



Certificate of Need (CON) 101

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Waste Management Act Purpose §115.02



1. Reduction in the amount and toxicity
2. Separation and recovery of materials and energy from waste
3. Reduction in dependance on disposal of waste

4. Coordination of waste management among political subdivisions
5. Orderly and deliberate development and financial security of waste facilities, including landfills

Annual reporting is foundational for Plans and CON



Haulers report county of origin for collection of:



**Tons of residential
and commercial
recyclables**



**Tons of residential
and commercial trash**



**Tons of residential
and commercial
organics**

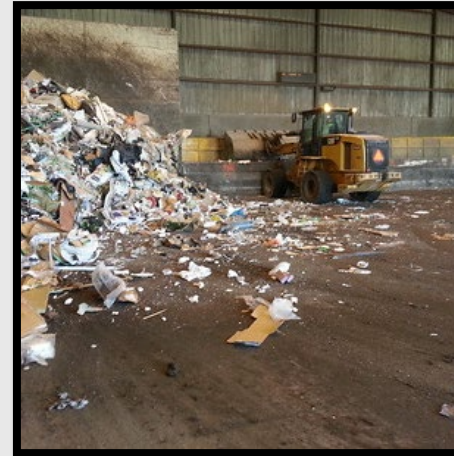
Haulers report destitiation facility



Waste to energy



MSW landfill



Transfer station



**Compost or
Recycling Facility**

- County of generation
- Quantities by type of materials in tons or cubic yards
- Transfer information and receiving facilities
- Other info as required in the permit

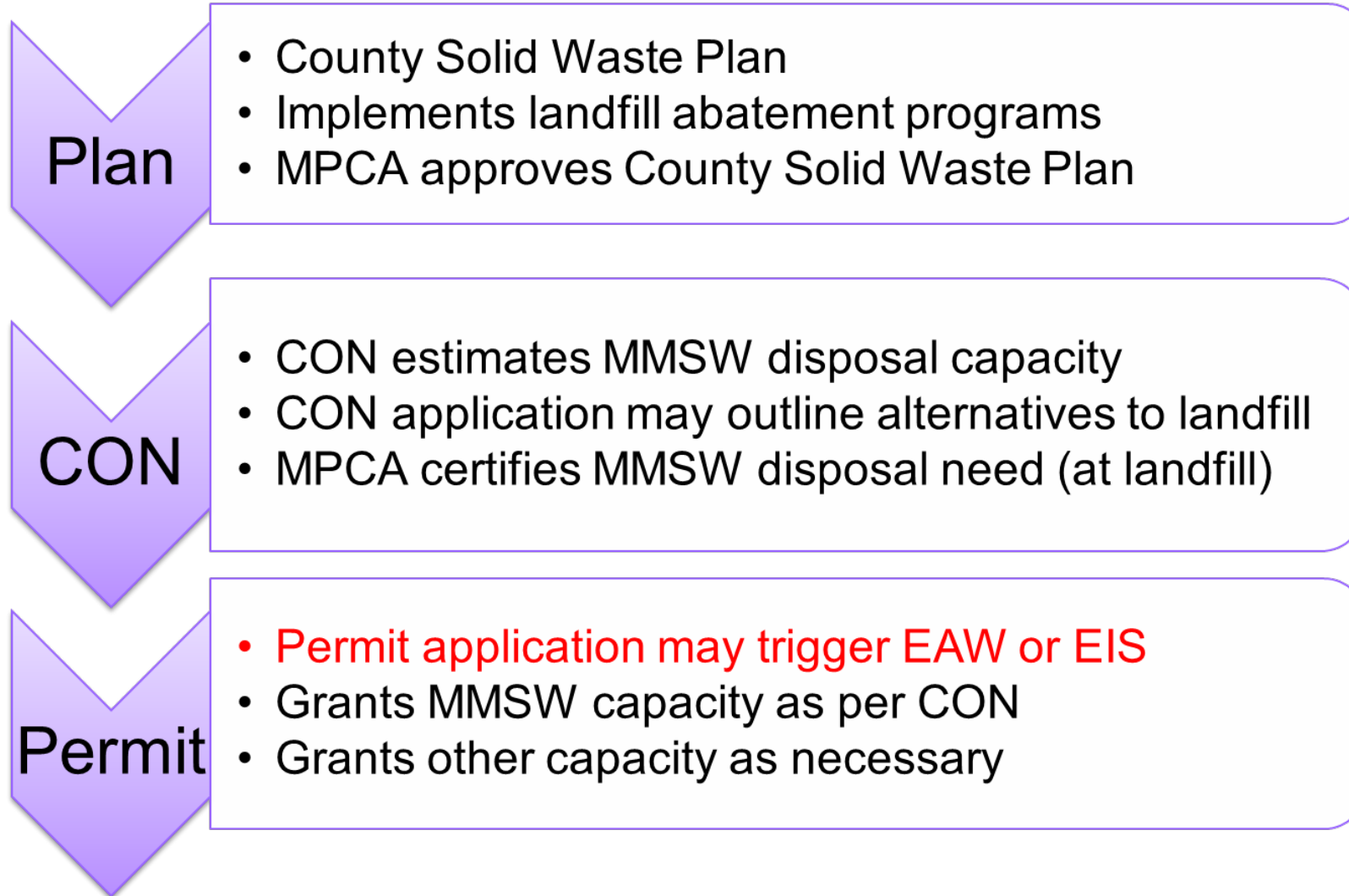


SCORE gives total county generation of all the programs

Which gives us a full picture of how your waste system works to develop effective solid waste management plans



CON process overview



Solid Waste 101: Planning

- Solid Waste Management Plans (Plan) must follow requirements outlined in Minn. R. 9215 and statute 115A.46, while addressing demographic, geographic, regional, and SW system differences amongst counties:
 - Reduction
 - Education
 - Recycling
 - Yard waste
 - Source-separated organics
 - MMSW composting
 - Incineration and energy recovery
 - Landfilling
 - Problem material disposal and management
 - Staffing, funding, ordinance

Solid waste management plans

- Plans set the course for your waste management for the next 10 years
 - Can be amended to reflect significant changes in the system
- Includes a Goal Volume Table (GVT) projecting waste volumes managed at a specific facility, recyclables, organics, and waste reduction for the 10-year planning period
- Helps set the stage for Certificate of Need (CON) by implementing as much waste diversion as possible and solid waste generation data and management
- The Plans are foundational to the CON process for counties and landfills

What is Certificate of Need (CON)?

- Prerequisite to building new mixed municipal solid waste (waste) landfill capacity
- Based on County/Metro Plans (115A.46 and 473.803)
- Certify new MMSW landfill capacity need only to the extent that there are no feasible and prudent alternatives.
- CON requests submitted and granted are based on applicable provisions of Minnesota Stat. 115A and Rules 9215.0890-9215.0950.

The purpose of the Certificate of Need (CON) is to ensure landfill capacity is truly needed prior to permitting of new or additional landfill capacity.

Key outcomes the MPCA approves in a CON Request

For MPCA use only.			
Approval of <i>Certificate of Need</i> (Minn. R. 9215.0920)		Yes	No
1.	The agency has determined that the additional disposal capacity is needed	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> Estimates are consistent with solid waste management or master plans or consistent with historical disposal data where the plans have been found to be in error 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> Air space calculations are reasonable and based on recent historical compaction rates 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> Method for determining compaction rate is explained and defensible 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> Capacity requested is not already granted to another facility 	<input type="checkbox"/>	<input type="checkbox"/>
<p>https://www.pca.state.mn.us • 651-296-6300 • 800-657-3864 • w-sw7-45 • 9/15/22</p>			
	<ul style="list-style-type: none"> Calculations are accurate 	<input type="checkbox"/>	<input type="checkbox"/>
	<ul style="list-style-type: none"> <i>Certificate of Need Request</i> does not exceed design capacity for facility (Best Management Practices) 	<input type="checkbox"/>	<input type="checkbox"/>
	Capacity requested: <input type="text"/>	Comments:	<input type="text"/>
	Capacity certified: <input type="text"/>	Comments:	<input type="text"/>

The CON request

- A CON request is submitted to the MPCA for MMSW landfill capacity... a new or existing site and shall include:
 - Origin and estimated annual amounts of solid waste to be received annually from each county or district per an approved Plan.
 - If a Plan doesn't state the solid waste will be managed at the proposed facility, **the request shall include** a letter from the county or district board generating the solid waste indicating:



The CON request :

The request letter shall include:

- the estimated amount of solid waste that **is available for management** at the CON requesting facility
- Letter content and waste amounts should be generated by the county and requesting facility so that both parties agree on the content
- match the number of years that the facility is requesting CON
- out of state waste must meet the same requirements

The CON request

If the new capacity is not included in the Plan, an alternatives analysis must be included in the request with the following information:

- an evaluation of the availability of processing facilities and other landfills,
- current county operations that show the landfill is the prudent and feasible choice for land disposal and
- New landfill abate programs that are not described in the Plan, such as new recycling programs
- Rationale why the new capacity is not in the Plan

Rationale why the new capacity may not be in the plan:

- change in the waste management system
- not previously disposed at that facility
- demography changes
- businesses close or open
- alternatives listed in plan may have not been implemented by the county
- the years for the CON request don't match the 10-year Plan schedule

The CON request

- If the Plan has erroneous solid waste amounts, an estimate of errors section can be added explaining why the numbers are incorrect instead of an alternative analysis.
- Each CON request is a unique set of circumstances based on the location of the landfill, the hauler service area, and demographics.
- Preliminary approval of CON may be given so the permitting and environmental review processes can begin, if applicable.

Public sector directs waste landfill facility

- To compete effectively in the marketplace
- To ensure that waste is managed in a way that protects
 - the public health and welfare and benefits the environment
 - the taxpayers from the liabilities associated with the management of waste, for example ordinances
 - the public investment that was made to build waste management facilities

Questions?

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