



WASTE DESIGNATION



Friday February 28, 2020
Chris McConn

Minnesota Statutes

115A.80 DESIGNATING SOLID WASTE MANAGEMENT FACILITIES; LEGISLATIVE FINDING.

In order to further the state policies and purposes expressed in section [115A.02](#), and to advance the public purposes served by effective solid waste management, the legislature finds and declares that it may be necessary pursuant to sections [115A.80](#) to [115A.89](#) to authorize a qualifying solid waste management district or county to designate a solid waste processing or disposal facility.

CASE LAW & LEGAL DOCTRINE

1. Dormant Commerce Clause
2. C&A Carbone, Inc. v. Town of Clarkstown, New York (1994)
3. United Haulers v. Oneida-Herkimer Solid Waste Management Authority (2007)

WHY DO I CARE?



ToonClips.com

#55354

service@toonclips.com

Otter Tail County's Story

Part owner of Prairie Lakes Municipal Solid Waste Authority (PLMSWA)

- Owned by 5 Counties
- Employs 33 people
- >\$30M bonded debt
- Great amount of fixed costs



To manage risk, we chose to develop a waste designation program.

OTTER TAIL COUNTY'S TIMELINE

- 2015 Waste Designation Plan
 - Hauler Correspondence
 - Public Hearing
 - MPCA Approval
- 2019 Waste Designation Ordinance
 - Waste Delivery Agreements
 - MPCA Approval
 - Public Hearing
- 2020 Effective Date: March 1, 2020

Waste Designators



- Ramsey & Washington County (completed)
- Pope & Douglas Counties (in progress)
- Olmsted County (completed)
- Clay, Becker, Otter Tail, Todd and Wadena (varies by County)

DISCUSSION & QUESTIONS

Raise your hand if you

- Alive
- Keep your hand raised if you:
 - ❖ Do not have waste designation
 - ❖ Use publicly owned infrastructure for:
 - Waste to Energy
 - MSW Landfill
 - MSW transfer station



QUESTIONS???