

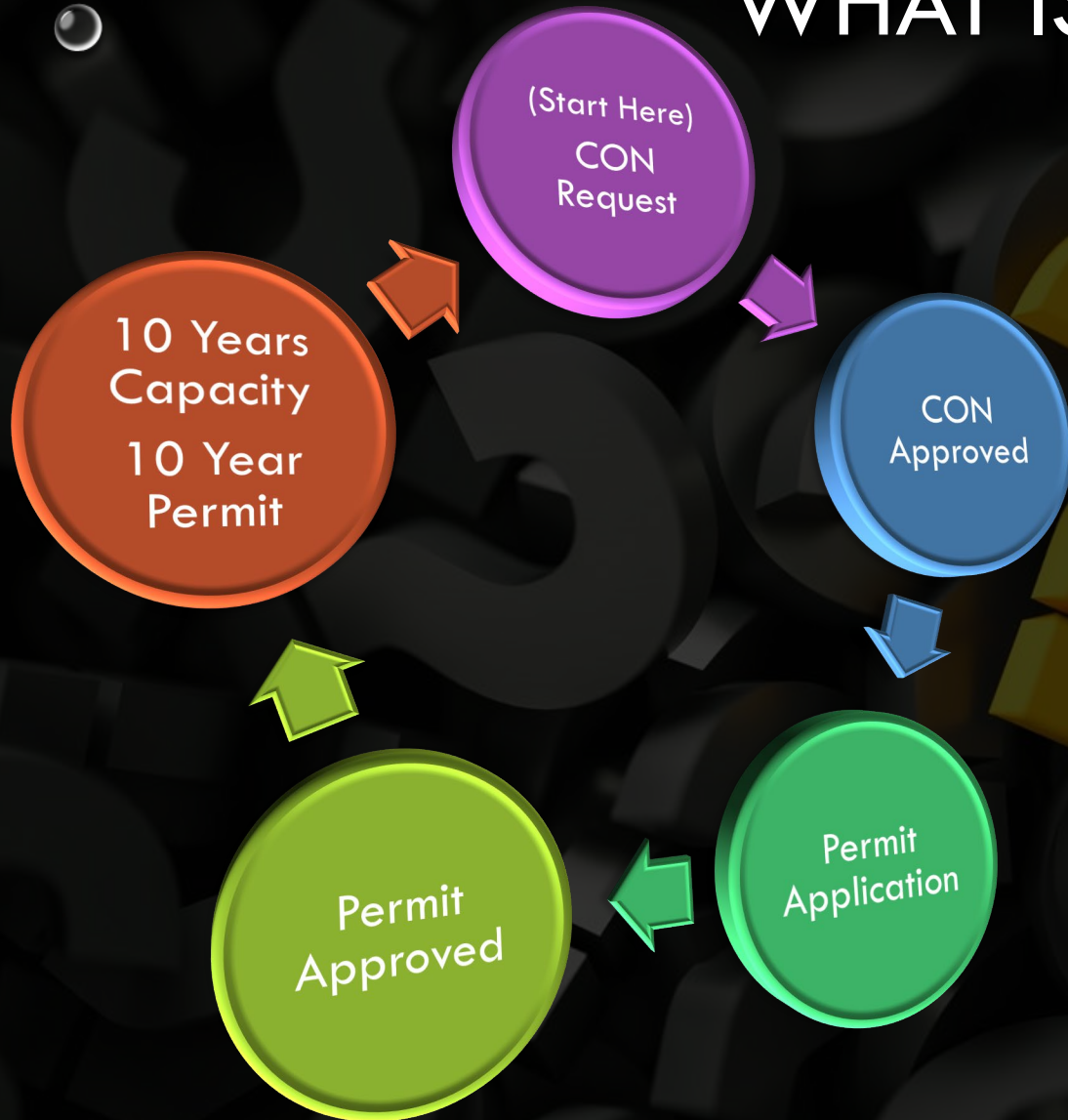


# SWA 101: CERTIFICATE OF NEED

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# WHAT IS CERTIFICATE OF NEED (CON)



- OPPORTUNITY TO EXPAND CAPACITY OF A LANDFILL
- THE OVERALL NEED FOR LAND DISPOSAL WITHIN A COUNTY OR REGION
- FUNCTIONALLY: LAND DISPOSAL CAPACITY LIMIT OVER A GIVEN PERIOD OF TIME (10 YEARS)

# WHO CON AFFECTS

- VIRTUALLY EVERY COUNTY IN MN
  - LANDFILL OWNERS/OPERATORS
  - COUNTIES THAT CONTAIN AN MSW LANDFILL
  - COUNTIES THAT DISPOSE OF WASTE IN AN MSW LANDFILL
  - COUNTIES THAT HAVE RESIDENTS/BUSINESSES THAT DISPOSE OF WASTE IN AN MSW LANDFILL
- PUBLIC AND PRIVATE FACILITIES





# KNOW YOUR WASTESHED

- COUNTIES ARE THE ONLY ENTITY THAT CAN SUBMIT LETTERS FOR THE CON PROCESS
- IF ANY WASTE FROM YOUR COUNTY IS BEING DISPOSED OF IN A LANDFILL THE COUNTY WILL BE ASKED TO SUBMIT A LETTER
  - THIS INCLUDES WASTE GOING TO TRANSFER STATIONS OUTSIDE YOUR COUNTY
- YOUR 10 YEAR SW MANAGEMENT PLAN LIKELY IDENTIFIES WASTES GOING TO LANDFILL (IF NOT YOUR NEXT ONE SHOULD)
  - GOAL VOLUME TABLE IS USED BY MPCA WHEN VERIFYING CON
  - MUST EXPLAIN ANY MAJOR DIFFERENCE FROM PLANNED VOLUMES AND BACK UP WITH DATA

# HOW TO FIGURE OUT WHAT GOES WHERE

## • HAULER REPORTING

- MANDATE HAULER REPORTING AS A CONDITION OF LICENSING
- MAKE SURE YOUR HAULERS ARE ACCURATELY REPORTING WHAT AND WHERE THEY ARE TAKING WASTE
- IT IS STATE MANDATED

## • CALLING HAULERS

## • CALLING SURROUNDING FACILITIES/COUNTIES

## • ASKING LARGE INDUSTRIAL AND COMMERCIAL OPERATIONS

## • ASK HAULERS IF THERE ARE OTHER OPERATIONS NOT CURRENTLY LICENSED

## • READ YOUR SWMP!



# WHO NEEDS A CON LETTER

- IF THE VOLUME OF MSW IDENTIFIED IN THE CON REQUEST IS DIFFERENT THAN A COUNTY'S 10 YEAR SWM PLAN
  - LETTER FROM COUNTY BOARD OR QUALIFIED EMPLOYEE
  - MUST EXPLAIN DISCREPANCY

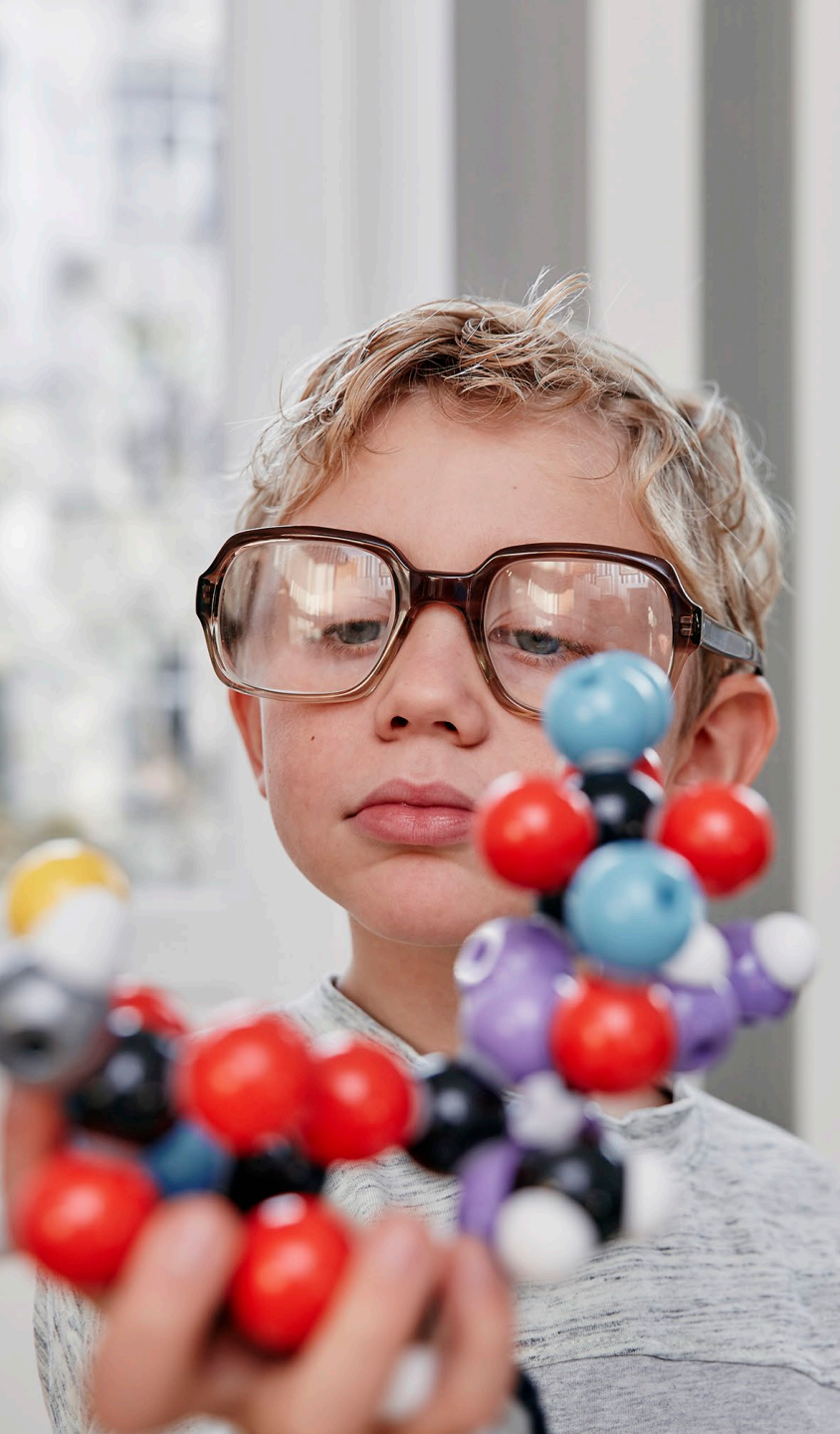


# • WHY SHOULD I WRITE A LETTER?

- UNLESS YOU HAVE AN ALTERNATIVE PLAN FOR DISPOSAL OF THAT MATERIAL WRITING A LETTER IS IN YOUR BEST INTEREST
  - LANDFILLS CAN DENY MATERIALS
  - OTHER LANDFILLS MAY NOT ACCEPT MATERIALS
  - CON CAN BE A LONG AND EXPENSIVE PROCESS
- CAN BE A RELUCTANCE TO REQUEST ADDITIONAL NEED AS IT CAN OPEN THE PERMIT UP TO ADDITIONAL REQUIREMENTS







# WHAT I LEARNED

- ACCURATE RECORDS ARE IMPORTANT!
- KNOW WHERE YOUR TONS COME FROM
- MAKE SURE YOUR SWMP IS ACCURATE
- DON'T ASSUME ANYTHING
- DON'T SHORT CHANGE YOURSELF
- DO IT RIGHT THE FIRST TIME – DON'T WANT TO DO IT AGAIN



# CURRENT ISSUES WITH CON

- 10 YEARS CAPACITY FOR 10 YEAR PERMIT DOESN'T PROVIDE CUSHION FOR DELAYS
  - SWAA POLICY PLATFORM: ISSUE CON IN 15 YEAR INCREMENTS
- RELATIONSHIP BETWEEN PERMIT AND CON
- CONFLICTING IDEOLOGIES
  - LANDFILLS WANT AS MUCH CON AS THEY CAN GET
  - MPCA WANTS TO MOVE WASTE UP THE HIERARCHY



THANK YOU!