



125 Charles Avenue
St Paul, MN 55103
651-224-3344
swaa-mn.org

SWAA LEGISLATIVE POLICY PLATFORM 2024

Approved on SEPTEMBER 21, 2023

LEGISLATIVE PRIORITIES

SOLID WASTE MANAGEMENT TAX USAGE: SWAA supports allocating 100 percent of the revenue generated by the Solid Waste Management Tax (SWMT) to state and county waste management activities, including increased funding for SCORE (Governor’s Select Committee on Recycling and the Environment) grants to counties.

CAPITAL ASSISTANCE PROGRAM (CAP): SWAA supports fully funding the bonding requests for proposed solid waste management projects as a partial match to the funds that counties invest in infrastructure for safe, environmentally sound management of solid wastes in response to state. mandates and goals.

EXTENDED PRODUCER RESPONSIBILITY: SWAA supports product stewardship among manufacturers, retailers, and consumers, with an emphasis on industry through an Extended Producer Responsibility (EPR) framework. SWAA supports EPR that creates producer-led material and toxicity reductions, reuse, repair, and recycling programs, to reduce a product’s life cycle impacts from design through end-of-life management. Programs must include transparency and accountability measures, maximize use of existing infrastructure, and provide local governments with a voluntary role in development and implementation. Programs must not rely on local government financing.

SWAA prioritizes adoption of legislation in the following areas during the 2024 session.

- **E-WASTE:** Reform the Minnesota e-waste program to meet the SWAA Product Stewardship Principles.
- **PACKAGING WASTE REDUCTION:** SWAA supports an Extended Producer Responsibility approach to improve the recyclability of product packaging, reduce packaging waste, and incentivize sustainable packaging choices. Producers must support and build on existing reuse and recycling infrastructure and contribute financially for this system to maximize efficiency and displace taxpayer funding for recycling and reuse.

PRESERVE THE WASTE MANAGEMENT HIERARCHY

SWAA supports maintaining Minnesota’s Waste Management Hierarchy as currently constituted in Minn. Stat. Sec. 115A.02.

POLICY POSITIONS

CONSTRUCTION AND DEMOLITION DEBRIS MANAGEMENT

- **RULEMAKING:** SWAA supports construction and demolition rulemaking utilizing a comprehensive stakeholder engagement process that provides an adequate timeline allowing for detailed discussions and collaborative solutions for rule change recommendations that weigh economic and social impacts along with the environmental impacts.
- **C&D SYSTEM CHANGES/SUSTAINABLE BUILDING:** SWAA supports changes in traditional C&D management systems focusing on voluntary approaches with state support of, and resources for, increasing deconstruction, salvage, recycling, and other reuse and reduction activities.
- **PERMITTING:** SWAA supports the timely issuance of permits that conform to statutory and rule requirements and are free of conditions not in adopted rules or statute. Permit issuance and permit requirements should account for the economic and social costs of implementation.
- **TRANSITION:** SWAA supports state funding to address any C&D management and facility transitions required by state law or rule.

CONTINUING EDUCATION/STAKEHOLDER MEETINGS

- **REMOTE PARTICIPATION:** SWAA supports all state agency stakeholder meetings, public hearings and all required training, continuing education or refresher courses being made available to participate from remote locations and/or be available in digital archive for later review.

ENVIRONMENTAL JUSTICE

- SWAA supports consideration of environmental justice impacts in planning and implementing the integrated waste management system to achieve the public health and environmental protections goals established in law. Meaningful engagement should be employed in legislative or rulemaking processes, and should involve those most impacted by decisions, including permit holders or those seeking permits, as well as those who may have not been historically included.

MARKET DEVELOPMENT

- **STATEWIDE COORDINATION:** SWAA supports coordinated statewide market development for materials recoverable from waste. Market development efforts should: strengthen existing and establish new commodity markets, develop and support high-value uses of recovered materials, create demand for recycled materials and products across all sectors of the economy, and provide funding support to businesses and public entities that process, or use recovered materials in the production of new products.
- **GLASS:** SWAA supports high value, beneficial uses of crushed glass, and considers these uses as recycling that is eligible to be counted towards SCORE goals.
- **PLASTIC FILM:** SWAA supports state funding and assistance to support the collection, reuse, and recycling of recovered plastic films, including agricultural plastic and marine wrap.
- **EMERGING/CHALLENGING RECYCLABLE MATERIALS:** SWAA supports creating or strengthening processing capacity and markets for materials like solar panels, wind turbine blades, plastic film, consumer packaging, such as cartons and flexible packaging, and source separated compostable materials.

WOOD WASTE & CONTROL OF NOXIOUS WEEDS

- SWAA supports disposal of noxious weeds and invasive species in a suitable MPCA permitted solid waste disposal facility, or other suitable facility that demonstrates a Process to Further Reduce Pathogens (PFRP), to destroy the pest or invasive species.
- SWAA supports creating a wood waste management policy framework consistent with the waste management hierarchy, starting with reducing and slowing the creation of wood waste. This framework should also sustain current critical infrastructure while expanding markets and end-uses to responsibly manage the growing waste volume.
- SWAA supports substantial state resources and funding to assist counties and communities in slowing the surge of wood waste requiring management due to invasive species.
- SWAA supports allowing biomass energy recovery from wood waste to be considered a carbon-free energy source in pursuit of state energy goals.

ON-SITE BURNING OF SOLID WASTE

- SWAA supports a state initiative to ‘close the loophole’ that allows for the continuation of on-site Municipal Solid Waste (MSW) burning activities. This initiative should be implemented at the state level.

ORGANIZED WASTE COLLECTION, INVERSE CONDEMNATION, AND WASTE DESIGNATION

- SWAA opposes any legislation which would further restrict, hinder, or impair a local unit of government’s ability to organize waste collection services, or which would require a Local Government Unit (LGU) to compensate a private waste hauler for claimed lost business due to an LGU’s decision to organize waste collection. SWAA opposes legislation allowing a government unit to opt-out of county waste designation ordinances which would undermine county authority and solid waste management planning and fiscal management.

PER- AND POLYFLUOROALKYL SUBSTANCES (PFAS)

- **CLASSIFICATION:** SWAA opposes adding PFAS to Minnesota Environmental Response and Liability Act (MERLA) as doing so would shift responsibility to local taxpayers by making waste facilities responsible for management and clean-up of PFAS.
- **STATE PFAS RESPONSE AND PRODUCER RESPONSIBILITY:** SWAA supports state actions to address PFAS in our environment through producer responsibility. When producer responsibility is insufficient to address the problem, state resources should be used to address this issue of general statewide significance and PFAS source reduction recommendations should be included in the State PFAS Blueprint. SWAA supports state resources to implement reduction of PFAS from these sources and/or to assist in managing PFAS received by wastewater and/or SW facilities.
- **EXEMPTIONS FOR PFAS RECEIVERS:** SWAA supports the exemption for solid waste management and wastewater treatment facilities from MERLA and CERCLA (The Comprehensive Environmental Response, Compensation and Liability Act) liability due to PFAS. Solid waste management and wastewater treatment facilities are both critical for public health but neither manufacture nor use PFAS and should be treated the same. These facilities are passive ‘receivers’ of PFAS from consumers and industry and will continue to manage trace amounts of PFAS, due to historic use and disposal of PFAS, in wastewaters, bio-solids, contact waters, and leachates long after upstream sources have been eliminated.
- **PFAS RESPONSE:** SWAA supports the development of a scientifically based and targeted response plan, jointly developed by the MPCA and these “receivers,” that targets methods that cost-effectively protect human health and the environment.

PROCESSING FACILITIES

- **INCENTIVES:** SWAA supports increased incentives by the state for the retention, development, and permitting of new or expansion of existing solid waste processing and resource management facilities, including organics recovery, organics composting, anaerobic digestion, and waste-to-energy (WTE) facilities and other uses of waste as a resource.
- **SOLID WASTE AS A RENEWABLE ENERGY SOURCE:** SWAA supports recognition of energy recovered from solid waste as renewable energy.
- **RESPONSIBLE LOCAL HANDLING OF WASTE:** SWAA supports a county's or district's ability to perform its solid waste management responsibilities as required by Minnesota Statutes Chapters 400 and 473 without prohibitions and restrictions that prevent responsible local handling of waste. This includes ensuring the viability of resource recovery facilities, which support the state's solid waste management hierarchy and help counties provide an effective, efficient, and environmentally focused waste management system for all residents.

PRODUCT STEWARDSHIP

- **EXTENDED PRODUCER RESPONSIBILITY:** SWAA supports product stewardship among manufacturers, retailers, and consumers, with an emphasis on industry through an Extended Producer Responsibility (EPR) framework. SWAA supports EPR that creates producer-led material and toxicity reductions, reuse, repair, and recycling programs to reduce a product's life cycle impacts from design through end-of-life management.

Programs must include transparency and accountability measures, maximize use of existing infrastructure, and provide local governments with a voluntary role in development and implementation. Programs must not rely on local government financing.

EPR Principles may apply to many products. SWAA has particular interest currently in the following:

- **E-WASTE:** Reform the Minnesota e-waste program to meet the SWAA Product Stewardship Principles.
 - **PHARMACEUTICALS AND SHARPS:** Maximize the collection and safe disposal of unwanted prescription and over-the-counter medicines and sharps.
 - **SOLAR PANELS and WIND TURBINE BLADES:** Management of all end-of life materials including difficult to manage and toxic substances.
 - **MATTRESSES:** Statewide, end-of-life management for all mattresses.
 - **BATTERIES:** Proper management of all batteries and products containing non-removable batteries, in particular rechargeable batteries, lithium batteries and battery technologies and applications that pose health and safety risks.
- **DIGITAL FAIR REPAIR:** SWAA supports digital fair repair to enable owners of a broad scope of digital electronic equipment to repair equipment themselves or to have their equipment repaired by qualified entities in addition to those authorized by original equipment manufacturers, and to allow salvage of parts for repair of other equipment, with the goal of keeping products in use and reducing disposal of devices and electronic equipment in waste.
 - **DIGITAL FAIR REPAIR EXEMPTIONS:** SWAA supports removing exemptions to Minnesota's Digital Fair Repair

Act that limit what products are subject to the law, including power tools, lawn and garden equipment and agricultural implements.

- **PACKAGING WASTE REDUCTION:** SWAA supports an Extended Producer Responsibility approach to improve the recyclability of product packaging, reduce packaging waste, and incentivize sustainable packaging choices. Producers must support and build on existing reuse and recycling infrastructure and contribute financially for this system to maximize efficiency and displace taxpayer funding for recycling and reuse.

SOLID WASTE DISPOSAL CAPACITY AND CERTIFICATE OF NEED

- **CLEAR PLAN FOR DISPOSAL CAPACITY:** SWAA supports MPCA's development of a clear plan to address statewide diminishing MSW landfill and processing capacity.
- **CERTIFICATE OF NEED ISSUANCE:** SWAA supports a simplified issuance and approval of certificate of need (CON) in 15-year increments.
- **FULL CAPACITY PERMIT:** SWAA supports environmental review of solid waste facilities based on the entire site capacity, in phased development, as allowed by rule. In order to make best use of limited resources, permits should be issued for the entire facility capacity.
- **ORGANICS:** SWAA supports state encouragement and funding to prevent food waste and divert food scraps and other organics from the MSW stream, and resolve permitting and other issues to facilitate expansion of composting and other organic management facilities and methods.

SOLID WASTE FINANCING

- **CAPITAL ASSISTANCE FUNDING:** SWAA supports fully funding the bonding requests for proposed solid waste management projects as a partial match to the funds that counties invest in infrastructure for safe, environmentally sound management of solid wastes in response to state mandates and goals.
- **CAPITAL ASSISTANCE PROGRAM GRANTS:** SWAA supports increasing the current \$ limit on the size of CAP grants to \$10 million per county project partner to account for increases in construction costs and the scale of projects that are needed to meet state diversion mandates, and to allow for greater flexibility in projects to boost recycling and waste diversion.
- **SOLID WASTE MANAGEMENT TAX USAGE:** SWAA supports allocating 100 percent of the revenue generated by the Solid Waste Management Tax (SWMT) to state and county waste management activities, including increased funding for SCORE (Governor's Select Committee on Recycling and the Environment) grants to counties.
- **SOLID WASTE MANAGEMENT TAX REFORM:** SWAA supports revisions to the Solid Waste Management Tax that would apply the tax proportionate to environmental risk.
- **INCENTIVES FOR RECLAIMING RECYCLABLE MATERIALS:** SWAA supports the state providing monetary incentives for reclaiming recyclable materials from wastes deposited at processing and disposal facilities operating in Minnesota. To accomplish this end, the state, through the Department of Revenue, would provide payments to the facility for documented reclaimed materials in the amount of the SWMT that had been collected on those materials.
- **NEW SOLID WASTE PROGRAMS:** SWAA opposes any new legislation which would provide for the implementation of any new solid waste related programs if corresponding legislation does not provide for full, long-term, sustainable funding, excluding a tax on solid waste management facilities, for the implementation, administration, and execution of said program.
- **CLOSED LANDFILL PROGRAM:** SWAA supports adequate funding and preservation of the closed landfill

program (CLP), including both the Closed Landfill Investment Fund (CLIF) and the Metropolitan Landfill Contingency Action Trust (MLCAT). Additionally, SWAA supports protecting these funds from uses other than Landfill Cleanup Program uses, in accordance with Minnesota Statutes 115.39 – 115B.444, to generate a sufficient fund balance to take care of the needs of closed landfills throughout Minnesota in the future. CLIF should be repaid including lost earnings on funds previously transferred out for unrelated state spending.

STATE GOVERNANCE

- **INNOVATIVE TECHNOLOGIES:** SWAA supports state leadership in actively supporting innovative technologies. The state should, through policy, regulatory changes, and financial solutions, provide tools to meet the challenges of evolving waste and recycling streams. Such tools should encourage extracting value out of resources in waste and address emerging environmental/health priorities/challenges.
- **LEGISLATIVE SOLID WASTE COMMISSION:** SWAA supports the establishment of a bi-partisan, bi-cameral commission to address solid waste related issues.
- **PROHIBITIVE OR LIMITING LEGISLATION:** SWAA opposes any legislation that limits, prohibits, or interferes with a county's ability to implement any component of its solid waste management plan as required by Minnesota Statutes Chapters 400 and 473.
- **STATE PERMITTING PROCESSES:** SWAA supports the need to update and increase the efficiency of state permitting processes in ways that establish appropriate health and environmental regulatory oversight without unnecessarily burdening development and operation of new facilities/emerging technologies that serve to advance solid waste and other environmental policies.
- **COMPOSTABLE PRODUCTS:** SWAA supports standards/labeling requirements for compostable products to reduce processing impacts and costs of contamination at composting facilities.

WASTE ASSURANCE

- SWAA supports efforts to streamline, modify, or simplify state requirements and reduce barriers to utilizing waste assurance tools.