

Minnesota Pollution Control Agency

Solid Waste Processing Facilities
Capital Assistance Program (CAP)

Report of
Termination of Obligations

as required by MN Statutes § 115A.54, Subd. 4.

Submitted February 2006

Norman County formally requested termination of obligations under its 1989 CAP grant on November 12, 2003. Based on a Findings of Fact, Conclusions and Order of the County's good-faith efforts, Norman County's grant obligations, notwithstanding the provisions of section 16A.695, were terminated under authority of the OEA on December 30, 2003.

**STATE OF MINNESOTA
OFFICE OF ENVIRONMENTAL ASSISTANCE**

**In the Matter of Norman
County's Capital Assistance
Grant for Recycling**

**FINDINGS OF FACT,
CONCLUSIONS AND
ORDER**

FINDINGS OF FACT

1. Norman County was awarded a Solid Waste Processing Facilities Capital Assistance Program (CAP) grant on September 18, 1989 in the amount of \$156,475 for the construction of a recycling facility in the City of Ada, pursuant to the provisions of Minn. Stat. §§ 115A.49-.54 and Minn. Rules pts. 9210.0100-.0180 for a Recyclable Materials Processing Project (hereinafter "Project"). The total capital cost of the project was \$312,950.
2. The cost of constructing the Project was met by an OEA grant and County funds. The grant agreement was executed October 13, 1989 with a term of 20 years (until October 2009).
3. The project was proposed as a regional recycling center that could serve much of the northwest region to process approximately 3 tons of Norman County recyclables a day.
4. The facility is publicly owned and privately operated. The facility accepted the following materials: newsprint, cardboard, office paper, all colors of glass, aluminum, bi-metal, tin, high density plastic, and PET plastics.
5. Norman County is rural county with a population of approximately 7,300, which is decreasing at approximately 1.5% per year. The County had a population of approximately 8,000 when the Norman County Recycling center began operations.
6. The County-owned facility has operated continually since opening in September 1990. The facility operation as well as the curbside collection and drop box collection was awarded to RMR Recycling. RMR Recycling operated the facility and the curbside collection until 1994, when RMR was bought by SuperCycle. SuperCycle continued the operation of the facility and curbside collection program until 1999, when it was bought by Waste Management Inc. Waste Management Inc. is currently operating the facility and curbside collection program.
7. The County has made a good faith effort to make the operation of the facility and curbside collection program successful.
8. Norman County has asked the Minnesota Office of Environmental Assistance (OEA) for approval under Minn. Stat. §115A.54, subd. 4, to terminate its obligation under the CAP Grant Agreement (Ex. A) and to close the Norman County Recycling center, which was constructed with a Capital Assistance Grant (CAP), and has notified the OEA that it will

discontinue the current County curbside recycling collection program. Norman County is making these changes to improve the efficiencies of their total solid waste program.

9. The County has asked the OEA for approval to close the facility, because of conditions that have changed and are out of the County's control. The facility is no longer a regional facility. The facility is no longer receiving recyclables from several counties as it has in the past. The facility is only processing approximately 600 tons a year of recyclables from Norman County and part of Mahnommen County. This is a decrease from approximately 5,700 tons a year of recyclables from 8 counties in the mid 1990's.
10. The facility had employed as many as 4.5 employees, but currently has only one part time (.5) employee. The facility is no longer necessary or successful because: 1) many of the counties now have their own recycling centers and no longer need to use the Norman County facility; 2) WMI, which operates in many of the counties that used the Norman County facility, has chosen to process recyclables at large facilities which are owned by WMI and located in the Twin Cities or in Grand Forks North Dakota.
11. The County will contract with the Polk County Resource Recovery Facility to process source separated recyclables that currently were being processed at the Norman County facility.
12. The County has notified the OEA that it will discontinue the curbside collection program. The curbside collection program currently serves the cities of Ada, Halstad, Hendrum, Perley, Shelly and Twin Valley. The current program collects only approximately 100 tons of recyclables a year. This is approximately 10% of the total recycling for the County. The County also has conveniently located drop-off sites spread throughout the County for use by city and rural residents. The drop-off sites currently generate over 205 tons of recyclables per year. The County feels that the drop-off sites can easily handle the increased tons from the discontinuation of the curbside program. The recyclables from the drop-off sites will be collected and taken to the Polk County Resource Recovery Facility Materials Recovery Facility to be processed and marketed.
13. The County will continue the current recycling program for businesses and industries, which is taken care of by the private haulers and collectors. The County also will continue to get credit for recyclables being removed from the MSW waste stream by the up-front separation at the Polk County Resource Recovery Facility.

CONCLUSIONS

1. Norman County has asked the OEA for approval under Minn. Stat. §115A.54, subd. 4 to terminate its obligations under the Cap Grant Agreement and to close the Norman County Recycling center.
2. Norman County has made a good faith effort as required under Minn. Stat. §115A.54, subd. 4, to exhaust all options in trying to comply with the terms and conditions of the grant and to make the operation of the facility and curbside collection program successful.
3. Norman County will continue the current recycling program for businesses and industries, which is taken care of by the private haulers and collectors.

ORDER

1. The OEA Director hereby terminates the obligations of Norman County under the CAP grant agreement signed on October 13, 1989, pursuant to its authority under Minn. Stat. §115A.54, subd 4.
2. Norman County must agree to meet the SCORE requirements of providing residents of the County the opportunity to recycle as required in Minn. Stat. §115A.552. The above facts show the County's willingness to meet this requirement.
3. Norman County will not transport recyclables in vehicles co-mingled with the mixed municipal solid waste.
4. The County must agree to update the County's Solid Waste Management Plan to include all the changes in the County's recycling Program.

Clearwater County formally requested termination of obligations under its 1992 CAP grant on October 23, 2003. Based on a Findings of Fact, Conclusions and Order of the County's good-faith efforts, Clearwater County's grant obligations, notwithstanding the provisions of section 16A.695, were terminated under the authority of the OEA on February 5, 2004.

**STATE OF MINNESOTA
OFFICE OF ENVIRONMENTAL ASSISTANCE**

In the Matter of Clearwater County's
Recyclable Materials Recovery
Facility under the Solid Waste Processing
Facilities Capital Assistance Program (CAP)

Findings of Fact,
Conclusions, and Order
Terminating Obligations

The above matter came before the Director of the Minnesota Office of Environmental Assistance (OEA) for decision. After giving due consideration to the Clearwater County request to be relieved of its obligations under the CAP Grant Agreement, the OEA hereby makes the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

The Minnesota Office of Environmental Assistance (OEA) oversees various programs created to assist the state in meeting its solid waste management goals. One of these programs is the Solid Waste Processing Facilities Capital Assistance Program (CAP). CAP is authorized and administered in accordance with Minn. Stat. §§ 115A.49-.54 and Minn. Rules pts. 9210.0100-.0180.

1. By letter dated October 22, 2003, Clearwater County initiated the process of seeking forgiveness of its obligations under the CAP grant agreement.
2. Clearwater County was awarded a Solid Waste Processing Facilities Capital Assistance Program (CAP) grant on January 6, 1992 in the amount of \$121,110 for the construction of a recycling facility in the City of Bagley (hereinafter "Project"). The total capital cost of the project was \$242,000.
3. The Project would serve all of Clearwater County and process approximately 500-1,000 tons of recyclables per year
4. The CAP grant agreement was executed on February 4, 1992 with a term of 20 years (until February 2012).
5. The cost of constructing the Project was met by an OEA grant and County funds. The cost of operating the Project was to be met by the revenue from the sale of materials, SCORE funds, and a County solid waste assessment.
6. The facility is publicly owned by Clearwater County and operated by the Clearwater Day Activity Center (DAC). The facility accepts the following materials: newsprint, high-grade paper, corrugated cardboard, all colors of glass, aluminum, tin/steel, plastics, and textiles.

7. The County-owned facility has operated continually since opening in February 1993, but due to its rural nature and stagnant/declining population, the project has never reached its minimum goal of 500 tons per year.
8. Due to current economic conditions and more cost-effective alternatives to manage recyclables, the County deems it no longer feasible to own and operate the Project.
9. The County proposes to close the Project and contract with Magnuson Trucking for the collection and processing of the recyclables in the County.
10. The Polk County Resource Recovery Facility will also continue to remove recyclable materials from the County's waste stream prior to incineration.

CONCLUSIONS

1. Clearwater County has continually operated the facility since 1993.
2. Clearwater County has requested that the OEA terminate its obligations under the CAP grant agreement executed February 4, 1992.
3. Clearwater County has submitted documentation supportive of its conclusion that it is no longer feasible or economical to continue to operate the recycling facility.
4. Clearwater County has put forth a proposal to ensure the continued opportunity to recycle to all residents, businesses and industries in the County as required in Minn. Stat. §115A.552, and will update its Solid Waste Management Plan accordingly.
5. Clearwater County has made a good faith effort to exhaust all options in trying to comply with the terms and conditions of the CAP grant agreement.

ORDER

NOW THEREFORE, pursuant to the authority vested in me by Minn. Stat. §115A.54, subd. 4 (2003), the obligations of Clearwater County under the CAP grant agreement executed February 4, 1992 are hereby terminated.

The City of North Mankato formally requested termination of obligations under its 1991 CAP grant on September 6, 2005. Based on a Findings of Fact, Conclusions and Order of the City's good-faith efforts, the City of North Mankato's grant obligations, notwithstanding the provisions of section 16A.695, were terminated under authority of the MPCA on November 3, 2005.

**STATE OF MINNESOTA
POLLUTION CONTROL AGENCY**

In the Matter of the City of North
Mankato's Recyclable Materials Recovery
Facility under the Solid Waste Processing
Facilities Capital Assistance Program (CAP)

Findings of Fact,
Conclusions, and Order
Terminating Obligations

The above matter came before the Commissioner of the Minnesota Pollution Control Agency (MPCA) for decision. After giving due consideration to the City of North Mankato's request to be relieved of its obligations under the June 6, 1991 CAP Grant Agreement, the MPCA hereby makes the following Findings of Fact, Conclusions, and Order:

FINDINGS OF FACT

The Minnesota Pollution Control Agency (MPCA) oversees various programs created to assist the state in meeting its solid waste management goals. One of these programs is the Solid Waste Processing Facilities Capital Assistance Program (CAP). CAP is authorized and administered in accordance with Minn. Stat. §§ 115A.49-.54 and Minn. Rules pts. 9210.0100-.0180.

1. By letter dated September 6, 2005, the City of North Mankato initiated the process of seeking forgiveness of its obligations under the CAP grant agreement.
2. The City of North Mankato was awarded a Solid Waste Processing Facilities Capital Assistance Program (CAP) grant on June 3, 1991 in the amount of \$180,050 for the development of a recycling facility in the City (hereinafter "Project"). The total capital cost of the project was \$465,150.
3. The Project would serve all of the City of North Mankato, surrounding cities and townships, and Nicollet County. The Project would have the capacity to process 1,200 tons of recyclables per year
4. The CAP grant agreement was executed on June 6, 1991 with a term of 20 years (until June 2011).
5. The cost of constructing the Project was met by an MPCA grant and City funds. The cost of operating the Project was to be met by the revenue from the sale of materials, a contract with Nicollet County, fees collected at the recycling facility, and a City refuse subsidy.
6. The facility is publicly owned and now operated by the City of North Mankato. The facility accepts the following materials: newsprint, office paper, corrugated cardboard, all

colors of glass, aluminum, tin, plastics (PETE and HDPE), textiles, old appliances, batteries and tires.

7. The City-owned facility has operated continually since opening in December 1991, but due to lack of efficiencies and worker safety issues in the renovated building, the City and Nicollet County opted to build a new facility designed specifically for recycling.
8. The City has constructed the new recycling facility, moved all equipment from the old facility to the new facility, and began operations in the new building June 6, 2005.
9. The City will retain the old facility for other city purposes.

CONCLUSIONS

1. The City of North Mankato has continually operated a recycling facility since 1991.
2. The City of North Mankato has constructed a new, larger recycling facility and on June 6, 2005 moved its recycling operations to the new facility.
3. The City of North Mankato has requested that the MPCA terminate its obligations under the CAP grant agreement executed June 6, 1991.
4. The City of North Mankato has submitted documentation supportive of its conclusion that it was no longer feasible or economical to continue to operate the recycling facility at the old site.
5. The City of North Mankato has ensured the continued opportunity to recycle for its service area.
6. The City of North Mankato has made a good faith effort to exhaust all options to comply with the terms and conditions of the CAP grant agreement.

ORDER

NOW THEREFORE, pursuant to the authority vested in me by Minn. Stat. §115A.54, subd. 4 (2003), the obligations of the City of North Mankato under the CAP grant agreement executed June 6, 1991 are hereby terminated.