnsville Landfill	Waste Management	Minnesota	Direct Haul & Transfer
Pine Bend Landfill	Republic	Minnesota	Direct Haul & Transfer
Elk River Landfill	Waste Management	Minnesota	Transfer
Seven Mile Creek Landfill	Advanced Disposal	Wisconsin	Transfer
Sarona Landfill	Republic	Wisconsin	Transfer

V. SYSTEM TO BE IMPLEMENTED

A. System and Goals

The goal of the R&E Board is to improve the current waste management practices to pivot the view from waste to resources, to embrace new technology and to assure that the processing system fits within the hierarchy in the East Metro to create a more efficient regional waste management system. The guiding principles used by the R&E Board in its decision making are these:

- Plan for a 20- to 30-year horizon;
- Build on the current system and allow changes in processing to emerge over time;
- Assure flexibility;
- Manage risks; and
- Pivot the view from “waste” to “resources” to add value to the local economy and the environment.

During the period between 2013 and 2015, the Counties conducted an extensive evaluation of the solid waste system in the East Metro area to determine how the Counties could best meet future plans for waste and recycling, including what role the Facility could play in those plans. That evaluation, and the many documents involved in the analysis, can be found at www.morevaluelesstrash.com (click “Designation,” then “Relevant Research and Findings”).

As a result of this analysis, the R&E Board adopted a vision for the future of waste management and determined the Facility should play a key part in accomplishing that vision. Much of this vision is depicted in the Scope included as Attachment A. The key element is to no longer view waste as a liability solely to be managed, but as a resource to the East Metro area.

Ultimately, County commissioners weighed a wide range of factors in deciding whether to purchase the Facility. These included:

1. Continuing environmental protection and the clear benefits the Facility provides for recycling, renewable energy, and landfill abatement.
2. Preserving jobs in the community. RRT indicated that if it did not sell the Facility, RRT would close it. Jobs at the Newport facility and other plants would have been affected.
3. Determining that public ownership will provide more cost control and allow for greater predictability in cost.
4. Providing opportunities to explore and implement new technologies for waste management.

The R&E Board and the Counties decided to purchase the Facility and revised the JPA to allow the joint powers board to own and operate the Facility. The R&E Board completed purchase on December 31, 2015, and now owns and operates the Facility.

The R&E Board contracted with Great River Energy Newport Services, LLC (“GRENS”) to assist in operating the Facility, as directed by the Board, during the transition from private operation to public operation. The GRENS transition operations agreement terminates December 31, 2017, at which point the R&E Board will take over full operation of the Facility beginning in 2018. Public ownership of the Facility and use of waste designation will ensure all waste generated in the Counties is managed highest on the hierarchy while adding stability to the disposal costs paid by waste generators. The R&E Board will continue to seek markets for the recyclables and value-added fuels and products produced at the Facility. The Facility will continue to be operated as a reliable and central element of the East Metro solid waste management system.

About 345,000 of the approximately 445,000 TPY of available MSW in the Counties is currently being delivered to the R&E Center. Of the remaining approximately 100,000 TPY not being delivered to the Facility, approximately two-thirds are delivered to landfills in Minnesota and the other third is delivered to out-of-state landfills. Although it is possible that some or all of the MSW that is landfilled in Minnesota could be redirected to the Facility by MPCA enforcement of the Metropolitan Waste Processing Statute (Minn. Stat. § 473.848), it is also possible that some or all of that waste could be redirected to landfills in other states and thus not be subject to MPCA enforcement. Therefore, the R&E Board and the Counties cannot rely solely on MPCA enforcement to redirect sufficient waste to the Facility over the long term.

B. Institutional Arrangements

In September 2015, the R&E Board revised the JPA to create a structure for joint ownership and operation of the Facility by the R&E Board, and to define the rights, obligations, and responsibilities of each County with respect to the R&E Board and the Facility. Another purpose was to accomplish the Vision Statement (included as Attachment A) adopted by the R&E Board in 2013, which calls for significant advancements in waste reduction, recycling, organics management, and recovery of resources from solid waste,

promoting economic development through enhanced resource recovery, and accomplishing the goals established in State law, along with other joint waste management activities, as agreed to by the R&E Board. The JPA identifies each member's financial obligations and participation in proportion to the following percentages: 73 percent from Ramsey County and 27 percent from Washington County. The Amended and Restated JPA was approved by the R&E Board and then ratified by the Ramsey and Washington County Boards.

The JPA authorized the R&E Board to purchase the Facility and outlined the Counties' obligations to the following financing plan. Each County made a loan to the R&E Board sufficient to cover its share of the Facility acquisition. Ramsey County contributed 73 percent (the "Ramsey Facility Loan") and Washington County contributed 27 percent of the funds necessary to complete the purchase of the Facility (the "Washington Facility Loan"). The R&E Board was authorized to use the proceeds of the Ramsey Facility Loan and the Washington Facility Loan to acquire the Facility. Repayment by the R&E Board will be made on a pro rata basis to each County based on its respective facility loan percentage (described above). Payments will be made from and included in the Facility budget.

Additionally, the Counties agreed to make an additional one-time contribution of approximately \$6 million to the R&E Board for initial capital expenditures, with Ramsey contributing 73 percent and Washington 27 percent.

The R&E Board established an operating reserve fund of \$10 million to cover cash flow needed for Facility obligations and unexpected operating needs with Ramsey contributing 73 percent and Washington 27 percent. The R&E Board Bylaws outline the operating reserve fund details and are attached as Attachment B.

Although the R&E Board has determined that waste designation is necessary to both overcome economic obstacles and achieve recycling and other goals, the R&E Board will also seek to negotiate waste delivery contracts with licensed haulers, as required by statute. Pursuant to the designation statute, the respective ordinances will provide that any hauler with a waste delivery contract for the Facility will be exempt from the ordinance. While the R&E Board hopes that the delivery agreement negotiations will be successful and that all licensed haulers in the region will enter into agreements, the waste designation ordinances will provide an important regulatory backstop for any existing and new haulers that choose to not sign an agreement.

Current licensed haulers and transfer stations are listed in Attachment C.

C. Waste Delivery and Designation

The R&E Board has determined that designation is necessary to ensure that acceptable waste from the Counties is managed in a manner that ranks higher on the State's Waste Management Hierarchy. The R&E Board and the Counties have invested a significant amount of time and capital into development of a comprehensive waste management program that includes components described elsewhere in this Joint Designation Plan. Waste collection within the Counties is predominantly done through privately-owned waste collection companies and transfer stations. With available lower-cost landfill alternatives serving the metropolitan area, there is a strong financial incentive for waste from the Counties to leave the East Metro each year for land disposal. The R&E Board and the Counties aim to designate waste in order to assure management of waste in accordance with the hierarchy, and to have certainty of long-term supply, as well as flexibility to continue to improve upon the regional waste management system over time as new technologies or opportunities arise.

Before recycling, about 940,000 tons of MSW are generated in the Counties each year. Over half of this is currently recovered through a combination of recycling methods. Of the 445,000 tons remaining, approximately 345,000 are currently sent to the Facility. In addition to other considerations below, waste designation has the potential to ensure that the approximately 100,000 tons of MSW generated in the Counties but currently sent to landfills are instead delivered to the Facility for processing and recovery. This will assist the R&E Board in fulfilling its obligations to NSP under the current Refuse Derived Fuel Supply Agreement (“Fuel Supply Agreement”) by securing sufficient waste to process and deliver to NSP at least the minimum required under the Fuel Supply Agreement of 320,000 TPY of RDF. Further, the R&E Board will continue to need this assistance into the future, as NSP committed in a letter to the R&E Board, dated November 25, 2015, to negotiate a new agreement that will come into effect after the current Fuel Supply Agreement terminates at the end of 2017.

Designation would also lessen the use of land disposal by capturing the approximately 100,000 TPY that are currently landfilled. This, in turn, would further the state policy that metropolitan area waste be processed before being disposed of at a landfill. Although a substantial portion of the Counties’ waste is being delivered to the Facility and processed to remove metals for recycling and production of RDF, designation would further increase the recovery of resources and energy from waste and prevent the significant long-term liability for the Counties associated with landfilling. Perhaps most importantly, ownership of the Facility combined with use of designation will provide the Counties greater control of the long-term future of the solid waste system in the East Metro area. This will enable the Counties to fulfill regional and county goals of using waste as a resource for the most important and highest uses. With increasing recycling and organics goals applying to metropolitan counties, designation will allow the Counties to better implement means to achieve multiple ends that would not otherwise be feasible.

1. Definitions

- a. “Acceptable Waste” means waste that is acceptable at the Ramsey/Washington Recycling & Energy Center in Newport, Minnesota. It includes any type of Solid Waste that has been designated by County ordinance and which is not otherwise Unacceptable Waste.
- b. “Mixed Municipal Solid Waste” or “MSW” means garbage, refuse, and other Solid Waste from residential, commercial, industrial, and community activities that the generator of the waste aggregates for collection. It does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other materials collected, processed, and disposed of as separate waste streams.
- c. “Recyclable Materials” means materials that are separated from Mixed Municipal Solid Waste for the purpose of recycling or composting, including paper, glass, plastics, metals, automobile oil, batteries, source-separated compostable materials, and sole source food waste streams that are managed through biodegradative processes. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material.
- d. “Solid Waste” means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; concrete diamond grinding and saw

slurry associated with the construction, improvement, or repair of a road when deposited on the road project site in a manner that is in compliance with best management practices and rules of the agency; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluents or discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

- e. "Unacceptable Waste" means waste that is not acceptable at the Ramsey/Washington Recycling & Energy Center in Newport, MN, which shall have available a current list of Unacceptable Waste. Unacceptable Waste includes wastes which would likely pose a threat to health or safety, or which may cause damage to or materially adversely affect the operation of the Recycling & Energy Center.

2. Waste Subject to Designation

Designation will apply to all Acceptable Waste generated in the Counties.

- a. Phase I. The County ordinances will initially define Acceptable Waste as MSW that is not otherwise Unacceptable Waste.
- b. Phase II. If the Counties later determine a need and ability to process more waste at the Facility, they may seek to amend the ordinance definition of Acceptable Waste to also include Solid Waste that prior to final processing or disposal:
 - i. Is not managed as a separate waste stream; or
 - ii. Is managed as a separate waste stream using a waste management practice that is ranked lower on the list of waste management practices in Minn. Stat. § 115A.02(b), than the primary waste management practice that would be used on the waste at the Facility.

Should the Counties proceed to Phase II, they would provide MPCA with the ordinance amendments for review and approval in accordance with Minn. Stat. §115A.85, subd. 5 prior to beginning the County ordinance amendment process.

3. Materials Not Subject to Designation

The Waste Management Act directs counties to avoid landfilling and to prioritize recycling over resource recovery. Under the Act, source separated recyclable materials are exempt from designation and are not within either County's authority to designate. To give further effect to the State's waste hierarchy and to implement a workable system of designation in the Counties, the designation of waste does not apply to nor include:

- a. Materials that are separated from solid waste and recovered for reuse in their original form or for use in manufacturing processes (for the purposes of this section, "manufacturing processes" does not include the treatment of waste after collection for the purpose of composting);

- b. Materials that are processed at a resource recovery facility at the capacity in operation at the time that the designation plan is approved;
- c. Materials that are separated at a permitted transfer station located within the Service Areas for the purposes of recycling the materials if: (a) the transfer station was in operation on January 1, 1991; or (b) the materials were not being separated for recycling at the Facility at the time the transfer station began separation of the materials;
- d. Recyclable Materials that are being recycled and residuals from the recycling if there is at least an 85 percent volume reduction in the solid waste processed at the recycling facility and the residuals are managed as separate waste streams; and
- e. Waste subject to designation, but that is delivered to the Facility pursuant to the Waste Delivery Agreements between licensed commercial haulers or authorized self-haulers and the R&E Board.

4. Role of Solid Waste Designation

The Counties have guided and implemented the development of a comprehensive solid waste management system in the East Metro area for nearly 30 years. The system performs at a very high level, with some of the highest recovery rates, lowest land disposal rates, and most engaged communities in Minnesota. Use of the Facility has been a key component of the system, serving to complement aggressive recycling, composting and toxicity reduction programs. The Counties have invested heavily in the success of the existing Facility over time, providing significant financial incentives to assure that waste not recycled is processed, and not landfilled. The economics of waste processing, and the design of the County funding systems have assured that financial goals are aligned with environmental goals. The East Metro system depends on the Facility for continued success.

The role of designation will be to ensure the supply of Ramsey/Washington County waste in order to reduce direct landfilling of Ramsey/Washington waste by about 100,000 TPY, to increase the recovery of resources from that waste, to achieve substantial source reduction and recycling goals, and to provide greater control to the Counties to implement effective technologies in the future.

Designation is also necessary for the Counties to reach the statutory recycling goal imposed on metropolitan counties of 75 percent by 2030. First, it directs all MSW to the Facility so that the existing separation equipment can remove the ferrous and non-ferrous metals. Second, it provides the necessary assurance of waste flows to invest in capital-intensive equipment for MWP to remove more Recyclable Materials from the MSW and other potential waste streams delivered to the Facility. Through extensive recycling studies, the R&E Board has determined that a 75 percent recycling goal is not feasible without MWP at the Facility.

In the event MSW deliveries decrease due to waste reduction and recycling growth, the Counties would first seek additional Acceptable MSW generated in other counties by contract, or potentially as a result of the MPCA process to implement Minn. Stat. § 473.848. Because the Designation Statutes provide for the designation of certain acceptable Solid Waste beyond MSW, the Counties could also seek to expand their designation ordinances to include acceptable portions of construction and demolition debris, industrial waste or other Solid Wastes if they could be managed higher on the hierarchy. The Counties do not intend to initially designate beyond MSW, but would consider doing so if acceptable MSW flows to the Facility, after exhausting other available options, are still insufficient and there are practical processing opportunities for the new waste streams. If the Counties proceed to amend their ordinances at that time

to designate other portions of Solid Waste, they will first submit the amendments to the MPCA for review and approval.

5. Service Areas

The R&E Board and the Counties have determined to designate the entire geographic area of each County to ensure that MSW is managed at the Facility. Each County will be a separate Service Area subject to designation. Under each of the ordinances in the Counties, the designated Service Area will be the entire County.

6. Geographic Area Subject to Designation

This Designation Plan applies to all Solid Waste generated in the Counties that is not exempt or excluded. This designation includes residential, commercial and industrial waste generated and normally collected by commercial haulers or self-hauled that is suitable for delivery to the Facility. Attachment D delineates the designated areas.

7. Designation Points of Delivery

All Acceptable Waste generated in the Service Areas shall be delivered to the Facility. Generators, licensed haulers, and self-haulers within each County must deliver, or cause to be delivered, all waste subject to designation to the Facility. In accordance with this Joint Designation Plan and the resulting County designation ordinances, they may not deliver Acceptable Waste elsewhere, unless otherwise authorized in writing by the Counties.

8. Projected Waste Generation

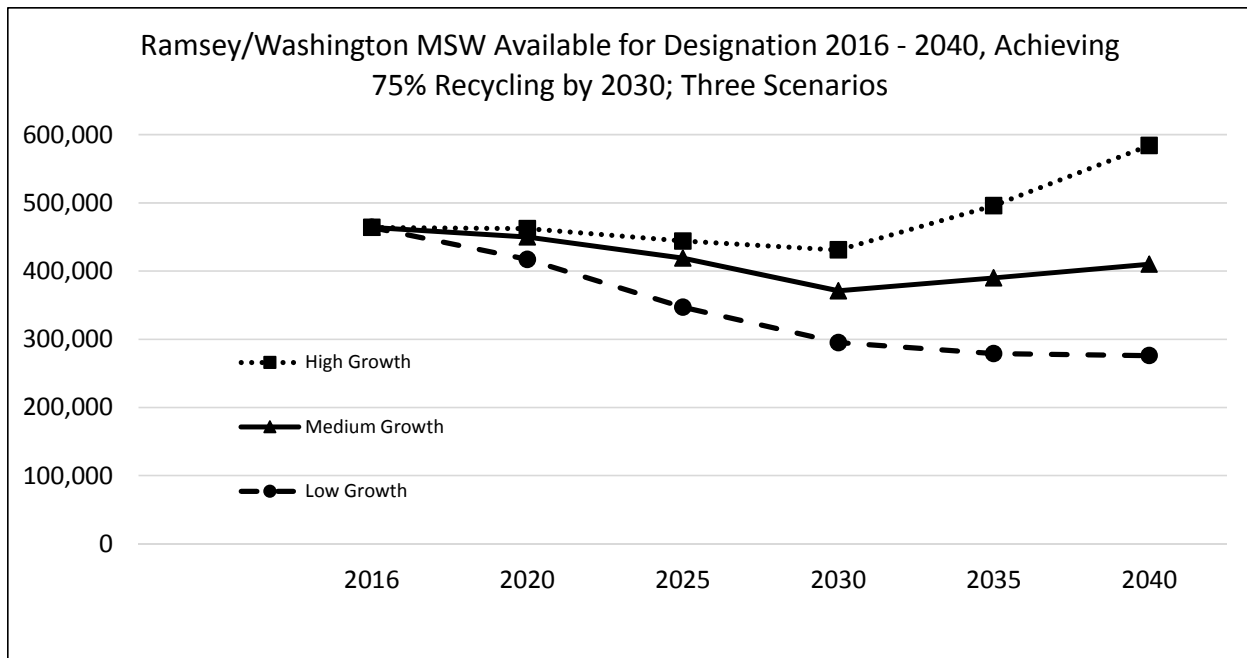
The R&E Board has conducted extensive analyses for waste generation and recycling in the past few years. A study based on an MSW composition analysis in 2014, which included a thorough look at recycling potential, documented that even with very aggressive recycling rates and MWP the Counties would have difficulty in achieving a 75% recycling goal, without significant focus on market and technology development to recycle materials beyond those currently recycled. The combined recycling rate for the Counties in 2015 was 52%. The average rate of recycling growth from 2010 – 2015 (post-Great Recession) was 2.77%, and from 2005-2015 (including the Great Recession) was 2.3%.

The R&E Board has stated its clear intent to achieve a 75% recycling goal by 2030. To achieve the State-mandated 75% recycling goal by 2030, growth in recycling will need to be very aggressive, well above the most recent five-year and ten-year averages. Therefore, attaining a 75% goal will take a concerted effort by more than just Ramsey and Washington Counties, and leadership from the State in assessing and developing strong markets, as well as investments by the recycling and waste industry. The vision for resource management in the East Metro put forward by the R&E Board explains its role in recovering recyclables to support this commitment, and waste designation is necessary to implement that vision.

The R&E Board examined the generation rates of MSW in the East Metro, and identified a high growth rate of 3.1% per year (this is the average rate for MSW generation increase from 2010 through 2015 – post Great Recession) and a low growth rate of 0.3% per year (this is the average rate for MSW generation increase from 2005 through 2015 – which includes the negative-growth years of the Great Recession). Projections for MSW generation were prepared for those growth rates, as well as an average of the two rates, 1.7% per year.

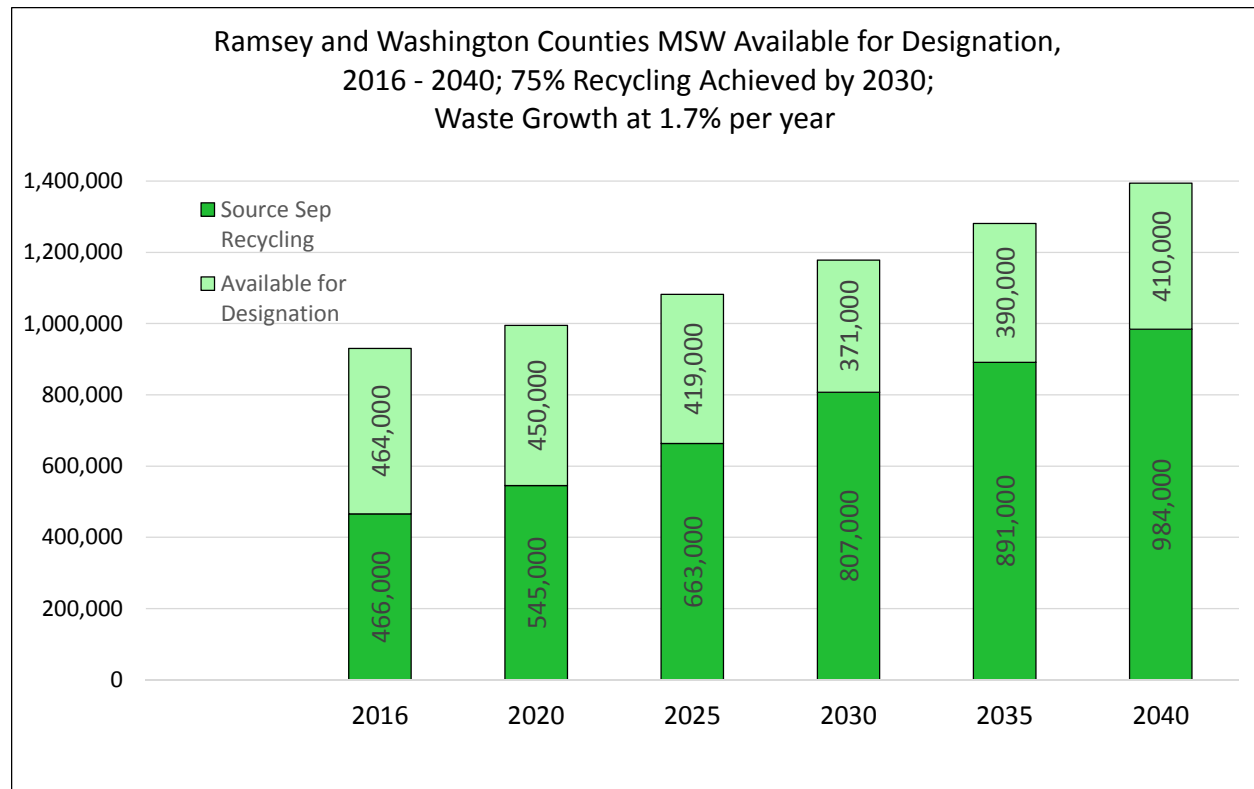
Recycling rates were adjusted to achieve 75% recycling by 2030, including the source separation tonnages depicted below and additional recyclables recovered by mixed waste processing at the R&E Center. MSW that remains after source separated recycling is labeled below as “available for designation” and is also subject to the recovery of additional recyclable material at the R&E Center in furtherance of the 75% goal.

The following chart shows waste available for designation from 2016 to 2040, in five year increments.



Waste generation using the medium growth scenario, source separated recycling, and waste available for designation is shown in the table and graph, below:

Year	2016	2020	2025	2030	2035	2040
Total Generation	930,000	995,000	1,082,000	1,178,000	1,281,000	1,394,000
Source Sep Recycling	466,000	545,000	663,000	807,000	891,000	984,000
Available for Designation	464,000	450,000	419,000	371,000	390,000	410,000



In the event MSW deliveries decrease due to waste reduction and recycling growth, the Counties would first seek additional Acceptable MSW generated in other counties by contract, or potentially as a result of the MPCA process to implement Minn. Stat. § 473.848. Because the Designation Statutes provide for the designation of certain acceptable Solid Waste beyond MSW, the Counties could also seek to expand their designation ordinances to include acceptable portions of construction and demolition debris, industrial waste or other Solid Wastes if they could be managed higher on the hierarchy. The Counties do not intend to initially designate beyond MSW, but would consider doing so if acceptable MSW flows to the Facility, after exhausting other available options, are still insufficient and there are practical processing opportunities for the new waste streams.

VI. EVALUATION OF BENEFITS AND COSTS OF DESIGNATION

There are a variety of costs, benefits, risks, short-/long-term effects and other factors that are relevant to different types of solid waste facilities and methods of solid waste management. This section evaluates and discusses estimated costs, and benefits associated with designation of waste to the Facility. The public policies and purposes served by the Facility and designation are also discussed.

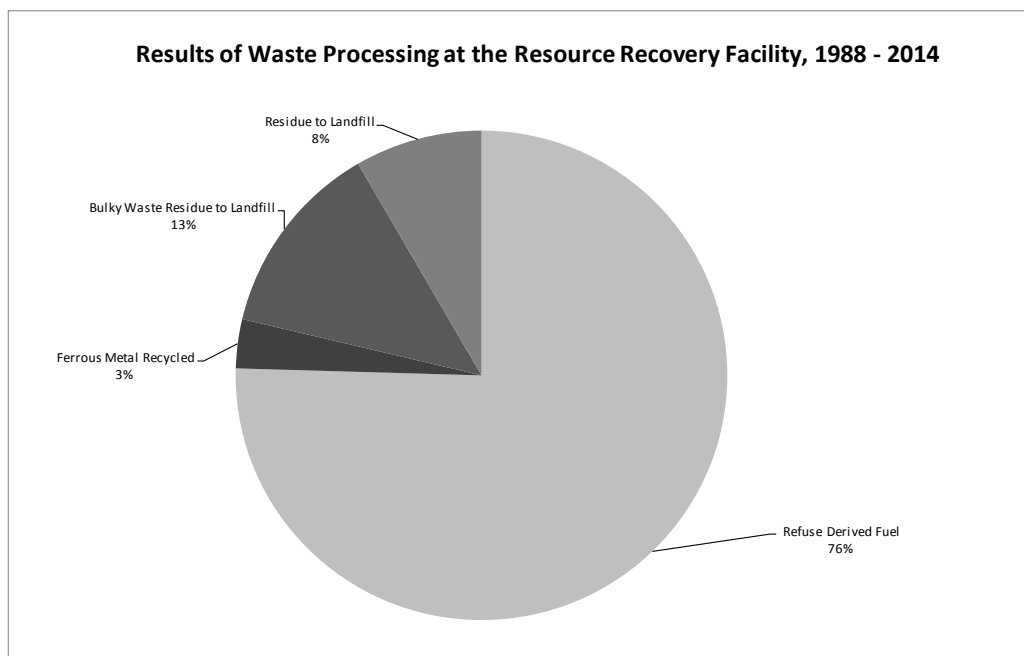
Costs set out for the Facility are estimates based on current information available and assumptions that can be made at this time. Many factors can influence costs such as: method of financing, interest rates, term of financing, energy prices and costs, inflation, economic conditions, energy markets, contractual terms and regulatory changes. Therefore the costs estimated herein can vary according to changing assumptions and conditions.

A. Public Interest/Purpose Served by Designation (Achievement of State, Local and Regional Policies)

Various sections of this Designation Plan set forth the public policies and purposes that it serves. The R&E Board spent over three years evaluating how to best achieve both the aggressive state-imposed standards for the metropolitan counties (in particular 75 percent recycling rate by 2030) and the goals it has to move waste up the hierarchy and toward better uses. It ultimately determined that the most viable way to achieve these goals was to purchase the Facility in order to assure the viability of the waste management system in the East Metro region. While ownership of the Facility is the first step given its central role in the two-County waste management system, designation allows the R&E Board to access more waste and direct it to higher and better uses. Ultimately, the R&E Board's actions to purchase the Facility, and now to enact waste designation are taken to achieve various environmental, public health and waste management goals.

1. Materials Separation and Recovery

In addition to the Counties' various plans for source separated recycling, the Facility has long extracted valuable metals out of the waste stream for resale. The Facility has routinely recovered over 12,000 TPY of ferrous and nonferrous metals comingled in the MSW stream. From 1988 to 2014, 329,000 tons of metals have been separated from the MSW stream at the Facility, equating to approximately \$52 million in revenue for the prior owners of the Facility. The environmental benefits of recycling 329,000 tons of metals include saving 8 million MMBTUs, or 1.4 million barrels of oil, or the avoidance of 664,000 tons of CO₂ released into the atmosphere.



The R&E Board has concluded various analyses of the waste stream and options for recovering significantly more resources at the Facility as part of its plan to reach the State's 75 percent recycling goal by 2030. The composition of the residential and commercial MSW delivered to the Facility was most recently analyzed by the R&E Board via a contract with Foth Infrastructure & Environment, LLC ("Foth") in 2013. That analysis showed that a significant amount of the MSW was organic material that could be

recovered for anaerobic digestion or composting. There was also substantial corrugated cardboard found in the commercial MSW stream. See the top 10 materials in the residential and commercial MSW stream as analyzed by Foth below. Otherwise, common recyclables were not appearing in large amounts in the waste sort, indicating the Counties already have fairly highly functioning source separation programs. Even so, County staff estimate there are still traditional recyclables such as cans, bottles and paper remaining in the MSW. In addition, approximately 100,000 TPY of MSW are bypassing the Facility under the current system and being delivered directly to landfills in Minnesota and Wisconsin. These volumes include another significant amount of recyclables that could be separated out at the Facility if delivered.

Between redirecting more waste to be processed at the Facility and enhancing MWP capability to separate out organics and recyclable materials at the Facility, there are substantial gains in recycling to be made. In fact, the R&E Board studies aimed at determining how to reach the 75 percent goal imposed by the State have concluded that it is not possible to meet the goal without using the Facility to remove recyclables left in the MSW stream.

Top Ten Most Prevalent Materials in Residential Waste

Rank	Material	Percent
1	Food Waste	20.0%
2	Yard Waste	7.6%
3	Textiles & Leather	7.1%
4	Compostable Paper	6.3%
5	Film: Other	4.5%
6	C&D Material	4.3%
7	Carpet & Padding	3.5%
8	Diapers/Sanitary Napkins	3.0%
9	Bulky Material	2.6%
10	Non-Recyclable Plastic	2.5%
Cumulative		61.4%

Top Ten Most Prevalent Materials in Commercial Waste

Rank	Material	Percent
1	Food Waste	22.4%
2	Bulky Material	8.4%
3	Treated Wood/ Plywood	8.1%
4	Compostable Paper	6.3%
5	Non-Recyclable Plastic	5.4%
6	Cardboard/Kraft paper	5.3%
7	Clean Lumber/ Pallets/ Crates	5.2%
8	Film: Other	3.3%
9	C&D Material	2.4%
10	Other Organics	2.0%
Cumulative		68.7%

2. Recovery of Energy

The Facility is permitted to process up to 500,000 TPY of waste and has routinely processed approximately 400,000 TPY, producing over 325,000 TPY of RDF. In 2014 the RDF produced at the Facility resulted in 198,000 MWh of renewable electricity generated at the two power plants. This is equivalent to the annual electrical need of 20,000 homes in Minnesota.

This system involves a couple of stages. The waste is collected throughout the Counties, often consolidated at a transfer station and trucked to the Facility where it is processed into RDF. The RDF is then trucked to one of two RDF combustion facilities owned by Xcel in Red Wing and Mankato. Each of Xcel's RDF combustion facilities can combust up to approximately 200,000 TPY of RDF and have routinely each handled approximately 180,000 TPY.

The system as currently designed is relatively large scale and can handle the entire MSW streams generated in the Counties. The combination of the Facility and the Xcel RDF combustion facilities have proven capacity to consistently handle the MSW generated in the Counties. One of the goals of the Metropolitan Policy Plan is to fully utilize this existing waste processing capacity. Even so, the existing capacity is characterized by aging infrastructure that will eventually need to be updated, replaced or retired. The two Xcel facilities were originally constructed in the late 1940s and then updated to combust RDF in the late 1980s. The R&E Center was also constructed in the late 1980s.

In each case, technology has improved substantially, and the R&E Board will continue pursuing alternatives or additional improvements. With respect to Xcel's RDF combustion units, the utility believes it could continue operating through 2027 and is currently scheduling the units for possible retirement at that point. In general, Xcel's plans to phase out these units by 2027 fits with the R&E Board's vision and anticipated timeline to pursue alternatives to combustion of the RDF. For example, the R&E Board will continue to analyze and pursue options to shift from use of RDF in a combustion unit to produce electricity to use RDF to produce biofuels. At the time of this Joint Designation Plan, there are only a handful of operational MSW gasification plants and additional time will give the R&E Board the opportunity to make decisions based on greater industry gasification experience. Thus the R&E Board will work closely with Xcel to coordinate plans to add gasification or alternate technologies on a timeline that corresponds to Xcel's decisions to phase down or phase out the RDF combustion units.

With respect to the Facility, the technology for producing RDF has advanced beyond the hammer mills used at the Facility toward shear shredders that have lower capital and operating costs. Moreover, the R&E Board may eventually determine that it needs to make investments in the RDF processing technology to allow for processing capability to support the higher quality and more precise specifications required by a gasification operation, in contrast to the current combustion operations.

The incremental approach described above will allow maximized use of the existing waste processing infrastructure for the duration of its reasonable useful life but then also allow for a staged and coordinated shift toward more advanced technology at the most appropriate time. Over the long term there could be many shifts that lead to more efficient recovery of energy from the waste. For example, MWP could separate out an organics stream for conversion to a biogas by anaerobic digestion. This will not only produce a valuable energy commodity but will remove a wetter waste stream that is inefficient to combust and problematic for a gasification unit that requires drier material. Further, the shift to gasification allows for more efficient thermal conversion of energy. Perhaps even more importantly, it also allows for energy recovery with less air and water emissions.

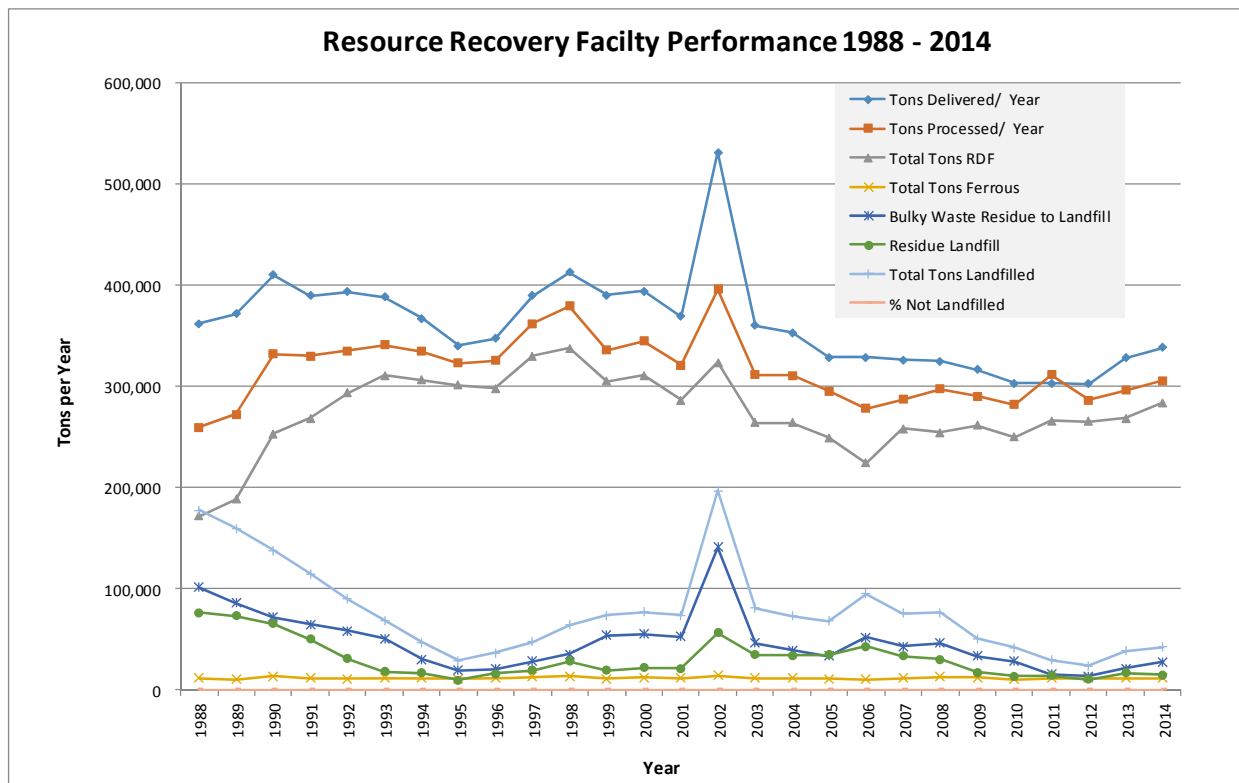
3. Reduction in Waste Generation

The R&E Board is planning to gradually reduce the tipping fee rebates for delivery of Ramsey/Washington Waste to the Facility. Use of less subsidized Waste Delivery Agreements and designation where the true costs of the processing are much more closely borne by generators will inherently create incentive to reduce waste generation. If the R&E Board eventually begins adding additional technology to further capture valuable recyclables and separate out organics for alternate processing, these costs will also eventually be reflected in the tipping fees at the Facility, further adding incentive to reduce generation.

While the private operators of the Facility had no incentive to reduce the supply of waste to the Facility, the Counties have broad waste management goals and plans to which they must give effect, while at the same time efficiently operating the Facility. Designation will assist the Counties in seeking to accomplish more with the waste management system. The Counties, for example, could continue to actively reduce waste generation but then make up for less MSW by moving to designate industrial and construction and demolition debris that is currently landfilled.

4. Abatement of Landfill Disposal

The following graph shows the history of waste processing at the Facility, the continual high performance of processing, and the continued low rate of land disposal. This chart spans almost three decades, and shows the result of a strong ongoing commitment by the Counties to the State’s goal to abate land disposal.



Through the processing of waste at the Facility, the R&E Board has prevented the need for 100 acres of landfill 40 feet deep. The prevention of this amount of waste going to a landfill has several environmental benefits including protection of groundwater and prevention of methane gas emissions. Additional social benefits include reducing long-term legal liability, avoiding the need to site a landfill in the Counties, and preserving available land for higher and better uses.

Although the R&E Board has achieved important successes without designation, there is still room for improvement. Indeed, designation will allow the R&E Board to prevent MSW that should be processed from going directly to a landfill. Designation allows the R&E Board to ensure that the MSW generated in the Counties will no longer be able to bypass the Facility if the hauler does not have a waste delivery agreement with the R&E Board. By ensuring even more landfill abatement, designation increases the environmental benefits already realized through solid waste processing.

5. Environmental Benefits

a. Environmental and Public Health Benefits

As mentioned in the previous sections, there are a variety of environmental and public health benefits associated with the pivot to regarding waste as a resource and continuing to move waste management toward higher and better uses. The Counties embarked on a coordinated effort to pursue resource recovery over landfilling after an unfortunate experience with a landfill in Washington County contaminated the groundwater. Thus reducing the volume of waste and the toxicity of that waste delivered to landfills is of the highest priority for the R&E Board. Under private ownership, it was not clear the Facility would remain in use as a solid waste processing facility. The R&E Board's election to buy the Facility gives certainty to the Counties that they will not be forced into greater landfilling in the future but instead can make short- and long-term plans that build on the system in place and increase the public benefits.

By implementing waste designation, the Counties will ensure that more Ramsey/Washington MSW is delivered to the Facility. The metals will be extracted from that volume of waste and the remaining MSW processed into RDF and delivered to Xcel to generate renewable electricity. These are materials that would have otherwise not been recovered under the current system. Designation will also allow the Counties to seek deliveries of waste to the Facility beyond the MSW that is currently delivered, providing for the potential to move waste management of industrial and other solid wastes up on the State's hierarchy.

b. Greenhouse Gases

Greenhouse gas ("GHG") emissions are another measure of environmental performance. The GHG emissions of greatest concern from an emissions perspective are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), and fluorinated chemicals. There are two broad ways that the Facility has reduced GHG emissions over time. The first is through the recycling of metals recovered at the Facility. Recycling metals reduces the need for mining and processing ore, uses less energy, and therefore has lower GHG emissions. Second, the use of RDF as a fuel source to generate electricity has historically reduced the emissions of GHG associated with fossil fuels that would have otherwise been used to generate that electricity.

On a relative basis, waste management accounts for about 3 percent of GHG emissions in Minnesota. The MPCA reports that in 2012 total GHG emissions were reported at 154.5 million CO₂-e, or CO₂-equivalent

tons. The waste sector (associated with landfilling, recycling, waste-to-energy, etc.) amount is 2.2 million CO₂-e tons. The two Xcel facilities that use RDF from the Facility generated an estimated 149,000 CO₂-e tons, or 0.1% of the State total, or 7% of the waste sector total.

Since 1988 a total of 481,060 metric tons of CO₂ equivalent GHG have been saved over using coal to generate that electricity. That is equal to the CO₂ emissions from

- Over 54 million gallons of gasoline;
- Over 2,500 rail cars filled with coal; or
- Over 1.14 billion passenger car miles.

The immediate impact of waste designation on GHG emission reductions should be fairly nominal given the historic use of the Facility for delivery of RDF to Xcel's combustion units. In other words, the R&E Board plans to largely maintain the current system of processing waste and delivering it to Xcel for electricity generation much as it has since the late 1980s. That said, the R&E Board's purchase of the Facility provided certainty that it would remain an RDF processing facility to support this intermediate continued use of the system.

The R&E Board, however, ultimately purchased the Facility and is pursuing the designation of waste to that Facility specifically so that it has greater control over the system and that waste gets put to its highest and best use. Reducing GHGs and other environmental and public health concerns are important considerations in the decisions made. Prior to purchasing the Facility, the R&E Board conducted analyses on the GHG implications of various future decisions it will consider as part of its longer term vision. The research was a comparative analysis of various waste management decisions that could be applied to the assumed 400,000 TPY of waste available for processing in the Counties. Alternative scenarios analyzed included:

1. the base case, which processes all of the RDF for electricity generation at Xcel's combustion units,
2. adding increased source separated organics ("SSO") and recycling ("SSR") capabilities with the remaining waste being combusted by Xcel,
3. adding MWP at the Facility in addition to enhanced SSO and SSR and sending the separated organics offsite to an Anaerobic Digester ("AD"),
4. combining 2 and 3 above with gasification of the remaining RDF instead of combustion,
5. processing the full 400,000 TPY for gasification only,
6. utilizing the current system, which includes some amount of landfilling, and
7. adding MWP and AD without SSO and SSR.

In each case the models considered mature systems and looked at GHG impacts associated with collection and hauling, transportation, and materials management (e.g., RDF processing, combustion and disposal), as well as any RDF combustion plant shut down, ethanol offset, or electrical offset associated with the particular scenario. The results showed that adding SSO and SSR would result in system reductions in GHG of about 52 percent whereas adding MWP and AD alone, the reductions would be almost 80 percent. By adding gasification to the processing only system (Alternative 2 in the table below), GHG emissions would

become negative (or a GHG credit) with GHG emissions reduction of 225 percent when compared to the base case. If a gasification system is added along with the other processing technologies (Phase 3 in the table below), the reduction in GHG emissions would become 282 percent compared to the base case. Thus a R&E Board decision to add MWP and AD would certainly improve the overall GHG profile, but a decision to shift from combustion to gasification would have even more positive GHG implications.

**Table ES-1
GHG Emissions Summary (MtCO₂e)**

	Processing Only (Base Case)	Phase 1 - SSO/SSR	Alternative 1 - Processing, AD, and MWP	Phase 2 - SSO/SSR/MWP/AD	Alternative 2 - Processing and Gasification Only	Phase 3 - Gasification/SSO/SSR/MWP/AD	Existing System - Extended
Collection	13,502	14,684	13,502	14,684	13,502	14,684	13,502
Transportation	9,384	8,770	8,771	8,419	5,414	5,114	11,342
RDF Processing	5,393	4,969	9,048	8,957	5,393	8,957	4,341
Material Management							
• Recycling	(32,190)	(58,813)	(71,550)	(76,937)	(32,190)	(76,937)	(25,910)
• Anaerobic Digestion (AD)	0	(4,934)	(10,060)	(11,044)	0	(11,044)	0
• RDF Combustion	72,198	65,860	60,714	58,909	0	0	58,119
• Gasification	0	0	0	0	61,075	48,343	0
• Landfill	5,372	5,057	4,871	4,828	5,372	4,828	15,244
Material Management Subtotal	45,380	7,170	(16,024)	(24,244)	34,257	(34,810)	47,454
RDF Combustion Plant Shut-down	0	0	0	0	(170,538)	(141,967)	0
Ethanol Offset	0	0	0	0	(80,523)	(69,987)	0
Electrical Offset	0	0	0	0	100,641	83,780	0
Total GHG	73,659	35,592	15,296	7,816	(91,855)	(134,229)	76,636

6. Coordination of Solid Waste Management Among Political Subdivisions

The Counties have been coordinating solid waste management largely through the use of the Facility since the 1980s. Today this coordination is facilitated in much greater detail through the JPA, operation of the Facility and this Joint Designation Plan. Each County has approved this Designation Plan and will be implementing a corresponding ordinance to ensure that waste generated in the Counties is brought to the Facility by haulers that do not have Waste Delivery Agreements with the R&E Board. Successful utilization of existing resource recovery facilities is a stated goal of the Policy Plan, and the R&E Board's coordination and successful operation of the Facility serves the stated goals of the Policy Plan as well as state statutes that prioritize use of resource recovery.

The Counties are members of the Solid Waste Management Coordinating Board ("SWMCB"), which, by definition, coordinates various waste management functions. The SWMCB provides a forum for coordination among metropolitan counties, and has facilitated, for example, coordination of county roles in the implementation of the restriction on disposal found in Minn. Stat. § 473.848.

The R&E Board is also working with the counties of Blue Earth, Nicollet, Sibley and LeSueur. Waste from those counties is processed at the Facility, taking advantage of the back-haul opportunity using RDF trailers delivering to the Xcel facility in Mankato.

Additionally the Counties will continue to collaborate on additional waste management initiatives like the R&E Board's BizRecycling program. The Counties have only strengthened their long-standing relationship on solid waste management coordination through the revised JPA and acquisition of the Facility. Waste designation in the Counties would serve to increase the ability of the Counties to work together to put the waste resources to their highest and best use.

7. Orderly and Deliberate Development and Financial Security of Waste Facilities

The Counties have long invested in a regional solid waste management system that focuses on strategic use of the Facility. Use of the Facility for resource recovery of waste that is not source separated or recycled is consistent with local and state policies. The Facility, however, has been run by private entities since it was built in the 1980s. The R&E Board's purchase of the Facility option at the end of 2015 signifies the Facility's importance to the Counties' waste management plans into the future. It also marks a departure from a system overly reliant on continued subsidy to support private operation and toward one that is owned and operated by a public entity that can prioritize environmental and public health outcomes in addition to efficient financial operation.

Waste designation allows the R&E Board to plan on a predictable and more certain volume of waste to the Facility, which helps the R&E Board set the tipping fees at an appropriate level to ensure the long-term financial viability of the Facility. This, for example, may include investments in MWP that will be capital intensive but that will also lead to greater amounts of resources recovered from waste and the ability to oversee a more flexible system that could respond to new market development for products that could not previously be recycled, reused or sold, or to changes to improve the overall economics as the waste composition profile changes. Ultimately, waste designation will assist the R&E Board to make and implement long-range plans to extract the most public health, environmental and societal benefits from waste management.

Waste designation reduces the risk of uncertain waste supply and the financial implications that accompany it, such as reduced tipping fees and a reduced volume of marketable products extracted from the waste stream. Further, under the JPA, each County is responsible for its percentage of any shortfall. Designation will greatly reduce the risk to each County of having to fund contributions due to inadequate waste supply.

B. Estimated Revenues and Expenses

1. Financial Information

a. Direct Costs: Operating

The R&E Center is more akin to a manufacturing facility rather than a disposal facility, and has a number of key components that drive operating costs, including labor, maintenance, utilities, insurance, marketing costs, and transportation. A number of factors influence the operating costs and revenues at the R&E Center.

Two tables are presented below which show estimated operating costs and revenues for two scenarios. Both tables provide estimates based on 2016 budgeted operating costs, and extend in five year increments to year 2040. For both scenarios the waste delivery volume presented for financial analysis is 400,000 tons, which is a targeted budgeting number. Actual waste deliveries from Ramsey and Washington Counties, and other counties, will affect those delivery numbers. Note that the R&E Board has a \$10 million operating reserve fund created to maintain facility operations, to cover any debt obligations, and to address uninsured losses. When the fund is drawn upon, the policy of the R&E Board is to replenish the fund over time.

The first scenario includes cost estimates for operations at the R&E Center continuing as it has been operating, with no additional technology added and continuing to recover ferrous and nonferrous metals

for recycling, and producing and delivering RDF to Xcel's two power plants. This scenario does not implement the vision of the R&E Board, but is used to provide a baseline of costs and revenues based on the current system. Annual cost of operations in this scenario is projected to be \$26.4 million in 2016 to \$50.8 million in 2040; with cost per ton ranging from \$70.00 to \$133.55. That is a 2.8% increase per year over a 24 year period. In this scenario the major source of revenue is tipping fees. Revenue from the sale of recyclables is used to provide maintenance at the facility and to maintain a balance of \$2.5 million in an equipment maintenance fund. Transportation continues to be a major expense, as does the fuel supply agreement with Xcel Energy.

The second scenario estimates costs with the addition of MWP, and marketing of the organics to either anaerobic digestion or composting, and RDF to gasification. This scenario is based on addition of significant MWP technology, as well as hand-picking lines for recyclables, with a significant labor component. These estimates were first developed in 2015 during the R&E Board's evaluation of the system, and were developed to outline costs with a high-end MWP system. During 2016-2017 the R&E Board is in the process of analyzing MWP technologies and options, and will be preparing an actual design for MWP, followed by potential procurement and installation in 2019. The estimates in the scenario presented represent a high-end cost estimate for addition and operation of MWP. Actual costs may be lower if, for example, hand picking is not included in the MWP system, which would reduce labor costs significantly. As with the previous scenario, tipping fees are the major revenue component, but this scenario also includes a revenue share component from sales of biofuels produced by gasification. Annual cost of operations in this scenario differ in that transportation costs are reduced, the fuel supply costs to Xcel are reduced in time, and items such as insurance, utilities and maintenance are increased.

b. Direct Costs: Capital

Capital costs are depicted in the two scenarios. Debt service for purchase of the R&E Center, with a price of \$24.4 million, is paid by the R&E Board to Ramsey and Washington Counties for their respective share of the purchase price. An annual capital expense occurs to pay for capitalized maintenance and replacement of equipment. An Equipment Maintenance Fund exists to fund ongoing capital improvements with the need to issue debt. In the second scenario, a capital expense of \$22.4 million is projected for addition of MWP and other R&E Center improvements.

Scenario 1: R&E Center Cost Estimates Assuming Operations Continue as in the Past; 2016 - 2040							
		2016	2020	2025	2030	2035	2040
Tipping Fee - per ton		\$70.00	\$77.75	\$88.49	\$101.33	\$116.23	\$133.55
Annual Waste Delivery-Tons		385,000	400,000	400,000	400,000	400,000	400,000
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Tipping Fees		\$ 26,950,000	\$ 31,100,000	\$ 35,396,000	\$ 40,532,000	\$ 46,492,000	\$ 53,420,000
Recovered Recyclables Revenue		\$ 700,000	\$ 818,901	\$ 996,318	\$ 1,212,173	\$ 1,474,794	\$ 1,794,312
Total Operating Revenues		\$27,650,000	\$31,918,901	\$36,392,318	\$41,744,173	\$47,966,794	\$55,214,312
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Labor							
Plant Operations		\$ 6,121,369	\$ 7,161,136	\$ 8,712,617	\$ 10,600,231	\$ 12,896,802	\$ 15,690,932
Mgmt & Admin		\$ 1,145,370	\$ 1,239,785	\$ 1,368,823	\$ 1,511,291	\$ 1,668,587	\$ 1,842,255
Professional Services		\$ 176,500	\$ 108,243	\$ 119,509	\$ 131,948	\$ 145,681	\$ 160,844
Operating Supplies & Services		\$ 529,793	\$ 584,792	\$ 661,638	\$ 748,583	\$ 846,953	\$ 958,250
Building & Site Maintenance		\$ 230,441	\$ 254,364	\$ 287,790	\$ 325,608	\$ 368,396	\$ 416,806
Fixed Equipment Maintenance		\$ 1,912,596	\$ 2,111,148	\$ 2,388,570	\$ 2,702,448	\$ 3,057,572	\$ 3,459,362
Mobile Equipment Maintenance		\$ 1,293,902	\$ 938,241	\$ 1,061,534	\$ 1,201,028	\$ 1,358,853	\$ 1,537,417
Utilities		\$ 874,434	\$ 965,212	\$ 1,092,049	\$ 1,235,553	\$ 1,397,915	\$ 1,581,613
Insurance		\$ 549,970	\$ 631,103	\$ 749,552	\$ 890,233	\$ 1,057,318	\$ 1,255,762
Disposal -landfill charges		\$ 1,943,538	\$ 2,187,898	\$ 2,415,616	\$ 2,667,035	\$ 2,944,622	\$ 3,251,101
Transportation						\$ -	\$ -
Delivery to Power Generators		\$ 3,492,429	\$ 4,009,188	\$ 4,536,028	\$ 5,132,099	\$ 5,806,499	\$ 6,569,521
Delivery to Landfills		\$ 646,708	\$ 742,398	\$ 839,955	\$ 950,332	\$ 1,075,213	\$ 1,216,505
Delivery from Transfer Station		\$ 858,396	\$ 627,109	\$ 709,516	\$ 802,752	\$ 908,240	\$ 1,027,590
Transload Fees		\$ 1,210,800	\$ 855,918	\$ 968,393	\$ 1,095,648	\$ 1,239,625	\$ 1,402,522
Fuel Supply Agreement		\$ 5,028,254	\$ 5,977,368	\$ 6,762,843	\$ 7,651,536	\$ 8,657,011	\$ 9,794,613
Payment in Lieu of Taxes		\$ 386,000	\$ 417,819	\$ 461,306	\$ 509,319	\$ 562,329	\$ 620,857
Total Operating Expenses		\$26,400,500	\$28,811,722	\$33,135,739	\$38,155,644	\$43,991,616	\$50,785,950
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Debt Service -Ramsay County Bonds		\$ 327,377	\$ 1,022,500	\$ 1,021,175	\$ 1,020,825	\$ 1,019,500	\$ 1,016,656
Debt Service -Washington County		\$ 84,623	\$ 368,729	\$ 368,729	\$ 368,729	\$ 368,729	\$ 368,729
Capital Projects		\$ -	\$ 768,500	\$ 870,000	\$ 985,000	\$ 1,110,000	\$ 1,250,000
Transfer to Equipment Maintenance Fund			\$ 818,901	\$ 996,675	\$ 1,213,975	\$ 1,476,949	\$ 1,792,977
Transition Operator		\$ 1,100,000	\$ -	\$ -	\$ -	\$ -	\$ -
Total Non Operating Expenses		\$ 1,512,000	\$ 2,978,630	\$ 3,256,579	\$ 3,588,529	\$ 3,975,178	\$ 4,428,362
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Net Income (loss)		\$ (262,500)	\$ 128,549	\$ -	\$ -	\$ -	\$ -
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Operating Reserve	10,000,000	\$ 9,737,500	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000
Equipment Maintenance Fund	0	\$ -	\$ 2,363,426	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000

Scenario 2: R&E Center Cost Estimates with Addition of Mixed Waste Processing; marketing of the Organics to Anaerobic Digestion or Composting and RDF to Gasification; 2016 - 2040							
		2016	2020	2025	2030	2035	2040
Tipping Fee - per ton		\$70.00	\$98.12	\$91.58	\$104.37	\$118.83	\$131.35
Annual Waste Delivery -Tons		385,000	400,000	400,000	400,000	400,000	400,000
Operating Revenues							
Tipping Fees		\$ 26,950,000	\$ 39,248,000	\$ 36,632,000	\$ 41,748,000	\$ 47,532,000	\$ 52,540,000
Recovered Recyclables Revenue		\$ 700,000	\$ 818,901	\$ 996,318	\$ 1,212,174	\$ 1,474,794	\$ 1,794,312
Biofuel Revenue Share		\$ -	\$ -	\$ 5,216,112	\$ 5,216,112	\$ 5,216,112	\$ 5,216,112
Total Operating Revenues		\$ 27,650,000	\$ 40,066,901	\$ 42,844,430	\$ 48,176,286	\$ 54,222,906	\$ 59,550,424
Operating Expenses							
Labor							
Plant Operations		\$ 6,121,369	\$ 6,756,846	\$ 7,644,751	\$ 8,649,334	\$ 9,785,928	\$ 11,071,879
Mgmt & Admin		\$ 1,145,367	\$ 1,264,271	\$ 1,430,406	\$ 1,618,374	\$ 1,831,041	\$ 2,071,655
MWP Staff		\$ -	\$ 4,175,885	\$ 4,724,630	\$ 5,345,486	\$ 6,047,926	\$ 6,842,674
Professional Services		\$ 176,500	\$ 109,843	\$ 124,277	\$ 140,608	\$ 159,085	\$ 179,990
Operating Supplies & Services		\$ 529,793	\$ 584,792	\$ 661,639	\$ 748,584	\$ 846,954	\$ 958,250
Building & Site Maintenance		\$ 230,441	\$ 254,364	\$ 287,789	\$ 325,607	\$ 368,395	\$ 416,805
Fixed Equipment Maintenance		\$ 1,912,596	\$ 2,111,148	\$ 2,388,570	\$ 2,702,448	\$ 3,057,572	\$ 3,459,362
Mobile Equipment Maintenance		\$ 1,293,902	\$ 1,100,723	\$ 1,245,367	\$ 1,409,018	\$ 1,594,175	\$ 1,803,662
MWP Equipment Maintenance		\$ -	\$ 634,692	\$ 718,096	\$ 812,460	\$ 919,224	\$ 1,040,017
Utilities		\$ 874,434	\$ 1,275,498	\$ 1,443,109	\$ 1,632,745	\$ 1,847,302	\$ 2,090,052
Insurance		\$ 549,970	\$ 1,127,500	\$ 1,275,663	\$ 1,443,295	\$ 1,632,956	\$ 1,847,540
Disposal -landfill charges		\$ 1,943,538	\$ 2,059,574	\$ 2,330,218	\$ 2,636,428	\$ 2,982,877	\$ 3,374,851
Gasification		\$ -	\$ -	\$ 5,246,186	\$ 5,935,578	\$ 6,715,562	\$ 7,598,042
Recycling Organics -Composting or AD		\$ -	\$ 3,283,843	\$ 3,715,367	\$ 4,203,597	\$ 4,755,984	\$ 5,380,960
Transportation							
Delivery to Power Generators		\$ 3,492,429	\$ 3,166,685	\$ -	\$ -	\$ -	\$ -
Delivery to Gasification		\$ -	\$ -	\$ 1,097,651	\$ 1,241,891	\$ 1,405,086	\$ 1,589,726
Delivery to Landfills		\$ 646,708	\$ 663,047	\$ 750,177	\$ 848,757	\$ 960,290	\$ 1,086,480
Delivery from Transfer Station		\$ 858,396	\$ 627,109	\$ 709,517	\$ 802,753	\$ 908,242	\$ 1,027,592
Transload Fees		\$ 1,210,800	\$ 855,918	\$ 968,393	\$ 1,095,648	\$ 1,239,625	\$ 1,402,522
Fuel Supply Agreement		\$ 5,028,254	\$ 4,917,308	\$ -	\$ -	\$ -	\$ -
Payment in Lieu of Taxes		\$ 386,000	\$ 426,072	\$ 482,061	\$ 545,408	\$ 617,079	\$ 698,168
Total Operating Expenses		\$ 26,400,497	\$ 35,395,118	\$ 37,243,867	\$ 42,138,019	\$ 47,675,303	\$ 53,940,227
Non Operating Expenses							
Debt Service -Ramsey County Bonds		\$ 327,377	\$ 1,021,500	\$ 1,021,500	\$ 1,021,500	\$ 1,021,500	\$ 1,021,500
Debt Service -Washington County		\$ 84,623	\$ 368,730	\$ 368,730	\$ 368,730	\$ 368,730	\$ 368,730
Debt Service- MWP Bonds		\$ -	\$ 1,537,523	\$ 1,537,523	\$ 1,537,523	\$ 1,537,523	\$ -
Capital Projects		\$ -	\$ 768,750	\$ 1,676,140	\$ 1,896,400	\$ 2,145,602	\$ 2,427,552
Transfer to Equipment Maintenance Fund		\$ -	\$ 819,321	\$ 996,670	\$ 1,214,114	\$ 1,474,248	\$ 1,792,415
Transition Operator		\$ 1,100,000	\$ -	\$ -	\$ -	\$ -	\$ -
Total Non Operating Expenses		\$ 1,512,000	\$ 4,515,824	\$ 5,600,563	\$ 6,038,267	\$ 6,547,603	\$ 5,610,197
Net Income (loss)		\$ (262,497)	\$ 155,959	\$ (0)	\$ (0)	\$ (0)	\$ (0)
Operating Reserve	10,000,000	\$ 9,737,503	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000	\$ 10,000,000
Equipment Maintenance Fund	0	\$ -	\$ 2,363,425	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000	\$ 2,500,000

2. Indirect Costs

a. Enforcement

The Counties have existing designation ordinances that have long been in place but have not recently been enforced. Because the ordinances are now roughly three decades old, the Counties are electing to proceed forward to amend these ordinances to update definitions, responsibilities and logistics included therein to more accurately accommodate the new system under public ownership and operation.

Each County will ultimately adopt very similar designation ordinances to reduce the potential for confusion among haulers and generators. For those haulers that do not enter into agreements with the Board and that are subject to the ordinances, the Counties will enforce the designation ordinances against violators. The Counties have a long history of assuring compliance with various ordinances, and have an array of enforcement mechanisms available to them. The ordinances to be put in place by each County will adhere closely to the guidance on penalties for violations included in Minn. Stat. § 115A.86, subd. 6. The civil penalties expressly allowed by statute and payable to the counties for violations may not exceed \$10,000/per day of violation plus mitigation damages and attorney and legal fees.

The Counties hope that the costs of enforcement are kept relatively low through successful contract negotiations, thereby minimizing the number of parties subject to possible enforcement actions under the ordinances. That said, some haulers may elect to be governed by the ordinance. If the Counties suspect violations, they will expend resources to investigate and be prepared to take appropriate enforcement actions.

The Board will also make every effort to enter into long-term waste delivery agreements with licensed haulers so that the obligations are clear and set forth in enforceable contracts. The Board will be responsible for enforcing its contracts.

b. Route Rearrangement

The waste management system in the Counties is currently designed to deliver waste to the Facility. It involves a network of approximately 100 haulers and several private transfer stations where waste is consolidated and delivered to the Facility. Many of the haulers currently have Waste Delivery Agreements with the R&E Board. Under the ordinances, Acceptable Waste generated in each County will be required to be delivered, or cause to be delivered, to the Facility. This Joint Designation Plan builds on this system and, in theory, should not involve significant route rearrangements for parties that are currently complying with their contractual arrangements, as well as state and local policies.

Nevertheless, approximately 100,000 TPY of Acceptable Waste is transported to in-state and out-of-state landfills. As the MPCA increases enforcement actions under Minn. Stat. § 473.848 for Minnesota landfills accepting unprocessed waste, perhaps that will redirect some Acceptable Waste to the Facility independent of the Counties' waste designation ordinances. It could, however, result in increased delivery of waste to landfills in neighboring states. Waste designation will affect haulers delivering Ramsey/Washington Acceptable Waste to landfills. These changes could result in route adjustments for the affected haulers, in some cases potentially shortening the travel distances for those that were previously hauling out-of-county or out-of-state.

Over the longer term and consistent with this Plan, the Counties could expand designation to other Solid Wastes as allowable under state law (e.g., industrial waste or construction and demolition waste).

Because very little of this waste is currently being delivered to the Facility, this could involve future changes to hauler routes. Expanding designation this way however, would also necessitate development of an additional ordinance amendment at that time that would be subject to MPCA review and approval as well as the Counties own adoption process.

c. Effects on Landfills

This Joint Designation Plan will have impacts on landfills that are currently taking Acceptable Waste from the Counties. For the tonnage sent to Minnesota landfills, designation would be supporting State policies, such as Minn. Stat. § 473.848, that already compel the redirection of this waste to the Facility. Designation would also affect the tonnage being sent to the out-of-state landfills, the vast majority of which is going to the Seven Mile Creek landfill near Eau Claire, Wisconsin. The Board estimates that designation may reduce the tonnage being delivered to the Seven Mile Creek landfill by roughly 30,000 TPY.

d. Competition

Without designation, economic interests continue to drive waste delivery to lower-priced surrounding in-state and out-of-state landfills. These landfills, however, have varying degrees of capacity and may be subject to other county plans or other states' waste management policies over time. This could include anything from lower environmental requirements, to complications in relicensing or expanding to meet future needs to a change in policy as to the acceptance of out-of-county or out-of-state waste.

Under designation, the competitive field is leveled for disposal location and costs, allowing waste haulers the opportunity to compete based on collection service. In this way designation enhances competition by keeping costs of entry to the system low and providing a broader number of haulers the opportunity to compete.

It is ultimately beneficial to the generators of waste to have greater certainty over the management and disposal of the generated waste. Designation supports the long-term viability of the Facility and thereby keeps the primary waste disposal mechanism for County residents and businesses viable and ultimately accountable to those residents. Furthermore, designation to this particular Facility provides even greater certainty that there will be long-term solutions for County-generated waste. Further there are no other resource recovery options in the East Metro and thus the Counties will be designating to the only RDF facility existing and in operation in the East Metro.

The fact that the Facility is a waste processing facility gives it the opportunity to process waste in a way that responds to other market changes and continues to secure the highest and best uses for the processed materials. Designation to the Facility should secure for County residents and businesses a more certain long-term solution for the waste they generate.

e. Transfer Stations

There is a broad system of existing privately-held transfer stations in the greater Twin Cities metropolitan region that support waste management in the East Metro. The R&E Board currently contracts with seven of these transfer stations to receive and manage waste deliveries; weigh and track deliveries by hauler; and transfer waste from the hauler trucks to the larger transload trucks or trailers that eventually deliver to the Facility. This helps reduce management and accounting of waste at the Facility. The use of these transfer stations also helps reduce GHG emissions by reducing the distance haulers travel to deliver waste and then aggregating that waste into much larger loads that are transported to the Facility (roughly three

times the size of a single hauler truck). It also helps relieve delivery congestion at the Facility and helps the Facility manage waste flows so as to maximize efficiency. This, in turn, also helps reduce drive and wait time for haulers.

The R&E Board has already attempted to minimize disruption to this system of transfer stations by continuing RRT's practice of contracting with various transfer stations to provide these services in support of the Facility. Under designation, only the Facility will be a designated point of final delivery. All generators and haulers subject to designation (not under contract with the R&E Board) will be required by ordinance to deliver, or cause to be delivered, all Acceptable Waste to the Facility. Those that enter into contracts with the R&E Board will be exempt from the designation ordinance. Whether by ordinance or by contract, the R&E Board will carefully evaluate options available to it to allow continued use of the transfer stations by haulers delivering to the Facility.

f. Other Long-Term Effects

Over the long term, designation should be beneficial to the haulers. It provides a reliable, long-term waste management method for all haulers. It should also be particularly attractive for smaller haulers because it puts them on a more even playing field with larger haulers, including those that also own disposal sites.

Once the haulers adjust their routes, if necessary, there should be little additional incurred costs due to designation. As mentioned elsewhere, designation of waste to the Facility should have relatively minimal effect on transportation costs for waste disposal in the Counties in light of the Facility's central role in the current system of waste deliveries.

Furthermore designation to the Facility relieves the Counties from the considerable liability and long-term management considerations associated with landfills and that the Counties witnessed first-hand a few decades ago. It also relieves the Counties, and its residents, from a system dependent on inefficient financial support of waste processing by private parties. The Counties' direct ownership and operation of the Facility should allow the true costs of waste management to be borne by residents inclusive of the costs associated with important public health and environmental goals.

C. Designation Is Necessary for the Financial Support of the Facility

Designation is crucial to securing sufficient waste supply to support the reliable operation of and long-term financial viability of the Facility as well as future endeavors the R&E Board undertakes to further make advances in waste management. Other waste assurance methods involve reliance on multiple factors that may be outside the respective County's control, be more costly to implement, or be less effective in securing adequate waste. Without the certainty that waste designation provides, the Counties' investments in acquiring the Facility in particular would be put substantially at risk and the overall waste management plans relying on use of the Facility would also be in jeopardy. Loss of the Facility as a central component of each County's solid waste management plan would mean a substantial return to landfilling and the associated increased risks to human health and the environment, reduced recycling and loss of renewable electricity generation; and a return to waste management activities that fall lower on the State's hierarchy.

VII. EVALUATION OF ALTERNATIVES TO DESIGNATION

A. Background

Any evaluation of the alternatives to designation must begin by noting that the Counties are in the unique position of owning an existing solid waste processing facility that largely supports a long-standing waste management system in the Counties. Further, the Counties each initially relied on waste designation until federal court decisions caused a cessation in designation ordinance enforcement. The Counties have since been significant market participants by contracting with haulers and transfer stations to economically incent delivery of waste to the Facility. Thus alternatives the Counties faced at the time of the acquisition were:

- (1) to continue to subsidize private operation of the Facility and forgo certainty and control over the Facility's long-term use,
- (2) to pass on the purchase and unfavorable contract terms and risk the loss of the Facility as a central component to the Counties' waste management system, or
- (3) to acquire the existing Facility and implement short- and long-term plans for waste management.

The R&E Board elected to pursue the third option as the most certain way to continue the successful system already in place, take control of the costs of operation, reduce the reliance on excessive subsidies, and make substantial progress in its vision for waste management into the future. Thus an evaluation of alternatives to designation must account for the R&E Board's ability to assure an adequate waste supply at the Facility at a reasonable cost to the Counties and its residents, but also provide the R&E Board the best opportunity to:

- (1) pursue the goals of the Counties' Master Plans,
- (2) move waste up the State's waste management hierarchy,
- (3) efficiently and economically manage solid waste in the Counties, and
- (4) realize the R&E Board's long-term vision and goals for waste management in the Counties.

B. Availability of Less Restrictive Methods for Ensuring Adequate Waste Supply

While designation is one approach, there are other options that the R&E Board and Counties have considered.

1. Relying on Negotiated Contracts

For the majority of the last two decades, the R&E Board incentivized sufficient MSW for the Facility through the use of hauler contracts. However, for a period of time, the Counties utilized waste designation which, as discussed more below, was very successful.

a. *Initial Reliance on Designation*

Under the initial 20-year Service Agreement with NSP that terminated at the end of 2006, the Counties were obligated to assure delivery to the Facility of a minimum of 280,000 tons of Acceptable Waste per year. The Facility was initially owned and operated by NSP, and ownership was subsequently transferred to NRG, which continued to own and operate the Facility until it was acquired by RRT at the end of 2006.

For a period while the Facility was owned and operated by NSP, the Counties relied on waste designation ordinances adopted pursuant to Minnesota's Waste Designation Statute for delivery of all Acceptable Waste generated within the two Counties to the Facility. Under designation, the Counties were able to secure all Acceptable Waste. However, after both Counties ceased enforcing their designation ordinances and moved to a waste delivery assurance system involving delivery agreements with haulers licensed and operating within the Counties, the amount of waste secured under the delivery agreements was less than under designation.

There were two types of delivery agreements: "all waste" and "specific tonnage." Under the all-waste type, haulers agreed to deliver all of the waste they collected within the Counties to the Facility at a subsidized tipping fee. Under the specific-tonnage agreement, haulers delivered a set amount, but not all, of the waste collected in the Counties. The Counties initially subsidized the tipping fee by utilizing a waste management service charge, imposed pursuant to Minn. Stat. §§ 473.811 and 400.08, collected via property tax statements. Proceeds from the charge were used to reduce the tipping fee from the actual cost paid to NSP/NRG to an amount negotiated with the haulers, with such amounts being similar to the cost of transporting and disposing of the waste at landfills.

In 2001, certain haulers began either renegeing on their contractual agreements or threatening to refuse to sign new delivery agreements unless the amount of the subsidy (and corresponding service charge) was further increased. The Counties then conducted a lengthy and thorough investigation into the potential for establishing a public collection system in the Counties under which the Counties would contract on behalf of residential and non-residential waste generators for the collection of MSW with one or more haulers with the contract specifying delivery of the waste to the Facility.

The Counties ultimately chose not to establish the public collection approach but instead implemented the hauler-collected service charge that had been recently upheld by the Minnesota Supreme Court in *Zenith/Kremer v. Western Lake Superior Sanitary District*, 572 N.W.2d 300 (Minn. 1997). As part of the Counties' decision not to pursue public collection, the haulers also agreed to a reduced subsidy arrangement, longer term waste delivery agreements, and a shift to a hauler-collected service charge ("County Environmental Charge" or "CEC").

b. *RRT Acquires the Facility and Takes over Negotiated Contracts*

When RRT acquired the Facility from NRG in 2007, RRT took over responsibility to contract with haulers for waste delivery. A Solid Waste Processing Agreement was executed between RRT and the Counties that required RRT to accept a minimum tonnage of waste from the Counties (275,000 TPY). In the renewal term in 2013 through 2015, the amount was raised to 300,000 TPY of waste from the Counties. In the initial agreement, the Counties committed to a processing payment to RRT for each ton of waste processed (ranging from \$10 to \$40 per ton over the term), as well as establishment of a hauler rebate program (ranging from \$12 to \$14 per ton over the term). In the second agreement, there was no processing payment, but a hauler rebate was paid for deliveries up to 300,000 TPY. This arrangement cost the Counties \$8.4 million annually between 2013 and 2015 (or \$25.2 million from 2013 to 2015).

To meet its minimum requirement, RRT contracted with the majority of the waste haulers in the Counties for delivery to the Facility of some or all of the waste the hauler collects. The contracts were in the form of either a new agreement or an amendment to a prior agreement. All of the contracts expired on December 31, 2015 (coterminous with the Solid Waste Processing Agreement and the Counties' acquisition of the Facility). In the final year of ownership by RRT (2015) the tipping fee under RRT's contracts with the haulers was set at \$86.22 per ton, with the ability for it to be modified based upon the price of diesel fuel or the Consumer Price Index. The agreements specifically cited the Board's hauler rebate program as benefitting the haulers.

c. *Current Contractual Approach Has Led to Higher Costs and Insufficient Waste*

Prior to acquiring the Facility, the R&E Board commissioned a report on solid waste delivery assurance that examined whether and how the R&E Board could assure sufficient deliveries of waste to the Facility through the use of regulatory approaches, such as designation, and economic incentive approaches, which included hauler delivery agreements, hauler rebates, and zero tip fees.

In the final months of 2015, the R&E Board began negotiating new waste delivery agreements with private haulers that collect waste in the Counties that would take effect January 1, 2016, the date the R&E Board began operating the Facility. These agreements come in three forms: (1) an "all waste agreement" wherein the hauler agrees to deliver to the Facility all of the waste it collected in the Counties; (2) a "specific tonnage agreement" wherein the hauler agrees to deliver to the Facility a set amount of the waste it collects in the Counties; and (3) an "out of county specific tonnage agreement" wherein the hauler agrees to deliver to the Facility a set amount of waste it collects outside of the Counties. In total, the R&E Board executed nearly 100 contracts with private haulers, including three firms that also own and operate landfills: Advanced Disposal, Republic Services, and Waste Management.

According to the R&E Board's extensive studies on the matter, the Facility needs to process at least 380,000 tons of MSW to meet its minimum delivery amount of 320,000 tons under the Fuel Supply Agreement with NSP. If the R&E Board cannot meet its obligation to deliver 320,000 tons of RDF to NSP in any given year, the R&E Board must pay NSP \$15 per ton that the R&E Board fails to deliver. The downward trend in waste deliveries is even more important when one takes into account the fact that the Fuel Supply Agreement terminates at the end of 2017. NSP and the R&E Board agreed by letter dated November 25, 2015 to negotiate a new agreement that would address RDF deliveries to NSP for a number of years into the future.

Despite the R&E Board's efforts to work with haulers to execute negotiated contracts, the R&E Board was not able to contract sufficient waste to guarantee that it will receive the 380,000 tons it needs to satisfy its obligations under the Fuel Supply Agreement. Indeed, based on current projections, and depending on how much waste is delivered via the "all waste agreements," it is unclear whether the Facility will receive the minimum of 380,000 tons it needs. Even if it does, current projections for total waste delivered to the Facility show that this year's total will continue the decade-long downward trend in waste received at the Facility. Thus, the R&E Board, and RRT before it, attempted to utilize negotiated contracts only to find that they could not secure sufficient waste to meet the current contractual obligations to NSP, let alone any potential expanded obligations in the future.

2. Publicly Owned Collection Service

In 2001 and 2002, the Counties conducted an in depth study on potential implementation of a public collection system in response to a shortage of waste deliveries at the Facility. As discussed above, the

shortage was caused by the decisions made by the private haulers under contract with the Counties to deliver smaller amounts of waste to the Facility than required by the agreements and instead directing that waste to landfills.

The Counties' study examined the two options for implementing a publicly owned collection system. The first included the authority found in Minn. Stat. § 115A.94, the Organized Collection Statute. The second relied on authority granted in Minn. Stat. Ch. 145A, 400, and 473, which provided for a direct county approach. The Counties' study found that the advantages to a publicly owned collection system included the ability to design a system to meet the environmental, health, and safety goals of the State and Counties as well as those of the community, which included competition, choice, and service quality. Moreover, a public collection system could reduce local impacts on traffic and illegal dumping, stabilize the solid waste market, and offer opportunity to remove solid waste costs from property tax statements so that waste generators were more directly billed based on volume.

Regarding the disadvantages, the study found that, while there was ample evidence that public collection could be suitable in some instances for the collection of residential waste, there was little evidence that public collection was well suited for collection of commercial waste. Without some evidence as to the form and function of a public collection system for commercial waste, the Counties' decided to secure delivery of the optimum amount of waste by developing and implementing a hauler-collected waste management service charge and entering into long-term contracts with haulers. These changes addressed the Master Plan goals and provided the Counties with more certainty as to how they could assure sufficient waste deliveries to the Facility.

Many of the reasons the Counties did not pursue implementation of a publicly owned collection system as a response to the waste shortage in the early 2000's are the same as those that make such a system unsuitable as an alternative to designation. Whereas designation provides the R&E Board with certainty as to the receipt of both residential *and* commercial waste, public or organized collection is generally applied to residential waste only and there is very little practical experience involving its application to commercial waste. In addition to reaching more waste, designation should also be less disruptive to haulers in that it simply sets forth the requirement to deliver waste to the Facility but otherwise generally does not prescribe how or who must handle those deliveries. Thus, a public collection system is not necessarily less restrictive than designation, nor as effective in securing sufficient waste at the Facility.

That said some of the cities in the two Counties do have organized collection of the residential waste and/or recyclables. In addition, at least one, the City of Saint Paul, is considering a shift toward organized collection. A list of the current residential collection systems in the cities in each County is included as Attachment G.

3. Closure of Landfills

Neither County owns or operates an MSW landfill and there are no existing landfills in the Counties that currently accept MSW. The landfills used by haulers that collect waste in the Counties are located in other counties and even other states. As a result, the Counties do not have the ability to close or order the closure of landfills in other jurisdictions.

4. Public Entity Waste

The Counties' Master Plans have identified the Facility as the preferred processing facility, which has in turn obligated public entities within the Counties to utilize the Facility as their primary waste management

option after exhausting recycling and other source-separated opportunities. As a result, all Acceptable Waste generated by public entities in the two Counties is being delivered to the Facility pursuant to Minn. Stat. § 115A.46, Subd. 5 (“Public Entity Statute”). Further, all Acceptable Waste collected by private haulers pursuant to municipal organized collection arrangements is also delivered to the Facility.

The R&E Board and Counties will continue to monitor public entity compliance and utilize the Public Entities Statute for future resource recovery efforts at the Facility. This is a waste delivery assurance method that has proven to work well, but it does not provide the volume of MSW needed to assure that the Facility runs at full capacity and the R&E Board can meet its contractual obligations. The R&E Board estimates that the public entity waste available in the Counties is between 50,000 and 90,000 TPY. Even at the higher estimate, the public entity waste would not even represent a quarter of that necessary to reach the 380,000 needed to adequately supply NSP with RDF, much less the 400,000 ton total generated in the Counties.

5. Enforcement of Minn. Stat. § 473.848

In 2012, the Minnesota Legislature directed MPCA to prepare a report on how compliance with Minn. Stat. § 473.848, the Restriction on Landfill Disposal Statute, which precludes the delivery of unprocessed MSW in the Twin Cities metropolitan area to landfills, could be achieved. The MPCA report to the Legislature stated that the four Minnesota landfills receiving metropolitan waste were not in compliance with the restriction on disposal and proposed to amend landfill permits to restrict them from accepting unprocessed metropolitan MSW unless it has been certified as unprocessable. On June 26, 2013, MPCA informed the landfill owners and other interested parties by letter (the “MPCA Letter”) that hundreds of thousands of tons of MSW have gone directly to landfills contrary to state law and that MPCA intended to implement the strategy it had outlined in its report to the Legislature to reverse this trend. The R&E Board has studied the possible effects of MPCA enforcement of Minn. Stat. § 473.848 and also closely followed the litigation related thereto.

Waste Management owns and operates three of the four landfills in Minnesota that had been receiving metropolitan MSW. In response to the MPCA Letter, Waste Management sought a declaratory order directing MPCA to cease its implementation of its strategy. In December 2013, the Administrative Law Judge (“ALJ”) issued an order denying Waste Management’s challenge. Waste Management appealed the ALJ’s decision to the Minnesota Court of Appeals, agreeing with the ALJ’s determination that the MPCA strategy was a rule, but contending that the ALJ erred in finding the MPCA strategy exempt from rulemaking. In part, Waste Management argued that the pre-disposal certification strategy was inconsistent with Minn. Stat. § 473.848 and thus was not exempt from rulemaking, and also that MPCA could not use the regional planning process under Minn. Stat. § 473.149 to circumvent rulemaking procedures.

On June 25, 2014, the Minnesota Court of Appeals heard the appeal and on August 11, 2014 filed its judgment affirming the ALJ’s decision. On September 10, 2014, Waste Management filed a petition with the Minnesota Supreme Court seeking review of the Minnesota Court of Appeals decision. The Minnesota Supreme Court denied Waste Management’s petition on October 28, 2014 and ended Waste Management’s attempt to halt the implementation of the MPCA plan.

Despite MPCA’s apparent success in developing a plan to enforce Minn. Stat. § 473.848, and notwithstanding any other legal challenges to the plan, the R&E Board’s analysis of the plan determined that the effect of enforcement on waste delivery assurance may be minimal because MPCA determined

that it cannot enforce Minn. Stat. § 473.848 beyond the state's borders without implicating dormant Commerce Clause issues. Of the approximately 100,000 TPY of Ramsey/Washington waste that are not processed at the Facility, roughly two-thirds are directly delivered to Minnesota landfills and the other third are delivered to out-of-state landfills. As mentioned above, MPCA cannot enforce its rules on out-of-state landfills and thus MPCA enforcement would not reach the waste already being disposed of out of state. Furthermore, MPCA enforcement could cause others to begin or return to delivering additional waste to landfills in the neighboring states of Iowa and Wisconsin instead of landfills located in-state or delivering to the Facility. As a result, MPCA enforcement of Minn. Stat. § 473.848 is not a satisfactory alternative to designation.

C. Summary of Alternatives to Designation

The R&E Board has already attempted without success to secure through negotiated contracts sufficient waste to meet the goals of their Master Plans and contractual obligations. Repeated attempts to do so had also led to extensive subsidies being borne by the Counties to achieve something they can now achieve using waste designation as a regulatory "safety net," while aiming to better serve the public interest and at lower cost.

If economic drivers were more closely correlated with the State's waste hierarchy, designation may not be necessary. However, it remains the case that waste disposal methods that fall lower on the State's hierarchy, such as regional landfills, continue to have lower fees than those at the Facility. Thus the Counties require designation to efficiently run and maximize the value of the R&E Center. To that end, the R&E Board is already examining ways in which designation will allow the incorporation of additional emerging waste processing technologies into the East Metro System. In order to finance and make these possibilities a reality, the R&E Board and Counties need the assistance of waste designation to ensure sufficient waste deliveries to the Facility at reasonable cost.

VIII. CONCLUSION

Central to the decision to purchase the Facility was the knowledge that under public ownership and operation the Counties could use their regulatory powers to direct solid waste generated in the Counties to the Facility. Even with the significant financial support contributed by the Counties, approximately 100,000 tons per year of MSW generated in the Counties have not been delivered to the Facility and instead sent directly to landfills in Minnesota and Wisconsin. By implementing waste designation, the Counties can ensure that this waste is instead processed at the Facility, with certain metals being removed and recycled, and the remaining waste processed into RDF for production of renewable electricity.

Although the Facility will be the single point of delivery, the Counties and the R&E Board are well aware of the broad network of private transfer stations that currently support deliveries to the Facility and will work to minimize disruption to that system. Although this Designation Plan contemplates potential designation of the full array of solid waste types allowable under Minnesota law, each County would begin by amending existing waste designation ordinances to designate only MSW until such time as the

Facility has the capacity and capability to manage a broader array of wastes that could be designated under Minnesota law.

Although each County currently has designation ordinances in place, they are now decades old and each County will adopt a comprehensive amendment consistent with this Plan. Prior to the ordinance revisions, the R&E Board will work to negotiate contracts with all of the licensed haulers, as well as any self-haulers, in each County. Those haulers with executed agreements would then be exempt from the designation ordinances.

The basic approach of the Counties in implementing waste designation will be to work to develop waste delivery agreements with as many hauling companies and self-haulers as possible, with such haulers being exempt from the County designation ordinances as long as they are under contract. Haulers and self-haulers that do not have delivery agreements will be subject to the County designation ordinances.

Between the waste delivery agreements and the regulatory “safety net” provided by waste designation, the Counties will have certainty that solid waste generated in the Counties will be delivered to the Facility, which will allow the Counties to plan and finance future improvements at the Facility that will lead to even greater recycling rates and higher and better use of the remaining materials in the waste.

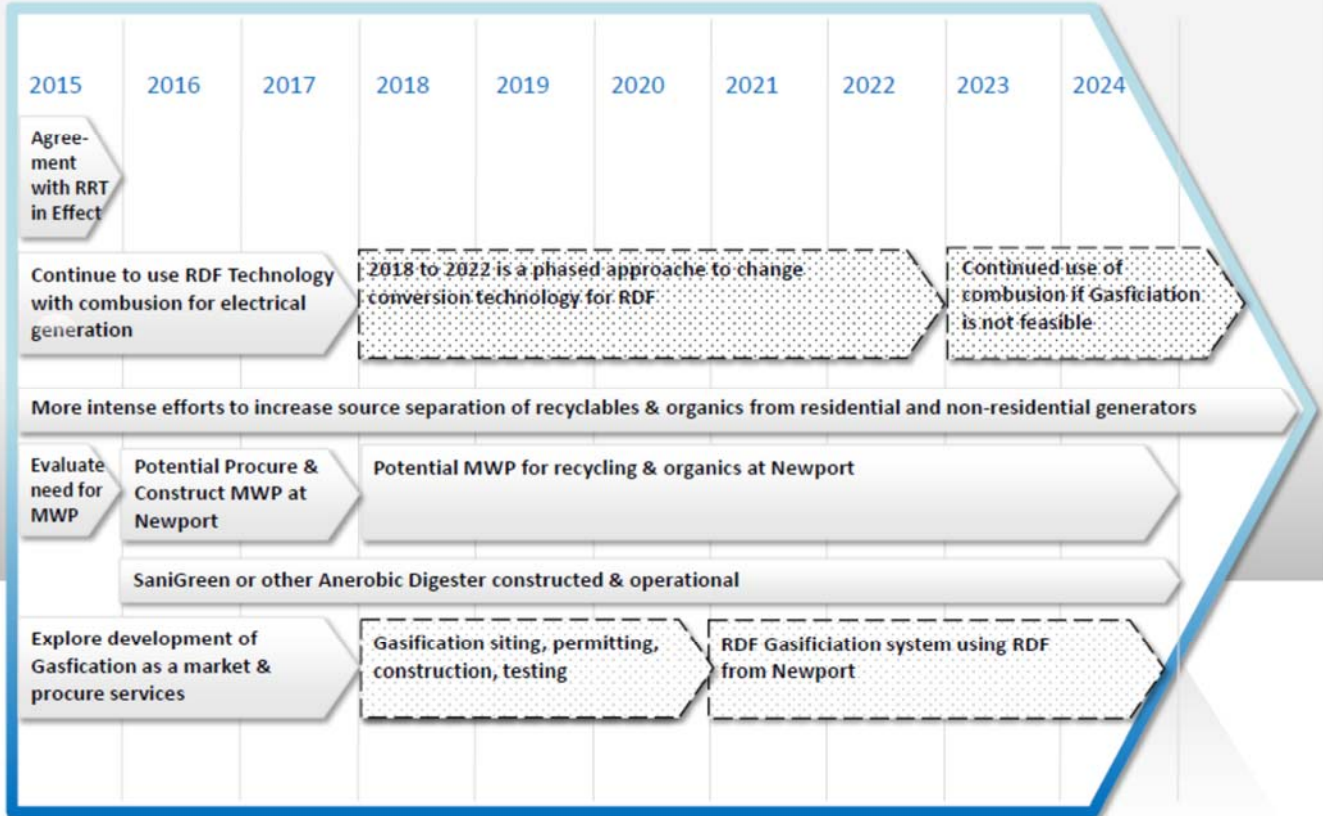
Further under designation the Counties can go as far as possible with source reduction and recycling goals while maintaining stable Facility operations. This is because designation can reach additional sources of waste that are currently landfilled (certain industrial wastes and construction and demolition debris materials) that could eventually supplant a sustained reduction in MSW tonnage at the Facility as greater reduction and recycling strategies reduce the amount of MSW generated in the Counties.

In summary, the Counties have determined that ownership of the Facility and the use of waste designation as a waste delivery regulatory “safety net” will provide greater stability to the solid waste management system in the Counties, enabling the significant progress in reduced landfilling of waste and increased recovery of resources from waste envisioned by the Counties.

ATTACHMENT A

SCOPE FOR RESOURCE MANAGEMENT

Scope for Resource Management Looking ahead at the next 10 years



Note: Shaded steps represent uncertainty in timing and the need for the previous step to be successful

ATTACHMENT B

JOINT POWERS AGREEMENT AND BYLAWS

Amended and Restated
Ramsey/Washington Recycling and Energy Board
Joint Powers Agreement
September 2015

This Amended and Restated Joint Powers Agreement (the "Agreement"), amends and restates in its entirety the Joint Powers Agreement for the Resource Recovery Project dated December 2006. This Agreement is entered into by and between Ramsey County and Washington County (each a "County" or collectively, the "Counties") pursuant to Minnesota Statutes § 471.59, and is effective upon the date of approval by both Counties.

WHEREAS, the Counties have committed to continue to protect and ensure the public health, safety, welfare and environment of each County's residents and businesses through sound management of solid and hazardous waste generated in each County;

WHEREAS, Ramsey and Washington Counties have in place County Solid Waste Management Master Plans ("Master Plans") consistent with the Metropolitan Solid Waste Management Policy Plan ("Policy Plan") and approved by the Commissioner of the Minnesota Pollution Control Agency;

WHEREAS, the Master Plans have a 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;

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

WHEREAS, the Counties have agreed to jointly acquire, own, and operate the Ramsey/Washington County Resource Recovery Facility located in Newport, Minnesota (the "Facility");

WHEREAS, the Counties recognize clear environmental, financial and policy benefits to public ownership and operation of the Facility and desire to amend and restate their Joint Powers Agreement for the purpose of owning, operating and improving the Facility; advancing recycling and other waste management goals of the Counties; and overseeing other joint waste management activities.

NOW, THEREFORE, pursuant to the authority contained in Minnesota Statutes Section 471.59, and the county solid and hazardous waste management authority provided in Minnesota Statutes Chapters 115A, 116, 473, and other Minnesota Statutes, Ramsey and Washington Counties hereby enter into this Amended and Restated Joint Powers Agreement under the terms and conditions set forth below.

I. Introduction

A. Definitions

1. Board means the Ramsey/Washington Recycling and Energy Joint Powers Board established by this Agreement.
2. Bylaws shall mean the bylaws adopted by the Board as provided in Section IV.C.
3. County or Counties shall mean Ramsey and/or Washington County as the context may require.
4. Facility shall mean the Ramsey/Washington Resource Recovery Facility located at 100 Red Rock Road, Newport, MN.
5. Facility Budget shall mean the annual operating budget for the Facility.
6. Fiscal Agent shall mean the Fiscal Agent provided for in Section VI.C of this Agreement.
7. Hauler shall mean any person who owns, operates, or leases vehicles for the purpose of collection and transportation of any type of solid waste.
8. Hauler Rebate shall mean a payment to a hauler for delivery of solid waste by a hauler to the Facility.
9. Joint Activities shall mean joint waste management activities, including the activities listed in Section V.B.9.
10. Joint Activities Budget shall mean the annual budget to be approved by the respective County Boards for the Board to administer and carry out joint waste management activities.
11. Mixed Municipal Solid Waste shall have the meaning given in Minnesota Statutes Section 115A.02.
12. Project means the Ramsey/Washington Resource Recovery Project.
13. Solid Waste shall have the meaning given in Minnesota Statutes Section 115A.02.
14. Waste shall have the meaning given in Minnesota Statutes Section 115A.02.

- B. Name. The entity created by this Joint Powers Agreement shall be called the Ramsey/Washington Recycling and Energy Board (the "Board").

- II. Purpose of this Agreement.** A key purpose of this Agreement is to create a structure for joint ownership and operation of the Facility by the Board and to define the rights, obligations, and responsibilities of each County with respect to the Board and Facility. In addition, the purpose of this Agreement is to accomplish the Vision Statement adopted by the Project in 2013, which calls for significant advancements in waste reduction, recycling, organics management, and recovery of resources from Waste, promoting economic development through enhanced resource recovery, and accomplishing the goals and requirements of Minnesota Statutes Section 473.803, all as amended from time to time, along with other joint waste management activities, as agreed to by the Board.
- III. Term.** This Agreement shall take effect on the date of approval by both Counties and will continue until terminated or dissolved in accordance with section IX.B.3 of this Agreement. However, in no event shall this Agreement be terminated prior to the payment in full of all bonds and other indebtedness of the Board incurred to acquire or improve the Facility. The Counties agree not to terminate or dissolve the Board if termination or dissolution would conflict with or violate the terms or conditions of any debt instruments by or on behalf of the Board.
- IV. Governing Body.** For the purpose of managing this Agreement, the joint powers board created pursuant to Minn. Stat. § 471.59, which was called the Ramsey/Washington Resource Recovery Project Board and referred to herein as the “Project,” is continued as the Ramsey/Washington Recycling and Energy Board pursuant to the terms of this amended and restated Agreement. It is the intention of the Counties that the Board has all powers necessary to fulfill the purpose of this Agreement and all the powers granted to it by law now or hereafter.

A. Joint Powers Board

1. Composition. The governing body of the Board shall consist of four commissioners from Washington County and five commissioners from Ramsey County. The commissioners will be appointed by the respective County Boards. Each County may appoint an alternate commissioner.
2. Ex Officio Members of the Board. The Board may appoint a representative from the City of Newport, Minnesota to serve as a non-voting, ex officio member of the governing body of the Board. The Bylaws may provide for appointing one or more additional ex-officio members.
3. Officers. The Board shall provide for the election of officers in the Bylaws.
4. Board Meetings and Voting. The governing body of the Board shall meet on an as needed basis and provide adequate public notice. The presence of five (5) Board members at a meeting shall constitute a quorum. Board actions shall be determined by a majority of the Board. A County-designated alternate Board member may vote in place of an absent Board

member from that County. Additional requirements or procedures for Board meetings may be provided for in the Bylaws.

- B. Board Committees. The Board shall provide for the establishment of an Executive Committee and other standing or ad hoc committees as it deems appropriate through the Bylaws.
- C. Bylaws. The Board shall adopt Bylaws by a two-thirds (2/3) majority of the Board to govern its operations. The Bylaws shall be consistent with this Agreement and all applicable laws. The Bylaws may be amended from time to time by a two-thirds (2/3) majority of the Board after notice in accordance with the Bylaws.
- D. Records. The books and records, including minutes of the Board, shall be subject to Chapter 13 of the Minnesota Statutes. The records shall be maintained at a location determined by the Board.
- E. Principal Place of Business. The initial principal place of business of the Board shall be located at 2785 White Bear Avenue, Suite 350, Maplewood, MN 55109.

V. Scope and Authority.

- A. General Powers. The Board is hereby authorized to exercise the authority and powers as is necessary and convenient to carry out the mandates and purposes set forth in this Agreement without individual County Board approval unless otherwise specified in this Agreement. The Board has all powers granted to joint exercise of powers agencies under Minnesota law as well as all powers necessary to the exercise of the powers, duties and obligations of this Agreement.
- B. Specific Powers. The Board shall administer operation of the Facility and other joint waste management activities. Specific powers delegated to the Board include, but shall not be limited to:
 - 1. Property. Authority to acquire, improve, own, lease and hold real and personal property, as may be required to accomplish the purposes of this Agreement and, upon termination of this Agreement, make distribution of the property as provided under this Agreement.
 - 2. Facility Management. Authority to manage and oversee the operation, maintenance, and improvement of the Facility and take actions necessary to ensure efficient operation of the Facility. The Board, in its sole discretion, may determine to accept Waste at the Facility generated from outside the Counties.
 - 3. Contracts and Procurement. Authority to negotiate, enter, and enforce contracts relating to the Facility and its operations, Joint Activities, and as otherwise necessary and convenient to carry out the purposes of this Agreement, provided however that contracts let and purchases made under

this Agreement must conform to the requirements applicable to contracts and purchases of either County, as the Board determines appropriate.

4. Employees. Authority to employ agents or employees and authority to engage in labor negotiations or collective bargaining, in accordance with applicable law. Such employees shall be employees of the Board, regardless of whether the Board provides its own human resources services or contracts with one of the Counties to provide such services.
5. Grants. Authority to apply for, accept, receive, and disburse grants, loans, donations and other assistance from the federal government, state of Minnesota, or any other agency or organization.
6. Debt. Authority to incur and discharge debts, liabilities and obligations, including the authority to issue bonds pursuant to Minnesota and federal law. Any issuance of debt must be approved by a two-thirds (2/3) majority of the Board. In addition to the foregoing powers of the Board:
 - a. Each County upon approval by both County boards (by majority vote or as required by law), is hereby authorized to issue bonds or obligations on behalf of itself and the other County, under any law by which such County may independently issue bonds or obligations, and may use the proceeds of the bonds or obligations to carry out the purposes of the law under which the bonds or obligations are issued, including but not limited to loaning the proceeds thereof to the Board to finance a portion of the cost of the acquisition of the Facility; provided that such loans, bonds or obligations shall be issued only in connection with the Facility and only with the express consent of each County board as to any issue or series of bonds or obligations; and
 - b. To further secure any bonds or obligations issued by a County (the "Issuer County") on behalf of the other County (the "Non-Issuer County"), each such Non-Issuer County shall agree with the Issuer County, subject to applicable law, to pay its proportionate share of the principal and interest on such bonds under this Agreement.
7. Power to Sue and be Sued. Authority to sue and be sued in the Board's name.
8. Annual Budgets. Authority to establish rates and fees associated with the Facility, and to hold and receive revenue, in accordance with the Board-approved budget and the joint activities budget approved by the County Boards.
9. Joint Activities. In addition to the responsibilities associated with ownership and operation of the Facility, the Board shall administer joint

solid waste management activities, which shall include but not be limited to:

- a. Administering a Hauler Rebate program as determined necessary by the Board.
- b. Conducting waste education and outreach related to reduction, recycling, waste processing and other waste management messages.
- c. Engaging in educational activities with schools, including Facility tours and other efforts.
- d. Administering non-residential recycling programs, including BizRecycling and related programs.
- e. Making plans and conducting research in furtherance of the goals of this Agreement.
- f. Initiating or administering other joint solid waste management projects on behalf of the Counties, as determined by the Board.

VI. Board Staff, Consultants and Support

- A. Joint Leadership Team. For the purpose of facilitating this Agreement and carrying out the various functions of the Board, the Joint Leadership Team is created, which shall be comprised of one staff member from each of the following: the Washington County Department of Public Health, and Environment, Saint Paul - Ramsey County Public Health and the Ramsey County Finance Department. The Ramsey County Finance Department staff role shall be as a liaison between the Joint Leadership Team and Ramsey County on financial matters. The Joint Leadership Team shall perform its duties under the general direction and supervision of the Board. The Joint Leadership Team shall have such powers and duties as further set out in this Agreement below, and the Bylaws.
- B. Staff. The Board may be supported by a combination of Board staff, County staff, and consultants. As directed by the Board, the Joint Leadership Team will hire and supervise Board employees and consultants. Additional direction on staffing, project administration and reimbursement for staffing and other services provided by the Counties may be provided for in the Bylaws.
- C. Fiscal Agent. The Ramsey County Finance Department shall act as the Fiscal Agent on behalf of the Board, performing functions determined appropriate by the Board and subject to the terms of a Fiscal Agent Agreement to be entered by and between Ramsey County and the Board.

- D. Legal Representation. The Ramsey County Attorney's Office and the Washington County Attorney's Office are hereby designated as the attorneys for the Board. Any special legal counsel shall be designated and chosen with the advice of the Ramsey and Washington County Attorney's Offices. County attorneys will be reimbursed for the services provided at the rate established from time to time by each county attorney's office.
- E. Reimbursement for Services. Staffing and other services provided by the Counties to the Board shall be reimbursed at as provided in the Board's Facility Budget and/or Joint Activities Budget.
- F. Changes to Administrative Structure. The Counties hereby recognize that changes or additions to the administrative structure created by this Agreement may be necessary during the term of the Agreement.

VII. Obligations and Rights of the Counties

- A. Ordinances. Each County agrees to use its best efforts to enforce its respective solid and hazardous waste ordinances.
- B. Waste Haulers. Each County shall properly license waste haulers as required by their respective solid waste ordinances.
- C. Waste Management Service Charges. Each County shall maintain and implement its ordinance requirements that impose on all waste generators a waste management service charge, currently called the County Environmental Charge.
- D. Waste Supply.
 - 1. Delivery Agreements. The Board is authorized to enter into waste delivery agreements for the Facility and may seek to use such agreements to secure waste deliveries.
 - 2. Waste Designation. The Counties agree to coordinate with each other and the Board to amend county Solid Waste Master Plans as necessary to accomplish the goals of this Agreement and prepare a joint Waste Designation Plan pursuant to Minnesota Statutes §§ 115A.80 to 115A.893. Each County agrees to adopt, implement, maintain and enforce waste designation ordinances. From time to time, each County may seek to amend its waste designation ordinances to respond to changing conditions, capture opportunities to manage waste higher on the State of Minnesota's hierarchy of waste management (as established by Minnesota Statutes § 115A.02), and/or seek to designate additional waste that is allowable but was not initially designated. Such amendments will be coordinated by the Counties.

E. Joint Activities. The Board is authorized to administer the joint solid waste activities set forth in Section V.B.9 and approve an annual joint activities budget that includes funding for such activities during the term of this Agreement.

F. Budgets

1. Facility Budget. A Facility Budget shall be established for the operation and administration of the Facility by the Board. Other than initial contributions from the Counties set forth in Article VIII, it is anticipated that funds for the Facility operations and maintenance will be derived from revenue collected in the normal course of operation of the Facility, including collection of tipping fees. The Board shall establish procedures and policies for managing the Facility Budget in the Bylaws. Costs that shall be included in the Facility Budget include, but are not limited to, operating funds, any operating reserve fund, capital improvements and repairs, administrative costs, and debt service payments.

2. Joint Activities Budget. Project funds existing at the time of the execution of this Agreement, shall be retained by the Board and accounted for in a Joint Activities Budget. The Joint Activities Budget will be drawn upon for Board activities, including the Joint Activities set forth in Section V.B.9. The Counties' fiscal responsibility will be in proportion to the following percentages: 73% from Ramsey County and 27% from Washington County. It is the intention of the Counties to continue their respective County Environmental Charges for purposes of making their respective contributions to the Joint Activities Budget.

3. Accounting and Audits. All Board funds shall be accounted for according to generally accepted accounting principles and any other applicable laws. The Board shall further develop accounting and auditing procedures and requirements in the Bylaws.

VIII. Facility Acquisition. As of the effective date of this Agreement, the Counties are in the process of purchasing the Facility. The Counties agree to undertake certain actions and authorize the Board to take certain actions to facilitate acquisition of the Facility, and transitioning the Facility to public ownership and operation, including, but not limited to, the following:

A. Facility Purchase. The Board is authorized to take necessary actions to close on purchasing the Facility. The Counties agree to cooperate, execute documents, and perform other acts as reasonably necessary to complete the acquisition.

B. Facility Financing. To finance acquisition of the Facility by the Board, the Counties agree to the following financing plan:

1. Each County will make a loan to the Board sufficient to cover its share of the Facility acquisition as determined by the final Asset Purchase

Agreement. Ramsey County will contribute 73% (“Ramsey Facility Loan”) and Washington County will contribute 27% (“Washington Facility Loan”) of the funds necessary to complete the purchase of the Facility in sufficient time to effect the transaction.

2. The Board is hereby authorized to use the proceeds of the Ramsey Facility Loan and the Washington Facility Loan to acquire the Facility.
 3. Each County shall decide the manner by that it will fund its respective Facility Loan, which may include, but not be limited to, the use of existing cash reserves, the issuance of bonds and use of the bond sale proceeds, or a combination thereof. For the avoidance of doubt, a combination may include a cash payment that is replaced with the proceeds from a bond sale taking place after the acquisition of the Facility.
 4. The Board shall be obligated to repay the County Facility Loans on terms and conditions that match, or are otherwise consistent with, any terms and conditions of any bonding Ramsey County may elect to use to fund its Facility Loan. Repayment by the Board will be made on a pro-rata basis to each County based on its respective Facility Loan percentages described above. Payments will be made from and included in the Facility Budget.
- C. Capital Contributions. The Counties agree to make contributions to the Board for initial Facility capital expenditures in an amount to be determined by the Board. The total capital contribution will be 73% by Ramsey County and 27% by Washington County for this purpose. The Counties agree to make their respective capital contributions within thirty (30) days of receiving notice from the Board of its determination of the amount of the capital contribution.
- D. Operating Reserve Fund. As part of the Facility Budget, the Board shall create an operating reserve fund to at least maintain essential Facility operations, second to make any required debt or obligations payments to third parties, and third to make any debt or obligations payments required to Ramsey or Washington Counties. The Bylaws shall outline the scope and size of the operating reserve fund. Upon recommendation by the Board to the Counties, each County agrees to commit or hold sufficient funding for the operating reserve fund. The Counties’ respective contributions to establish the operating reserve fund shall be 73% from Ramsey County and 27% from Washington County. The Bylaws shall provide an efficient mechanism for transfer of the operating reserve funds from the Counties to the Board, if and when requested by the Board.

IX. Other Provisions

A. Liability and Insurance

1. Separate Public Entity. The Board shall be considered a separate and distinct public entity to which the Counties have transferred all

responsibility and control for actions taken pursuant to this Agreement. The Board shall comply with all laws and rules that govern a public entity in the State of Minnesota and shall be entitled to the protections of Minnesota Statutes Chapter 466.

2. Insurance. The Board shall obtain and maintain such insurance as will protect the Board against risk of loss or damage to the Facility and against claims that may arise or result from the maintenance and use of the Facility, and which will support indemnification of the Counties as provided in this Agreement and as determined by the Board. Such insurance may include as applicable workers' compensation insurance, general liability insurance, environmental liability insurance, automobile insurance for vehicles and general liability insurance for bodily injury, personal injury and property damage to the Board and County officials, employees and agents in the performance of duties arising from the Agreement, errors and omissions insurance, and such other insurance as the Board deems appropriate.

3. Indemnification and Liability of Board.

a. The Board will indemnify, defend and hold harmless the Counties, their agents, commissioners and employees from all claims, damages, losses, demands, actions or causes of action, lawsuits, liabilities, costs and expenses, including reasonable attorney's fees and expenses, whatsoever arising out of any act or omission on the part of the Board or its contractors, subcontractors, partners, agents, or employees in relation to operation and management of the Facility.

b. Any claims settled or judgments rendered against the Board subsequent to termination of this Agreement, and not otherwise covered by insurance, shall be apportioned between the Counties according to the percentages outlined in Section VII.F.2 of this Agreement, including but not limited to worker's compensation claims, unemployment insurance claims, tort claims, contract claims or civil rights actions.

B. Counties' Relationship

1. Other Agreements. Upon the Effective Date, this Agreement shall supersede all former joint powers agreements related to the Project between the Counties and all prior joint powers agreements shall be terminated.

2. Amendment. This Agreement may be amended upon agreement in writing of the two County Boards.

3. Termination. This Agreement may be terminated by mutual agreement of both Counties. Upon termination of this Agreement:
 - a. any remaining financial obligations shall continue until discharged by law, this Agreement, or any other agreement;
 - b. the Board shall immediately commence winding up its affairs;
 - c. the Board shall arrange to sell, transfer, or otherwise dispose of the Facility and related assets held by the Board for fair market value;
 - d. any proceeds from the sale of the Facility and related assets shall be distributed in the following order:
 - (1) first to repay any outstanding debt due by the Board to third parties;
 - (2) second as pro-rata payments to each County until each county's Facility Loan is repaid in full; and
 - (3) third to each County in the proportions set forth in VII.F.2.
 - e. all remaining property of the Board shall be returned to the County providing the property or distributed to the Counties in the proportions set forth in VII.F.2. of this Agreement; and
 - f. following disposal of the Facility, any remaining liabilities shall be distributed in the proportions set forth in set forth in VII.F.2. of this Agreement.

C. Dispute Resolution. In the event of a dispute arising under this Agreement, the Counties agree to attempt to resolve their dispute by following the process described below:

1. A County shall provide written notice to the other County describing the perceived conflict, positions, and underlying reasons.
2. The other County shall provide written response to the notice within seven (7) days of receipt of the notice.
3. The Counties shall meet within 14 days of receipt of response with a neutral facilitator. The neutral facilitator will be a representative from the Minnesota Office of Collaboration and Dispute Resolution. Costs of such facilitator shall be shared equally by all parties to the dispute.
4. At the first meeting, the neutral facilitator will assist the Counties in identifying the appropriate parties and participants in the dispute resolution process, their concerns, a meeting agenda and design for any

subsequent meetings. The Counties shall agree on a process for resolving the problem that would involve additional negotiations, mediation, or arbitration.

5. In developing the process, the Counties will be guided by the following principles:
 - a. The parties will attempt in good faith to reach a negotiated settlement.
 - b. The parties agree that there must be fair representation of the parties directly involved in the dispute.
 - c. The parties will use legal proceedings as a last resort.
 - d. In the event the parties are unable to resolve the dispute, each party retains all rights, remedies or defenses it had prior to entering the process.

D. Notices. All notices or other communication required or permitted herein shall be in writing and shall be delivered personally or sent by express, registered or certified mail, return receipt requested. Notices delivered personally or by express mail shall be considered given when received. Notices sent by registered or certified mail shall be considered given two (2) business days after deposit in the United States mail, postage prepaid, addressed to the person to receive such notice. Notices shall be addressed to:

Ramsey County:

Ramsey County Board Chair
220 Court House
15 West Kellogg Blvd.
St. Paul, MN 55102

with a copy to the Ramsey County
Attorney

Washington County:

Washington County Board Chair
Washington County Government
Center
14949 62nd Street North
Stillwater, MN 55082

with a copy to the Washington County
Attorney

Board:

Ramsey/Washington Recycling and
Energy Board Chair
White Bear Avenue, Suite 350,
Maplewood, MN 55109

with a copy to the Ramsey County
Attorney and the Washington County
Attorney

- E. Applicable Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Minnesota.
- F. Counterparts. This Agreement may be executed in counterparts, each of which shall have the effect of and be considered as an original of this Agreement.

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the parties have caused this agreement to be executed as of the dates below.

**APPROVED:
RAMSEY COUNTY**

BY: 
Chair, County Board

DATE: 9/22/15

BY: 
Chief Clerk, County Board

Date: 9/22/15

Resolution No. B2015-296

APPROVED AS TO FORM:
RAMSEY COUNTY

BY: 
Assistant County Attorney

DATE: 10/20/15

APPROVED:
WASHINGTON COUNTY

BY: 

Chair, County Board

DATE: 9-22-15

BY: 
County Administrator

Date: 9-22-15

APPROVED AS TO FORM:
WASHINGTON COUNTY

BY: 
Assistant County Attorney

DATE: 9/22/15

79406182.13 0039401-00009

**BYLAWS OF THE
RAMSEY/WASHINGTON RECYCLING AND ENERGY BOARD**
Adopted October 22, 2015

ARTICLE I

RAMSEY/WASHINGTON RECYCLING AND ENERGY BOARD

The Ramsey/Washington Recycling and Energy Board (the “Board”) is governed by the amended and restated joint powers agreement by and between Ramsey County and Washington County (each a “County” and together the “Counties”) dated September __, 2015, as it may be amended from time to time (the “Joint Powers Agreement”). These Bylaws are adopted pursuant to Article IV, Section C of the Joint Powers Agreement, are effective as of the date of their adoption by the Board and shall remain in effect for such time as the Board continues to exist pursuant to the Joint Powers Agreement. Definitions of the terms contained in the Joint Powers Agreement shall apply in these Bylaws unless otherwise expressly stated herein.

ARTICLE II

BOARD GOVERNANCE AND OPERATIONS

Section 1. **Board Meetings.**

(a) **Open Meeting Law.** All meetings of the Board and Board committees shall be conducted pursuant to the Minnesota Open Meeting Law. (Minnesota Statutes, Chapter 13D).

(b) **Regular Meetings.** The Board shall meet on a regular basis, with an annual schedule determined at its first meeting each calendar year. The Chair, in consultation with the Vice Chair, may cancel a regular meeting upon furnishing reasonable notice to each member of the Board.

(c) **Special Meetings.** The Board may hold special meetings on an as needed basis, to be called at the discretion of the Chair, in consultation with the Vice Chair. Notice of special meetings, describing the date, time, place, and purpose of the meeting shall be delivered to Board members at least five (5) days prior to each meeting. Public notice of Board meetings shall be published as required by the Minnesota Open Meeting Law.

(d) **Emergency Meetings.** Emergency meetings may be called in compliance with Minn. Stat. § 13D.04, subd. 3.

(e) **Quorum and Actions of the Board.** The presence of five (5) Board members at a meeting shall constitute a quorum. Unless otherwise required by law, the Joint Powers Agreement, or Robert’s Rules of Order, actions of the Board are taken by a majority vote of Board members present. Actions that, pursuant to the Joint Powers Agreement, require a two-thirds majority, must have affirmative votes from six Board

members. A County commissioner designated as an alternate Board member by a County may vote and be counted for purposes of establishing a quorum in place of an absent Board member from that County. All resolutions of the Board shall be in writing, signed by the Chair and attested to by the Secretary/Treasurer. All other actions of the Board shall be by motion recorded in the written minutes. The Board's meeting minutes and actions shall be recorded in a journal, in compliance with the Minnesota Data Practices Act and the Minnesota Open Meetings Law.

(f) **Conduct of Meetings.** Meetings of the Board shall be conducted pursuant to the most recent edition of Robert's Rules of Order.

(g) **Meetings by Interactive Television or Other Electronic Means.** At the discretion of the Chair, in consultation with the Vice Chair, Board meetings may be conducted by interactive television in compliance with the conditions and requirements set forth in Minn. Stat. §13D.02. At the discretion of the Chair, in consultation with the Vice Chair, in emergency conditions, Board meetings may be conducted by telephone or other electronic means in compliance with the conditions and requirements set forth in Minn. Stat. §13D.021.

Section 2. **Board Members.**

(a) **Board Members.** As provided in the Joint Powers Agreement, the Board shall consist of four commissioners from Washington County and five commissioners from Ramsey County, as appointed by each County. The Counties may replace their respectively designated Board members at any time, at their discretion. Each County also may designate alternate commissioners to serve on the Board in the absence of a County's representative Board member. Board members and alternates shall not receive any salary for their services, provided however that the Board may provide for expense reimbursements to the extent permitted by law.

(b) **Ex-Officio Members.** The Board may appoint representatives from the City of Newport, Minnesota (as provided in the Joint Powers Agreement) and the Minnesota Pollution Control Agency to serve as a non-voting, ex officio members of the Board. From time to time, the Board may appoint one or more additional non-voting, ex officio Board members.

Section 3. **Board Committees.**

(a) **Standing Committees.** The Board will have three standing committees as set forth below. The standing committees are subject to the orders of the Board and committee actions may not conflict with actions or directions of the Board. Subject to the notice requirements set forth in Section 1, committee meetings may be held at the discretion of the respective chairperson of each committee.

(1) *Executive Committee.* An Executive Committee is created, which shall consist of the Chair, the Vice Chair, the Secretary/Treasurer. The Executive Committee shall have general supervision of the affairs of the Board between its meetings, make recommendations to the Board and perform such other duties as

specified in the Joint Powers Agreement, in these Bylaws, or as delegated by the Board. The Executive Committee is authorized to solicit bids and requests for proposals, and to execute contracts, including any amendments that are included in the approved annual Facility Budget or Joint Activities Budget and are within the authority of the Board to execute. The Board may delegate other functions and authority to the Executive Committee at its discretion. For voting, the presence of at least one committee member from each County is required.

(2) *Budget Committee.* A Budget Committee is created, which shall consist of the Secretary/Treasurer, and two additional commissioners, with the total makeup of the Committee including one commissioner from Washington County and two commissioners from Ramsey County. Members of the Budget Committee shall be appointed by the Chair each year. The Budget Committee is authorized to develop and oversee the Joint Activities Budget and the Facility Budget and make recommendations for these budgets to the Board.

(3) *Facility Committee.* A Facility Committee is created, which shall consist of three commissioners, two from Ramsey County and one from Washington County. The Facility Committee shall be appointed by the Chair each year. The Facility Committee is authorized to monitor management of Facility operations and Facility operational procedures and policies, and make recommendations to the Executive Committee or Board as appropriate to ensure efficient management and operations of the Facility.

(b) **Ad Hoc Committees.** The Board may establish ad hoc committees as it deems necessary and desirable. Such ad hoc committees may take actions to execute their duties or may be advisory committees. Each ad hoc committee must include a representative from each County.

Section 4. **Officers.** The Board shall elect a Chair, a Vice Chair, a Secretary/Treasurer, and other officers as determined appropriate by the Board. The officers of the Board shall be elected as provided below by the Board at the first meeting of the Board in a calendar year involving a quorum. Each officer shall have the powers and duties specified in these Bylaws, and as the Board may prescribe from time to time. An office vacated by resignation of an office shall be filled by Board action.

(a) **Chair.** The Chair of the Board shall rotate on a biennial basis between commissioners from each County. The Chair in 2016 shall be held by Washington County, and the biennial rotation shall begin in 2017 with Ramsey County assuming the Chair. The Chair of the Board shall preside (when present) at all Board meetings. The Chair is authorized to execute agreements on behalf of the Board and exercise and perform such other powers and duties as may be from time to time assigned to the Chair by the Board.

(b) **Vice Chair.** The Vice Chair of the Board shall also rotate, and shall be from the County that does not hold the Chair. The Vice Chair in 2016 shall be held by Ramsey County and the biennial rotation shall begin in 2017 with Washington County

assuming the Vice Chair. In the absence or disability of the Chair, the Vice Chair shall perform all of the duties of the Chair and shall have all the powers of, and be subject to all the restrictions upon, the Chair.

(c) **Secretary/Treasurer.** The Secretary/Treasurer shall be elected on a biennial basis, with the first term beginning in October 2015 and continuing through 2017. The Secretary/Treasurer shall perform, or cause to be performed, the following duties: (i) official recording of the minutes of all proceedings of the Board meetings and actions; (ii) provision for notice of all meetings of the Board; and (iii) authentication of the records of the Board. In addition, the Secretary/Treasurer shall oversee the Board's budget and finances. In the absence of the Chair and Vice Chair, the Secretary/Treasurer shall preside over the Board.

ARTICLE III

MANAGEMENT, ADMINISTRATION AND STAFFING

Section 5. **Board Administration.**

(a) **Joint Leadership Team.** As set forth in the Joint Powers Agreement, the Joint Leadership Team shall oversee Board administration and carry out the functions of the Board, as set forth in the Joint Powers Agreement and in these Bylaws, and as directed by the Board from time to time. The Joint Leadership Team will oversee and manage any employees of the Board, consultants to the Board, and any County staff assigned to carry out Board functions.

(b) **Administrative Functions.** The following administrative functions are necessary for the Board's operation. Entities carrying out these functions shall be compensated as provided for in specific purchase of service or other agreements.

(1) *Fiscal Agent.* As set forth in the Joint Powers Agreement, the Ramsey County Finance Department shall act as the Fiscal Agent on behalf of the Board, and shall provide any and all financial management, accounting and reporting services necessary or convenient for the Board. The Board may conform to the procurement policies of either County, as it deems appropriate. The Washington County Accounting and Finance Department will be consulted on any future County bonding or major Board finance issues that impact Washington County.

(2) *Legal Representation.* As set forth in the Joint Powers Agreement, the Ramsey County Attorney's Office and the Washington County Attorney's Office are attorneys for the Board. Any special legal counsel shall be designated and chosen with the advice of the Ramsey and Washington County Attorney's Offices.

(3) *Human Resources.* The Board shall select an agent to provide Human Resources services for its employees. As provided in the Joint Powers Agreement, employees of the Board are not employees of either County. Initially the Ramsey County Human Resources Department shall provide human resources

services for the Board, pursuant to a purchase of services agreement between the Board and Ramsey County.

(4) *Information Services.* The Board shall decide how to procure information services for its operations. The Board shall procure its own hardware and software, and support services in the manner it chooses. The Board may enter into a purchase of services agreement with the Information Services Department of either County for elements of IT support. Beginning in 2016 the Ramsey County Information Services Department shall provide those information services for the Board identified in a purchase of services agreement.

Section 6. **Staffing and Consultants.**

(a) **Staffing.** The Counties may from time to time designate employees to perform work on behalf of the Board, including members of the Joint Leadership Team. The Board also may authorize the Joint Leadership Team to hire and maintain staff to exclusively work for the Board (“Board Staff”). The Board hereby delegates authority to the Joint Leadership Team to hire (consistent with the Facility Budget or Joint Activities Budget, as applicable) and supervise Board Staff. At all times, Board Staff shall be employees of the Board and not employees of either County, even if one of the Counties provides human resources services. The Board hereby further directs the Joint Leadership Team to oversee development of employee policies applicable to Board Staff.

(b) **Consultants.** The Board may retain such consultants as may be needed to render services to or perform functions of the Board, consistent with the annual Facility Budget or Joint Activities Budget, as applicable.

(c) **Reimbursement.** Staffing and other services provided by the Counties to the Board shall be reimbursed at rates negotiated during preparation of the annual Facility Budget or annual Joint Activities Budget, or as set forth in specific service agreements, as applicable.

Section 7. **Facility Management.**

(a) The Joint Leadership Team will supervise Facility business operations and the transition of these functions to public operation of the Facility. Such business functions include, but are not limited to: finance and accounting (including budgeting, contract management, payroll, inventory,), information services, human resources (including recruiting, training labor relations, and safety), Facility engineering (on-going operation and design updates), permit compliance, and Facility business relations.

(b) [Reserved]

Section 8. **Joint Activities.** Under the supervision of the Joint Leadership Team, County staff and Project employees will carry out the Board’s Joint Activities, in accordance with the County Board-approved Joint Activities Budget.

ARTICLE IV

FACILITY OPERATIONS

[RESERVED]

ARTICLE V

FISCAL YEAR, BUDGET AND AUDIT

Section 9. **Fiscal Year**. The Fiscal Year of the Board shall be the calendar year.

Section 10. **Facility Budget**.

(a) **Enterprise Fund**. In the normal course of Facility operations, the Board will endeavor to operate the Facility Budget as an enterprise fund.

(b) **Annual Facility Budget**. The Budget Committee will prepare the annual Facility Budget for Board approval each year on or prior to August 1. The annual Facility Budget does not require approval of the Counties, provided however, that the respective Counties must approve any County contributions to the annual Facility Budget other than the initial contributions set forth in the Joint Powers Agreement.

(c) **Operating Reserve Fund**.

(1) *Establishment of Operating Reserve Fund; Size and Scope*. The Board shall establish an operating reserve fund, initially equivalent to \$10,000,000.00. Ramsey County's initial obligation is equivalent to 73% of the total operating reserve fund amount (\$7,300,000.00) and Washington County's obligation is equivalent to 27% of the total operating reserve fund amount (\$2,700,000.00). Pursuant to the Joint Powers Agreement, each County has agreed to commit or hold sufficient funds for its respective obligation for the operating reserve fund.

(2) *Review and Modification*. On an annual basis, the Board shall review the size and scope of the operating reserve fund, including in its analysis an evaluation of risks related to Facility operations and financing. If a modification in the size of the operating reserve fund is determined necessary or appropriate, the Board shall notify the Counties, who shall modify their funding allocations to be sufficient for their respective obligations to the operating reserve fund.

(3) *Transfer of Funds From Counties to Board*. If the Board in its sole discretion determines there would be a material adverse effect on the Facility, the Facility financing, Facility employees, or Facility operations, it may request delivery from the Counties operating reserve funds in an amount it

determines to be reasonably necessary to avoid such material adverse effect. The amount requested shall be contributed by each County in proportion to their respective obligations, 73% from Ramsey County and 27% from Washington County.

(d) **Facility Equipment Maintenance and Replacement Fund.** The Board shall establish a facility equipment maintenance and replacement fund, to be incorporated into the Facility Budget. The purpose of this fund is to assure sufficient resources for major maintenance projects, as well as major equipment replacement. The Facility Committee shall identify the size, scope, and schedule for establishing this fund.

(e) **Payment in Lieu of Taxes.** The Board shall make payments in lieu of taxes to local government entities with taxing jurisdiction (excluding the state of Minnesota and fiscal disparity) in amounts equal to the taxes that would be applicable to the Facility if it were classified as commercial/industrial property privately owned. The Washington County Department of Property Records and Taxpayer Services shall prepare and deliver to the Board a note which calculates the amount of tax due to the local government entities as if the Facility were classified as commercial/industrial property privately owned. The Board shall make payments in lieu of taxes to the Washington County Department of Property Records and Taxpayer Services, to be distributed to the taxing districts pursuant to Minn. Stat. § 276.111 and § 276.11. Payments will be made on or before May 15 and October 15 of each year.

Any special assessments will be paid by the Board as separately billed by the Washington County Department of Property Records and Taxpayer Services.

Section 11. **Joint Activities Budget.** The Budget Committee will prepare a two year budget for Joint Activities Budget for the Board approval each year on or prior to August 1. The Board will submit the Joint Activities Budget for approval of the Counties (for the Counties respective contributions) on or prior to September 1 each year.

ARTICLE VI

RECORDS AND REPORTS

Section 12. **General Requirements.** The books and records of the Board shall be maintained in compliance with the Minnesota Data Practices Act.

Section 13. **Governance Documents.** The Board shall keep at its registered office or its principal executive office, or in an authorized repository, the following governance documents:

- (a) The Joint Powers Agreement and all amendments thereto;
- (b) The Bylaws and all amendments thereto;

(c) A list of the names and addresses of the Board's current Board members and officers; and

(d) A journal of the Board's meeting minutes and actions, in compliance with the Minnesota Data Practices Act and the Minnesota Open Meetings Law and as set forth in ARTICLE I Section 1 and Section 14.

Section 14. **Other Records.** The accounting books and records and minutes of proceedings of the board and any committee shall be kept at any place or places designated by the Board, or, in the absence of the designation, at the principal office of the Board. The minutes shall be kept in written or electronic form and the accounting books and records shall be kept either in written or electronic form or in any other form capable of being converted into written or electronic form within a reasonable time.

Section 15. **Inspection of Records.** Each Board member shall have the absolute right at any reasonable time to inspect all Board books, records, and documents of every kind.

Section 16. **Records Retention.** The Board shall establish and implement a records retention policy, consistent with the Requirements of the Minnesota Data Practices Act, Minn. Stat. §138.17, et seq., and other applicable laws. The Board may contract with either County for assistance with implementing records retention.

ARTICLE VII

FINANCIAL CONTROLS

Section 17. **Fiscal Policy and Procedures.** The Board shall follow the fiscal policies and procedures set forth in the Fiscal Agency Agreement with Ramsey County. The Board may establish additional fiscal or financial policies, procedures and controls as it deems necessary and as consistent with these Bylaws and any current Fiscal Agency Agreement.

Section 18. **Authorized Signatories/Execution of Documents.** The Chair and the Secretary are authorized to execute documents on behalf of the Board. The Board may authorize any other officer or officers, or agent or agents, to enter into any contract or execute and deliver any instrument in the name and on behalf of the Board, and such authority may be general or confined to specific instances.

Section 19. **Expenditures.**

(a) **Facility Expenditures.** The Joint Leadership Team is authorized to enter into agreements and commit the Board to payment obligations in an emergency in order to maintain facility operations with limitations on authority to be outlined in the Board's fiscal policy.

(b) **Joint Activities Expenditures.** The Joint Leadership Team is authorized to enter into agreements or financial commitments consistent with the Board's joint activities budget in order to achieve the purposes of the Joint Powers Agreement, not to exceed \$50,000

dollars without specific Board authorization, subject to approval by County Attorneys and in accordance with Board's fiscal policies.

Section 20. **Debt.**

(a) **Supermajority Approval Required.** As provided in the Joint Powers Agreement, any issuance of debt by the Board must be approved by a two-thirds (2/3) majority of the full governing body of the Board.

(b) **Bonding.** [Reserved.]

Section 21. **Loans.** [Reserved.]

Section 22. **Checks, Drafts, Notes.** All checks, drafts, or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Board shall be signed by such officer or officers, agent or agents of the Board and in such manner as shall from time to time be determined by resolution of the Board.

Section 23. **Insurance.** [Reserved.]

ARTICLE VIII

MISCELLANEOUS

Section 24. **Principal Place of Business.** The Board's principal place of business of the Board shall be located at 2785 White Bear Avenue, Suite 350, Maplewood, MN 55109.

Section 25. **Amendment.** These bylaws may be amended from time-to-time by resolution of the Board duly adopted upon a two-thirds (2/3) majority vote of the full Board; provided, however, that no such amendment shall be adopted unless at least thirty (30) days written notice thereof has previously been given to all members of the Board. Such notice shall identify the section or sections of the Bylaws proposed to be amended.

Section 26. **Governing Law; Priority of Documents.** These Bylaws are governed and construed in accordance with the laws of the State of Minnesota. In the event of conflicting provisions between the Joint Powers Agreement as may be amended from time to time, these Bylaws, other actions of the Board, the provisions shall govern in the following order: the Joint Powers Agreement, the Bylaws, and other actions of the Board.

Section 27. **Severability.** A determination that any provision of these Bylaws is for any reason inapplicable, invalid, illegal or otherwise ineffective shall not affect or invalidate any other provision of these Bylaws.

RESOLUTION R&EB 2015 - 1

Whereas, The Ramsey/Washington Recycling and Energy Board (the "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, Article IV, Section C of the Joint Powers Agreement provides that the R&E Board shall adopt Bylaws to govern its operations; and

Whereas, the Joint Powers Agreement further provides that adoption and amendment of the Bylaws requires a two-thirds (2/3) majority of the R&E Board; and

Whereas, the Joint Leadership Team, working with attorneys and consultants, has prepared Bylaws for consideration by the R&E Board. Now, therefore, be it

Resolved, the Ramsey/Washington Recycling and Energy Board hereby adopts the Bylaws of the Ramsey/Washington Recycling and Energy Board.

Commissioner:	Aye	Nay
Bearth	___	___
Bigham	<u>X</u>	___
Carter	<u>X</u>	___
Huffman	<u>X</u>	___
Kriesel	<u>X</u>	___
Ortega	<u>X</u>	___
Miron	<u>X</u>	___
Reinhardt	<u>X</u>	___
Rettman	___	___
McGuire (Alt)	<u>X</u>	___
Weik (Alt)	<u>X</u>	___



Fran Miron, Board Chair

10-22-15

Date

Secretary/Treasurer

Date

ATTACHMENT C

LIST OF LICENSED HAULERS

LICENSED HAULERS

Business Name	Licensee Name	Mail Address	City
1-800-GOT-JUNK?	Twin Cities Junk Hauling, LLC	1209 Tyler St NE, Suite 160	Minneapolis
A & D Recycling & Recovery, Inc.	A & D Recycling & Recovery, Inc.	10811 215th St W	Lakeville
A+ Professional Grade, Inc.	A+ Professional Grade, Inc.	PO Box 40331	Saint Paul
Ace Solid Waste, Inc.	Ace Solid Waste, Inc.	6601 McKinley St NW	Ramsey
Advanced Disposal Services Vasko Solid Waste, Inc.	Advanced Disposal Services Vasko Solid Waste, Inc.	309 Como Ave	Saint Paul
Aero Transport, Inc.	Aero Transport, Inc.	32679 380th St	Le Sueur
All City Container, Inc.	Thomas Knudson	25376 Xkimo St NW	Isanti
Allied Waste/Republic Services	Randy Walker/Allied Waste	8661 Rendova St NE	Circle Pines
All-Ways Hauling, Inc.	Joseph Schwarz	PO Box 784	Forest Lake
Alpha Limited	Alpha Limited	4180 160th St E	Rosemount
Animal Humane Society	Animal Humane Society	845 Meadow Ln N	Golden Valley
Aspen Waste Systems, Inc.	Aspen Waste Systems, Inc.	2951 Weeks Ave SE	Minneapolis
Atomic Recycling, LLC	Atomic Recycling, LLC	2301 2nd St N	Minneapolis
Barthold Farms, Inc.	Barthold Farms, Inc.	5951 261st Ave NW	Saint Francis
Bauer Roll-off Service of Cannon Falls, LLC	Robby Peine	13975 280th St E	Cannon Falls
Buckingham Disposal	Buckingham Trucking, Inc.	5980 Credit River Rd SE	Prior Lake
Capital Waste Systems, Inc.	Capital Waste Systems, Inc.	150 Water St W	Saint Paul
City of Cottage Grove	City of Cottage Grove	8635 West Point Douglas Rd S	Cottage Grove
City of North St. Paul	City of North St. Paul	2400 Margaret St	North St. Paul
City of Oakdale Public Works	City of Oakdale Public Works	1900 Hadley Ave N	Oakdale
City of Saint Paul - Public Works	City of Saint Paul - Public Works	873 Dale St N	Saint Paul
City of Saint Paul, Div. of Parks and Recreation	City of Saint Paul, Div. of Parks and Recreation	1100 Hamline Ave N	Saint Paul
City of White Bear Lake	City of White Bear Lake	4701 Hwy 61 N	White Bear Lake
Commercial Container, LLC	Commercial Container, LLC	3516 Lake St E	Minneapolis
Coolidge Trucking Systems	Coolidge Trucking Systems	829 Central Ave W	Saint Paul
Curbside Waste, Inc.	Curbside Waste, Inc.	PO Box 28266	Crystal
Dahl Hauling	Derrick Dahl and Bryant Dahl	571 Hall Ave	Saint Paul
Dave's Contracting	Dave Braaten	3801 Lovell Rd	Lexington
Dick's Sanitation Service, Inc.	Richard J. Clemmer	8984 215th St W	Lakeville

Business Name	Licensee Name	Mail Address	City
Diversified Manufacturing Corporation	Diversified Manufacturing Corporation	101 7th Ave	Newport
East Metro Environmental, Inc.	East Metro Environmental, Inc.	PO Box 25214	Woodbury
Elite Waste Disposal	Elite Waste Disposal, Inc.	845 Corporate Dr	Jordan
Garbageman of Highland Park LLC	Garbageman of Highland Park LLC	1488 11th Ave	Newport
Gene's Disposal Service, Inc.	Gene's Disposal Service, Inc.	5661 152nd St N	Hugo
GMan Enterprises, LLC	Daniel Westerhaus	PO Box 609	Hugo
Gorilla Dumpster Bag, LLC	Gorilla Dumpster Bag, LLC	2809 East Hamilton Ave, #107	Eau Claire
Hagen Trucking, Inc	Hagen Trucking, Inc.	9113 15th Ave S	Bloomington
Highland Sanitation & Recycling, Inc.	Highland Sanitation & Recycling, Inc.	PO Box 10	Vermillion
JME of Monticello, Inc.	JME of Monticello, Inc.	1401 Fallon Ave	Monticello
Junk Bee Gone of Minnesota, Inc.	Del Wendt	13449 Apollo St	Lino Lakes
Junk Command, Inc.	Junk Command, Inc.	1995 Mabel Ct	Chaska
Junk Genius	Trash It Now, LLC	4514 Nokomis Ave	Minneapolis
Junk Happens	David Kocemba	706 Camberwell Dr	Eagan
Junk King	E & S Fogarty Enterprises, Inc.	7212 Washington Ave S	Eden Prairie
Junk360, LLC	Junk360, LLC	2004 Juliet Ave	Saint Paul
K O Sanitation & Recycling, Inc.	K O Sanitation & Recycling, Inc.	PO Box 10	Vermillion
Keith Krupenny & Son Disposal Service, Inc.	Keith Krupenny & Son Disposal Service, Inc.	1214 Hall Ave	West St. Paul
Ken Berquist & Son, Inc.	James Berquist	8579 Bower Ct E	Inver Grove Heights
Kermit's Disposal, Inc.	Kermit Lindgren	PO Box 490278	Blaine
Krupenny and Sons Disposal Service, Inc.	Krupenny and Sons Disposal Service, Inc.	P O Box 238	Stacy
Lakeville Sanitary Service, Inc.	Richard J. Clemmer	8984 215th St W	Lakeville
LePage & Sons, Inc.	LePage & Sons, Inc.	23602 University Ave NW	Bethel
Lightning Disposal, Inc.	Robert Nitti	1725 Meadow View Rd	Eagan
Lloyd's Construction Services, Inc.	Lloyd's Construction Services, Inc.	7207 128th St W	Savage
M & J Services of Minnesota, LLC	M & J Services of Minnesota, LLC	1392 Robert Creek Curve	Belle Plaine
Mac's Roll-Off Service, Inc.	Mac's Roll-Off Service, Inc.	PO Box 20695	Bloomington
Mac's Tubs, Inc.	Tubs Intellectual Property, LLC	PO Box 20695	Bloomington
Maroney's Sanitation, Inc.	Maroney's Sanitation, Inc.	PO Box 2190	Stillwater

Business Name	Licensee Name	Mail Address	City
Mid-State Disposal	Progressive Construction Homebuilding, Inc.	8160 Carmen Ave	Inver Grove Heights
Mr. Bult's, Inc.	Mr. Bult's, Inc.	2627 139th St E	Burnham
Mudek Trucking / J & J Recycling, Inc.	Mudek Trucking / J & J Recycling, Inc.	607 Barge Channel Rd	Saint Paul
Nitti Roll-off Services, Inc.	Nitti Roll-off Services, Inc.	PO Box 490726	Blaine
Nitti Sanitation, Inc.	Robert Nitti	1725 Meadow View Rd	Eagan
Peterson-Waddle Trash Removal, Inc.	Peterson-Waddle Trash Removal, Inc.	PO Box 586	Wyoming
Pete's Rubbish Hauling	Jennifer Thompson	PO Box 637	Forest Lake
PPJ Enterprises, LLC	PPJ Enterprises, LLC	414 Pine Tree Tr	Stillwater
Premier Waste Services, LLC	Premier Waste Services, LLC	2812 Anthony Ln S Suite 400	St. Anthony
Public Housing Agency, City of Saint Paul	Public Housing Agency, City of Saint Paul	555 Wabasha St N	Saint Paul
R & M Sanitation	R & M Sanitation	858 Point Douglas Rd S	Saint Paul
Ramsey County Parks and Recreation Dept	Ramsey County Parks and Recreation Dept	2015 Van Dyke St	Maplewood
Randy's Environmental Services	Randy's Environmental Services	P O Box 169	Delano
Ray Anderson & Sons Companies, Inc.	Ray Anderson & Sons Companies, Inc.	930 Duluth St	Saint Paul
Republic Services	Allied Waste Services of North America, LLC	4325 66th St E	Inver Grove Heights
Rohn Industries, Inc.	Rohn Industries, Inc.	862 Hersey St	Saint Paul
Roof Company NA, Inc.	Roof Company NA, Inc.	5565 Quam Ave NE	St. Michael
Schill's Dumpster Service	Schill's Dumpster Service	2591 Gresham Ave N	Oakdale
Schmidt Disposal & Recycling	Daniel Schmidt	115 15th Ave S	South St. Paul
Shamrock Disposal, LLC	Shamrock Disposal, LLC	3280 99th Ct NE	Blaine
Shamrock Trucking	Shamrock Trucking	251 Starkey St	St. Paul
SKB Environmental, Inc.	SKB Environmental, Inc.	251 Starkey St	Saint Paul
SRC, Inc., dba Forest Lake Sanitation	SRC, Inc., dba Forest Lake Sanitation	6320 Viking Blvd E	Wyoming
State of MN, Dept of Administration, Plant Mgmt. Div.	State of MN, Dept of Administration, Plant Mgmt. Div.	50 Sherburne Ave	Saint Paul
Steinbrecher Companies, Inc.	Steinbrecher Companies, Inc.	13792 247th Ave	Zimmerman
Stericycle Environmental Solutions, Inc.	Stericycle Environmental Solutions, Inc.	28161 Keith Dr N	Lake Forest
Stolt Trucking, Inc.	Stolt Trucking, Inc.	14995 Industry Ave SE	Becker
T & T Disposal	Tim Oster	9764 Inver Grove Tr	Inver Grove Heights

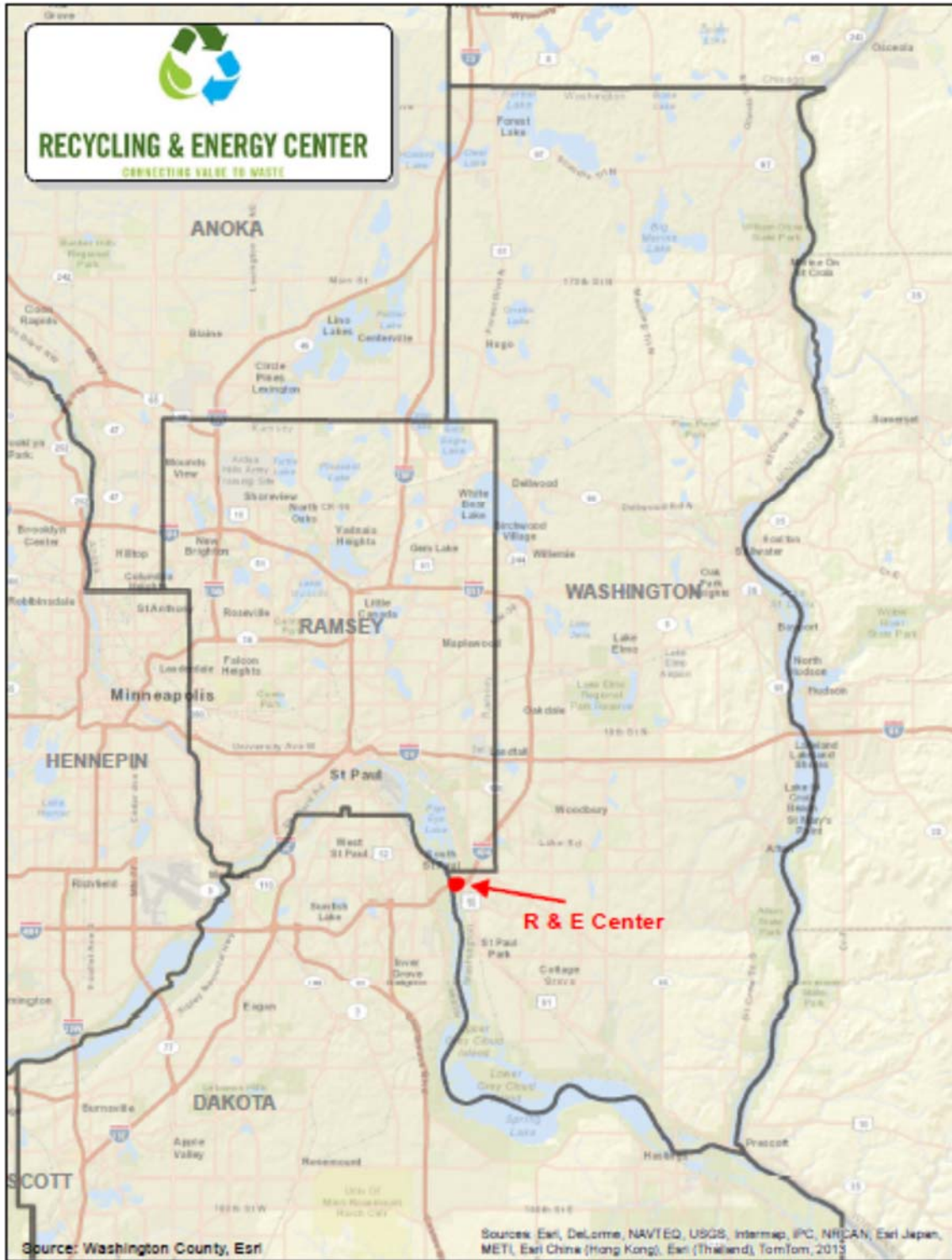
Business Name	Licensee Name	Mail Address	City
Tennis Brothers Sanitation, LLC	Tennis Brothers Sanitation, LLC	720 4th St, PO Box 62	Saint Paul Park
Tennis Roll-Off LLC	Tennis Roll-Off LLC	P O Box 64	St. Paul Park
Tennis Sanitation LLC	Tennis Sanitation LLC	P O Box 62	St. Paul Park
The Vanella Group of Mn, LLC	Vincent Vanella	16526 78th St W #268	Eden Prairie
Total Sanitation Service, Inc.	Nicole Keehn	7804 Highway 101 E	Shakopee
Triangle Rubbish and Recycling Service	James E. Illetschko, Sr.	1881 Lexington Ave S	Mendota Heights
Troje's Trash Pickup, Inc.	Troje's Trash Pickup, Inc.	6010 Concord Blvd	Inver Grove Heights
Twin City Refuse, Recycling & Transfer Station, Inc.	Twin City Refuse, Recycling & Transfer Station, Inc.	318 Water St W	Saint Paul
University of Minnesota Facilities Support/Waste	University of Minnesota Facilities Support/Waste	3009 Como Ave SE	Minneapolis
Vasko Roll-Off Service, Inc.	Vasko Roll-Off Service, Inc.	930 Atlantic St	Saint Paul
Veit Container Corp., dba Veit Disposal Systems	Veit Container Corp., dba Veit Disposal Systems	14000 Veit Pl	Rogers
Vern's Repair & Dumpster Rental, Inc.	Vern's Repair & Dumpster Rental, Inc.	4753 Bloomington Ave S	Minneapolis
Walter's Recycling & Refuse, Inc.	Walter's Recycling & Refuse, Inc.	2830 101st Ave NE	Blaine
Waste Management - Burnsville	Waste Management - Burnsville	1901 Ames Dr	Burnsville
Waste Management of MN, Inc.	Greg Revering	10050 Naples St NE	Blaine

TRANSFER STATIONS

Transfer Station Name	Address	City
Advanced - Vasko	309 Como Ave	Saint Paul
Berwald Roofing	2440 Charles St	North St. Paul
Gene's Disposal Service, Inc.	5661 152nd St N	Hugo
J & J Recycling	607 Barge Channel Rd	Saint Paul
Keith Krupenny	565 Barge Channel Rd	Saint Paul
Ray Anderson	930 Duluth St	Saint Paul
Republic	8661 Rendova St NE	Blaine
SET - Empire	16454 Blaine Ave	Rosemount
SKB Blaine	10304 Naples St NE	Blaine
SKB Malcolm	630 Malcolm Ave E	Minneapolis
Twin City	318 Water St	Saint Paul
Veit Disposal Systems	1305 Pierce Butler Rt	Saint Paul
Walters Recycling and Refuse	2830 101st Ave NE	Blaine
Xcel Energy King Plant Ash Transfer Station	1103 King Plant Rd	Oak Park Hts

ATTACHMENT D

MAP OF DESIGNATED AREAS



ATTACHMENT E

DETAILED LIST OF EXISTING PROGRAMS, POLICIES, AND FACILITIES

A. Overarching Policies and Historical Performance

The Counties support the MPCA's objectives for source reduction, reuse, recycling, organics recovery, resource recovery and land disposal found in the MPCA's 2010 Policy Plan. Each County has developed overarching policies as well as programs to address communication and technical assistance, source reduction, reuse and conservation, recycling, organics, processing, non-MSW management, regulations, toxicity reduction and landfilling. In addition, the Counties share responsibility for guiding programs under the direction of the R&E Board.

B. Communication and Technical Assistance

1. Joint Efforts

a. Residential Communications

Since the 1990's the Counties have had joint communications with residents in the counties, originally through a quarterly mailing to all residents, named "*Trash Today*," supplemented by a joint web site (now www.morevaluelesstrash.com) and most recently the direct mailing of a "Green Guide" to every household in each County. In 2016, the Washington County "Green Guide" was mailed to 96,500 households; the Ramsey County Recycling Guide was sent to 200,702 households. These guides have specific information that residents use to decide how best to manage items through reuse or recycling. The R&E Board also provides school districts with funding to pay for the cost of buses for tours of the Facility.

b. Commercial Recycling and Organics Management

The R&E Board began working on source separated organics management in 2003, hiring consultants to work with institutions and businesses that were high-volume generators of food waste. The R&E Board also began work with Second Harvest Heartland, on food rescue in 2008. In 2012 the R&E Board conducted an extensive evaluation of organics management in the East Metro, identifying key barriers and examining appropriate interventions to increase the recycling of organic waste. As a result of the evaluation, the R&E Board created the BizRecycling program.

The R&E Board launched BizRecycling in 2014, a program to help businesses promote job growth while protecting the environment. BizRecycling has three major components: communications, technical assistance, and financial assistance, described below:

Communications to the approximately 15,000 businesses and institution in the Counties are carried out in several ways. The R&E Board launched a website specifically aimed at educating businesses on the opportunities for and benefits of better waste management: LessTrash.com. The website includes a large volume of information, including Minnesota's commercial recycling legislation, technical assistance available for businesses; grant guidelines and application materials, and container and label ordering forms. The R&E Board supplements the website with a blog and Twitter feed in order to engage with the community on social media. The R&E Board updates the blog once a week throughout the year with posts and videos on various commercial recycling issues. The R&E Board aims to publish three tweets per day

that highlight the resources available through the BizRecycling and BizAware programs, general recycling education, information on the R&E Board and to acknowledge the successful work of both current and past BizRecycling grantees.

Technical assistance is provided through two consultants: Minnesota Waste Wise and J.L. Taitt and Associates. These two service providers engage businesses and assist with evaluating waste and recycling practices, and help businesses make changes that can save money and improve business performance. In 2015 alone, the BizRecycling program had contact with over 740 businesses in the two counties.

Financial assistance is provided in the form of three types of grants. Financial grants are provided to businesses to assist them in acquiring equipment, training or materials to implement recycling programs. Container grants provide containers and labels for businesses to use for recycling. Rewards grants provide for reimbursement of the cost of organics collection for a limited time, as an incentive to contract for organics collection services.

Additional technical assistance and outreach occurs through another new grants program called BizAware (Advocates for Waste and Recycling Education). BizAware grant funds are available to Ramsey and Washington County business associations (like chambers of commerce, business leagues, economic development commissions/authorities, and non-profit development corporations) to develop a program and outreach to member businesses and business audiences about the importance of recycling, including the free services provided by BizRecycling.

In 2015, the R&E Board entered into a two-year partnership with the St. Paul Saints to increase the visibility of recycling opportunities and develop state of the art recycling at CHS Field. The partnership package included an on-field recycling game between innings that engaged fans, radio commercials during the Saints games, ad space in the team's annual pocket schedule distributed at all partner locations, and a rotating banner ad on the Saints' website. BizRecycling also provided the Saints with technical assistance via the project consultant, MN Waste Wise, to help implement a robust recycling and organics program at their new ballpark, CHS Field. BizRecycling branded trash, recycling, and organics labels are affixed to all bins throughout the ballpark. The first season the Saints achieved nearly a 50 percent recycling rate. With up to 7,000 fans attending every game, the educational reach of the Saints' programs will go far beyond the walls of CHS Field.

2. Ramsey County's Efforts

a. Communications

Ramsey County places a high value on connecting to the community in a variety of ways. The primary goals of the County's communications are to first raise awareness and then influence behavior changes to reduce waste, increase recycling, and properly dispose of MSW. Ongoing communication is needed to engage the public in these activities, and a variety of approaches are utilized to reach multiple audiences and engage community partners.

Over the past two decades, the County has conducted a significant amount of outreach and promotion to residential and non-residential (businesses, schools, and institutions) audiences to raise awareness about waste management. Topic areas have included waste reduction, recycling, yard waste management, household hazardous waste management, separate management of organic waste, resource recovery, chemical safety, and pollution prevention.

The County continually evaluates various audiences using surveys, focus groups and other forms of community engagement. Messages are tailored to and delivered in a manner that is most likely to reach the audience. Partnerships with other entities figure prominently in reaching people in the County.

Among various tools, paid advertising has been useful to raise awareness, keep programs in front of people, and link people to other resources. Advertising is a critical tool to raise awareness of the services offered by the County, so when the public has a disposal question or concern they know where and how to find a trusted resource.

Social media has grown in use, with the County using a variety of social media platforms to reach various audiences. Traditional outreach efforts such as direct mail (every household in Ramsey County is reached by direct mail on waste/recycling at least twice per year), newsletters, the EASY Recycling and Disposal Hotline (633-EASY) (the "EASY Hotline"), and one-on-one contact are all part of the County's approach. Considerable effort is made to reach people with limited English proficiency, using modes of communication appropriate to the target audience.

In 2015, Ramsey County transitioned its advertising and marketing campaign to Ramsey Recycles, a multicultural, multifaceted campaign targeting a broad audience, which reflects the dynamics of the community. Ramsey Recycles focuses its comprehensive advertising and marketing plan on four main categories: general recycling, household hazardous waste, yard waste and organics recycling. The campaign includes identifying target audiences, appropriate strategies, specific messages, and measurement and evaluation tools. The campaign can be found at RamseyRecycles.com, on billboards, and in print and radio advertising. In May 2016, the Ramsey Recycles Campaign received the Northern Lights Award from the Minnesota Association of Government Communicators in the category of Public Information Project.

In order to better understand its diverse community, Ramsey County retains Hmong, Hispanic and Somali consultants to help in program design and community engagement. The consultants work as liaisons with the community, and already have relationships with key leaders or can easily and effectively build relationships with those groups. The consultants understand how to effectively reach the community. By working closely with the consultants, the County gains insights into how to effectively tailor its messages and outreach efforts for its target audiences. Culturally specific education is delivered through presentations, events, newspaper, radio, social media, calendars and other printed materials. In 2015, a total of 16,166 calendars were distributed (1,510 English, 5,945 Hmong, 3,995 Somali and 4,716 Spanish).

Ramsey County maintains the EASY Hotline and the online A to Z Recycling & Disposal Guide. The Hotline is staffed 24 hours a day, 7 days a week, and provides callers with clear and accurate information about Ramsey County's waste services. To ensure that all residents can use the County's resources, the EASY Hotline is staffed by interpreters for residents who have limited proficiency in English. In 2015, the EASY Hotline answered 19,973 calls from residents. In addition, Ramsey County continues to improve the website to increase its effectiveness. The website now includes a search feature, and in 2016 the County added a live chat feature to enhance accessibility. In 2015, the online A to Z Guide received 128,413 unique page views. Ramsey County also utilizes more traditional channels, including electronic signs on the dasher boards at County arenas, postcards sent to residences and businesses, a monthly newsletter called "Green Ramsey," bathroom advertisements, radio advertisements, and the "Recycling Guide" (formerly called the "Going Green Guide"), which now includes individual inserts for 11 of the 17 cities in the County. In 2015 the Recycling Guide was mailed to 200,702 households and there are 2,051 subscribers to the Green Ramsey newsletter.

b. Partnerships

Municipalities are responsible for providing information specific to their programs to their residents. As a condition of receiving SCORE funds, municipalities must use elements of the County's outreach, education and promotional program materials. Therefore, Ramsey County works jointly with municipalities in the development of messages and tools, including consistent promotion of RamseyRecycles.com, the EASY Hotline, the A to Z Recycling & Disposal Guide, and information on Ramsey County's yard waste and household hazardous waste programs.

Ramsey County also works with other public and private entities, including schools, businesses, institutions, government agencies and non-profit organizations to develop coordinated communication messages that minimize confusion the public may have regarding traditional recycling and other solid waste management methods. Ramsey County works with public entities, providing resources as appropriate, to increase education and awareness of away-from-home recycling opportunities in places such as parks, athletic fields and arenas and for special events such as festivals, family reunions, and parades.

3. Washington County Efforts

a. Communications

Like Ramsey County, Washington County communicates with citizens and businesses through multiple mediums, including email, the internet, U.S. mail, and signage. In 2015, the Environmental eUpdate, an electronic newsletter, was distributed in April, September, and November to 1,423 subscribers, a 10 percent increase from 2014. The newsletter alerted the community to important events, such as the expanded hours at the Environmental Center; 2015 Household Hazardous Waste collection events in Hugo, Forest Lake, Cottage Grove, and Stillwater; document shredding events; business recycling assistance; proper winter storage of household hazardous waste; gas can exchange; and compost bin and rain barrel sales.

Washington County's Going Green Guide provides the most comprehensive waste reduction, recycling, and disposal information of all County waste-related publications and also includes information on other resources available to residents. The Going Green Guide was printed and mailed in March 2015 to all 96,500 residential addresses in the County and is available online. Washington County plans to continue adapting this resource to provide the information that county businesses and residents identify as most useful.

In addition, the County maintains and annually updates its online Residential Disposal Guide, which lists information for residents on how to properly dispose of many household wastes. The Guide is used to respond to demand from community inquiries on waste management issues and provides specific County waste management information in partnership with the region's communication strategy and the Rethink Recycling campaign.

Finally, Washington County displays signage at the Environmental Center, in newspaper ads and on rack cards for paper shredding events, sharps disposal, and drug drop-off locations.

b. Community Events

Washington County staff actively educate the community about the County's services by offering and attending various community events focused on promoting the Washington County Environmental Center. Cities and townships, school groups, Community POWER grantees, and other partners also promoted the County's waste education opportunities at school carnivals, city and church festivals, and day camps. Over 13,313 people received waste/toxicity reduction, recycling, or composting information at one of these events in 2015.

c. Presentations

Washington County developed and now offers three programs addressing the areas of product label reading, household hazardous waste, packaging reduction, and recycling/recycled products, and continues to provide these educational opportunities to schools, community groups, Community POWER grantees, and other organizations. An additional 5,325 people, primarily students, were reached through presentations covering topics like Reduce, Reuse, Recycle, or received training about how to properly sort their trays for milk carton or food waste recycling.

d. Education Materials for Teachers and Community Groups

Washington County loans out Recycled Products Kits, Composting Education Kits, and Trash Trunks to community groups and schools to help teachers educate their students about waste and recycling. The County developed these award-winning recycled products kits to meet growing demands for information on recycling. The kits function as hands-on learning stations for schools, businesses or community groups, and contain 14 examples of products made from commonly recycled materials such as plastic lumber made from milk cartons, a notebook made from recycled office paper, and a doormat made from recycled tires. Due to requests from kit users for additional resources, composting education kits were developed and are now loaned to community groups. In 2015, 2,494 people saw one of these educational resources.

C. Source Reduction, Reuse and Conservation

1. Ramsey County Efforts

Ramsey County engages in a variety of outreach activities and programs to encourage and promote reuse. These activities include Fix-It Clinics, which launched in July 2015. The clinics are held on a monthly basis in locations rotating throughout the County. At the clinics, residents bring in small household appliances, clothing, and electronics and receive free guided assistance from volunteers with repair skills. The clinics are very popular, with 10 to 20 volunteers and 20 to 40 residents attending each clinic. Since inception, over 400 items totaling 1,532 pounds have been fixed.

Residents have other opportunities for reuse as well, including the Product Reuse Center, where residents can find free products like paints, automotive fluids and pesticides. The reuse room is operated year round by Bay West, Ramsey County's household hazardous waste vendor, at its facility in Saint Paul. In 2015, 166,126 pounds were taken and reused by 6,629 residents. Also in 2015, the County implemented a paint product stewardship program whereby post-consumer paint can be collected for reuse, recycling, energy recovery, or safe disposal.

Ramsey County promotes waste reduction in its Ramsey Recycles campaign, as well as in the A-to-Z web guide. The County updates a reuse guide that lists reuse opportunities on a regular basis. The County also provides the listing of building salvage and material reuse companies to demolition contractors and other interested parties, subsidizes backyard composting bins sold through the Recycling Association of

Minnesota, and promotes the MnTAP materials exchange program at trainings with businesses in the HazWaste Quarterly newsletter and on Twitter.

2. Washington County Efforts

Washington County, like Ramsey County, engages in a variety of outreach activities and programs to promote reuse. The County continues to work with existing reuse outlets and will add additional reuse options to the County's online [Residential Disposal Guide](#) as they arise. In addition, the Going Green Guide is an annual County disposal guide sent to all County residents, which also includes information on reuse opportunities.

Some of Washington County's efforts are aimed directly at business. For instance, the County contracts with consultants to assist restaurants and food service providers with reducing food waste, encouraging food waste recycling, and distributing informational/educational materials to a variety of businesses. Assistance on opportunities for waste reduction is also provided to licensed hazardous waste generators.

D. Recycling

Recycling success depends on markets: Once recyclables are picked up at the home or business, the recycling company processes and sells them to manufacturers that use them in production. Some markets are local, others are farther away in the United States, and some are overseas. At this point, recyclables are a commodity, and success in marketing depends on the economics of the material. Strong markets make recycling more affordable. A truly sustainable recycling system depends on markets, preferably local markets, for these materials. The Counties have taken a leadership role to convince State leaders to become more strategic and intentional in developing recycling markets.

1. Joint Efforts

The Counties have been working with businesses and institutions since the early 1990s to increase recycling. Beginning January 1, 2016, business recycling was mandated by State law.

In the commercial sector, recyclables are collected by private entities and delivered to private material recovery facilities for processing and marketing. The R&E Board has developed a comprehensive approach to a business assistance recycling program. As mentioned above, the BizRecycling program helps businesses and institutions in the Counties start or enhance recycling programs (traditional and organics recycling) by offering individual business grants and free technical assistance. A new program was launched in mid-2015 to directly involve business associations. BizAware is a grant program available to Ramsey and Washington County business associations (like chambers of commerce, business leagues, economic development commissions/authorities, and non-profit development corporations) to conduct outreach to member businesses and business audiences about the importance of recycling, including the free services provided by BizRecycling. The goal of these programs is to promote job growth and protect the environment. In 2016, BizRecycling technical consultants actively worked with over 740 businesses. Biz Recycling grants were awarded totaling \$840,000. In addition, another 120 businesses received labels. Five BizAware grants were provided to business associations reaching over 900 businesses.

The R&E Board has also long provided financial support to ensure that the Counties MSW is delivered to the Facility where processing recovers significant amounts of metal for recycling. In 2015 over 13,800 tons of metal was recovered at the Facility and recycled.

2. Ramsey County Efforts

Recycling is an essential component of waste management in Ramsey County, and the County took the lead in developing curbside recycling programs and recycling processing/marketing in the early 1990's. The County expects residents, businesses and institutions to incorporate recycling into the handling of discarded materials, and recognizes that it is the responsibility of everyone in Ramsey County to help achieve State recycling goals.

a. Municipal and County Recycling

Ramsey County works with municipalities, school districts and other public entities to assure that recycling opportunities are maximized. The County, for example, requires municipalities to assure recycling service is available to all residents at their place of residence, including multi-unit dwellings. The County also uses outreach and education, planning and evaluation, regulation, financial incentives, technical assistance and consultation to accomplish recycling objectives. Ramsey County provides financial support to municipalities using State SCORE funds to support municipal recycling and related programs (86 percent of SCORE funds are provided to municipalities for residential programs, the remainder is used by the County for the yard waste recycling program). The County provides technical assistance to municipalities for recycling contracts and program design, as well as a recycling-market support fund to cover some of the risk associated with recycling markets.

Ramsey County also assures that County-occupied property is designed for recycling, that employees and users of County property have the opportunity to recycle, and that County recycling operations implement best-management practices.

In addition, Ramsey County's Food Protection Ordinance includes recycling requirements. The County reviews plans submitted by licensed food and beverage establishments, and ensures that licensees meet these recycling requirements. The County also works with the largest cities and municipalities in the County to encourage them to take similar actions.

b. Residential Recycling

Residential recyclables are collected through municipal programs, which work with the County to monitor progress toward meeting recycling goals. Ramsey County measures municipal progress towards achieving recycling goals with a performance scorecard and recycling performance work plans. With regard to city/township residential programs, 15 of the 16 communities in Ramsey County contract for single sort recycling for all single family households, with the addition of materials, especially certain types of plastics. These city contracts have improved to require better reporting and educational outreach by contractors, including an annual recycling educational piece. In addition, all city websites now have links to County resources.

Thirteen communities received, at no cost, over 17,000 public space recycling containers and event containers through the County's Be Active! Be Green! program. Nine communities have used the County's Public Entity Innovation Grants ("PEIG") to improve their programs through bulky waste collection studies, improved outreach to multi-unit properties, piloting for organics collection at municipal facilities, and purchasing recycling carts. In 2015, the County approved changes to the PEIG program, including additional funding for up to 50 percent of a municipality's cost of purchasing recycling carts for residents.

c. Recycling in Schools

Ramsey County has long supported increased opportunities for source reduction, recycling, and organics management in schools. Through grants, technical assistance, direct assistance, and training, the County has worked with districts to increase the opportunity to recycle. The School Bin Grants provide funding for recycling bins and containers for the purpose of increasing recycling in public K-12 schools in Ramsey County. Program objectives include greater efficiency and potential cost savings for schools, by developing a resource management approach to waste and recycling and enhanced understanding and awareness of the value of recycling on the part of students, administrators, faculty, staff, and visitors. In addition, schools may apply for a PEIG to implement a more robust recycling program.

The County assisted the Saint Paul Public Schools (SPPS) for more than ten years to implement and improve recycling practices. Starting with pilot programs for food waste recycling in 2004, the SPPS has expanded its programs for recycling, including food waste, throughout all schools. Most recently, the County has assisted SPPS through its recycling/organics/trash contract procurement process in 2013-2014 with the County's Public Entity Technical Assistance Program and Ramsey/Washington consulting assistance, plus County staff assistance. The County provided a PEIG to the school system to implement a district-wide food, waste and recycling program, including new bins and labels, milk carton recycling, and food-to-hogs rolled out at every school during the 2014-2015 school year.

White Bear Lake Area Schools' PEIG funded K-12 best practices waste reduction, recycling and organics program, which saved the school district \$55,000 a year by executing a new hauler contract and saved an additional \$10,000 a year by making the switch from disposable to reusable lunch trays. More savings are expected from an improved and expanded food-to-hogs program, district-wide milk carton recycling, and enhanced single stream recycling program. In a typical school year, it is estimated that the school district will reduce waste by 685,900 disposable lunch trays; save \$48,000 in disposable tray purchases; and recycle 930,750 milk cartons.

3. Washington County Efforts

Washington County supports recycling for both residential and commercial generators. This support includes grants and technical assistance to municipalities for operation of residential recycling programs and providing information and technical assistance to businesses and institutions on recycling. Opportunities for single sort recycling are available to all residents, businesses, and institutions in the County. Food waste recycling is also available to commercial generators in most of the northern half of the County. Recyclables may be self-hauled or collected, transported, and marketed by waste haulers or specialized recyclables collectors.

a. Commercial Recycling

Washington County partnered with the City of Woodbury and provided funding for a dedicated temporary staff person to assist with recycling program implementation and education to businesses in the Lake Elmo, Oakdale, and Woodbury areas. The County also worked with the City of Cottage Grove to improve its public recycling program at its city-owned golf course, River Oaks. Together, the County and city installed dual stream bins for trash and recycling on the course as well as in the clubhouse and banquet facility area.

b. County Recycling

Washington County maintains an employee recycling program called Divert 70 that serves over 1,200 county employees. Divert 70 provides one-sort recycling and composting waste disposal options along with new color-coded waste sorting stations (blue – recycling, green – composting, gray – trash) and encourages the removal of deskside trash containers. Employees are provided with deskside waste sorting containers and deskside recycling boxes. Annual assessment indicated that the County is maintaining an 80 percent diversion rate for participating Divert 70 locations. Only 15 percent of containers contained contamination, which was a decrease from 25 percent the previous year. In addition, a bathroom organics pilot program was implemented in 2015. Existing trash bins were converted to compost and an additional, smaller trash bin was installed on the wall. The pilot was installed in eight public bathrooms in the Stillwater campus and will be expanded to additional bathrooms in 2016.

The County has also improved its internal waste collection and disposal services contract for County buildings. The new contract streamlines collection areas, provides better data to support reduced waste generation, optimizes collections service levels, and includes detailed tracking and reporting for billing. The new contract reduced waste collection costs and waste volumes.

Waste management and recycling has greatly improved at County events as well. The County established best practices for recycling and began organics collections. To supplement its efforts, the County now works to ensure that products supplied at events are recyclable and/or compostable.

Finally, Washington County conducted a waste sort study and evaluation at the Lake Elmo Park Reserve in order to help the County identify recycling opportunities in Washington County parks. The work included bin location mapping, collection process mapping, waste sort, staff and visitor surveys, root cause analysis, and a consensus workshop. The results of this study were compared with metro and national best practices in order to establish recommendations for improved park recycling programs. Recommendations will be piloted in 2016. Improvements to be made include new and paired recycling and waste containers, new signage, changes to existing waste contract, refined collection process, and enhanced communication with park staff and park users.

c. Residential Recycling

Municipalities are responsible for establishing and maintaining residential recycling programs. The County provides educational, financial, and technical assistance to local governments to aid these programs. Curbside recycling is available in all communities in the County. Curbside recycling service is provided by private waste haulers either as a condition of receiving a waste hauling license, or by contract with the local government where one recycler provides collection service to all residents.

In addition to curbside recycling opportunities, four drop-off sites exist within the County: Stone Soup Thrift Store in Cottage Grove, Goodwill Retail Stores in Stillwater and Woodbury, and Family Pathways Thrift Store and Goodwill Retail Store in Forest Lake. These stores accept donated clothing and household items, and resells them. There are also organizations such as veterans groups, the Lupus Foundation, the Courage Center, and others that provide collection of clothing and small household items from residents several times per year.

An additional drop-off site located at the Environmental Center that accepts the materials typically collected in curbside recycling programs, but does not accept clothing or household items. In 2015, over

111 tons of recycling were collected from residents and small businesses at the County's Environmental Center. The material included mixed paper and loose cardboard, bottles/cans, and hardcover books

The County offers a municipal recycling grant program to assist cities and townships in Washington County with residential recycling program expenses. Grant funding levels are dependent on recycling program activities. A base amount is provided to cover administrative and basic recycling program expenses and is dependent on the number of households in a community. A second level is targeted to specific grant projects that are related to achieving broad and general recycling goals. A third level, additional project funding, is tied to targeted projects such as multifamily recycling and away from home recycling. Cities and townships are encouraged to apply for the maximum level of funding. Grant requests must align with the recycling continuum (described below) and include a two-year project work plan. Additional components of the grant program and assistance to municipalities include:

- *Recycling Continuum:* A recycling best practices continuum was developed based on analysis of local, regional and national data of proven strategies that lead to higher recycling tonnages being collected, improved participation rates and an increased knowledge level among residents of recycling programs. The continuum, which identifies components of a basic, improved and advanced recycling program, aims to inspire new municipal recycling grant project ideas and encourage movement along the continuum into the improved and advanced levels.
- *City Recycling Coordinator Meetings:* The County hosts quarterly recycling coordinator meetings. The meetings provide a platform for the community to engage in community discussions, providing valuable learning opportunities and enhancing the potential for collaboration.
- *Standard list of curbside recyclables:* One of the best practices on the continuum is to require a standard list of recyclables to be collected. With assistance of a research report by a consultant, a standard list was developed based on adequate supply of recyclable material, ability of haulers to collect and find markets, market demand, and long term market stability.
- *City recycling resources webpage:* A new webpage was developed on the County's website with information and resources for city recycling coordinators.
- *Technical assistance to cities and townships:* The County contracts with Foth to assist CERT to work with cities and townships that may need assistance with waste and recycling services procurement and/or drafting ordinance provisions as well as creating templates for other communities to utilize.
- *Improved curbside recycling data:* In 2014, the County partnered with the City of Oakdale on a study project to improve the collection and reporting of residential recycling data. Based on the project findings and input from a sample of haulers and city staff, the county developed one simple, consistent, short form in place of submitting individual recycling tonnage forms to each municipality a hauler provides service to in the county. Haulers are now required to use the form and report quarterly to the county.

d. School Recycling

Washington County offers numerous services to schools and serves as a great resource. For instance, the County assisted Stillwater area schools with a consultant to develop an RFP for a contract to manage the trash and recyclables generated at its buildings. A resource management RFP was selected as the process for the district to obtain a vendor with expertise in resource management and facility recycling and waste management. Improvements through the new contract included clearer invoicing, better reporting, and reduced collection cost.

County staff also works with school districts to conduct waste sorts and then implement best practices. These best practices include improvements to existing recycling, food waste recycling, and adding milk carton recycling. For example, after a waste sort was conducted at Cottage Grove Middle School in 2015, an improved recycling program was implemented that resulted in an increase in recycling by 11.8 percent, with milk carton recycling in the cafeteria diverting 55.6 pounds of liquid waste and about 780 cartons per day getting recycled.

E. Organics (Including Yard Waste)

1. Yard Waste

State law prohibits yard waste from being put in the trash or being disposed of in a landfill or resource recovery facility. Yard waste includes leaves, grass clippings, garden waste, and tree and shrub waste. A combination of public and private systems provides generators of yard waste with several management options.

a. Ramsey County Efforts

i. Collection Sites

Ramsey County operates a network of seven yard waste collection sites. The sites began as neighborhood or municipal sites during the 1980s, but became exclusively operated by the County after the statutory yard waste ban went into effect in 1990. The sites are open 38 hours per week, five days per week, from April through November, weather permitting, and are also open one weekend per month during the winter. Each site has a least one site monitor present, employed by the County, to direct and assist residents and to prevent illegal dumping. There are no user charges at the sites. The County composts leaves at one site and distributes finished compost to all sites for residents to take. Compost is also made available for community gardens. Yard waste from other sites are composted by private vendors.

Beginning in 2004, the County began accepting tree and shrub waste from residents at four of the seven sites. The material is processed into wood mulch, most of used as a biofuel at St. Paul District Energy's combined heat and power plant in St. Paul. Wood mulch is also provided to residents. The County also works to monitor the Emerald Ash Borer in partnership with the Minnesota Department of Agriculture and the Department of Natural Resources, providing an outlet for residents to dispose of wood infested by the Emerald Ash Borer.

On average the sites receive about 400,000 site visits annually and about 40,000 to 45,000 tons of yard waste and 25,000 to 30,000 tons of brush.

The County also encourages residents to reduce the amount of yard waste and brush they generate through changes in turf and tree management (e.g., leaving grass clippings on the lawn and avoiding excessive fertilization), backyard composting, and proper selection, planting, and care of trees and shrubs. The County contracts with the University of Minnesota Extension Service—Ramsey County to work with the Master Gardener program to educate residents on wise turf management, backyard composting, pesticide safety, and improving the health of trees and shrubs (to minimize tree and shrub waste and to create a market for wood chips). Master Gardeners talk with residents and distribute information on multiple occasions at each compost site. The Extension Service, primarily through Master Gardener activities, continues to make contacts through classes, clinics, telephone hotlines, and Info-U. In 2015, approximately 8,000 copies of the Master Gardeners extension publication were distributed to Ramsey

County residents at yard waste sites, and the Master Gardeners talked with over 3,000 residents, promoting key messages around topics of organics recycling, water protection (including rain gardens), reducing waste, growing food, reducing chemical use and properly disposing of leftover chemicals.

Rain barrel education stations are located at all yard waste sites. Site monitors have been trained in how to educate residents on construction and maintenance of rain barrels.

Ramsey County provides access to its property at the Frank and Sims yard-waste site called the “Big Urban Woods” through joint powers agreements with participating schools, for use as a School Forest. Ramsey County will work with the schools, the Department of Natural Resources, the University of Minnesota’s Extension Service, and community groups to develop and maintain the property as a School Forest. Ramsey County also allows community groups to use the yard waste sites to provide public services and fundraising, which enhances public service, improves quality of service to County residents, promotes civic engagement, and encourages physical activity.

ii. Yard Waste Collection at Home

The vast majority of residents are served by waste haulers offering separate collection of yard waste, including tree and shrub waste. Rates vary: increasingly haulers are charging for season-long pickup although some charge for individual pickups. In the communities with organized trash collection, residents are offered yard waste pickup, either as an optional cost or as part of the contracted service. Haulers typically specify preparation requirements, and some place limitations on the quantity collected per stop. Some lawn services and tree services also provide collection of yard waste.

iii. Credit for Yard Waste

Ramsey County provides convenient and effective services for residents to manage yard waste, including woody waste, and complies with the State ban on yard waste. While expensive, these services are extremely important in a fully urbanized County, and are an efficient way for residents to comply with State law, practice environmentally sound behavior, and engage in community. The yard waste collected by Ramsey County is an important component of the solid-waste system, with leaves and grass serving as bulking agents for composting other organics. The woody wastes collected serve as a renewable energy source, supporting the movement to reduce GHG emissions. Ramsey County worked with the MPCA and the Solid Waste Management Coordinating Board “SWMCB” to include yard waste in performance measures to better reflect overall organics diversion activity within the region and the County, and to improve the ability of both to compare their progress to other areas across the country.

b. Washington County Efforts

In Washington County, yard waste is currently managed by one or more of the following methods: backyard composting or mulching, private or community compost sites, and hiring private haulers to collect and manage yard waste. In some communities with organized trash collection, residents are offered yard waste pickup, either as an optional cost or as part of the contracted service.

The County offers technical assistance on yard waste management to residents and municipalities. The County currently has five municipal-operated yard waste sites (service open only to its residents). Three privately run sites are open to all County residents, but not in or near communities without a municipally

operated site. Some communities have implemented fee systems to help cover site costs. Sites are located in Cottage Grove, Forest Lake, Hugo, Marine on St. Croix, Newport, St. Paul Park, Denmark Township, and Woodbury.

The County's ongoing work with schools and commercial establishments has led to an increase in the amount of food/organic waste being recycled. The Counties have worked jointly through the Board to provide outreach services and information on food and organic waste recycling to businesses and institutions. Through this work, schools and commercial establishments in Washington County have adopted organics waste recycling options over traditional disposal, and the tonnage of material diverted from the waste stream has steadily increased annually.

2. Organic Waste Management

a. Joint Efforts

Upon introduction of the County's Environmental Charge in 2004, the Counties greatly expanded their joint efforts to increase the diversion of food waste and other organics from the trash. The County's ongoing work with schools and commercial establishments has led to an increase in the amount of food/organic waste being recycled. The Counties work jointly through the R&E Board to provide outreach services and information on food and organic waste recycling to businesses and institutions. Through this work, schools and commercial establishments in the Counties have adopted organics waste recycling options over traditional disposal, and the tonnage of material diverted from the waste stream has steadily increased annually.

Beginning in 2008, the R&E Board and Second Harvest Heartland ("SHH") entered into a grant agreement, which has been renewed each year since, to significantly increase the quantity of edible, perishable foods recovered from deli, dairy, meat, produce, and bakery departments in major grocery store chains to feed hungry people. As a result, the quantity of food waste recovered by SHH within the County has steadily increased.

i. Organics Management in Schools

The Counties provide technical assistance and grant funding to the schools for the implementation of food waste recovery and recycling systems. Food waste recycling can result in cost savings when coupled with "right-sizing" of garbage collection to reduce pickup frequency and/or container size.

ii. Research

To more fully understand the opportunities and barriers related to the development of an organics management system, the R&E Board commissioned a number of studies of organic waste generators. The first, [An Integrated Organic Waste Management System: From the Perspective of Commercial Waste Generators](#) (May 10, 2010), analyzes anaerobic digestion as a new organic waste management concept from the perspective of commercial waste generators located in the Counties by exploring logistics of daily operations, types of upfront costs, and changes in the configuration of waste management services. The second, [Organic Materials from Commercial Establishments: A Supply Assessment](#) (June 2010), contains preliminary estimates of quantities of commercial organic materials not currently recovered by other programs that may be available as feedstock for an anaerobic digestion facility. It also characterizes the types of commercial establishments that may be sources of targeted organic materials such as food scraps and non-recyclable paper. A full list of relevant reports can be found at

<http://morevaluelesstrash.com/designation-research> (click on “Designation,” then “Relevant Research and Findings”).

b. Ramsey County Efforts

Ramsey County added SSO collection at six of the seven County yard waste sites, starting in April 2014. SSO collection at the sites is available to Ramsey County residents and to small organized event collections. The sites are open to the public five days per week, April through November, and on weekends during the winter months. Residents are given free compostable bags to utilize for their home collection efforts. In 2015, the County Board approved the expansion of the County’s SSO drop-off program, with the addition of six more sites. The development of the additional sites is planned for 2016.

To stimulate interest and demystify the collection of SSO for residents, Ramsey County created a starter kit. The kit consists of a kitchen caddy, two compostable bags, instruction cards and a loyalty card. In 2015, more than 2,000 starter packets and 1,000 kitchen caddies were distributed at yard waste sites, District Council offices, city halls, libraries, city cleanup events, household hazardous waste collection sites, Fix-It Clinics, Community POWER grantees meetings, Master Gardeners meetings, and the Tamarack Nature Center.

The food-to-hogs program is operational in the public school districts in White Bear Lake, Saint Paul, Roseville, and one school in Mounds View. In addition there are many private and charter schools throughout the County participating in the program.

Finally, Ramsey County operates food waste recycling programs at seven facilities with commercial kitchen operations. Over 250 tons of food waste were recycled in 2015. In 2016, Ramsey County is expanding its organics diversion efforts by implementing organics recycling programs in additional facilities. So far this year, two facilities have been brought online to capture food scraps and non-recyclable paper. Evaluations are underway to determine service needs and implementation logistics for bringing additional facilities online over the course of the next two to three years.

c. Washington County Efforts

i. Organics Management in Schools

The organic waste recycling work is notable in the public and private schools in Washington County. In Washington County, 26 schools participate in organics recycling, with over 18,100 students participating and 400 tons per school year being recycled as hog feed or composted. At St. Croix Preparatory Academy, food waste recovery and improved recycling, including cart recycling, resulted in an increase from 102 pounds/day to 401 pounds/day. In addition, many schools are now including milk diversion and carton recycling. For example, in the South Washington County School District (District 833) over 34 tons of milk were diverted from trash and over 600,000 cartons recycled per school year.

Schools provide a multi-purpose approach to the County’s waste programs as they provide a great opportunity to educate young community members on waste diversion and recycling while providing hands-on experience, and visible and measurable results of waste diversion and recycling efforts.

ii. Organics Management in County Buildings

County staff evaluated whether to implement Divert 70 in the government center cafeteria and conducted a waste sort to assess current waste composition and how waste was managed. Working with the current food service contract, which provides food for the Government Center Cafeteria and inmates in the County jail, the County is proceeding with purchasing reusable or compostable dinnerware and silverware depending on the application, and adding organics collection to sections of the jail and the cafeteria.

F. Processing

Consistent with the State's Waste Management Hierarchy, both Counties affirm processing of waste for the purpose of recovering energy and recyclable and other beneficially useful materials, as the preferred MSW and non-MSW management method over landfilling for waste that is not reduced, reused, or separately recycled or composted. This policy applies both to waste generated throughout both Counties and specifically to MSW generated by public entities including contracts for organized collection of solid waste. Pursuant to State law, public entities in both Counties will assure that the MSW they generate or contract for is processed rather than land disposed. Both Counties support the processing of waste in a manner that encourages waste reduction, reuse or recycling, including the separate management of organic waste.

The Facility processes MSW into RDF that is used by Xcel Energy to produce renewable electricity at facilities in Red Wing and Mankato. At the same time, the Facility's processing equipment separates and recovers ferrous metals and non-ferrous metals for recycling. Waste processing ensures that what remains in the trash after recycling and composting is best managed to protect the environment. Through the processing of waste at the Facility, the R&E Board has prevented the need for 100 acres of landfill, 40 feet deep. In addition, each year the RDF produced at the Facility powers 20,000 homes.

Overall, the R&E Board's ownership and control over the Facility allows it to:

- Consider new technologies to increase energy produced, create fuels, make compost, or provide recyclable materials for manufacturing;
- Continue to ensure waste is managed to protect the environment and public health;
- Meet Minnesota's new 75 percent recycling goal;
- Support local jobs; and
- Work towards a more stable, predictable waste processing system that controls costs and saves taxpayers money.

G. Non-MSW Management

1. Ramsey County Efforts

Because Ramsey County is fully developed, most new development is associated with demolition of old structures. AS a result, Ramsey County gives special attention to non-MSW that is generated within the County. Ramsey County applies the State hierarchy of waste management to non-MSW, and develops strategies, regulations and programs to promote the management of non-MSW higher on the hierarchy, and to reduce health, safety and property risks associated with non-MSW. For example, Ramsey County operates a pre-demolition inspection program, to assure proper management of hazardous waste and problem materials that are in buildings slated for demolition. Each municipality works with the County, and as demolition permits are issued, an inspection by the County is required before work begins. This program resulted in over 107,000 pounds of hazardous waste, and 133,000 pound of problem materials

being recovered and properly managed from buildings slated for demolition that otherwise would have gone to demolition landfills.

Other highlighted activities include:

- Ramsey County worked with other entities on a successful effort encouraging the Minnesota Department of Transportation to adopt a permissive specification for the use of tear-off shingle scrap in hot mix asphalt.
- Ramsey County regulates demolition activities through a pre-demolition inspection program, assuring hazardous building materials, including asbestos, are properly identified, removed and managed from structures slated for renovation or demolition, and will partner with municipalities in the implementation of this program.
- Ramsey County provides technical assistance and consultation on topics including collection, contracting, management options and permit issues, to municipalities and other entities to encourage appropriate management of demolition, construction, and deconstruction materials.
- Ramsey County continues the Reuse, Recycle, and Renovate for Reinvestment (“4R”) Program on County Tax Forfeited structures, promoting deconstruction, building material salvage and recycling in renovation and demolition projects.
- Ramsey County provides technical assistance and consultation supporting public entity procurement practices that encourage incorporation of deconstruction, building material salvage and recycling practices in government-let contracts such that projects achieve a minimum 75 percent diversion rate based on what can reasonably be recovered.
- Ramsey County promotes healthy homes through the reduction of health and environmental hazards associated with lead, mercury and other contaminants, as well as the proper management and abatement of public-health nuisances.

2. Washington County Efforts

In 2013, the County included in the development of its Strategic and Implementation Plan (2013-2020) a strategy under “Infrastructure” to utilize MN B3 Sustainable Standards to develop Washington County Standard Goals for any capital building projects and obtain adoption by the Washington County Board of Commissioners of B3 Standards for County projects policy. The MN B3 Sustainability Building Design Guidelines were used in the planning for the 2015 remodel of the County’s North Shop and includes strategies under site and water, energy and atmosphere, indoor environmental quality, and materials and waste.

Highlighted non-MSW materials managed by the County or generated in the County include the following:

- Construction Debris - The majority of construction debris generated in the County is hauled to MSW landfills. Tennis Sanitation Transfer Station and the Facility can also handle small amounts of construction debris.
- Demolition Debris - Generators of demolition debris are often referred to the SKB Rich Valley Landfill in Inver Grove Heights. Demolition debris is not currently managed at the Facility. Concrete and asphalt crushing operations, where the material is recycled, are not currently regulated by the County.

- Industrial Waste - The County currently licenses one industrial waste land disposal facility. Black Diamond, located in the City of Woodbury, processes coal slag into fractions appropriate for use as blasting grit and for use on roofing shingles. The by-product of this process is slag fines.
- Tree Waste – There are two sites in the County that accept tree waste: in the City of Cottage Grove, and in the City of Woodbury. Both of these facilities are open to the public.
- Street Sweepings – Street sweepings are collected and screened. Litter is disposed of at a regulated disposal facility, and the screened fraction is used as clean fill in various projects, such as utilization as road base/road core.
- Water Treatment Lime Sludge - Water treatment lime sludge is defined as a solid waste. It is applied to the land in the County by licensed companies to increase the pH where required for optimal crop growth by licensed companies.

H. Regulation

1. Ramsey County Efforts

Ramsey County assures compliance with applicable laws, rules and ordinances related to the management of solid and hazardous waste, as required by Minn. Stat. § 473.811. Ramsey County implements its solid and hazardous waste compliance program focused on risk. Fees charged for regulated activities are based on risk factors previously used by the County.

Ramsey County requires, as a condition of licensure, all waste haulers and transfer stations operating in the County to remove and properly manage any hazardous waste materials to assure that regulated hazardous waste is properly managed, and that regulated entities are aware of options that reduce the quantity and hazardous character of waste. The County is working with the SWMCB to explore the expansion of regional hauler licensing to include non-MSW collectors as well as recyclers and organics haulers. Currently, Ramsey County licenses 1,860 hazardous waste generators, 14 hazardous waste facilities, 7 solid waste transfer stations, one medical waste processing facility, and 91 solid waste haulers.

Ramsey County provides training, education and information to businesses and waste generators about hazardous waste collection and disposal options as well as information and technical assistance to waste generators and facilities regarding the management of hazardous wastes, reduction of the toxicity of materials, and the use of alternative products. The HazWaste Quarterly was sent out to 14,812 businesses and waste generators in 2015. That year, 65 companies delivered over 24,000 pounds of hazardous waste.

2. Washington County Efforts

a. Commercial Hazardous Waste

The County has operated a commercial hazardous waste regulation program since 1985 and is mandated by statute (Minn. Stat. § 473.811, subd. 5) to regulate and enforce state and local hazardous waste rules. Washington County Ordinance #195 adopted in 2014 added sections on major appliances, and universal and special hazardous wastes. Any business or non-household entity that generates hazardous waste is termed a Hazardous Waste Generator, and must comply with these regulations. The regulations are designed to be protective of public health and the environment, and focus on preventing hazardous waste releases or exposure.

Generators of commercial hazardous waste are classified in one of three categories, based on amount of waste generated:

- Large Quantity Generators (“LQG”), which produce more than 2,650 gallons of hazardous waste per year;
- Small Quantity Generators (“SQG”), which produce between 265 and 2,650 gallons of hazardous waste per year; and
- Very Small Quantity Generators (“VSQG”), which produce less than 265 gallons of waste per year.

In 2014, there were 548 generators in the County, including but not limited to 11 LQGs, 22 SQGs, and 491 VSQGs.

b. Solid and Hazardous Waste Facilities

The County regulates hazardous waste facilities that treat, store, or dispose of hazardous waste. There is one such facility in the County: the 3M Cottage Grove hazardous waste incinerator. Hazardous waste facilities are subject to additional regulations beyond those for generators, based on the types of waste handled, and the size and nature of their operation. Facilities are also required to have a permit from the MPCA and the EPA.

The County also currently regulates 16 solid waste facilities. The County derives its regulatory authority for solid waste management and protection of public health, safety, and the environment from Minn. Stat. chaps. 115A, 145A, 375, 400, and 473. The MPCA Solid Waste Management Rules-Minnesota Rules chap. 7035.0400, adopted November 21, 1988, encourages the cooperation of local units of government in enforcing the rules. MPCA Solid Waste Rules have been adopted by reference in the Washington County Solid Waste Management Ordinance #114.

In addition to enforcing state rules, the Minnesota Administrative Rules § 7035.0400 enforce their own solid waste management ordinance. The ordinance establishes county-specific standards pertaining to the management of solid waste. For example, the ordinance sets standards for tree waste management facilities, land application sites, solid waste facilities, waste haulers, and the County Environmental Charge (Washington County Solid Waste Management Ordinance #194).

I. Toxicity Reduction

1. Ramsey County Efforts

In order to further guard against potential impacts to public health and the environment, Ramsey County emphasizes toxicity reduction to manage risks associated with waste. Proper management of hazardous materials can reduce health, safety, environmental and property risks. Federal law requires businesses that generate wastes to analyze that waste to determine if it is hazardous. If wastes are corrosive, reactive, ignitable, toxic or lethal, they are required to be handled in a cradle-to-grave regulatory system. This regulatory system requires the wastes to be specially packaged, transported, handled and disposed, with a paper trail that follows the waste.

Ramsey County supports a product stewardship approach in which products with a toxic or hazardous character are best managed through shared responsibility by manufacturers, distributors, retailers, and consumers. The County implements residential collection systems only until product stewardship systems are reliably in place for toxic and hazardous materials.

Ramsey County provides for household hazardous waste management services at a level of convenience and financial accessibility to encourage proper management and management that is compatible and consistent with other programs in the region, while encouraging the reduction of the amount of household hazardous waste generated. The County provides and promotes convenient collection of household hazardous waste at both a year-round facility and collection events held at various sites during spring, summer and fall. In an effort to provide the opportunity for residents to safely dispose of unwanted, expired and unused medicines, the County provides three free public medicine collection drop boxes. The County also provides collection service for household sharps. At the county's year-round collection site residents may participate in in the reuse room.

In 2015, 28,987 people brought household hazardous waste to Bay Waste or attended a collection event, which alone brought in a total of 637 tons of discarded materials. Of the total household hazardous waste collected, 57 percent was recycled, 35 percent was reused or recovered to produce energy, 7 percent was incinerated, and less than 1 percent was landfilled. In the same year, 8,043 pounds of pharmaceutical waste was collected and properly managed. Also in 2015, 6,629 residents collected 166,126 pounds of materials for reuse at the household hazardous waste reuse room.

2. Washington County Efforts

a. Household Hazardous Waste

Washington County's household hazardous waste program has long included a permanent household hazardous waste collection site that was opened in Oakdale in 1994. By 2009, the County's household hazardous waste program operations had outgrown the Oakdale site and, in addition, the existing lease with the City of Oakdale was due to expire. The County opened the Environmental Center in Woodbury in September 2009 to replace the Oakdale site, which had closed in June 2009.

The County currently contracts with Clean Harbors for the operation of the Environmental Center. The household hazardous waste program also has agreements with a number of companies for the direct management of various wastes. The Environmental Center collects household hazardous waste, electronics, and common recyclables. Other materials recycled include plastic bags and holiday lights. The Center also holds special events such as the shredding and recycling of confidential paper, and the distribution of compost bins and rain barrels. The Center has a large Free Product Room where usable household products are free to residents. In 2015, the Washington County Free Product Room gave away 369,564 pounds of usable products including about 26,000 gallons of paint.

The County also holds several one-day collection events in remote locations of the County to provide convenient service for those not living close to the Environmental Center. In addition, the County has reciprocal use agreements with Anoka, Carver, Chisago, Dakota, Hennepin, and Ramsey counties, which allow residents to deliver household hazardous waste to any facility or event in those counties free of charge. Between 2014 and 2015, the total amount of hazardous waste collected increased by 22 percent to 1,524,453 pounds.

Residents in the County also have other options available to them for proper disposal of hazardous/toxic materials. They include: (1) recycling consumer electronics, such as televisions and computers, at several privately operated recovery operations, (2) drop-off programs at retail locations for Ni-cad and button batteries, (3) lead-acid motor vehicle battery take-back programs at any lead-acid battery retail location, (4) motor oil collection at dozens of service stations and other privately operated vehicle service establishments, (5) drop-off programs for fluorescent lamps at local retail stores, and (6) recycling of

major appliances, such as dishwashers, refrigerators and air conditioners, at several privately operated recovery operations.

As a result of the County's 2012 Waste Management Master Plan, the County added new hazardous waste programs:

- Sharps collection programs for used medicinal needles and syringes are available. They help protect public health by preventing the spread of diseases and promoting public safety. From 2013 to 2015, the County collected nearly 9,409 pounds of sharps.
- Working with local law enforcement authorities, the County provides collection and disposal programs for expired and unused prescription medications. This program prevents accidental poisonings, misuse, and diversion of prescription drugs. Many medications cannot be broken down by local wastewater treatment facilities and are discharged into riverways where they can affect aquatic life. Proper disposal keeps medicines out of rivers, streams and groundwater. Washington County collects about four tons of prescription medications a year.

b. Small Business Hazardous Waste Collection Program

The County also provides a collection program to help businesses dispose of small amounts of hazardous waste. The program began in 1997 through the County's household hazardous waste agreement with the State, and was approved by the Washington County Board of Commissioners. The small business hazardous waste is commingled with household hazardous waste and manifested for disposal. The cost of the program is funded by a fee charged to the generator bringing waste to the Environmental Center, and covers disposal costs, labor, and administrative time. In 2015, 90 businesses participated, and about 20,000 pounds of hazardous waste were collected through the program.

c. Commercial Hazardous Waste

Washington County has operated a commercial hazardous waste regulation program since 1985 and is mandated by Minn. Stat. § 473.811, subd. 5 to regulate and enforce state and local hazardous waste rules. Washington County Ordinance #195, adopted in 2014, added sections on major appliances, and universal and special hazardous wastes to the County's existing hazardous waste ordinance. Any business or non-household entity that generates hazardous waste is termed a Hazardous Waste Generator, and must comply with these regulations. The regulations are designed to be protective of public health and the environment, and focus on preventing hazardous waste releases or exposure.

d. Hazardous Waste Facilities

Washington County regulates hazardous waste facilities that treat, store, or dispose of hazardous waste. There is one such facility in the County: the 3M Cottage Grove hazardous waste incinerator. Such facilities are subject to additional regulations beyond those for generators, based on the types of waste handled and the size and nature of their operation.

J. Landfills

1. Ramsey County's Efforts

There are no operating landfills in Ramsey County. Some MSW generated in Ramsey County is delivered as unprocessed waste to landfills, located in Minnesota, Iowa and Wisconsin. Certain wastes from the

Facility are delivered to landfills (non-processible wastes, excess waste that bypasses the processing lines, and residue from the processing lines). A variety of non-MSW wastes generated in the County are also landfilled.

Ramsey County uses responsible waste management principles, and careful risk analysis, when arranging for land disposal of waste. Public entities in Ramsey County are expected to do the same. Old dumps and landfills pose a variety of potential public health, safety and property risks. To mitigate these risks, Ramsey County invests resources to inventory, monitor and, when necessary, take action.

Ramsey County works with other entities to promote proper, convenient, financially accessible management of bulky materials, in order to reduce illegal dumping and burning and to improve neighborhoods by reducing nuisance situations. The County supports a product stewardship approach in which some bulky items are best managed through shared responsibility by manufacturers, distributors, retailers, and consumers; it encourages the processing of bulky waste items that can be processed by equipment at the Facility. The County also takes the proactive step of working with MPCA, generators, retailers and recyclers of carpet to foster more recycling of carpet, while continuing to support a product-stewardship approach for carpet; working with municipalities regarding optimum methods for collection and proper disposal of major appliances, electronics, tires, and other bulky waste items; and working with the mattress industry, including manufacturers, wholesalers and retailers, to foster implementation of a mattress recycling program. Finally, the County expects that municipalities that provide clean-up events or separate waste collection programs for residents assure that bulky waste items are separated and managed appropriately and in accordance with the hierarchy.

2. Washington County's Efforts

There are no operating MSW land disposal facilities in the County. Haulers transported the waste to a variety of landfills in Inver Grove Heights, Elk River, Burnsville, and Blue Earth counties and Eau Claire, Wisconsin. These landfills are owned by private companies, and individual solid waste haulers choose to transport the collected waste to a landfill.

ATTACHMENT F

LIST OF RESOURCES AND LINKS

Additional resources and link can be found in the Designation section of the R&E Board's website, located at <http://morevaluelesstrash.com/designation/>.

ATTACHMENT G

LIST OF RESIDENTIAL COLLECTION SYSTEMS IN COUNTIES

Residential Collection Systems in Ramsey and Washington Counties			
Note: Commercial collection is open throughout both Counties.			
City	County	Open or Organized Collection of Residential MSW	Open or Organized Collection of Residential Recyclables
Arden Hills	Ramsey	Open	Organized
Falcon Heights		Open	Organized
Gem Lake		Open	Organized
Lauderdale		Open	Organized
Little Canada		Organized	Organized
Maplewood		Organized	Organized
Mounds View		Open	Open
New Brighton		Open	Organized
North Oaks		Open	Organized
North St. Paul		Organized	Organized
Roseville		Open	Organized
Saint Paul		Open	Organized
Shoreview		Open	Organized
White Bear Lake		Organized	Organized
White Bear Township		Organized	Organized
Vadnais Heights		Organized	Organized
Afton	Washington	Organized	Organized
Bayport		Organized	Organized
Baytown Township		Open	Organized
Birchwood		Organized	Organized
Cottage Grove		Open	Open
Dellwood		Open	Organized
Denmark Township		Open	Open
Forest Lake		Organized	Organized
Grant		Open	Organized
Grey Cloud Township		Open	Organized
Hugo		Open	Open
Lake Elmo		Open	Open
Lake St Croix Beach		Open	Organized
Lakeland		Open	Organized
Lakeland Shores		Open	Organized

Residential Collection Systems in Ramsey and Washington Counties
Note: Commercial collection is open throughout both Counties.

City	County	Open or Organized Collection of Residential MSW	Open or Organized Collection of Residential Recyclables
Landfall		Organized	Organized
Mahtomedi		Open	Organized
Marine on St Croix		Organized	Organized
May Township		Open	Open
Newport		Open	Open
Oak Park Heights		Organized	Organized
Oakdale		Open	Open
Pine Springs		Open	Organized
St Mary's Point		Open	Organized
St. Paul Park		Open	Open
Scandia		Open	Organized
Stillwater		Organized	Organized
Stillwater Township		Open	Open
West Lakeland Township		Open	Organized
Willernie		Organized	Organized
Woodbury		Open	Open