



Minnesota Pollution Control Agency

Report to the Legislature:  
**Metropolitan Landfill  
Contingency Action  
Trust Account,  
FY 2005**

### **Estimated Cost of Report Preparation**

---

18 Hours of Staff Time	\$900.00
Duplication Cost for 80 copies	<u>\$160.00</u>
TOTAL	\$1,060.00

*Printed on recycled paper containing  
at least 20 percent fibers from paper recycled by consumers.*

# **Metropolitan Landfill Contingency Action Trust Account**

**2005 Annual  
Report**

## **Use of the Metropolitan Landfill Contingency Action Trust Account During Fiscal Year 2005**

*Prepared by*

**Minnesota Pollution Control Agency  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194  
(651) 296-6300  
1-800-657-3864  
TTY: 651-282-5332**

*This material may be made available in others formats such as Braille,  
large type, or audio tape upon request*

# Table of Contents

	<b>Page</b>
<b>Legislative Background -----</b>	<b>1</b>
<b>Introduction -----</b>	<b>2</b>
<b>Fiscal Status -----</b>	<b>3</b>
<b>MLCAT-Related Activities in FY 2005 -----</b>	<b>6</b>
<b>Conclusion -----</b>	<b>12</b>
<b>Appendix: MLCAT-Related Statutes and Laws-----</b>	<b>13</b>

# Summary

Minn. Stat. § 473.845, subd. 3, sets forth the activities that qualify for spending under the Metropolitan Landfill Contingency Action Trust (MLCAT) Account. Historically it has been a fund dedicated for the care of certain closed disposal sites for mixed municipal solid waste in the seven-county Twin Cities metropolitan area. It is paid for chiefly by revenue from a 25-percent share of a fee on mixed municipal solid waste buried at metro-area landfills, which amounts to a half-dollar per cubic yard.

The recent history of MLCAT leading up to this financial and operations report for FY 2005 is as follows:

In 1999, the Minnesota Legislature repealed Minn. Stat. § 473.845, subd. 2, with the intention of improving MLCAT's fiscal strength. The change shifted expenses of the Minnesota Pollution Control Agency (MPCA) and Minnesota Department of Health (MDH) for administrative and monitoring work from MLCAT to the Solid Waste Fund. This change took effect in FY 2000.

In 2001, as part of a budget spreadsheet, the Minnesota Legislature authorized up to \$7.1 million to pay for environmental remediation work at a garbage dump in the metropolitan area that had once been permitted by the MPCA to dispose of sewage sludge incinerator ash. Only one site in the seven-county metro area matched that description, Pigs Eye Landfill on the Mississippi River in St. Paul. That same year, and also as a one-time appropriation, the Legislature authorized spending \$1 million from MLCAT to offset the costs of cleanup of the Empire Builder property in St. Paul.

The MLCAT Fund was originally a separate fund for the purposes of Department of Finance bookkeeping. In FY 2004 it became the Metropolitan Landfill Contingency Action Trust Account within a new, broader MPCA fund known as the Remediation Fund. On June 30, 2004, \$9,905,000 – essentially the entire available balance of MLCAT – was transferred out of the MLCAT program and into the state's General Fund as part of a budget-balancing initiative.

As part of the transfer authorization, the Legislature expressed the intent to restore an equivalent amount to MLCAT at a later date, as revenue becomes available, so that the fund could meet the needs of long-term care at MLCAT-eligible landfills. The first costs for long-term post-closure care at the original six landfills could occur in 2009, when the Begin landfill reaches its 30-year closure anniversary.

During FY 2005 (First Special Session 2005, Chapter 1, Art. 3, Sec. 17), the Legislature authorized the transfer of an additional \$4 million from the MLCAT Account balance to the renewable development account. The transfer will occur in FY 2007.

During FY 2005, MPCA staff carried out inspections at the four closed MLCAT-eligible sites, performed inspections and administrative and technical tasks at the two remaining open landfills, and oversaw construction at the Pigs Eye Landfill.

# Introduction and Background

The Minnesota Legislature established the MLCAT Fund under the 1984 Metropolitan Landfill Abatement Act, codified in Minn. Stat. § 473.845. This report is prepared in compliance with Minn. Stat. § 473.846, which requires that the MPCA submit an annual report to the Minnesota Legislature each November 1 describing the actions taken under MLCAT during the previous fiscal year. The report will briefly summarize the purpose and requirements of MLCAT, describe the current fiscal status, and list MPCA actions taken and legislative changes that took effect during FY 2005. The relevant statutes, as amended, are contained in the appendix.

The original purpose of MLCAT was to ensure that reasonable and necessary care would be adequately funded at mixed municipal solid waste (MMSW) disposal facilities within the seven-county Twin Cities Metropolitan area (Anoka, Carver, Dakota, Hennepin, Ramsey, Scott and Washington Counties). Money would be available on an emergency basis to address immediate threats that older landfills might pose to the air, water and land, where the owners or operators proved unable to meet their financial obligations. In addition, the fund would help pay the cost of long-term care at sites that had been closed properly for three decades. Money deposited in MLCAT has come from three sources:

- 1) 25 percent of the \$2.00/cubic yard Metropolitan Solid Waste Landfill fee on MMSW disposed in Twin Cities metro-area landfills;
- 2) interest earned from investment of money in MLCAT; and
- 3) any money recovered by the MPCA for reimbursement of costs incurred, including any money paid under any agreement, stipulation or settlement.

With the passage of the Landfill Cleanup Act by the Minnesota Legislature in 1994, reliance on MLCAT for such actions at metro-area landfills was considerably reduced. This was because the majority of closed metro-area landfills that had been eligible for spending under MLCAT became qualified for cleanup and long-term care under the state's new Closed Landfill Program, after owners earned a notice of compliance under the CLP statutes.

Even so, the advent of the CLP left six landfill sites still reliant on the older MLCAT because they did not qualify for participation in the CLP. These sites are discussed individually in the report.

To be eligible for MLCAT expenditures in FY 2005, a closed, state-permitted MMSW landfill must be located within the seven-county metropolitan area and have been maintained for at least thirty years; or, if closed for less time, must have an owner/operator who has not taken necessary response actions. A site can also be eligible for MLCAT spending if it was both a city dump for municipal waste and also a state-permitted landfill for disposal of wastewater treatment sludge ash.

# Fiscal Status

Table 1 shows the financial status of MLCAT for FY 2005.

**Table 1 Summary of FY 2005 Revenues and Expenditures,  
MLCAT Account**

Balance from FY 2004, after adjustments	\$ 2,745,000
Landfill Fee	\$ 702,000
Investment Revenue	\$ 73,000
Penalties	\$ 68,000
Total Resources Available	\$ 3,588,000
Expenditures by State Agencies: Pigs Eye Landfill cleanup	\$ 51,000
Total Expenditures	\$ 51,000
Ending Balance	\$ 3,537,000

Source: MPCA, 2005

Table 2 shows the anticipated revenue and expenditures for the MLCAT Account.

**Table 2 Anticipated Revenue and Expenditures, MLCAT Account**

	<b>FY 2006 (estimated)</b>	<b>FY 2007 (estimated)</b>	<b>FY 2008 (estimated)</b>
<b>Balance Forward, Including Reserves</b>	\$3,537,000	\$4,320,000	\$1,232,000
Prior Year Adjustment	\$0	0	0
Adjusted Balance Forward	\$3,537,000	\$4,320,000	\$1,232,000
<b>Revenue</b>			
Income (1)	\$749,000	\$749,000	\$749,000
Other Revenue – Penalties	\$1,000	\$1,000	\$1,000
Investment	\$133,000	\$162,000	\$46,000
<b>Total Resources Available</b>	\$4,420,000	\$5,232,000	\$2,028,000
<b>Expenditures</b>			
Site Closure/Post-closure Design and Engineering	\$0	\$0	\$0
Construction, Operation, and Maintenance	\$0	\$0	\$0
Remediation of Pigs Eye Dump	\$100,000	\$0	\$0
Total Expenditures	\$100,000	\$0	\$0
<b>Transfers to Renewal Development Account</b>	\$0	4,000,000	\$0
<b>Total Uses</b>	\$100,000	\$4,000,000	\$0
<b>Balance Forward, Before Reserves for Perpetual Care</b>	\$4,320,000	\$1,232,000	\$2,028,000
<b>Reserves</b>	\$4,320,000	\$1,232,000	\$2,028,000
<b>Balance Forward, After Reserves</b>	\$0	\$0	\$0

Source: MPCA, 2005

**Table 2 Notes:**

- (1) Income sources are 25 percent of the Metropolitan Solid Waste Fee. Income also includes interest earnings.

# MLCAT-related Activities in FY 2005

## General Tasks in Work Plan

The statutory tasks were: (1) conduct annual inspections of all eligible sites; (2) review closure plans from MLCAT-eligible landfills for compliance with closure and post-closure care requirements; (3) carry out remediation work at Pigs Eye Landfill to stem the release of contaminants into the environment (as authorized in 2001); and (4) prepare the annual report.

## Summary of the Tasks

### Inspections and Required Reports

Six state-permitted landfills were MLCAT-eligible in FY 2005, with one additional landfill benefiting from a one-time, state-funded construction project that is nearly complete. A summary of their status appears in Table 3.

The seven landfills are:

- Four demolition landfills that accepted small quantities of mixed municipal waste prior to being permitted as demolition landfills and are, therefore, eligible for MLCAT expenditures when and if necessary. They are: Vadnais Heights Demolition Landfill (Ramsey County), Rosemount Demolition Landfill (Dakota County), Herbst and Sons Demolition Landfill (Hennepin County) and Begin Demolition Landfill (Hennepin County);
- Two open sanitary landfills: Burnsville Sanitary Landfill (Dakota County) and Pine Bend Sanitary Landfill (Dakota County); and
- Pigs Eye Landfill, a large site including a large city dump that ran without a state permit until closure in 1972, and a state permitted sewage-sludge ash landfill operating from 1977 to 1985 (Ramsey County).

**Table 3 FY 2005 Status of MLCAT Account-Eligible Landfills in the Metropolitan Area**

Landfill	County	Accepting waste?	Closure date (1)	Incurring costs now?	Date post-closure assistance begins	Notes
Begin DLF	Hennepin	No	1979	No	2009	3,4
Burnsville SLF	Dakota	Yes	2007	No	30 years following closure date	2,4
Herbst & Sons DLF	Ramsey	No	1983	No	2013	3,4
Pigs Eye Landfill & Dump	Ramsey	No	1972	Yes	Effective date of legislation (2001)	5
Pine Bend SLF	Dakota	Yes	2016	No	30 years following closure date	2,4
Rosemount DLF	Dakota	No	1981	No	2011	3,4
Vadnais Heights DLF	Ramsey	No	1981	No	2011	3,4

Source: MPCA, 2005

**Abbreviations:**

DLF = Demolition Landfill containing mixed municipal solid waste that was disposed prior to site's being permitted for demolition landfill operations

SLF = Sanitary Landfill

**Notes:**

1. Future closure dates for the two operating landfills are estimates, based upon current remaining permitted capacity and historical disposal volume rates at the landfill. Additional permitted expansions may extend the date listed.
2. Any current on-site work, including closure and/or post-closure, is being conducted by the permittee.
3. No work is currently in progress.
4. Site is currently in compliance.
5. Remediation work is substantially complete. Local governments and responsible parties will carry out maintenance and future response actions.

Inspections assessed the effects of decomposition gases, leachate production and seepage, surface-water drainage and control, the degree of stress on area vegetation, erosion and

overall integrity of the final cover, the means by which access to the filled area is restricted, facility maintenance, and current land use. The observations are summarized in Table 4.

**Table 4 Inspections of MLCAT Account-Eligible Closed Landfills**

Site	Access control	Erosion visible	Vegetative cover	Current land use	Landfill gas
Begin DLF	None	No	Paving, grass lawn, or grass	A parking lot and small strip mall	None detected
Herbst & Sons DLF	Yes	No	Vegetation established	Open area used for concrete recycling operation and partial parking area for equipment	None detected
Pigs Eye Landfill & Dump	Partial	None	Completed	Wildlife habitat	Not an issue at this site
Rosemount DLF	Partial	No	Vegetation established	City gravel and equipment storage	None detected
Vadnais Heights DLF	None	No	Currently used for softball fields and park	City park with ball field, ice rink, picnic grounds	None detected

Source: MPCA, 2005

## Pigs Eye Landfill & Dump

In the first two years of work, FY 2002 and FY 2003, contractors hired by the MPCA and the City of St. Paul completed Phase 1 of remediation work at Pigs Eye Landfill. Phase 1 included pulling waste back from Battle Creek; installation of a filtration layer between the solid waste and the creek and re-sloping remaining solid waste to the top of the select fill; chemical stabilization of a lead-contaminated battery disposal area one acre in size; filling a two-acre pond that contained contaminated sediments; and adding cover material to the pre-existing but partial soil cover. In FY 2004, Phase 2 work included construction of soil cover for an additional 80 acres, slope correction and erosion-prevention work along Battle Creek; installation of monitoring wells; relocation of waste as part of slope grading and relocation and consolidation of waste found on neighboring property that was part of the original dump footprint; filling in a second pond that held contaminated sediments; installation of a permanent creek crossing; and removal and proper disposal of drums containing hazardous wastes, and tires.

During FY 2005, seeding of the sloped areas along the creek was completed and the City's consultant prepared a first draft of the Operations and Maintenance (O&M) plan that will guide the city's perpetual care of the site. Demobilization of contractor equipment and supplies was completed. Crews planted 835 trees, replacing previously planted trees which did not survive probably due to semi-drought conditions that prevailed shortly after planting. The city's O&M plan should be finalized and approved early in FY 2006.

Total state money expended during Phases 1 and 2 was under \$5.8 million. Final tasks remaining include approval, completion and implementation of the O&M Plan for the site, and finalizing the Site Construction Completion Report. The sole remaining expenditures from the MLCAT Account are a final retainage payment due to the construction contractor, and consultant's fees for the O&M plan and the Construction Completion Report.

The cumulative MLCAT Account expenditures for all work at Pigs Eye should not exceed \$5.8 million.. The site work is complete and a final construction inspection in September was satisfactory. The City will be responsible for perpetual care of this site, including cover, slope maintenance and repairs, regular inspections, and any additional remediation work as needed. One long-term duty will be on-going monitoring of the select fill along the creek banks and lake shoreline to determine its effectiveness in preventing the movement of contaminants. The MPCA has been carrying out the monitoring work to date, but will transfer this task to the City under the O&M plan.

## **Status of Operating MMSW Landfills**

The two MLCAT Account-eligible landfills still accepting waste for disposal are Pine Bend Sanitary Landfill and Burnsville Sanitary Landfill. Both are located in Dakota County. Due to their size, complexity, and the high level of disposal activity at each of these sites, staff from both the MPCA and Dakota County perform inspection and monitoring. Both landfills have approved financial assurance programs monitored by the MPCA, and should be sufficient to pay for site care over a period of 30 years following closure. The activities at each facility during FY 2005 are described below.

### **Burnsville Sanitary Landfill**

Burnsville Sanitary Landfill, Inc., owns and operates the Burnsville Sanitary Landfill (BSL) in the City of Burnsville and is a wholly-owned subsidiary of Waste Management, Inc. In January 1997, the MPCA modified and reissued the permit for the facility. The permit authorized construction of three demolition and construction debris cells, with the remaining landfill cells dedicated to the disposal of MMSW.

In 2002 the MPCA permitted BSL to expand the MMSW landfill capacity within Phases 24 and 25. In FY 2003 the MPCA permitted a pilot program to study the effects of re-circulating landfill leachate back into one of the MMSW phases or cells.

In December 2001, MPCA staff performed a compliance inspection to measure soil methane gas levels. A construction certification was reviewed and approved for the new MMSW Phases (or cells) 14 through 18. A remedial action plan was approved for old dump material now buried below the areas planned for Phases 15 through 18. The MPCA continued its monitoring of the demolition-construction debris areas for the presence of a landfill fire. In FY 2003 the MPCA certified for construction and operation the upper slope of Phase 18, and Phases 19 through 22. In FY 2004, the MPCA certified for operation the remaining MMSW phases, Phases 23 through 25.

BSL has a 4.2-megawatt landfill gas-to-energy system consisting of gas extraction wells and a piping network that draws gas by a blower-created vacuum to a central building for cleaning before combustion for electrical generation. The electricity is fed into Xcel Power Company electrical lines.

In calendar year 2004, BSL landfilled approximately 260,000 tons of MMSW and 75,000 tons of industrial solid waste in the MMSW cells. If current disposal rates continue, BSL will reach capacity and close in 2007. However, BSL has submitted plans for expansion of the demolition-debris area, and recently received approval through an approved Environmental Impact Statement, to conduct an expansion of the MMSW cells toward the west. If these changes are permitted, the anticipated closure date for the MMSW area would be delayed significantly.

The ground water monitoring system at Burnsville Landfill monitors water quality from both the lined and unlined portion of the facility. Two additional ground water monitoring wells have been installed at the Burnsville Landfill. These wells will monitor ground water quality for the recently constructed demolition cell. Water quality monitoring indicates that neither the lined or unlined portions have adversely impacted the ground water down-gradient of the facility. The presence of a large rock quarry adjacent (Edward Kraemer and Sons) and the high-volume dewatering system for that quarry are currently preventing subsurface migration of contaminants from BSL. The ground water monitoring system will be upgraded if either the demolition or MMSW portions of the landfill are expanded.

### **Pine Bend Sanitary Landfill**

BFI Waste Systems of North America, Inc. operates Pine Bend Sanitary Landfill (PBSL) in Inver Grove Heights. It is the largest sanitary landfill in the state. Acceptable materials for disposal include industrial, MMSW, asbestos, and construction and demolition debris waste. Vacuum pumps and a network of pipes extract landfill gas from the waste, and extensive ground-water- and methane-monitoring systems surround the fill areas. The active fill area encompasses 220 acres, 52 acres of which are lined. No fill area had received final cover until 1993, when 25 acres (Phase 1) were capped. The remaining unlined portion of the fill area received final cover during the 1995 and 1996 construction seasons.

In September 1997, the MPCA modified and reissued the landfill permit for PBSL. The permit authorized an entirely new gas collection network, which became fully operational in April 1996. The system included gas collection piping and wells, a landfill gas-to-energy system rated at 12 megawatts, and additional methane-gas probes to monitor the western facility boundary. PBSL expanded the gas-collection system in 2000 and 2001.

The MPCA issued a modified permit in March 1999 that authorized the construction of an additional 37 acres of lined area, known as Phase 4. In FY 2002 and as part of that development, MPCA staff certified a new cell for operation, Phase 4B, Sequences 1 and 2. In October 2001 staff performed a construction inspection to verify that construction of Sequences 1 and 2 met the state Solid Waste Rule requirements. In FY 2003, MPCA staff oversaw the construction of the next cell, Phase 4C, Sequence 1. FY 2004, saw the MPCA's approval of the next cell, Phase 4C, Sequence 2.

In calendar year 2004, PBSL disposed of approximately 247,000 tons of mixed municipal solid waste (MMSW), 2,300 tons of demolition waste, and 83,000 tons of industrial waste.

In April 2002, PBSL requested an expansion in capacity of 5.8 million cubic yards. The capacity was ultimately granted by an MPCA permit issued January 12, 2004. Given the new permit, the entire facility is expected to close in 2016. Before PBSL received its new permit, its plans for decontaminating the ground water beneath the landfill had to pass MPCA staff review. PBSL filed plans to take the necessary corrective actions.

The ground water monitoring system at Pine Bend Landfill monitors water quality from both the lined and unlined portion of the facility. The lined area is also monitored for leakage by a leak detection system. This system indicates that the lined area has not released contaminants to the subsurface. Water quality monitoring indicates that the unlined portion of the landfill has adversely impacted the ground water down-gradient of the facility. A number of corrective actions measures have been implemented to limit these impacts. These measures include maintaining the impervious landfill cover; provision of municipal water connections for nearby residents, continued maintenance and operation of the active gas extraction system; and installation and operation of pumps that remove leachate from the buried waste via the gas extraction wells. These measures limit the generation of leachate and assist in removing leachate that is produced, along with its associated contaminants, from the landfill mass. Over time, this should improve the ground water quality down-gradient of the landfill.

## **Conclusion**

Over the four-year span from FY 2001 through FY 2005, MLCAT underwent several important developments. The changes were:

- Shifting certain ongoing expenses from MLCAT to MPCA;
- Revision of the MLCAT Fund to an account within the MPCA's Remediation Fund;
- Removal of \$9,905,000 out of MLCAT to assist the General Fund;
- Authorization to remove an additional \$4 million from MLCAT before the end of FY 2007 to assist the renewable development account; and
- Completion of one-time construction expenses to prepare the Pigs Eye Landfill for perpetual care by the City of St. Paul.

While solvency in the short term is not a concern (because the most significant landfill-care costs are three decades away), the restructured MLCAT Account's ability to bear the long-term costs of landfill care at the six eligible landfills now rests upon two unknowns. One is whether the Legislature will restore the amounts transferred out of MLCAT for the benefit of other accounts: a total of \$13,905,000 authorized through FY 2007. The other unknown is whether future fee revenue from the filling of capacity remaining at the last two operating metro landfills, Pine Bend and Burnsville, can narrow the gap between the long-term needs of the eligible landfills and MLCAT resources.

# Appendix

## Selected Statutes and Laws Pertinent to MLCAT (Source: Minnesota Statutes 2005)

### **473.843 Metropolitan Solid Waste Landfill Fee**

Subd. 1. Amount of fee; application. The operator of a MMSW disposal facility in the metropolitan area shall pay a fee on solid waste accepted and disposed at the facility as follows: (a) A facility that weighs the waste that it accepts must pay a fee of \$6.66 per ton of waste accepted at the entrance of the facility. (b) A facility that does not weigh the waste but that measures the volume of the waste that it accepts must pay a fee of \$2.00 per cubic yard of waste accepted at the entrance of the facility. The fee and tipping fee must be calculated on the same basis. (c) Waste residue from recycling facilities at which recyclable materials are separated or processed for the purposes of recycling, or energy and resource recovery facilities at which solid waste is processed for the purpose of extracting, reducing, converting to energy, or otherwise separating and preparing solid waste for reuse, is exempt from the fee imposed by this subdivision if there is at least an 85 percent weight reduction in the solid waste processed. To qualify for exemption under this clause, waste residue must be brought to a disposal facility separately. The Commissioner of Revenue, with the advice and assistance of the agency, shall prescribe procedures for determining the amount of waste residue qualifying for exemption.

Subd. 2. The proceeds of the fees imposed under this section, including interest and penalties, must be deposited as follows: (1) three-fourths of the proceeds must be deposited in the environmental fund for metropolitan landfill abatement for the purposes described in section 473.844; and (2) one-fourth of the proceeds must be deposited in the metropolitan landfill contingency action trust account in the remediation fund established in sections 116.155 and 473.845.

### **473.845 Metropolitan Landfill Contingency Action Trust Fund**

Subd. 1. Establishment. The Metropolitan Landfill Contingency Action Trust account is an expendable trust account in the remediation fund. The account consists of revenue deposited in the fund under section 473.843, subd. 2, clause (2); amounts recovered under subd. 7; and interest earned on investment of money in the fund.

Subd. 2. Repealed, 1999 c 231 s 207

Subd. 3. Contingency actions and reimbursement. Money in the account may only be appropriated to the agency for expenditure for any of the following: (1) to take reasonable and necessary actions for closure and post-closure care of a mixed municipal waste disposal facility in the metropolitan area for a 30-year period after closure, if the agency determines that the operator or owner will not take the necessary actions requested by the agency for closure and post-closure in the manner and within the time requested; (2) to take reasonable and necessary actions and postclosure care actions at a mixed municipal waste disposal facility in the metropolitan area that has been closed for 30 years in compliance with the closure and post-closure rules of the agency; (3) to reimburse a local government unit for costs incurred over \$400,000 under a work plan approved by the Commissioner of the Agency to remediate methane at a closed disposal facility owned by the local government unit; or (4) reasonable and necessary response costs at an unpermitted facility for mixed municipal solid waste disposal in the metropolitan area that was permitted by the agency for disposal of sludge ash from a wastewater treatment facility.

Subd. 4. Expenditure notification. The Commissioner shall notify the chair and the director of the legislative commission on waste management before making expenditures from the fund.

Subd. 5. Duty to provide information. The operator or owner of a MMSW disposal facility or a solid waste disposal facility shall provide the necessary information to the agency required by sections 473.842 to 473.847 or by agency rules.

Subd. 6. Access to information and property. The agency or any member, employee, or agent thereof authorized by the agency, upon presentation of credentials, may: (1) examine and copy any books, papers, records, memoranda, or data of any person who has a duty to provide information to the agency under sections 473.842 to 473.847; and (2) enter upon any property, public or private, for the purpose of taking any action authorized by this section including obtaining information from any person who has a duty to provide the information, conducting surveys or in investigations, and taking response action.

Subd. 7. Recovery of expenses. When the agency incurs expenses for response actions at a facility, the agency is subrogated to any right of action which the operator or owner of the facility may have against any other person for the recovery of the expenses. The attorney general may bring an action to recover amounts spent by the agency under this section from persons who may be liable for them. Amounts recovered, including money paid under any Agreement, Stipulation, or Settlement must be deposited in the Metropolitan Landfill Contingency Action account in the remediation fund created under section 116.155.

Subd. 8. Civil penalties. The civil penalties of section 115.071 and 116.072 apply to any person in violation of this section.

### **473.846 Report to the Legislature**

The agency and the director shall submit to the senate finance committee, the house ways and means committee, and the environment and natural resources committees of the senate and house of representatives, the finance division of the senate committee on environment and natural resources, and the house of representatives committee on environment and natural resources finance separate reports describing the activities for which money for landfill abatement has been spent under sections 473.844 and 473.845. The agency shall report by November 1st of each year on expenditures during the previous fiscal year. The director shall report on expenditures during the previous calendar year and must incorporate its report in the report required by section 155A.411, due July 1st of each odd-numbered year. The director shall make recommendations to the environment and natural resources committees of the senate and house of representatives, the finance division of the senate committee on environment and natural resources, and the house of representatives committee on environment and natural resources finance on the future management and use of the Metropolitan Landfill Abatement Account.

### **2003 Minnesota Laws Chapter 128, Article 2: One-time MLCAT Fund Transfers**

Sec. 10, Subd. (e) By June 30, 2004, the commissioner of the pollution control agency shall transfer \$9,905,000 from the metropolitan landfill contingency action trust fund to the commissioner of finance for cancellation to the general fund. This is a onetime transfer from the metropolitan landfill contingency action trust fund to the general fund. It is the intent of the legislature to restore these funds to the metropolitan landfill contingency action trust fund as revenues become available in the future to ensure the state meets future financial obligations under Minnesota Statutes, section 473.845.

Sec. 55, Subd. 4. All amounts remaining in the metropolitan landfill contingency action fund are transferred to the metropolitan landfill contingency action trust account in the remediation fund created under Minnesota Statutes, sections 116.155 and 473.845.

### **2005 Minnesota First Special Session Laws Chapter 1, Article 3: One-time MLCAT Fund Transfers**

Sec. 17. By June 30, 2007, the commissioner of the Pollution Control Agency shall transfer \$4,000,000 from the metropolitan landfill contingency action trust account within the remediation fund to the commissioner of finance for transfer to the renewable development account, under Minnesota Statutes, section 116C.779.

This is a onetime transfer from the metropolitan landfill contingency action trust account to the renewable development account. It is the intent of the legislature to restore these funds to the metropolitan landfill contingency action trust account as revenues become available in the future to ensure the state meets future financial obligations under Minnesota Statutes, section 473.845. The funds provided for in this transfer may only be used to make the incentive payments for wind energy conversion systems authorized under Minnesota Statutes, section 116C.779, subdivision 2.

For more information on MLCAT, contact Jim Chiles  
at (651) 296-7273 at the Minnesota Pollution Control Agency or via electronic  
mail at [james.chiles@pca.state.mn.us](mailto:james.chiles@pca.state.mn.us).

The MPCA may be contacted at (651) 296-6300,  
toll-free/TDD at (800) 657-3864, or  
through the MPCA's web site at <http://www.pca.state.mn.us>.

This report cover is printed on paper containing 100% post consumer waste, and  
the report contents on paper containing at least 20 percent post consumer waste.



Minnesota Pollution Control Agency

**FY 2005  
MLCAT Report**