



Minnesota Solid Waste Administrators Association | 125 Charles Avenue, St. Paul, MN 55103-2108 | www.mn-swaa.org

March 11, 2024

Re: SF4494 Minnesota Pollution Control Agency Postclosure Care Authority

Dear Chair Hawj and Members of the Senate Environment, Climate, and Legacy Committee:

The Minnesota Solid Waste Administrators Association (SWAA) is an organization of county and solid waste district professionals and affiliated waste specialists and is an affiliate of the Association of Minnesota Counties (AMC), which represents all 87 Minnesota counties.

We are concerned that the provisions in SF4494 will disproportionately affect publicly owned landfills, most of which are located in greater Minnesota, with unnecessary financial burden.

Landfills in the state are currently required to fund their post closure care for 20 years after they close their doors. Publicly owned facilities generally maintain a monetary fund and any increases to the closure care requirements would require changes in the amount of funding required to be held in these accounts. Increases in the post closure funding requirements will ultimately become a burden on local residents in the form of property assessments, increased tax levies, and costs like higher landfill tip fees that more often than not gets passed down from companies to the consumer.

At this time, landfills are a necessary part of waste management within the state. SWAA supports the waste hierarchy, and we understand the intentions of the MPCA. The agency currently has the authority to extend Postclosure care timelines for cause but have said they need this change to prevent facilities from slipping out of coverage without their review and affirming that requirements have been met.

This bill gives the Commissioner the authority to change post closure care to an indefinite timeline with no requirement for when their assessment and decision must be completed.

SWAA understands that there may be a need to clarify the MPCA's role in post closure care, however, we are not sure a good-cause exemption has been proven necessary and a public rulemaking process may be helpful. This legislation that will cause unnecessary, financial hardship for publicly owned landfills and their communities and would bypass public engagement through the rulemaking process.

Should clarification of the MPCA's role in post closure care prove necessary, we would be happy to work with the bill's author on future language.

Sincerely,

Brian Martinson, Government Relations
Solid Waste Administrators Association