

# Metropolitan Landfill Contingency Action Trust (MLCAT) Account

FY2009 Annual Report on Use of the MLCAT Account



## Legislative Charge

*Minn. Statutes § 473.846 Report to Legislature*

*The agency shall submit to the senate Finance Committee, the house of representatives 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 1 of each year on expenditures during its previous fiscal year. The commissioner shall report on expenditures during the previous calendar year and must incorporate its report in the report required by section 115A.411, due July 1 of each odd-numbered year. The commissioner 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.*

### **History:**

*1984 c 644 s 76; 1987 c 348 s 47; 1993 c 4 s 33; 1993 c 249 s 42; 1994 c 585 s 48; 1995 c 247 art 1 s 57; 1996 c 470 s 27; 2003 c 128 art 2 s 52; 1Sp2005 c 1 art 2 s 161*

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## Minnesota Pollution Control Agency

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## Summary

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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 Fiscal Year 2007. The relevant statutes, as amended, are contained in the appendix.

Minn. Stat. § 473.845, subd. 3, sets forth the activities that qualify for spending under the Metropolitan Landfill Contingency Action Trust (MLCAT) Account. Historically, the Account has been dedicated for the care of certain closed disposal sites for mixed municipal solid waste in the seven-county Twin Cities metropolitan area. It is funded chiefly by revenue from a 25-percent share of a fee on mixed municipal solid waste buried at metro-area landfills, amounting to \$.50 per cubic yard.

The following is a recent history of MLCAT. 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, 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 Minnesota Department of Finance accounting. In FY 2004, it became the Metropolitan Landfill Contingency Action Trust Account within the Remediation Fund. On June 30, 2004, \$9,905,000 – essentially the entire available balance of MLCAT – was transferred to 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 Account could meet the needs of long-term care at MLCAT-eligible landfills.

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, to occur in FY 2007.

From FY 2006 through FY 2009, MPCA staff carried out inspections at the four closed MLCAT-eligible sites, performed inspections, administrative, and technical tasks at the two remaining open landfills, completed construction at the Pigs Eye Landfill, and permitted expansions at the Burnsville and Pine Bend landfills.

## Introduction and Background

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The original purpose of MLCAT was to ensure that necessary and reasonable 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, or 25 percent of the \$6.66/ton, Metropolitan Solid Waste Landfill fee on MMSW disposed in Twin Cities metro-area landfills
- 2) interest earned from investment of money in MLCAT

- 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 reduction occurred 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 (CLP), after owners earned a notice of compliance under the CLP statutes. Even so, the advent of the CLP left six landfill sites 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, a closed, state-permitted MMSW landfill must be located within the seven-county metropolitan area and must have been maintained for at least thirty years. If closed for less time, the landfill must have had 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 a state-permitted landfill for disposal of wastewater treatment sludge ash.

## Fiscal Status

Table 1 Revenue and expenditures, MLCAT account (\$000)

	FY 2009 (actual)	FY 2010 (estimated)	FY 2011 (estimated)	FY 2012 (estimated)
<b>Balance Forward</b> , Including Reserves	2,295	3,045	3,816	4,611
Prior Year Adjustment	0	0	0	0
Adjusted Balance Forward	2,295	3,045	3,816	4,611
<b>Revenue</b>				
Metro Landfill Contingency Fee Income	682	679	679	679
Other Revenue – Penalties	0	1	1	1
Investment	68	91	114	138
<b>Total Resources Available</b>	3,045	3,816	4,611	5,429
<b>Expenditures</b>				
Site Closure/Post-closure Design and Engineering	0	0	0	0
Construction, Operation, and Maintenance	0	0	0	0
Remediation of Pigs Eye Dump	0	0	0	0
Renewable Development Account	0	0	0	0
<b>Total Expenditures</b>	0	0	0	0
<b>Balance Forward</b> , Before Reserves for Perpetual Care	3,045	3,816	4,611	5,429
<b>Reserves</b>	3,045	3,816	4,611	5,429
<b>Available Account Balance</b> , After Reserves	0	0	0	0

Source: Minnesota Department of Finance - Information Access Data Warehouse, 2009

## MLCAT-related activities in FY 2009

Six state-permitted landfills were MLCAT-eligible in FY 2009. One additional landfill benefited from a one-time, state-funded construction project that is complete. A summary of site status appears in Table 2. 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), Begin Demolition Landfill (Hennepin County)
- Two open sanitary landfills: Burnsville Sanitary Landfill (Dakota County), and Pine Bend Sanitary Landfill (Dakota County)
- Pigs Eye Landfill, a large site including a large city dump that operated without a state permit until closure in 1972, which is co-located with a state permitted sewage-sludge ash landfill that operated from 1977 to 1985 (Ramsey County). MLCAT funding was no longer being used at this site, as of July 1, 2007.

Fiscal year 2009 tasks included: (1) conducting inspections of sites to determine whether any actions are needed; (2) reviewing closure plans from MLCAT-eligible landfills for compliance with closure and post-closure care requirements; and (3) preparing the annual report.

**Table 2. FY 2009 Status of MLCAT account-eligible Landfills in the Metropolitan Area**

Landfill	County	Accepting waste?	Closure date (1)	Incurring costs now?	Date post-closure assistance could begin	Notes
Begin DLF	Hennepin	No	1979	No	2009	3,4
Burnsville SLF	Dakota	Yes	2020--a permit for additional space was approved in FY 2007	No	30 years following closure date	1,2,4
Herbst & Sons DLF	Ramsey	No	1983	No	2013	3,4
Pigs Eye Landfill & Dump	Ramsey	No	1972	No	Effective date of legislation (2001)	4,5
Pine Bend SLF	Dakota	Yes	2022	No	30 years following closure date	1,2,4
Rosemount DLF	Dakota	No	1981	No	2011	3,4
Vadnais Heights DLF	Ramsey	No	1981	No	2011	3,4

Source: MPCA, 2009

**Abbreviations:** DLF = Demolition Landfill containing mixed municipal solid waste (disposed of during previous 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.
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. Following remediation by the MPCA, local governments and responsible parties will carry out operation and maintenance of the remedies.

The most recent inspections conducted at these sites 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 3.

**Table 3 Inspection 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; possible redevelopment to office park may occur in 2010 or later	None detected
Vadnais Heights DLF	None	No	Currently used for softball fields and park	City park with ball field, ice rink, picnic grounds; possible construction of a recreational building may occur in 2010 or later	None detected

Source: MPCA, 2009

### **Pigs Eye Landfill & Dump**

The Pigs Eye Landfill site (Site) is a closed dump located in the floodplain of the Mississippi River just east of the St. Paul downtown airport. As noted above, MLCAT funding is no longer being used at this site, as of July 1, 2007.

The triangular-shaped, heavily vegetated Site is bounded by a railroad switching yard to the northeast, various industrial properties to the west, and Pigs Eye Lake to the south. The final reach of Battle Creek flows through the Site, and discharges to Pigs Eye Lake. The Mississippi River is located approximately 800 feet west of the Site.

Pigs Eye Landfill is approximately 230 acres in size, and was the largest unpermitted garbage dump in Minnesota. The Site accepted more than 70 percent of the municipal, commercial, and industrial waste (an estimated 8.2 million cubic yards) from St. Paul and surrounding communities for 16 years, up to 1972. From 1977 – 1985, the predecessor of the Metropolitan Council’s Environmental Services was permitted to dispose of sewage sludge ash on 31 acres of the landfill. The ash was disposed on top of existing waste, and covered with two feet of soil. Various phases of investigation revealed contaminants in ground water, surface water, and sediments at the Site, including volatile organic compounds, semi-volatile organic compounds, metals, polychlorinated biphenyls (PCBs), and perfluorinated chemicals.

In the first two years of remediation work at the Site (FY 2002-2003), contractors hired by the MPCA and the City of St. Paul (City) completed Phase 1 of remediation work at Pigs Eye Landfill. Phase 1 included:

- pulling waste back from Battle Creek
- installing a filtration layer between the solid waste and the creek, and re-sloping remaining solid waste to the top of the select fill
- chemically stabilizing a lead-contaminated battery disposal area one acre in size
- filling a two-acre pond that contained contaminated sediments
- adding cover material to the pre-existing but partial soil cover



In FY 2004, Phase 2 work included:

- constructing a soil cover for an additional 80 acres
- correcting a slope and preventing erosion along Battle Creek
- installing monitoring wells
- relocating waste as part of slope grading, and relocating and consolidating waste found on neighboring property that was part of the original dump footprint
- filling in a second pond that held contaminated sediments
- installing a permanent creek crossing
- removing and properly disposing of tires and drums containing hazardous wastes

During FY 2005, seeding of the sloped areas along the creek was completed, and the City's consultant prepared a first draft of the Operation 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.

Construction is complete and the total of state money expended was under \$6 million. The Site has now entered the long-term maintenance and monitoring phase, as detailed in the July, 2006, Long-Term Maintenance and Monitoring Plan. The City will inspect and maintain the cover, slopes, erosion controls, and monitoring wells, and will provide funding for monitoring and reporting. The MPCA is conducting surface water and ground water monitoring, with reimbursement of costs by the City. MPCA will also conduct well inspections, and prepare annual reports.

## 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 inspections and monitoring. Both landfills have approved financial assurance programs monitored by the MPCA, and these should be sufficient to pay for site care over a period of 30 years following closure. The activities at each facility are described below.

### Burnsville Sanitary Landfill

Burnsville Sanitary Landfill, Inc. owns and operates the Burnsville Sanitary Landfill (BSL) in the City of Burnsville. BSL 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 calendar year 2005, BSL landfilled approximately 265,000 tons of MMSW and 99,000 tons of industrial solid waste in the MMSW cells. In FY 2006, the MPCA certified the Phase 20 slope liner, the Stage IV final cover, and a modification of the leachate force main.

Permitted capacity was projected to have been filled by the end of 2007, but in FY 2007, the MPCA approved a permit for horizontal expansion. The expansion adds 5.6 million cubic yards of capacity, which is projected to be enough for an additional 14 years of operation.

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.

The ground water monitoring system at Burnsville Landfill monitors water quality from both the lined and unlined portion of the facility. The ground water monitoring has been expanded as a result of the permitting of additional MMSW cells. The water quality monitoring system at the Landfill consists of 23 monitoring wells and one surface water monitoring station. Each of the 23 ground water monitoring wells is used to collect water elevation data, while ten of the wells are used to collect water quality data.

Water quality monitoring indicates that neither the lined nor the unlined portions have adversely impacted the ground water downgradient of the facility. The presence of a large, adjacent rock quarry (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**

Allied Waste Industries, Inc. operates Pine Bend Sanitary Landfill (PBSL) in Inver Grove Heights. It is the largest MMSW landfill in the state. The permitted fill area encompasses 220 acres, 52 acres of which are lined. No fill area 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.

Acceptable materials for disposal in the lined landfill 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.

In April, 1996, PBSL completed the replacement of its landfill gas collection network. The new 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.

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. In calendar year 2005, PBSL disposed of 188,280 tons of MMSW and 10,012 tons of non-MMSW. FY 2006 also saw the MPCA's approval of the next cell, Phase 5. At current fill rates and given existing permitted capacity, the entire facility is expected to close in 2022. 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 groundwater 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 downgradient 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, along with its associated contaminants, from the landfill mass. Over time, this should improve the ground-water quality downgradient of the landfill.

## **Conclusion**

While solvency in the short term is not a concern (because the most significant landfill-care costs are three to four decades away), the restructured MLCAT Account's ability to bear the long-term costs of landfill care at the 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 2009. 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 (i.e., costs incurred more than 30 years after closure) and current MLCAT resources.

# Appendix

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Selected Statutes and Laws Pertinent to MLCAT  
(Source: Minnesota Statutes 2009)

## **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 account under section 473.843, subd. 2, clause (2); amounts recovered under subd. 7; and interest earned on investment of money in the account.

### **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 post-closure 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.