

Memo

To: Hennepin County Board of Commissioners

From: David Hough, County Administrator
Lisa Cerney, Assistant County Administrator Public Works

Date: September 20, 2023

Re: Hennepin County Climate Action Plan/Zero Waste Plan and HERC - Recommendations

You received a report on the Hennepin Energy Recovery Center (HERC) and its role in the solid waste system on September 16, 2023. This memo provides County Administration's recommendation that is aligned with the county's Climate Action Plan, Zero Waste Plan and state and federal statutes. Included is a summary of the staff report and a consideration of actions and recommendations that will be presented in the briefing on Thursday, September 21, 2023.

Recommendation: Establishing a target closure date for HERC with the necessary conditions to meet the goal

The county is committed to meeting our climate action goals and achieving zero waste, as well as being compliant with state and federal law. Based upon our goals and existing laws we are recommending an anticipated year range closure for HERC of 2040 to 2050. To achieve this year range there are many conditions which need to be met. They include:

- Compliance with all applicable state and federal laws, rules and regulations
- Achieving the county board approved Climate Action Plan goals
- Achieving the metrics identified in the county's Zero Waste Plan
- The State of Minnesota is at or near its 100% renewable electricity goal
- Recycling rate of at least 85%
- Food waste, paper, and other biogenic materials make up less than 10% of trash needing disposal
- Alternative funding sources are secured for county natural resources, forestry, zero waste, and climate work
- Alternative energy sources are found to heat, cool, and electrify homes and businesses

Hennepin is a national leader in waste reduction and recycling. In order to maintain this status, we recommend focusing on HERC to highlight Hennepin County's trash problem and pushing for robust goals and building a zero-waste future that reduces our reliance on incineration and landfilling. This strategy will ensure Hennepin County remains in compliance with state waste management laws. To

achieve zero waste, the state, Hennepin County, and cities will need to deliberately commit to new policies and programs. Setting a date for HERC's closure will require the county attaining all previously mentioned conditions. By not meeting these conditions a premature closing of HERC will create a significant number of collateral consequences that impact the environment and our residents.

Required State Legislative Action

As stated in the report, "If HERC's shutdown is contingent on getting to zero waste, the state legislature needs to prioritize these policy actions to advance zero waste and protect the environment".

- Adopt policies on par with national zero waste leaders - including but not limited to packaging, organized collection, hauler licensing and material bans at landfills.
- Invest in recycling infrastructure, advancing circularity and waste reduction and reuse – including but not limited to increasing SCORE recycling grants, funding of a pre-processing facility in Hennepin to recover reusable and recyclable materials from trash, fully funding the anaerobic digestion facility, increasing state taxes/fees on landfills to fund county zero waste programs and other investments.
- Reduce disproportionate impacts from the solid waste system – including but not limited to direct funding to areas of environmental justice concern, phased in emissions requirements for waste trucks and updating landfills to achieve greater environmental outcomes.
- Amend existing policies to remove disincentives – including but not limited to adopting a food waste composting requirement in MnDOT specs, reducing barriers for businesses to use refillable containers, revising building codes and zoning ordinances that inhibit recycling and revising the current system to cover collection of all electronic waste.

Required Federal Action

The county board needs to recommend and support policy changes and initiatives that lead to greater standardization and coordination across the country to improve consistency among all stakeholders. Areas where standardization and coordination are most needed include product labeling to indicate recyclability, ability to compost and perishability, producer responsibility legislation, sustainable product design standards, mandating single use plastics reduction and pollution prevention. In addition, seeking increased federal funding for recycling market development, zero waste infrastructure and Justice40 initiatives.

Required County Efforts

As previously mentioned, the county board will need to prioritize zero waste efforts in its legislative priorities. In addition, the board will need to advance zero waste policies focused on the following Zero Waste Plan priorities:

- Revise Recycling Ordinance 13 to provide clarity in existing language and expand requirements
- Require the use of food waste compost in county construction and landscape projects
- Bolster the county's sustainable purchasing policy using MPCA guidance
- Transition to organized waste collection countywide, which cities would oversee and implement
- Mandate participation in recycling and composting programs, which cities would oversee and implement
- Require cities to add multi-family waste service to single-family residential service
- Adopt a single use ban and zero waste packaging requirement for food service
- Establish food waste reduction targets and timeline
- Fully implement a county plan to eliminate food waste

- Evaluate needed collaboration in providing zero waste infrastructure
 - Expand recycling drop-off options
 - Establish brick-and-mortar reuse and repair centers
 - Support innovation hubs, districts, and resource recovery parks
 - Study options for recovering recyclables from the trash

Required City Efforts

With forty-five cities in Hennepin County there is a significant need for city leadership. Minneapolis is the largest city in the state and the biggest generator of waste in the county. Minneapolis will play a crucial role in achieving climate action and zero waste goals. The city has achieved many notable successes on residential recycling, but the county will not meet its goals if Minneapolis does not adopt policies similar to other zero waste leaders across the country. Required policy changes are as follows:

- Establish organized commercial collection, including multi-family
- Require mandatory large generator waste reduction and diversion plans
- Increase hauler accountability by requiring reporting and service standards
- Implementing multi-family recycling programs with adequate staffing
- Improve options for managing large items and specialty recyclables in the multi-family sector
- Adopt specifications to increase the use of food-derived compost in city projects
- Develop a construction and demolition waste diversion ordinances requiring recycling on construction and demolition projects
- Enhance enforcement of existing city ordinances

These policy changes at the federal, state, county and city levels are needed to move Hennepin County toward zero-waste, make meaningful progress toward climate emissions reduction, and mitigate the impacts of the potential closure of HERC.

As demonstrated by the 2023 legislative session, modest recycling policies and funding are progressing, but the transformative policies and funding resources that match the scope of the waste problem we face are not yet moving forward.

Policy questions and discussion:

As discussed in the report and in this memo, the closure of HERC requires certain conditions being satisfied. Many of those conditions are outside or beyond our control. The intent of our report and this recommendation was to provide an objective analysis based upon available facts and data. As a data informed organization, it is critical that we provide you with all relevant details to inform your decision. During the briefing, after a short presentation, it is our intent to ask the board specific policy questions in order to inform the discussion and assist the board in future board actions. In preparation for the briefing, we are providing some of the questions you will be presented with. Those questions are as follows:

- Is there support to pursue a targeted closure date range for HERC of 2040-2050 if all the conditions mentioned in the report and this memo are achieved (e.g., federal, state and county required actions and climate action/zero waste goals attained)?
- If the targeted closure date conditions are not all met, is there understanding that the closure date may be delayed?

You have received much information about the impacts and consequences of a premature (before 2040) shutdown of HERC. Pages 21 through 44 of the report outline the many consequences of a premature closure. If the county board directs staff to shut HERC down prior to 2040 there are a series of questions that the board will have to answer specific to the consequences. Those questions include but are not limited to the following:

- How will the county address noncompliance with state and federal law?
- How will the county modify its Climate Action Plan and Zero Waste Plan?
- Will Hennepin county completely divest itself from managing waste streams in the county (e.g., trash, hazardous waste, recycling, composting, organics, etc.)?
- Without the enterprise revenue how will the county support its environmental and climate efforts and programs?
- Where should trash generated in Hennepin County be disposed of while we are advancing a zero-waste future?

We look forward to presenting this information and getting your direction on the policy questions.

cc:

Rosemary Lavin – Director, Environment and Energy
Diana Chaman Salas – Director, Climate and Resiliency