

TODD COUNTY BOARD OF COMMISSIONERS

Regular Board Meeting Agenda

Date: February 3, 2015

Time: 9:00 AM

Meeting to be held in the County Board Room, Historic Courthouse located at 215 1st Avenue South
Suite 300, Long Prairie, Minnesota 56347

Item #		Approx. Time
1	Call to Order and Roll Call	9:00
2	Pledge of Allegiance	9:01
3	Amendments to the Agenda	9:03
4	Potential Consent Items	9:05
4.1	Introduce New Staff	
4.2	Approve Auditor Warrants	
4.3	Approve Commissioner Warrants	
4.4	Central Planes Aviation	
5	Assessor's Department	9:10
5.1	Abatement Request - Beck	
6	Sheriff's Department	9:15
6.1	Hire Full Time Deputy	
7	SWCDD	9:20
7.1	Resignation - Resource Conservationist	
8	Solid Waste	9:25
8.1	Waste Designation	

Standing Reports

Auditor - Treasurer Report

Commissioners' Report

Adjourn

Todd County, MN Board Action Form



Action Requested	
<input type="checkbox"/> Action/Motion <input type="checkbox"/> Discussion <input checked="" type="checkbox"/> Information Item	<input type="checkbox"/> Report <input type="checkbox"/> Resolution <input type="checkbox"/> Other
Board Action Tracking Number (Admin use): 20150203-01	

Title (for publication with the Agenda): Introduce New Staff	
Date of Meeting: 02/03/2015	Total time requested: 5 min
Department Requesting Action: Auditor-Treasurer	
Presenting Board Action/Discussion at Meeting: Denise Gaida	
Background <input type="checkbox"/> Supporting Documentation enclosed	
NJPA Intern, Patti Pechan, started January 20, 2015	
Deputy Auditor Treasurer, Rebecca Jager, started January 26, 2015	
Options <input type="checkbox"/> Supporting Documentation enclosed	
Recommendation <input type="checkbox"/> The Todd County Board of Commissioners approves the following by Motion:	
Financial Implications: \$	Comments
Funding Source:	
Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No	

Action	Voting in Favor	Voting Against
Motion:	<input type="checkbox"/> Kircher	<input type="checkbox"/> Kircher
Second:	<input type="checkbox"/> Becker	<input type="checkbox"/> Becker
<input type="checkbox"/> Passed	<input type="checkbox"/> Erickson	<input type="checkbox"/> Erickson
<input type="checkbox"/> Failed	<input type="checkbox"/> Neumann	<input type="checkbox"/> Neumann
<input type="checkbox"/> Tabled	<input type="checkbox"/> Kneisl	<input type="checkbox"/> Kneisl

Signatures	
STATE OF MINNESOTA } COUNTY OF TODD }	
I, Denise Gaida, County Auditor-Treasurer, Todd County, Minnesota hereby certify that I have compared the foregoing copy of the proceedings of the County Board of said County with the original record thereof on file in the Administration Office of Todd County in Long Prairie, Minnesota as stated in the minutes of the proceedings of said board and that the same is a true and correct copy of said original record and of the whole thereof, and that said motion was duly passed by said board at said meeting. Witness my hand and seal:	
Seal	

Todd County, MN Board Action Form



Action Requested	
<input checked="" type="checkbox"/> Action/Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Information Item	<input type="checkbox"/> Report <input type="checkbox"/> Resolution <input type="checkbox"/> Other
Board Action Tracking Number (Admin use): 20150203-02	

Title (for publication with the Agenda): Approve Auditor Warrants	
Date of Meeting: 02/03/2015	Total time requested: 5 min
Department Requesting Action: Auditor Treasurer Office	
Presenting Board Action/Discussion at Meeting: Denise Gaida	
Background <input type="checkbox"/> Supporting Documentation enclosed	
Printout sent to Commissioners	
Options <input type="checkbox"/> Supporting Documentation enclosed	
Recommendation <input checked="" type="checkbox"/> The Todd County Board of Commissioners approves the following by Motion:	
To Approve the Auditor Warrants number 224487 thru 224655 in the amount of \$1,891,307.88.	
Financial Implications: \$	Comments
Funding Source:	
Budgeted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Action	Voting in Favor	Voting Against
Motion:	<input type="checkbox"/> Kneisl	<input type="checkbox"/> Kneisl
Second:	<input type="checkbox"/> Kircher	<input type="checkbox"/> Kircher
<input type="checkbox"/> Passed	<input type="checkbox"/> Erickson	<input type="checkbox"/> Erickson
<input type="checkbox"/> Failed	<input type="checkbox"/> Neumann	<input type="checkbox"/> Neumann
<input type="checkbox"/> Tabled	<input type="checkbox"/> Becker	<input type="checkbox"/> Becker

Signatures	
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Seal	

Auditor Warrants	
Vendor Name	Amount
AMERICAN HERITAGE BANK	32,922.70
ASSOC OF MN COUNTIES	10,775.00
COMPUTER PROFESSIONALS	5,630.88
GREAT RIVER REGIONAL LIBRARY	82,449.25
MCIT	363,077.00
MN DEPT OF FINANCE	6,140.00
Otter Tail County Treasurer	22,429.20
RANGER CHEVROLET	39,707.36
TODD CO HISTORICAL SOCIETY	8,500.00
Payments Less than 2000	4,691.22
AMERICAN HERITAGE BANK	2,565.71
CARD SERVICES COBORNS	2,472.16
FLEET SERVICES/WEX BANK	5,285.24
GENE-O'S COUNTRYSIDE REST LLC	3,954.60
GOULD/RHONDA M	2,585.00
LONG PRAIRIE SANITARY SERVICE	2,951.21
MASWCD	2,681.70
MCIT	2,386.00
MORRISON COUNTY	8,997.30
PETERS & CHURCHWELL	5,890.50
PHEASANTS FOREVER	11,312.49
Prairie Lakes Municipal Solid Waste Auth	60,466.56
RESOURCE TRAINING AND SOLUTIONS	201,053.50
SPRINGSTED INC	26,313.29
TODD CO AUD-TREAS	12,327.00
TODD COUNTY DAC	4,025.50
TODD TRAILS ASSOCIATION	57,603.04
US BANK	516,811.88
Payments Less than 2000	14,468.16
AMERICAN HERITAGE BANK	26,656.86
CITY OF BERTHA	3,638.38
CITY OF BROWERVILLE	2,957.30
CITY OF CLARISSA	6,746.42
CITY OF EAGLE BEND	4,119.54
CITY OF HEWITT	2,570.97
CITY OF LONG PRAIRIE	7,569.90
CITY OF OSAKIS	17,699.93
CITY OF STAPLES	11,345.37
SCHOOL DISTRICT 213	18,440.63
SCHOOL DISTRICT 2170	14,965.40
SCHOOL DISTRICT 2753	47,178.31
SCHOOL DISTRICT 2759	11,936.32
SCHOOL DISTRICT 486	6,787.60

SCHOOL DISTRICT 743	9,375.08
SCHOOL DISTRICT 786	15,166.45
SCHOOL DISTRICT 787	10,542.92
TOWN OF BARTLETT	2,188.93
TOWN OF BERTHA	5,024.63
TOWN OF BRUCE	2,464.42
TOWN OF BURLEENE	4,310.56
TOWN OF BURNHAMVILLE	3,273.01
TOWN OF EAGLE VALLEY	2,618.82
TOWN OF FAWN LAKE	2,522.39
TOWN OF GERMANIA	2,170.76
TOWN OF GREY EAGLE	5,911.04
TOWN OF HARTFORD	2,614.92
TOWN OF IONA	5,082.71
TOWN OF LITTLE ELK	2,532.05
TOWN OF LITTLE SAUK	3,898.84
TOWN OF LONG PRAIRIE	2,446.43
TOWN OF MORAN	2,388.48
TOWN OF ROUND PRAIRIE	2,255.20
TOWN OF STAPLES	2,893.74
TOWN OF STOWE PRAIRIE	3,087.73
TOWN OF WYKEHAM	4,430.96
Payments Less than 2000	20,708.93
AMERICAN HERITAGE	3,959.08
MINNESOTA POWER & LIGHT	14,565.62
SHIRLEY'S GAS & GROCERIES	3,541.81
STAPLES ADVANTAGE	2,566.88
ZAYO ENTERPRISE NETWORKS	3,102.14
Payments Less than 2000	14,248.70
CENTERPOINT ENERGY	5,318.06
TRISTAR POWER SOLUTIONS	14,066.00
Payments Less than 2000	8,944.21
Final Total	1,891,307.88

Todd County, MN Board Action Form



Action Requested	
<input checked="" type="checkbox"/> Action/Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Information Item	<input type="checkbox"/> Report <input type="checkbox"/> Resolution <input type="checkbox"/> Other
Board Action Tracking Number (Admin use): 20150203-03	

Title (for publication with the Agenda): Approve Commissioner Warrants	
Date of Meeting: 02/03/2015	Total time requested: 5 min
Department Requesting Action: Auditor-Treasurer Office	
Presenting Board Action/Discussion at Meeting: Denise Gaida	
Background <input checked="" type="checkbox"/> Supporting Documentation enclosed	
Printout sent to Commissioners	
Options <input type="checkbox"/> Supporting Documentation enclosed	
Recommendation <input checked="" type="checkbox"/> The Todd County Board of Commissioners approves the following by Motion:	
To approve the Commissioner Warrants number 39802 thru 39907 in the amount of \$130,699.82.	
Financial Implications: \$	Comments
Funding Source:	
Budgeted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Action	Voting in Favor	Voting Against
Motion:	<input type="checkbox"/> Kircher	<input type="checkbox"/> Kircher
Second:	<input type="checkbox"/> Becker	<input type="checkbox"/> Becker
<input type="checkbox"/> Passed	<input type="checkbox"/> Erickson	<input type="checkbox"/> Erickson
<input type="checkbox"/> Failed	<input type="checkbox"/> Neumann	<input type="checkbox"/> Neumann
<input type="checkbox"/> Tabled	<input type="checkbox"/> Kneisl	<input type="checkbox"/> Kneisl

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Seal	

JOLENES

1/28/15 4:26PM

**** Todd County ****

WARRANTS FOR PUBLICATION



Page 1

Cutoff 2000

Report Sequence: 1 - Vendor Name

**** Todd County ****



WARRANTS FOR PUBLICATION

Warrants Approved On 2/03/2015 For Payment 2/06/2015

<u>Vendor Name</u>	<u>Amount</u>
COMPASS MINERALS AMERICA	24,335.75
HILLYARD	2,191.23
LIBERTY TIRE RECYCLING SERVICES MN	18,329.57
LONG PRAIRIE OIL COMPANY	4,084.77
METRO SALES INC	8,004.27
MIDSTATES EQUIP AND SUPPLY	30,078.29
MN DEPT OF TRANSPORTATION	3,738.07
MORRISON CO PUBLIC HEALTH SERV	2,108.72
PROVANTAGE LLC	3,761.00
TWIN CITIES RECREATION, INC.	2,500.00
WIDSETH SMITH NOLTING INC	7,571.60
YIPA	2,325.00
94 Payments less than 2000	21,671.55
Final Total:	130,699.82

Todd County, MN Board Action Form



Action Requested	
<input checked="" type="checkbox"/> Action/Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Information Item	<input type="checkbox"/> Report <input type="checkbox"/> Resolution <input type="checkbox"/> Other
Board Action Tracking Number (Admin use): 20150203-04	

Title (for publication with the Agenda): Arial Spraying	
Date of Meeting: February 3 rd , 2015	Total time requested: 5 min
Department Requesting Action: Auditor/Treasurer	
Presenting Board Action/Discussion at Meeting: Denise	
Background <input checked="" type="checkbox"/> Supporting Documentation enclosed	
Todd county has received a request from Central Planes Aviation for approval for ariel spraying of Army Worms. At this time, the County is not aware of any public complaints or any reason why approval should not be granted for 2015.	
Options <input type="checkbox"/> Supporting Documentation enclosed	
Recommendation <input checked="" type="checkbox"/> The Todd County Board of Commissioners approves the following by Motion:	
Approve acknowledgement of Central Planes Aviation of Sauk Centre, MN for spraying of army worms in Todd County in the calendar year 2014 along with the Public shall be notified 48 hours prior to spraying.	
Financial Implications: \$0	Comments
Funding Source:	
Budgeted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Action	Voting in Favor	Voting Against
Motion:	<input type="checkbox"/> Kircher	<input type="checkbox"/> Kircher
Second:	<input type="checkbox"/> Becker	<input type="checkbox"/> Becker
<input type="checkbox"/> Passed	<input type="checkbox"/> Erickson	<input type="checkbox"/> Erickson
<input type="checkbox"/> Failed	<input type="checkbox"/> Neumann	<input type="checkbox"/> Neumann
<input type="checkbox"/> Tabled	<input type="checkbox"/> Kneisl	<input type="checkbox"/> Kneisl

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Seal	

Central Planes Aviation Inc
39115 Co Road 186
Sauk Centre, Mn. 56378
320-352-3013

Todd County Commissioners,

My name is John Ricard. I am the owner of Central Planes Aviation Inc. based at the Sauk Centre Airport. In the last few years, the area around some of the lakes in central Minnesota have been overrun by army worms that are quiet destructive to land owners trees. Some of the lake associations have contacted us to do some spraying for these insects. We did some areas in Crow Wing Co., Stearns Co., Aitkin Co., and Todd Co. the last few years and would like to again include Todd County for the year 2015.

The Chemical that we use is a BT product called Dipel DF. The DNR is using this chemical for the Gypsy moth program in northern Minnesota. This chemical is only affective on worms that eat leaves and will not harm wildlife or fish. It is also cleared on organic crops.

To do this type of control we have to operate under a congested area permit approved by the FAA and the Department of Agriculture.

We need a written approval from the governing body of each Co. that we can include in our application and send to Dave Egesdal in the Minneapolis Flight Standards District Office (612) 253-4507, for approval.

We ask that the Board review our request at your next meeting. I would need the same form that you supplied for me in 2014, signed by one of the board members.

Also Included is the FAA format that we are following for the permit. I've highlighted the area that involves the Co approval.

Central Planes Aviation Inc. has been doing aerial application in Central Mn. since 2003, and is fully insured and licensed. Todd County will not be held liable for any actions of my company. Any questions please feel free to call (320) 352-3013.

Sincerely: John Ricard 
CEO - Central Planes Aviation Inc.



Aircraft Maintenance and Crop Care by Air
Phone (320) 352-3013 Fax (320) 352-7851

1/15/09

8900.1 CHG 46

VOLUME 3 GENERAL TECHNICAL ADMINISTRATION**CHAPTER 52 PART 137 AGRICULTURAL AIRCRAFT OPERATIONS****Section 2 Evaluate a Part 137 Congested Area Operations Plan****3-4256 PROGRAM TRACKING AND REPORTING SUBSYSTEM (PTRS) ACTIVITY CODE. 1332**

3-4257 OBJECTIVE. The objective of this task is to determine that a public aircraft or Title 14 of the Code of Federal Regulations (14 CFR) part 137 operator can conduct agricultural dispensing operations safely over a congested area, according to an approved plan. Successful completion of this task results in either approval or disapproval of an operator's proposed plan.

3-4258 GENERAL. Agricultural aircraft may operate over congested areas when:

- The local Flight Standards District Office (FSDO) has approved the congested area plan, and
- The appropriate official or governing body of the political subdivision over which the aircraft is to be operated has approved the operation in writing.

A. Appropriate Officials. An appropriate elected public official or governing body can include any of the following:

- 1) Mayor,
- 2) City Manager,
- 3) City Council,
- 4) County Board of Supervisors,
- 5) County Commissioner, or
- 6) Any other similar elected public official.

B. Public Notice. If time allows, the public notice required by part 137, § 137.51(b)(2) should be given at least 48 hours before dispensing operations begin. The form that the public notice takes is up to the operator. Newspaper ads, radio announcements, television announcements, or door-to-door handbills are all acceptable methods.

C. Contents of Congested Area Plan. Consider the following when reviewing the plan of operation required by § 137.51(b)(3) and submitted by the operator.

1) The congested area plan must include an aerial photograph, large scale map, or computer generated map or diagram of the area to be worked. Whichever depiction is used, it should be appropriately marked to show all obstructions which could be expected to present a hazard during the operation and the areas which could be used for an emergency landing and dumping of agricultural materials.

2) The photograph, map, or diagram must be current, preferably within the preceding 24

months, to be considered representative of the area. If current photographs or diagrams are not available, realtor's maps may be used to supplement. The important aspect is not to accept maps that are not drawn to scale.

D. Assisting Operators. Occasionally agricultural aircraft operators may request Federal Aviation Administration (FAA) assistance in determining whether an area is congested or not. Before the FAA can determine this, the site will have to be checked. The FAA cannot, of course, check every area an operator wants to service, but in some cases an operator needs legitimate assistance. The inspector must use judgment in determining the status of an area as congested or not. If the inspector has any doubt, he or she should consult with other inspectors or regional counsel for any precedent.

3-4259 SINGLE-ENGINE AIRCRAFT. When congested area operations are conducted using single-engine aircraft, the inspector shall require the operator to arrange with appropriate officials of the area concerned to take such measures as are necessary to conduct the operation safely. These may include blocking off streets and other areas which could be used as an emergency landing or similar precautionary measures required in the interest of public safety. Before approving any operator's plan of operation, the inspector shall determine that the plan complies with the emergency landing requirements contained in § 137.51(b)(4)(iii).

3-4260 MULTI-ENGINE AIRCRAFT.

A. Takeoff Performance. If the operator intends to takeoff over a congested area, they must show in the congested area plan that the airplane can meet the accelerate-stop requirements of § 137.51(b)(5)(i). If the aircraft cannot meet these requirements, the operator must state in the written plan of operation that no takeoff will be made over a congested area during dispensing operations.

B. Critical Engine Inoperative. The operator must show in the congested area plan that the airplane can meet the climb requirements specified in § 137.51(b)(5)(ii).

3-4261 RESTRICTED CATEGORY AIRCRAFT. Title 14 CFR part 21, or the operating limitations established for the airplane, may not require a flight manual for restricted category aircraft. Therefore, performance information may be found in the applicable military technical order, operating limitations, placards, flight test performance data established by the aircraft manufacturer, or any combination thereof. In addition, performance information provided by a Designated Engineering Representative is satisfactory. If such performance information has not previously been established for the airplane to be used or, if any doubt exists concerning the authenticity of the information presented by the operator, a Manufacturing Inspection District Office (MIDO) should be contacted to arrange for an engineering flight test in order to obtain the required performance data.

A. Load Jettisoning. Aircraft, other than a helicopter, must be equipped with a device capable of jettisoning at least one-half of the aircraft's maximum authorized load of agricultural material within 45 seconds (part 137, § 137.53(c)(2)).

B. Data Not Determined. If such data have not been determined for the aircraft or, if any doubt exists concerning meeting this requirement, the inspector should have the operator conduct an in-flight load jettisoning demonstration.

C. Test Conditions. The aircraft must be loaded with any suitable material (lime, sand, water, etc.) and the demonstration shall be observed by the inspector from the ground. The discharge of material from the aircraft should be timed to determine compliance with the 45-second jettisoning

requirement.

D. Preventing Inadvertent Jettisoning. Part 137, § 137.53(c)(2) requires that aircraft conducting agricultural operations over congested areas must have a means of preventing inadvertent jettisoning of the tank or hopper. This can be accomplished with a device such as:

- 1) Spring-loaded cover over a pull lever,
- 2) "T" handle or pull ring in a spring loaded shield,
- 3) A push-pull device fastened with fine safety wire, or
- 4) Other equivalent devices.

3-4262 PREREQUISITES AND COORDINATION REQUIREMENTS.

A. Prerequisites. This task requires knowledge of the regulatory requirements of part 137 and FAA policies and qualification as an aviation safety inspector (ASI).

B. Coordination. This task may require coordination with the airworthiness unit, the regional counsel, state, county, or local authorities.

3-4263 REFERENCES, FORMS, AND JOB AIDS.

A. References:

- 14 CFR parts 1, 61, 91, and 137, and
- Advisory Circular (AC) 137-1, Agricultural Aircraft Operations.

B. Forms:

- FAA Form 1360-33, Record of Conference, Visit, or Telephone Call, and
- FAA Form 8000-36, Program Tracking and Reporting Subsystem Data Sheet.

C. Job Aids. None.

3-4264 PROCEDURES. After a part 137 operator requests district office approval for a congested area operation, determine the need for congested area plan based on location, type of operation, etc. (§ 137.51 (b)).

A. Plan Not Required. If a plan is not required, record discussion on FAA Form 1360-33 and place it in the operator's district office file. Do not open a PTRS file.

B. Plan Required. If a plan is required, requirements of §§ 137.51 and 137.53 are as follows:

- 1) Instruct the operator to present the plan to the district office for review.
- 2) Remind the applicant of the requirement to coordinate with the appropriate state, local, or municipal authorities (§ 137.51(b)(1)).
- 3) Discuss with the applicant various methods of public notification, such as newspapers,

radio, and handbills (§ 137.51(b)(2)).

C. PTRS. Open PTRS file.

D. Plan Requirements. Upon receipt of the operator's plan, ensure that the operator has included the following information:

1) A current aerial photograph, current map, or a recently drawn diagram of the area to be worked;

- Any representation must show all obstructions which may present hazards during operation.
- Potential areas for emergency landing or dumping of agricultural materials must also be indicated.

2) Altitudes to be maintained, approaches, departures, and turnaround considerations during operation.

3) Name and type of material to be dispensed;

4) Type of pest or work to be accomplished;

5) Dates and hours of dispensing operations;

6) Coordination with air traffic control.

7) Special operating procedures or limitations to ensure safe operations.

8) Method of public notification;

9) An indication of coordination with the appropriate state, local, or municipal authorities (Figure 3-144); and

10) Methods for complying with §§ 137.51(b)(4) and (5) and 137.53(c)(2).

- Arrangements for blocking off streets and other areas which may be used for emergency landings.
- Observe the load jettisoning demonstration from the ground if jettisoning test data is not available or in doubt. For multiengine aircraft, refer to § 137.51(b)(5).

11) Means for terminating the operation in the event it appears safety may be compromised or at the inspector's discretion.

E. Pilot Qualifications. The plan must indicate the qualifications (part 61 and § 137.53) of the pilot to be used in the operation.

F. Aircraft Requirements. The plan must include information which indicates that the aircraft meets the requirements of part 91, and part 137, §§ 137.31, 137.33, 137.51, and 137.53.

G. Plan Approved. When the plan meets all 14 CFR requirements, all safety considerations, and appropriate coordination requirements, approve the plan using template A503 in the OPSS. Each

1) page of the plan is stamped “FAA-Approved,” dated, and signed by the principal operations inspector (POI).

- 1) Forward a copy of the approved plan to the operator.
- 2) Place a copy of the plan in the district office file on the operator.

H. Plan Not Approved. If the plan cannot be approved, issue a letter disapproving the congested area plan (Figure 3-146).

I. PTRS. Make appropriate PTRS work entry.

3-4265 TASK OUTCOMES. Completion of this task results in either:

- An approved congested area plan, or
- Issuance of a letter disapproving the congested area plan.

3-4266 FUTURE ACTIVITIES.

A. Monitoring.

- 1) Schedule monitoring of congested area plan if the task is in work program plans.
- 2) Monitor congested area plan (see Volume 6, Chapter 6, Section 4, Monitor a Part 137 Congested Area Operation).

B. Enforcement. Possible enforcement investigation if the operation is not conducted according to the approved plan or is unsatisfactory in any other manner. Use the approved plan as information for a subsequent enforcement investigation.

C. Review. Review of any subsequent congested area operations.

Figure 3-144, Sample Letters Indicating Coordination With Appropriate Authorities

(To Agricultural Aircraft Operator)

[Operator’s name and address]

I, [name], the [title of individual and name of town] grant permission to [name of operator] to fly over the town of [name of town] for the purpose of [state purpose of operation] from an agricultural aircraft on [date of operation].

[official’s signature]

(To Federal Aviation Administration)

[Operator’s Letterhead]

[Date]

[Name and address of district office]

Sir/Ma'am:

[Name of operator] will conduct the dispensing operation, described on the attached diagram, per Title 14 of the Code of Federal Regulations § 137.51. The aircraft used will be a [make and model of aircraft and N number].

The dispensing operation will be conducted at no less than [altitude] feet above ground level. The airspeed will be [speed in knots or mph].

[Chemical name] will be dispensed at the rate of [number of gallons] per acre.

The operation will be conducted from [beginning date] to [ending date].

The public will be notified of the operation [indicate methods of notification] on [date].

Sincerely,

[Operator's signature]

Figure 3-145, Letter Approving Congested Area Plan. Use OPSS template A503.

Figure 3-146, Letter Disapproving Congested Area Plan

[FAA Letterhead]

[Date]

[Operator's name and address]

Dear [operator's name]:

This is to inform you that the congested area plan, which you submitted on [date], for agricultural aircraft operations over [congested area, city, or town] is not approved.

The following items were unsatisfactory:

[List the items and how they must be corrected.]

If you have any questions concerning this matter or intend to take action to correct these items, please contact this office at [telephone number].

Sincerely,

[POI's signature]

RESERVED. Paragraphs 3-4267 through 3-4285.

Todd County, MN Board Action Form



Action Requested	
<input checked="" type="checkbox"/> Action/Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Information Item	<input type="checkbox"/> Report <input type="checkbox"/> Resolution <input type="checkbox"/> Other
Board Action Tracking Number (Admin use): 20150203-05	

Title (for publication with the Agenda): Abatement	
Date of Meeting: 2/3/15	Total time requested: 5 min
Department Requesting Action: Assessor	
Presenting Board Action/Discussion at Meeting: Chris Odden	
Background <input checked="" type="checkbox"/> Supporting Documentation enclosed	
John Beck has applied for abatement on parcel 24-0061100. The applications provided apply to assessment years 2012 and 2013.	
Options <input checked="" type="checkbox"/> Supporting Documentation enclosed	
1) Approve Abatements 2) Deny Abatements	
Recommendation <input checked="" type="checkbox"/> The Todd County Board of Commissioners approves the following by Motion:	
2) Deny Abatements	
Financial Implications: \$94	Comments
Funding Source:	
Budgeted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Action	Voting in Favor	Voting Against
Motion:	<input type="checkbox"/> Kircher	<input type="checkbox"/> Kircher
Second:	<input type="checkbox"/> Becker	<input type="checkbox"/> Becker
<input type="checkbox"/> Passed	<input type="checkbox"/> Erickson	<input type="checkbox"/> Erickson
<input type="checkbox"/> Failed	<input type="checkbox"/> Neumann	<input type="checkbox"/> Neumann
<input type="checkbox"/> Tabled	<input type="checkbox"/> Kneisl	<input type="checkbox"/> Kneisl

Signatures	
STATE OF MINNESOTA } COUNTY OF TODD }	
I, Denise Gaida, County Auditor-Treasurer, Todd County, Minnesota hereby certify that I have compared the foregoing copy of the proceedings of the County Board of said County with the original record thereof on file in the Administration Office of Todd County in Long Prairie, Minnesota as stated in the minutes of the proceedings of said board and that the same is a true and correct copy of said original record and of the whole thereof, and that said motion was duly passed by said board at said meeting. Witness my hand and seal:	
Seal	

County Auditors No.	County Of Todd
---------------------	----------------

**APPLICATION FOR ABATEMENT - GENERAL FORM
(M.S. 375.192)**

For Taxes Levied in **2012**
and Payable in **2013**

Please print or type

Applicants Name _____ Applicants Social Security # _____ Telephone (work) _____ Telephone (home) _____	Applicant's Mailing Address John & Carrie Beck 8952 Hunters Circle Woodbury, MN 55125
---	---

DESCRIPTION OF PROPERTY	Property I..D. or Parcel Number: 24-0061100
Street Address (if different than above) 33494 Lone Pine Browerville, MN	City or Township Turtle Creek
	School District No. Browerville

LEGAL DESCRIPTION OF PROPERTY:

S/T/R 33-131-32 LOT-001 BLK- 001
BRECHNER SUBDIVISION FI RST ADDITION

ASSESSORS ESTIMATED MARKET VALUE

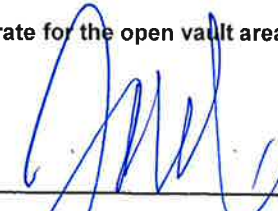
Land \$ 162,100 Structures \$ 179,300 Total \$ 341,400 Class Seasonal Recreational

APPLICANTS STATEMENT OF FACTS:

The assessor's sketch shows an open vault area of 558.5 square feet, but it was not coded with the correct base rate

APPLICANTS REQUEST:

Correct the base rate for the open vault area and refund over payment of real estate taxes



 Applicant's Signature

5/29/14

 Date

NOTE: Minnesota Statutes 1988, Section 609.41, "Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement as to any material matter which the maker of this statement knows is false may be sentenced, unless otherwise provided by law, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both."

County Auditors No.	County Of Todd
---------------------	----------------

APPLICATION FOR ABATEMENT - GENERAL FORM
(M.S. 375.192)

For Taxes Levied in **2013**
and Payable in **2014**

Please print or type

Applicants Name _____ Applicants Social Security # _____ Telephone (work) _____ Telephone (home) _____		Applicant's Mailing Address John & Carrie Beck 8952 Hunters Circle Woodbury, MN 55125	
DESCRIPTION OF PROPERTY	Property I.D. or Parcel Number: 24-0061100		
Street Address (if different than above) 33494 Lone Pine Browerville, MN	City or Township Turtle Creek	School District No. Browerville	

LEGAL DESCRIPTION OF PROPERTY:

S/T/R 33-131-32 LOT-001 BLK- 001
BRECHNER SUBDIVISION FI RST ADDITION

ASSESSORS ESTIMATED MARKET VALUE


Land \$ 162,100 Structures \$ 168,400 Total \$ 330,500 Class Seasonal Recreational

APPLICANTS STATEMENT OF FACTS:

The open vault area was calculated using an area of 588 square feet, but earlier and subsequent assessments show the area is only 558 square feet

APPLICANTS REQUEST:

Correct the square footage for the open vault area and refund over payment of real estate taxes paid



 Applicant's Signature

 Date

NOTE: Minnesota Statutes 1988, Section 609.41, "Whoever, in making any statement, oral or written, which is required or authorized by law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement as to any material matter which the maker of this statement knows is false may be sentenced, unless otherwise provided by law, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both."

Todd County, MN Board Action Form



Action Requested	
<input checked="" type="checkbox"/> Action/Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Information Item	<input type="checkbox"/> Report <input type="checkbox"/> Resolution <input type="checkbox"/> Other
Board Action Tracking Number (Admin use): 20150203-06	

Title (for publication with the Agenda): Temporary Deputy Position to Full-time Deputy position.	
Date of Meeting: February 3rd, 2015	Total time requested: 5 min
Department Requesting Action: Todd County Sheriff's Department	
Presenting Board Action/Discussion at Meeting: Todd County Sheriff Don Asmus.	
Background <input checked="" type="checkbox"/> Supporting Documentation enclosed	
<p>Michael Allen was hired as a temporary full-time Deputy to fill an open position within the Todd County Sheriff's Office. Now that Don Asmus has become Sheriff this deputy position is vacant and needs to be filled permanently.</p>	
Options <input type="checkbox"/> Supporting Documentation enclosed	
Recommendation <input checked="" type="checkbox"/> The Todd County Board of Commissioners approves the following by Motion:	
The Todd County Board of Commissioners hire Michael Allen as a permanent full-time Deputy effective February 3rd, 2015.	
Financial Implications: \$	Comments
Funding Source: Budget	
Budgeted: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Action	Voting in Favor	Voting Against
Motion:	<input type="checkbox"/> Kircher	<input type="checkbox"/> Kircher
Second:	<input type="checkbox"/> Becker	<input type="checkbox"/> Becker
<input type="checkbox"/> Passed	<input type="checkbox"/> Erickson	<input type="checkbox"/> Erickson
<input type="checkbox"/> Failed	<input type="checkbox"/> Neumann	<input type="checkbox"/> Neumann
<input checked="" type="checkbox"/> Tabled	<input type="checkbox"/> Kneisl	<input type="checkbox"/> Kneisl

Signatures	
STATE OF MINNESOTA } COUNTY OF TODD }	
I, Denise Gaida, County Auditor-Treasurer, Todd County, Minnesota hereby certify that I have compared the foregoing copy of the proceedings of the County Board of said County with the original record thereof on file in the Administration Office of Todd County in Long Prairie, Minnesota as stated in the minutes of the proceedings of said board and that the same is a true and correct copy of said original record and of the whole thereof, and that said motion was duly passed by said board at said meeting. Witness my hand and seal:	
	Seal

Todd County, MN Board Action Form



Action Requested	
<input checked="" type="checkbox"/> Action/Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Information Item	<input type="checkbox"/> Report <input type="checkbox"/> Resolution <input type="checkbox"/> Other
Board Action Tracking Number (Admin use): 20150203-07	

Title (for publication with the Agenda): Resignation - Resource Conservationist - Wetlands Officer	
Date of Meeting: February 3, 2015	Total time requested: 5 Minutes
Department Requesting Action: SWCD Division	
Presenting Board Action/Discussion at Meeting: SWCD Division Director, Tim Stieber	
Background <input type="checkbox"/> Supporting Documentation enclosed	
Mitchell Ness has submitted his resignation effective February 6, 2015.	
Options <input type="checkbox"/> Supporting Documentation enclosed	
Recommendation <input checked="" type="checkbox"/> The Todd County Board of Commissioners approves the following by Motion:	
Accept Mitchell Ness's resignation effective February 6, 2015.	
Financial Implications: \$	Comments
Funding Source: Budget	
Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No	

Action	Voting in Favor	Voting Against
Motion:	<input type="checkbox"/> Kneisl	<input type="checkbox"/> Kneisl
Second:	<input type="checkbox"/> Kircher	<input type="checkbox"/> Kircher
<input type="checkbox"/> Passed	<input type="checkbox"/> Erickson	<input type="checkbox"/> Erickson
<input type="checkbox"/> Failed	<input type="checkbox"/> Neumann	<input type="checkbox"/> Neumann
<input type="checkbox"/> Tabled	<input type="checkbox"/>	<input type="checkbox"/>

Signatures	
STATE OF MINNESOTA } COUNTY OF TODD }	
I, Denise Gaida, County Auditor-Treasurer, Todd County, Minnesota hereby certify that I have compared the foregoing copy of the proceedings of the County Board of said County with the original record thereof on file in the Administration Office of Todd County in Long Prairie, Minnesota as stated in the minutes of the proceedings of said board and that the same is a true and correct copy of said original record and of the whole thereof, and that said motion was duly passed by said board at said meeting. Witness my hand and seal:	
Seal	

Todd County, MN Board Action Form



Action Requested	
<input checked="" type="checkbox"/> Action/Motion <input type="checkbox"/> Discussion <input type="checkbox"/> Information Item	<input type="checkbox"/> Report <input type="checkbox"/> Resolution <input type="checkbox"/> Other
Board Action Tracking Number (Admin use): 20150203-08	

Title (for publication with the Agenda): Waste Designation	
Date of Meeting: February 3, 2015	Total time requested: 15 minutes
Department Requesting Action: Solid waste	
Presenting Board Action/Discussion at Meeting: Michael Hanan	
Background <input checked="" type="checkbox"/> Supporting Documentation enclosed	
Waste Designation Plan/Waste Supply Agreement follow up from January 20 th Working Session	
Options <input checked="" type="checkbox"/> Supporting Documentation enclosed	
Approve Waste Designation Plan and approve and sign Waste Supply Agreement or Not approve	
Recommendation <input checked="" type="checkbox"/> The Todd County Board of Commissioners approves the following by Motion:	
Approve Waste Designation Plan and approve and sign Waste Supply Agreement	
Financial Implications: \$none	Comments
Funding Source:	
Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No	

Action	Voting in Favor	Voting Against
Motion:	<input type="checkbox"/> Kneisl	<input type="checkbox"/> Kneisl
Second:	<input type="checkbox"/> Kircher	<input type="checkbox"/> Kircher
<input type="checkbox"/> Passed	<input type="checkbox"/> Erickson	<input type="checkbox"/> Erickson
<input type="checkbox"/> Failed	<input type="checkbox"/> Neumann	<input type="checkbox"/> Neumann
<input type="checkbox"/> Tabled	<input type="checkbox"/> Becker	<input type="checkbox"/> Becker

Signatures STATE OF MINNESOTA } COUNTY OF TODD } I, Denise Gaida, County Auditor-Treasurer, Todd County, Minnesota hereby certify that I have compared the foregoing copy of the proceedings of the County Board of said County with the original record thereof on file in the Administration Office of Todd County in Long Prairie, Minnesota as stated in the minutes of the proceedings of said board and that the same is a true and correct copy of said original record and of the whole thereof, and that said motion was duly passed by said board at said meeting. Witness my hand and seal:	Seal
--	------

**PRAIRIE LAKES MUNICIPAL SOLID WASTE AUTHORITY
TODD COUNTY
WASTE SUPPLY AGREEMENT**

This Waste Supply Agreement (“Agreement”) is made by and between the Prairie Lakes Municipal Solid Waste Authority (“Authority”), a Minnesota joint powers board comprised of Becker, Clay, Otter Tail, Todd, and Wadena counties ("Member Counties"), and Todd County (the “County”)(hereinafter the “Parties”).

RECITALS

WHEREAS, the Waste Management Act of 1980 (Minnesota Statutes Chapter 115A, as amended), Minn. Stat. §145A.05, subd. 5, and the County Solid Waste Management Act of 1971(Minnesota Statutes Chapter 400, as amended) authorize the County to establish a solid waste management program; and

WHEREAS, the County operates a solid waste management program to assure the protection of public health and the environment and to protect against environmental liability for its citizens and businesses; and

WHEREAS, the County, as part of its solid waste management program, is a member of the Authority and desires to utilize the Authority’s solid waste Resource Recovery Facility (the “PRRF” or “Facility”) in Perham, Minnesota; and

WHEREAS, the Authority desires to enter into an agreement with the County to deliver waste to the Facility; and

WHEREAS, entering into this Agreement will be mutually beneficial to both the Authority and the County by providing, among other mutual benefits, a greater certainty that solid waste generated in the county will be delivered to and accepted by the Facility.

NOW THEREFORE, in consideration of the promises and mutual agreements hereinafter set forth, and in order to permit the Authority and the County to accomplish the goals and objectives set out in Minn. Stat. Chaps. 115A, 116, 145A and 400, the parties hereto agree as follows:

ARTICLE I. TERM

This Agreement shall commence on _____, 2015 (“Commencement Date”) and shall terminate upon the termination of the Authority's Joint Powers Agreement (“JPA”) as identified in Section 9.1 of the JPA, unless the County withdraws as a member of the Authority prior to termination of the JPA, in which case it shall terminate upon the effective date of the County’s withdrawal pursuant to Section 10.3 of the JPA.

ARTICLE II. DEFINITIONS

- A. **Acceptable Waste** means garbage, refuse and Mixed Municipal Solid Waste (as defined in Minn. Stat. §115A.03) from residential, commercial, industrial, and community activities, but does not include Unacceptable Waste. Waste materials included in this definition of Acceptable Waste may be adjusted by the Authority.
- B. **Executive Director** means the Executive Director of the Authority.
- C. **Facility** means the Perham Resource Recovery Facility.
- D. **Hazardous Waste** is waste defined as “hazardous waste” by State or Federal law, rules, and regulations, as amended from time to time, including but not limited to 42 U.S.C. § 6903(5), and regulations interpreting such act, or in Minnesota Statutes § 116.06, subd. 11, and regulations interpreting such statute, but excluding waste excluded by Minnesota Rules 7045.0120A, Subp. 1A.
- E. **Service Area** means the geographical boundaries of Todd County.
- F. **Solid Waste** means garbage, refuse and other solid waste from residential, commercial, industrial and community activities which is collected in aggregate, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludge, tree and agricultural waste, tires, and other materials collected, processed and disposed of as separate waste streams.
- G. **Tipping Fee** is the fee charged to the County for use of the Facility for management of Acceptable Waste.
- H. **Unacceptable Waste** means waste delivered in quantities which, as determined by the Executive Director, may pose a threat to health or safety, or to the environment, or may cause damage to, or materially adversely affect, the operation of the Facility, including but not limited to: industrial waste that has not been evaluated; incinerator ash; foundry sand; explosives; hospital, pathological and biological waste; Hazardous Waste; chemicals and radioactive materials; oil sludges; auto hulks; construction and demolition debris; tires; asbestos in identifiable quantities; cesspool or other human waste; sewage and other highly diluted, water-carried materials or substances and those in gaseous forms; street sweepings; ash; mining waste; sludges; hazardous refuse of any kind, such as cleaning fluids, crank case oils, cutting oils, paints, acids, caustics, poisons, drugs and such other materials as may be specified from time to time by the Executive Director. Unacceptable Waste also includes any materials banned from disposal as Mixed Municipal Solid Waste by local, state or federal law, or pursuant to the Facility’s permits.

ARTICLE III. OPERATIONS**A. DELIVERY OF ACCEPTABLE WASTE**

1. The Parties acknowledge that, as a part of Facility budgeting and operations, it is incumbent upon each of the Member Counties to assure adequate and consistent waste deliveries

to the Facility. Except as otherwise provided in this Agreement, the Member Counties of Becker, Otter Tail, Todd, and Wadena have agreed to deliver all Acceptable Waste available in their jurisdictions. Clay County has agreed to deliver a minimum of 9,400 tons per year ("TPY") and a maximum of 11,000 TPY. Except as otherwise provided in this Agreement, the County agrees to deliver all Acceptable Waste generated in the Service Area to the Facility (the "Annual Tonnage").

2. The County agrees that the Acceptable Waste will be delivered to the Facility according to the current Monthly Delivery Schedule as set forth in Appendix A to this Agreement. The County's 12-month total in the Monthly Delivery Schedule shall be the initial Annual Tonnage. The County and Authority agree that the Monthly Delivery Schedule, including the Annual Tonnage amount, will be reviewed as part of the Authority's annual budgeting process and adjusted if necessary in order to: i) improve operation of the Facility, or ii) meet County needs provided the Executive Director confirms it will not have a materially adverse effect on the Facility. At such time as the new Monthly Delivery Schedule is approved by the Authority, it will automatically replace in full the previously existing Appendix A. In the event that the County encounters a circumstance that requires a substantial change from the Monthly Delivery Schedule, the Authority agrees to negotiate in good faith appropriate modifications to Appendix A.

3. If the Facility is closed or otherwise unable to accept waste, the Authority will promptly notify the County and the County will deliver Acceptable Waste to an alternative facility identified by the County. The Authority will promptly notify the County if the Authority anticipates requesting a reduction in the tonnage to be received by the Facility from the County, including the amount and duration of the anticipated change ("Facility Curtailment Event"). The County and Authority agree that in the case of a Facility Curtailment Event, the amount equivalent to the prorated portion of the County's monthly delivery obligation according to the Monthly Delivery Schedule and corresponding to the time period covered by the Facility Curtailment Event will be deemed delivered for the purposes of calculating the Annual Tonnage delivered by the County.

4. The County agrees to promptly notify the Authority if it anticipates a substantial reduction in the tonnage delivered to the Facility from past deliveries or from the Monthly Delivery Schedule.

5. The County agrees not to deliver any Unacceptable Waste to the Facility. The Facility shall not be required to accept any waste that does not constitute Acceptable Waste. The Authority shall have the right, but not the obligation, to inspect vehicles delivering waste to the Facility.

6. The County shall not deliver to the Facility recyclable materials that are separated for recycling or yard waste that is separated for composting.

B. GENERAL DELIVERY REQUIREMENTS

1. The County agrees that it shall comply with such reasonable rules and regulations regarding the use of the Facility as the Authority and the Executive Director may periodically adopt.

2. The County shall follow such vehicle identification procedures as the Executive Director may require. The County, acting through its drivers, shall state the origin by county of collected Waste on the Facility scale ticket at the time of delivery to the Facility. At its expense, the County shall be solely responsible for the provision of all personnel and equipment necessary to transport all Acceptable Waste delivered under this Agreement and to deliver the same to the Facility in accordance with such regulations established by the Board from time to time.

C. WASTE REJECTION AND RESPONSIBILITIES

1. The Facility may require the County to reload and dispose of Waste deposited on the tipping floor of the Facility if the Waste contains Hazardous Waste, Unacceptable Waste, including Acceptable Waste contaminated by Unacceptable Waste, or Acceptable Waste generated outside the Service Area.

2. The Facility has the right to reject entire or partial loads of Hazardous or Unacceptable Waste, or Acceptable Waste generated outside the Service Area. The County shall be provided with documentation certifying the rejection and reasons therefore. All costs of reloading, removal, and disposal of Hazardous Waste, Unacceptable Waste, or Acceptable Waste generated outside the Service Area shall be borne by the County.

D. PAYMENT PROCEDURES

1. The Authority shall, within ten (10) days following the last day of each month, submit to the County a statement showing the amount that the County is required to remit to the Authority for charges incurred during the preceding month pursuant to this Agreement. The charge for each month shall be computed on the basis of the amount of Acceptable Waste accepted by the Facility multiplied by the Tipping Fee.

ARTICLE IV. COVENANTS OF THE AUTHORITY

A. AUTHORITY'S DUTY TO ACCEPT WASTE. Except as otherwise provided in this Agreement, the Authority shall accept from the County all Acceptable Waste delivered by the County to the Facility in accordance with Article III.

B. PROPER PROCESSING AND DISPOSAL OF WASTE. The Authority shall process and/or dispose of all Acceptable Waste delivered to it in accordance with the terms of this Agreement and all applicable laws and regulations.

C. TIPPING FEE. The Tipping Fee shall be established annually through the Authority's budgeting process. In addition to the Tipping Fee, the County will pay all applicable taxes and other fees established by the State of Minnesota or other governmental body.

For purposes of determining the amounts due, the number of tons of Acceptable Waste delivered to and accepted at the Facility during the month shall be established by the weight records from the Facility scales. In the event the Facility scales are down and an alternative scale has not been identified, cubic yards will be converted into weights following the procedures set forth in the Minnesota Department of Revenue regulations for collecting landfill fees and taxes.

ARTICLE V. NOTICE REQUIREMENTS

- A. The Authority may not arbitrarily terminate, suspend, or curtail services provided to the County under this Agreement without the consent of the County or without just cause.
- B. The Authority shall notify the County in writing by certified mail if the Authority adds or subtracts any wastes or other substances to the definition of Unacceptable Waste.

ARTICLE VI. DEFAULT

A. COUNTY DEFAULT

The following shall constitute default by the County:

1. Persistent and repeated failure to fulfill any of its material obligations under this Agreement;
2. Delivery of Hazardous Waste, Unacceptable Waste, or Acceptable Waste generated outside the Service Area that has not received the written approval of the Authority to the Facility, and failure to comply with rejection procedures provided for under Article III, Section C; or
3. Failure to make timely payment of Tipping Fees.

B. AUTHORITY DEFAULT

The following shall constitute a default by the Authority: The persistent or repeated failure to fulfill any of its material obligations under this Agreement.

C. DEFAULT REMEDIES

Upon the occurrence of an Event of Default, the non-defaulting party shall provide written notice of the default to the defaulting party. If the defaulting party has not cured the default within thirty (30) days of the date of the notice of default, the non-defaulting party may pursue any available remedy by suit at law or equity to enforce the covenants of the defaulting party herein, including such appropriate judicial proceedings as the non-defaulting party shall deem most effective to protect and enforce or aid in the protection and enforcement of the covenants and agreements in this Agreement.

The Authority will maintain monthly summaries of waste deliveries by each member County as a method of evaluating waste deliveries and Facility operations. At the end of each calendar year, the Authority will evaluate waste deliveries by each Member County with

consideration given to both the delivery of excess waste (based on Facility request or County request to deliver) as well as deficient deliveries and evaluation of the reasons for such deficiencies. The Authority will take into consideration the effect of either upon Facility operations as well as the County's ability to affect deliveries before determining a course of action.

Notwithstanding the above remedies, in the event the County is unable to deliver the Annual Tonnage pursuant to Section III.A.1, the County shall not be in default if the Authority otherwise receives total tonnage necessary to operate the Facility per the Authority's annual budgeted amount of tonnage to be received. However, in the event the Authority's annual budgeted amount of tonnage is not received, and such shortage is not caused by a Facility Curtailment Event or otherwise by the Authority, the County shall be responsible for the budgetary shortfall attributable to the difference between the County's tonnage delivered in the corresponding calendar year and the Annual Tonnage. In the event there is a shortage caused by the Authority, all Member Counties shall be responsible for such shortfall according to each Member Counties' Debt Obligation percentage in Section 4.5 of the Authority's Joint Powers Agreement, as amended.

D. MANNER OF EXERCISE

Unless otherwise stated, no remedy conferred upon or reserved to the parties is intended to be exclusive of any other remedy, but each and every such remedy shall be cumulative and shall be in addition to any other remedy of the parties given now or hereafter existing at law, or in equity or by statute. The assertion or employment of any right or remedy hereunder shall not prevent the concurrent assertion or employment of any other appropriate right or remedy.

No delay or omission to exercise any right or power accruing upon any Event of Default shall impair any such right or power or shall be construed to be a waiver of any such Event of Default or acquiescence therein.

ARTICLE VII. MISCELLANEOUS

A. NOTICE

All written notices required pursuant to this Agreement shall be either hand delivered or mailed to the Authority and the County at the following address or such other address as may be provided in writing to the other party from time to time:

Prairie Lakes Municipal Solid Waste Authority
Executive Director
1115 North Tower Road
Fergus Falls, MN 56537

Todd County Solid Waste Department
c/o Mike Hanan, Solid Waste Administrator
1115 North Tower Road
Fergus Falls, MN 56537
(218) 998-8904

Otter Tail County Government Services Center
Mike Hanan, Solid Waste Administrator
1115 North Tower Road
Fergus Falls, MN 56537

(218) 998-8904

mhanan@co.otter-tail.mn.us

B. RELATIONSHIP OF THE PARTIES

For the purposes of this Agreement, the County shall be deemed to be an independent contractor and not an employee of the Authority. The County shall maintain, at its own expense, all equipment and personnel necessary to fulfill its obligations under this Agreement.

C. WAIVER

The waiver of any of the rights and/or remedies arising under the terms of the Agreement on any one occasion by any party hereto shall not constitute a waiver of any rights or remedies with respect to any subsequent breach or default of the terms of the Agreement. The rights and remedies provided under the terms of the Agreement are cumulative and not mutually exclusive.

D. ENTIRE AGREEMENT

This Agreement shall constitute the entire agreement between the parties and shall supersede all prior oral and written negotiations.

E. GOVERNING LAW

This Agreement shall be interpreted and construed according to the laws of the State of Minnesota, without regard to conflicts of law principles. Any litigation related to this Agreement shall be venued in Minnesota District Court.

F. ALTERATION CLAUSE

Except for any changes made to Appendix A in accordance with Article III, any alteration, modification, amendment or waiver of the provisions of this Agreement shall be valid only after it has been reduced to writing and duly signed by all parties.

G. EARLY TERMINATION

1. In the event that the Authority and the County mutually agree in writing to terminate this Agreement, such termination shall take effect immediately, in which event neither party shall have any further rights against the other party.

2. In the event the Facility permanently ceases operations, this Agreement may be terminated by the Authority by written notice specifying the termination date. In this event, neither party shall have any further rights against the other party.

H. UNFORESEEN CIRCUMSTANCES

The inability of either party to perform any obligation under this Agreement due to an Unforeseen Circumstance shall not constitute a breach of any such obligation during the pendency of the Unforeseen Circumstance. "Unforeseen Circumstance" means any act, event or

condition that has had, or will have, a material adverse effect on the rights or obligations of the Authority or the County under this Agreement, if such act, event or condition is beyond the reasonable control of the party relying thereon as justification for not performing an obligation or complying with any condition required of such party under this Agreement. Such acts or events may include, but shall not be limited to, and are qualified by the following:

1. An act of God, such as a landslide, lightning, tornado, flood, (but not including reasonably anticipated weather conditions for the geographic area of the Facility), fire, explosion, sabotage or similar occurrence; acts of a public enemy, extortion, war, blockade or insurrection, riot or civil disturbance;
2. The non-issuance, suspension, termination, interruption, denial or failure of renewal of any permit, license, consent, authorization or approval essential to the operation of the Facility; provided that such act or event shall not be the result of the willful or negligent action or inaction of the party relying thereon and that neither the contesting in good faith of any such order nor the reasonable failure to so contest shall be construed as a willful or negligent action or inaction of such party;
3. A change in law which prohibits or substantially prohibits the cost effective operation of the Facility;
4. The failure of any appropriate federal, state, county, or city public agency or private utility, having operational jurisdiction in the area in which the Facility is located, to provide and maintain utilities, services, water and sewer lines, and power transmission lines to the Facility site which are required for and essential to the operation of the Facility; and
5. The failure of any subcontractor or supplier to furnish labor, services, materials or equipment during the term of this Agreement provided that such failure is caused by an Unforeseen Circumstance and materially adversely affects the Party's ability to perform its obligations, and the Party is not able reasonably to obtain substitute labor, services, materials or equipment during the term of this Agreement. Strikes by a Party's employees, employees of subcontractors or failure of any supplier, uncontrolled by the Party, to furnish labor, services, materials or equipment during the term of this Agreement due to strikes by their employees shall not constitute an Unforeseen Circumstance.

I. SEVERABILITY

In case any one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision of this Agreement, but this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

J. EXECUTION OF AGREEMENT

This Agreement will become legally binding when signed by the Authority and the County.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the latest date below.

**PRAIRIE LAKES MUNICIPAL SOLID
WASTE AUTHORITY**

TODD COUNTY

By: _____

By: _____

Its: _____

Its: _____

Date: _____

Date: _____

Appendix A
Monthly Delivery Schedule

2015 Annual Tonnage and Monthly Delivery Schedule

	Becker County	Clay County	Otter Tail County	Todd County	Wadena County	Total
January	950	1200	1700	740	529	5,119
February	950	1100	1700	740	529	5,019
March	950	1000	1900	740	529	5,119
April*	1050	600	2000	640	457	4,747
May	1400	400	2300	740	529	5,369
June	1400	400	2300	740	529	5,369
July	1400	400	2400	740	529	5,469
August	1400	400	2400	740	529	5,469
September	1300	600	2200	740	529	5,369
October	950	1000	1900	640	457	4,947
November	950	1100	1700	740	529	5,019
December	950	1200	1700	740	529	5,119
	13,650	9,400	24,200	8,680	6,204	62,134

77624431.4

**PRAIRIE LAKES MUNICIPAL SOLID WASTE
AUTHORITY**

WASTE DESIGNATION PLAN

December 2014

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Environmental Impact Statement

I. INTRODUCTION AND BACKGROUND

The Prairie Lakes Municipal Solid Waste Authority (“Authority”) is a joint powers board originally composed of Becker, Otter Tail, Todd and Wadena Counties (“Original Member Counties”). In June, 2014, Clay County and the Authority voted to have Clay County join the Authority as an additional member county (together with the Original Member Counties, the “Member Counties”). The Authority oversees the implementation of an integrated, regional solid waste management system in the Member Counties aimed at moving the region in a positive direction on the State’s Waste Hierarchy.

Three of the Member Counties have long been coordinating delivery of much of their mixed municipal solid waste (“MMSW”) to the existing Waste-to-Energy facility in Perham, Minnesota (“Facility” or “Perham Facility”). These three counties - Otter Tail, Todd, and Wadena - collectively deliver up to 35,000 tons per year (tpy) to the Perham Facility. More recently the counties formed the Authority that now also owns and operates the Facility. The Authority is also overseeing the expansion of the Perham Facility to include an additional waste heat boiler and a materials recovery facility (“MRF”). This expansion will allow for a near doubling of the waste processed at the Perham Facility. The increase will depend not only on the delivery of available waste from Otter Tail, Todd and Wadena Counties, but also from the more recently added Becker and Clay Counties.

Of the five Member Counties, four plan to designate effectively all of the MMSW available after all effective waste reduction, reuse and recycling activities have been implemented for designation and generated in the county to the Perham Facility, or county transfer stations that will ultimately deliver acceptable MMSW to the Perham Facility. Clay County will designate to both its transfer station and county owned and operated MMSW landfill, and then direct approximately one-third of the total MMSW to the Perham Facility. This arrangement brings the total waste delivered to the Perham Facility to the Authority’s operational goals and close to its operational capacity. The balance of Clay County’s MMSW will go to its MMSW landfill. In order to give effect to these plans, the Authority plans to utilize waste designation pursuant to Minn. Stat. §§ 115A.80-893.

The Authority’s Joint Powers Agreement (“JPA”) not only provides the Authority responsibility for owning and operating the Facility, but also provides for other solid waste management activities that affect the operations of the Facility. Acting under this delegation of responsibility, the Authority submits this Prairie Lakes Designation Plan (“Designation Plan”) to the Minnesota Pollution Control Agency (“MPCA”) for approval, consistent with the requirements set forth in Minn. Stat. § 115A.84. The procedures set forth in Minn. Stat. § 115A.85 also require public notice, a public hearing and contract negotiations with the licensed haulers in the counties before designation can begin.

Once the Designation Plan has been approved by the MPCA and the procedures under Minn. Stat. § 115A.85 followed, each individual County plans to adopt a waste designation ordinance that expressly designates waste generated in the County to the Perham Facility or to county owned and operated transfer stations that would then direct the waste from there. In the case of Clay County, it would also include designation to the County MMSW Landfill.

As discussed in greater detail below, the legal authority for the Member Counties to designate waste to the facilities is supported by the Supreme Court’s decision in *United Haulers Ass’n v. Oneida-Herkimer Solid Waste Management Authority*, 550 U.S. 330 (2007) (finding that flow control ordinances, or designation, to publicly owned and operated facilities are not per se violations of the dormant Commerce Clause). Because the Perham Facility is owned and operated by the Authority, designation to the Perham Facility is consistent with the ruling in *Oneida-Herkimer*. Similarly the other transfer stations and the Clay County landfill that are part of this Designation Plan are all publicly owned and operated - though by the respective Member County as opposed to the Authority.

II. STATE AND REGIONAL POLICIES AND AUTHORITY FOR DESIGNATION

The Member Counties have determined that a system of waste management that includes waste designation would be the most efficient means of maintaining a functioning regional solid waste management system that advances both State and local policy goals of making highest and best use of waste materials. Recovering energy from the combustion of waste at the Perham Facility creates a valuable commodity while reducing greenhouse gas emissions and landfilling. The Authority is also adding a Materials Recovery Facility (MRF) to the Perham Facility in order to further increase recycling rates in the region and ensure that collected waste goes to its highest and best use.

Although the Perham Facility cannot accept all of the waste from Clay County, the inclusion of Clay County in the Authority creates a more stable and practical long-term picture for waste management in the five county region. Clay will direct waste it would not otherwise to resource recovery and commit to higher recycling goals, while also taking waste residuals from the Perham Facility (called “fines”), thereby providing a disposal option for waste that cannot be put to use at the Perham Facility. Through its membership in the Authority and through waste designation, Clay County will also be better equipped to make long term plans for its landfill and overall solid waste management program.

Through waste designation the Authority aims to ensure an orderly and reliable feedstock to the facilities so they can be operated efficiently and economically. Doing so removes some of the risk the Member Counties take in investing in these facilities because they can rely on more certain revenue streams. Because all of the designated facilities are publicly owned and operated, State and federal laws support this, and the act of designating waste will help fulfill each Member County’s desire to move solid waste management efforts toward higher priority actions on the State’s solid waste hierarchy.

A. Minnesota Waste Management Act Policies. The Waste Management Act of 1980, as amended, (Minnesota Statutes Chapter 115A) sets forth policies, procedures, requirements, priorities and authorization regarding solid waste management and the designation of solid waste. In order of preference, the State prioritizes the following waste management practices (Minn. Stat. § 115A.02(b)):

1. **waste reduction and reuse;**
2. **waste recycling;**
3. **composting of source-separated compostable materials, including but not limited to, yard waste and food waste;**
4. **resource recovery through mixed municipal solid waste composting or incineration;**
5. **land disposal which produces no measurable methane gas or which involves the retrieval of methane gas as a fuel for the production of energy to be used on-site or for sale; and**
6. **land disposal which produces measurable methane and which does not involve the retrieval of methane gas as a fuel for the production of energy to be used on-site or for sale.**



Minnesota’s waste designation statute (Minn. Stat. §§115A.80-.893) provides that Minnesota counties may require all, or a portion, of the solid waste generated within its boundaries to be delivered to a processing or disposal facility identified by the county. Before a county may begin the designation process, it must adopt a comprehensive solid waste management plan. Plans for designation must then be consistent with the State’s hierarchy listed above and with each County’s adopted solid waste management plan. As discussed in further detail below, this Designation Plan is consistent with each Member County’s approved solid waste management plan and aims to move each Member County further toward meeting the State’s solid waste management goals. Specifically, the Designation Plan will facilitate substantially greater recycling and resource recovery rates in the Member County region, while reducing land disposal of waste.

B. Regional Solid Waste Management Policy: the Authority. A key goal included in the state’s Waste Management Act is to coordinate solid waste management among political subdivisions. The Member Counties are coordinating their activities through participation in the Authority. The Authority was formed in 2010 under Minn. Stat. § 471.59, governing the joint exercise of common powers by units of government. The purpose of the Authority is to own and operate the Perham Facility and cooperate on solid waste management activities in the region. In June, 2014, the Authority Board approved the addition of Clay County to the Authority effective September 1, 2014.

The Authority aims to identify areas where synergy and efficiency can be gained through greater collaboration among the Member Counties in areas of waste management. The current and primary focus of this effort is the joint ownership and operation of the Perham Facility and associated MRF, as well as collaborative efforts to ensure appropriate waste is delivered to the Perham Facility. Through this cooperation the Member Counties are able to enjoy the efficiencies that go along with greater economies of scale at the Perham Facility. They are also able to enjoy certainty in having an integrated waste management system over the long term and waste delivery practices that are prioritized higher on the State's hierarchy.

C. Member County Solid Waste Management Policy. Each County has a solid waste management system that provides solid waste services as directed by Minnesota's Waste Management Act (Chapter 115A) and County Solid Waste Management Act (Chapter 400). Todd and Wadena have existing solid waste plans that provide for regional cooperation and delivery of waste to the Perham Facility. Becker and Otter Tail adopted new solid waste plans, recently approved by the MPCA, that provide for the respective County's role in the Authority and use of the newly expanded Facility. Clay County updated its solid waste plan in August 2012. Clay County's plan contemplates a variety of potential relationships with the Authority - a reflection of the stage of discussions among the counties when Clay was in the process of revising its solid waste plan. Although the plan leaves open the formal relationship with the Authority, it envisions a central role for the Perham Facility in the county's waste management system. In each case the county solid waste plan adopts an integrated approach to reduce the quantity of waste, increase recycling, and recover energy through incineration at the Perham Facility.

Prior to commencing designation procedures under Minn. Stat. § 115A.85, each participating County must have an approved solid waste plan. The Authority is moving forward with this Designation Plan because each of the participating Member Counties now has a solid waste plan recently approved by the MPCA, and each plan envisions the use of the Facility as a central part of the County's waste management strategy.

D. Designation Authority. The Authority and Member Counties are planning on waste designation as a method to ensure delivery of waste to the public facilities over the long term. The Member Counties' ability to do so is supported by the 2007 decision of the U.S. Supreme Court in *Oneida-Herkimer*, 550 U.S. 330 (finding that waste designation, or "flow-control", ordinances to publicly owned and operated facilities are not per se in violation of the dormant Commerce Clause of the U.S. Constitution). While ongoing and future cases may further refine just how "public" the facility or system must be under *Oneida-Herkimer*, the Perham Facility, along with all other facilities designated under this Plan, unambiguously fit the *Oneida-Herkimer* test because they are all wholly publicly owned and operated.

Chief Justice Roberts, writing for the *Oneida-Herkimer* Court, further explained that "[d]isposing of trash has been a traditional government activity for years, and laws that favor the government in such areas—but treat every private business, whether in-state or out-of-state, exactly the same—do not discriminate against interstate commerce for purposes of the Commerce Clause." *Id.* at 334. Upon applying the balancing test established in *Pike v. Bruce Church, Inc.*, 397 U.S. 137 (1970), Roberts wrote: "we uphold these ordinances because any incidental burden they may have on interstate commerce does not outweigh the benefits they

confer on the citizens of Oneida and Herkimer[.]” *Id.* Moreover, he explained that the Court found it unnecessary to decide whether the “ordinances impose any incidental burden on interstate commerce because any arguable burden does not exceed the public benefits of the ordinances.” *Id.* at 346. In describing these benefits, he stated:

The ordinances give the Counties a convenient and effective way to finance their integrated package of waste disposal services. While “revenue generation is not a local interest that can justify discrimination against interstate commerce,” [*C & A Carbone, Inc. v. Town of Clarkstown, N.Y.*], 511 U.S. [383,] 393 [(1994)] (emphasis added), we think it is a cognizable benefit for purposes of the *Pike* test.

At the same time, the ordinances are more than financing tools. They increase recycling in at least two ways, conferring significant health and environmental benefits upon the citizens of the Counties. First, they create enhanced incentives for recycling and proper disposal of other kinds of waste. Solid waste disposal is expensive in Oneida-Herkimer, but the Counties accept recyclables and many forms of hazardous waste for free, effectively encouraging their citizens to sort their own trash. Second, by requiring all waste to be deposited at Authority facilities, the Counties have markedly increased their ability to enforce recycling laws. If the haulers could take waste to any disposal site, achieving an equal level of enforcement would be much more costly, if not impossible. For these reasons, any arguable burden the ordinances impose on interstate commerce does not exceed their public benefits. *Id.* at 346-47

Because the Perham Facility, the Member Counties’ transfer stations, and the Clay County landfill are all publicly owned and operated, designation to these facilities is consistent with the holding in *Oneida-Herkimer*. Oneida and Herkimer counties had formed a similar multi-county authority responsible for implementing an organized system of waste management including transfer stations, a recycling center and a landfill. In fact unlike *Oneida-Herkimer* where the designated landfill was privately operated until a publicly-owned landfill was created, all designated facilities under this Designation Plan are publicly owned and operated at the outset. Furthermore, the focal point of this Designation Plan is a resource-recovery facility that is favored by the State for its public benefits over landfill operations.

The State also expressly recognizes the potential benefits of designation in meeting the State’s waste management goals effectively and efficiently. Minn. Stat. §§ 115A.80-.893 govern waste designation programs in Minnesota. Under Minnesota law, designation means a requirement by a county that all or any portion of the solid waste generated in that county be delivered to an identified processing or disposal facility. Minn. Stat. § 115A.81, subd. 2.

Minnesota Statutes also set forth elements and analysis that must be included in the Designation Plan, including:

- the benefits of designation including public purposes that would be furthered by designation;
- estimated costs (direct and indirect);
- whether the designation will result in the recovery of resources or energy from materials that would otherwise be wasted;
- whether designation will lessen the demand for and use of indiscriminate land disposal;
- whether designation is necessary for the financial support of the facility;
- whether less restrictive methods for ensuring an adequate solid waste supply are available;
- other feasible and prudent waste management alternatives for accomplishing the purpose of designation; and
- whether the plan takes into account and promotes local, regional and state waste management goals. Minn. Stat. § 115A.84, subd. 2.

When the designation plan proposes designation to a landfill, additional analysis is required. Because this Designation Plan includes designation to a landfill and a limited amount of the overall MMSW will be sent to the Clay County landfill, this Designation Plan will address these elements. Ultimately under 10% of the total waste generated in the region will be designated to the Clay County landfill, with a total landfilling rate for the entire Member County region being approximately 15%. The required elements for plans including designation to a landfill include:

- whether the disposal facility is part of an integrated waste management system involving a processing facility and the designation is necessary for the financial support of the processing facility;
- whether designation will better serve to protect public health and safety;
- the impacts on other disposal facilities inside and outside the area;
- whether designation is necessary to promote regional waste management programs and cooperation; and
- the extent to which the design and operation of the disposal facility protects the environment including whether it is permitted under current agency rules and whether any portion of the facility's site is listed under Minn. Stat. §115B.17, subd. 13.

The designation plan must then be submitted to the MPCA for review and approval, and the MPCA must act within 120 days of the submission. Minn. Stat. § 115A.84, subd. 3.

A county with an approved designation plan must then hold a public hearing on the designation. Minn. Stat. § 115A.85, subd. 2. Following the public hearing, for a period of 90 days, the county must negotiate with licensed haulers for the purpose of attempting to enter contractual agreements that will require the use of the facilities proposed to be designated. At the end of this 90-day negotiation period, the county may proceed to secure approval for and implement the designation as provided in section 115A.86. Minn. Stat. § 115A.85, subd. 4. The county will then prepare a designation ordinance and submit it, along with any negotiated contracts ensuring the delivery of solid waste, to the MPCA for review and approval. Minn. Stat. § 115A.86, subds. 1, 2. The MPCA will make a decision within 90 days of submission. Minn.

Stat. § 115A.86, subd. 2. Designation can then be placed into effect 60 days after the MPCA approval. Minn. Stat. § 115A.86, subd. 3. Except for haulers (and generators) that enter into delivery agreements with the County, the designation is then binding on all political subdivisions, landfill operators, solid waste generators and solid waste collectors in the designation area. Minn. Stat. § 115A.86, subd. 4.

III. EXISTING PROGRAMS, POLICIES AND FACILITIES

Prior to forming the Authority and taking more deliberate steps to coordinate waste management planning in the region, the Member Counties had autonomous procedures and policies for handling MMSW. While three of the five had been coordinating somewhat through the use of the Perham Facility, each essentially acted independently. The Member Counties joined together in an effort to identify areas of synergy and where economies of scale can be achieved to provide better services in the region.

A. Waste Generation. The following table summarizes the historical waste volumes in each Member County. While waste generation has grown relatively steadily in the aggregate and on a per-capita basis in the region, recent years represent something of a departure from this general trend in light of the recent economic recession.

Table 1: Historical Waste Generation Amounts

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Clay	37,051	41,865	42,420	41,483	42,149	48,252	49,556	52,374	48,438	49,270	48,662
Otter Tail	72,322	50,308	61,921	63,552	58,711	56,562	46,699	39,512	41,578	41,913	56,093
Becker	21,296	15,905	21,075	30,759	32,146	30,702	29,814	29,445	26,902	26,673	29,707
Todd	29,275	27,915	30,517	30,044	30,183	30,378	30,895	30,895	23,972	23,763	22,767
Wadena	10,370	10,633	14,352	16,153	16,990	17,476	14,953	14,953	16,446	14,843	13,981
Total	170,314	167,883	173,379	185,093	183,251	183,370	171,917	161,569	157,336	156,463	171,210

B. Waste Education, Reduction and Reuse. Waste education and waste reduction are at the top of the state’s waste hierarchy and each Member County includes education as a key component of its solid waste planning. The effectiveness of waste education, however, is measured by the change in the per-capita production of solid waste. The Member Counties have seen waste generation increasing at a faster rate than the population has been growing. Major improvements in recycling rates in certain counties in recent years, however, suggest this trend may be changing. Todd County, for example, has the highest recycling rate of the Member Counties. The Authority is working to collect information on the most effective educational programming from within and outside the Member Counties. It also believes that cooperation in this area among the Member Counties may lead to better waste education in the participating counties. Further, economies-of-scale efficiencies can also be realized in implementing waste reduction and public education programs. The Member Counties, along with several surrounding counties, have also implemented an educational consortium to coordinate and cooperate in relation to educational activities.

C. Composting. Yard waste is prohibited by law from being mixed with other MMSW, composting yard waste and organics ranks higher than resource recovery in the solid waste hierarchy, and such materials have low BTU content by weight which are not best used to

create energy. Yard waste is managed through county, municipal and private programs. While there are many yard waste collection sites located throughout the region for the purposes of composting yard waste, there are no source-separated organic material facilities in the region. However, because of the large number of feedlots in the region, a high percentage of food production waste generated in the region is already being utilized as feed for livestock. With rising feed costs, this may be among the highest and best uses of the food waste stream.

D. Household Hazardous Waste. Each Member County deals with Household Hazardous Waste (“HHW”) differently and has existing HHW programs outlined in its solid waste plan. Of the HHW collected in 2008 from Becker, Otter Tail, Todd and Wadena counties, 14% was recycled or fuel blended, 16% was reused and 70% was managed at hazardous waste incinerators or landfills. Further Becker and Clay Counties have been coordinating HHW planning since the early 1990s.

E. Recycling. Residential and commercial recycling programs are present in all Member Counties. Some municipalities provide curbside recycling through municipal or contracted haulers or through a subscription service. Each County provides drop-off locations for recycling materials where recyclables are congregated, sorted and marketed. The programs are generally successful, but there are still opportunities to improve the penetration and consistency of recycling in the region. Recycling rates have generally been increasing over time in the Member Counties. Although Otter Tail County’s recycling rates dropped for a few years, the 2012 SCORE data showed Otter Tail at over 40%. From 2008 through 2011 Otter Tail County waste generation rates and subsequently recycling rates reflected changes in the MPCA’s acknowledgement and crediting of county food processors’ practice of utilizing generated food waste for animal feed within the county. The change to acknowledge and credit this practice again is reflected in the 2012 increased recycling rates.

Recycling in the Member Counties generally removes glass bottles, metals (ferrous and nonferrous and including aluminum), paper and fiber, plastic bottles, batteries and used oil from the waste stream. This action not only provides a higher-value use of the recyclable materials, but also removes items from the waste stream that can reduce efficiency and cause operational problems at the Perham Facility.

The Authority will also explore discrete opportunities for improved organics recycling, as well as new opportunities for recycling plastic, aluminum, wood and waste paper. Current efforts have begun to identify and evaluate certain non-traditional materials that may lend themselves to increased recycling, including recycling of such items as paperboard/boxboard, tetrapack, aseptic packaging, and agriculture/film plastics.

The percent of total waste recycled in each Member County is outlined in the table below.

Table 2: Historical Recycling Rates

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Clay	31%	32%	32%	31%	33%	41%	44%	40%	40%	39%	39%
Otter Tail	58%	58%	46%	46%	40%	38%	27%	22%	23%	23%	41%
Becker	27%	40%	30%	42%	41%	38%	37%	41%	36%	35%	36%
Todd	57%	57%	57%	60%	60%	58%	60%	54%	52%	52%	52%
Wadena	15%	17%	43%	46%	49%	48%	41%	44%	46%	49%	48%
Total	46%	40%	41%	43%	42%	43%	41%	38%	37%	37%	41%

F. Resource Recovery/Waste to Energy. While the Member Counties all employ significant waste reduction and recycling programs and have goals to do more in the future, resource recovery through the use of the Perham Facility is critical to the Member Counties’ success in making better use of available waste. For three of the Member Counties, the use of the Facility has been a key component of solid waste management plans since the mid-1980s. For Becker and Clay Counties, directing MMSW to the Perham Facility will greatly reduce the total tonnage each county sends to landfills.

The Perham Facility consists of two municipal waste combustion units (North and South), one waste heat boiler and one Air Pollution Control (APC) system train. The Facility also has a steam turbine generator for the production of electrical energy. Currently the Authority sells all the steam produced as steam, as opposed to electricity. The expansion is adding a second waste heat boiler and associated APC system train that will allow each combustion unit to run at a capacity of approximately 100 tpd for a total of 200 tpd. The expansion will also include a MRF to presort incoming material to remove undesirable waste and recyclables prior to combustion.

The Authority currently has three energy contracts. Two are steam provider contracts (with Bongard’s Creamery and Tuffy’s Pet Foods) that require the Perham Facility to provide 100% of the customers’ steam needs. These contracts require that a total of 224,880,000 pounds of steam per year be available for these two customers from the waste heat recovery boilers. Under current conditions, the Perham Facility has been operating to produce slightly less than the contracts require and 95,000,000 to 107,000,000 pounds per year less than the customer steam needs require in total. The additional steam is produced through an auxiliary boiler running on purchased natural gas. The expansion aims to significantly reduce the need for natural gas purchases for this purpose.

The third contract is with Otter Tail Power Company for peaking energy from the Perham Facility. The contract also includes a clause that provides for the generating of baseload energy production. The contract essentially provides that, if at any given time the regional electric energy provider cannot meet its energy generating requirements, it can require the Perham Facility to provide electric energy on an as-needed basis. The steam-powered electric generator is 4.2 MW in size, but the Perham Facility has never been called upon to provide peaking energy

under this contract. The Authority has been focused on improving steam sales over electric energy sales. If market conditions change or specific electric energy opportunities arise, the Perham Facility is also well positioned to take advantage of electrical energy sales.

G. Landfill. Landfills continue to serve as a part of the solid waste management system for the region, and the Authority recognizes that landfill capacity is needed for wastes that cannot be reduced, reused, recycled or processed. Landfilling is also the least desirable method of managing solid waste, but it is still increasing throughout Minnesota because the immediate cost of landfilling is generally lower than other methods. The majority of Clay County waste has traditionally been managed locally at the Clay County landfill in Hawley, MN. Otherwise regional waste is managed at landfills in Fargo and Gwinner, North Dakota as well as Little Falls and Elk River, Minnesota. Neither the Gwinner nor the Little Falls (Morrison County) facility recovers methane for energy use and thus rank last on the state’s hierarchy. Further the State of Minnesota has no jurisdiction over the landfills outside its borders.

From 2002 until 2012, landfill disposal increased approximately 30% for the Member Counties. At least some of the increase is likely attributable to the need to divert waste from the Perham Facility when it encountered operational problems—previously a relatively frequent situation. The current plans for the Perham Facility will not only expand its capacity but also reduce the likelihood of shutdowns requiring diversion of waste to landfills. As a result, use of the expanded and improved Facility should enable substantial reductions in landfilling waste from the Member Counties. When the Perham Facility does encounter planned or unexpected outages, Clay County has agreed to accept up to 5,000 tpy of unprocessed waste. Historical landfill amounts for each Member County are included in the table below.

Table 4: Historical Landfill Disposal

	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Clay	24,040	26,625	27,096	26,738	26,289	26,795	26,274	29,953	27,821	28,708	28,423
Otter Tail	1,199	696	518	2,650	14,829	17,848	17,216	11,378	7,250	8,914	11,193
Becker	15,323	16,902	14,592	17,656	18,729	17,896	17,788	16,602	16,360	16,278	18,458
Todd	4,941	2,750	2,132	2,936	4,522	4,370	4,026	4,303	3,883	5,103	4,212
Wadena	3,275	2,390	1,397	2,608	2,656	2,188	2,104	1,060	1,998	1,141	836
Total	48,778	49,363	45,735	52,588	67,025	69,097	67,408	63,296	57,312	60,145	63,123

IV. Regional System to Be Implemented

A. System and Goals. The goal of the Authority is to improve the current waste management practices and implement a more efficient regional waste management system. The Solid Waste Management System (“System”) to be implemented is centered on efficient use of the Facility in Perham and the network of county transfer stations from which much of the MMSW will be delivered to the Facility. County licensed haulers will collect and deliver waste either directly to the Perham Facility or to one of the seven county-owned transfer stations in the region. At the transfer stations, Member Counties will separate unacceptable waste and deliver the acceptable MMSW to the Perham Facility. Clay County licensed haulers will also have the option to deliver directly to the Clay County landfill.

The Authority will operate the Perham Facility to maximize the quantity of processible waste it receives from the Member Counties while maintaining high-quality and affordable steam for its customers. The Authority will continue to seek efficient opportunities to expand steam and/or electrical sales from the Facility. Most importantly, the Authority will manage daily operations to minimize disruption and plant operational problems so that it remains a reliable and central component of every Member County’s waste management plans.

The Authority is committed to advancing overall waste reduction and recycling rates in the Member Counties. It, for example, will use the MRF at the Perham Facility to further advance total recycling rates in the Member Counties by removing another 5 to 8% of the delivered waste to be recycled. The Authority will continue to work to identify additional opportunities for waste abatement, recycling funding and program delivery on a regional scale. Additionally, Member Counties have agreed to reach a combined recycling rate of 60% by 2025 and a combined organics recycling goal of 15% within the same time-frame. In light of the addition of the MRF and expanded plans to reach recycling goals, the Authority anticipates significant increases in total recycling in the region.

The Authority will also look for alternative uses for various products. There may be further opportunity, for example, to use regional food processing waste streams as animal feed. The Authority is also researching opportunities for utilization of the ash as an alternative to landfilling, and may ultimately enter into arrangements for the use of ash from the Perham Facility.

The Authority is also overseeing end-use arrangements for the fines and other materials that are delivered to the Perham Facility but that cannot be effectively used. Historically this has been a somewhat uncertain and difficult task in light of the fact that there were no landfills located within the Original Member County region. With Clay County membership in the Authority, these materials will generally be sent to the Clay County landfill. Although some or all of this material may finally be disposed there, Clay County and the Authority have been testing the use of fines from the Facility as alternate daily cover. In addition, Clay County has agreed to accept up to 5,000 tpy of unprocessed waste when the Perham Facility is down for maintenance or otherwise unable to accept Member County MMSW. Clay County has not historically accepted waste from outside the county, but has agreed to do so as part of its membership in the Authority. Importantly this brings further flexibility and stability to the Authority’s regional planning.

For each individual Member County, the most important elements of the regional collaboration may vary. While all will universally increase recycling and resource recovery rates and the associated benefits, the collaboration solves some more particular issues for certain counties. For Becker County, for example, the collaboration provides for a long-term and stable waste processing option. For Clay County, it provides for an economical means of diverting a substantial amount of waste that would otherwise be landfilled to a facility higher on the state's hierarchy - without needing to build a facility itself. For the other Member Counties, it provides for sufficient waste within the region to operate the Perham Facility efficiently while simultaneously working to achieve aggressive recycling goals. The inclusion of Clay County waste will help the Authority (and thereby all Member Counties) make most efficient use of the Facility not only by added waste deliveries but because Clay County is able to adjust its monthly deliveries to the Facility to be significantly higher in the winter months when available waste in the other Member Counties declines.

B. Institutional Arrangements. The Authority is a joint powers board composed of Becker, Clay, Otter Tail, Todd and Wadena Counties. The Authority was created in 2010 to coordinate management of solid waste in the region with an aim to own and operate the Perham Facility. The Member Counties are all party to the JPA, which originally identified each Original Authority County's percentage debt obligation and participation as: Becker (26.42); Otter Tail (45.26); Todd (16.19); and Wadena (12.13). With the addition of Clay County, the debt obligation percentages have changed and are now as follows: Becker (22.46); Clay (15.00); Otter Tail (38.47); Todd (13.76); and Wadena (10.31). The JPA is attached as Attachment A.

The Authority acquired ownership of the Facility from the City of Perham in 2011. In 2010 the MPCA had entered into Solid Waste Processing Facilities Capital Assistance Program Grant Agreements with the City of Perham, which provide a program grant for \$7,875,000. These were later assigned to the Authority to support the expansion. While bonding and State grant monies have provided funding for the acquisition and capital improvements, ongoing financial support of the System will be primarily provided through tipping fees and energy sales.

Currently the Authority expansion of and upgrades to the Facility are nearing completion. The Authority anticipates operating the Perham Facility at approximately 55,000 tpy combusted (or just over 62,000 tpy delivered). Maintaining stable operation at this level will require a series of agreements. Each Member County, for example, will enter into a Waste Delivery Agreement with the Authority that identifies the tonnage of waste to be delivered to the Perham Facility on an annual basis. The Member County will generally be responsible for delivering acceptable waste from the transfer station(s) to the Perham Facility and paying the designated tipping fee for such waste, although in Becker, Otter Tail, and Wadena counties there will exist the ability to haul directly to the Perham Facility. Clay County and the Authority have negotiated an exchange of waste such that neither Clay nor the Authority will pay tipping fees for waste or the fines sent to the other party up to 6,000 tpy. The Waste Delivery Agreements will be for a term consistent with that of the JPA. The Authority will contract for the delivery of approximately 62,000 tpy beginning in 2015, adjusted year after year but likely remaining close to that level.

Although the Member Counties have determined designation is necessary to overcome economic obstacles and will implement designation ordinances, each Member County will also seek to negotiate waste delivery contracts with the licensed haulers as required by statute.

Pursuant to the designation statute, the respective ordinances will provide that any licensed hauler with a contract is exempt from the ordinance. Although the Authority hopes that the contract negotiations will be successful and that all licensed haulers in the region will enter into contracts, the ordinance will provide an important backstop for existing and new haulers that do not sign contracts.

Current licensed haulers in each Member County include:

Otter Tail

Ballard Sanitation	Fuch Sanitation	Ottertail Trucking
Big Red Boxes	G & T Sanitation	Soberg Enterprises Inc.
City Dray Sanitation	Jon & Son Disposal	Steve's Sanitation
Corrie's Sanitation	Ken Saurer Garbage	Toutges Sanitation
Denzel's Region Waste	Metro Disposal	West Central Roll-Off
	Minn-Kota Enviroservices	Waste Management, Inc. (4 addresses)

Becker

AAA Roll Off Services	Hough Inc.	Northern Pines Sanitary
Ballard Sanitation	Jon & Son's Disposal Service	Services
City Sanitary Service	Mackner Excavating Inc.	Waste Management Inc.
Detroit Lakes Disposal Service	Metro Disposal Inc.	White Earth Sanitation
Fuchs Sanitation Service, Inc.	Minnkota Recycling	

Clay

Fuchs Sanitation
Ken's Sanitation & Recycling
Metro Disposal
Moorhead Sanitation
Northern Waste Systems, Inc. (Fargo)
Northern Waste Systems, Inc. (Detroit Lakes)

Todd

Long Prairie Sanitary Service	Tom's Refuse	Bueckers City Sanitation Inc.
Prairie Sanitary Service	Waste Management	West Central Sanitation

Wadena

City Dray, Inc.	Long Prairie Sanitary Service	Wadena Hide and Fur
City Sanitation	Northern Pines Sanitary	Waste Management, Inc.
G & T Sanitation	Service	

C. Waste Delivery and Designation. The Member Counties determined a need to enact waste designation to ensure that MMSW from the Member Counties is managed in a manner that ranks higher on the State's hierarchy. The Member Counties have invested a significant amount of time and capital into the development of a comprehensive waste management program that includes: waste education, recycling, composting of yard waste and organics, organics recovery and reuse, and household hazardous waste management, all in addition to the operation and expansion of a MRF and Resource Recovery Facility that provides valuable steam energy to two important food processors operating within the region. The waste collection systems within the Member Counties include a combination of both municipal collection as well as a predominance of private collection. The predominance of private collection, combined with available lower cost landfill alternatives in the surrounding counties and adjacent states, mean the Member Counties have experienced some degree of waste leaving the service area. The Authority aims to designate waste in the region in order to have certainty of long-term supply, as well as flexibility to continue to improve upon the region's waste management system over time and as new technologies or opportunities to do so arise.

1. Waste Subject to Designation. The Authority intends that each of the Member Counties will designate all MMSW generated in the Service Areas, which is not either reused or recycled, to be delivered to the Designated Facilities, including: the Facility, the Fergus Falls Transfer Station and the Henning Transfer Station (all located in Otter Tail); the Moorhead Transfer Station and the Clay County Landfill (both Clay); the Detroit Lakes Transfer Station (Becker); the Wadena Transfer Station (Wadena); and the Todd County Transfer Station (Todd). A map showing the relative locations of the designated facilities is provided in Attachment B. MMSW includes garbage, refuse and other municipal solid waste from residential, nonresidential, industrial and community activities that the waste generator aggregates for collection. In addition to MMSW, designation will apply to other solid waste that prior to final processing or disposal either (i) is not managed as a separate waste stream; or (ii) is managed as a separate waste stream using a waste management practice that is ranked lower on the State's hierarchy than would be if it were managed at the Perham Facility.

Certain wastes will not be covered by the designation due to their incompatibility with the facilities processing the waste. Thus MMSW does not include: auto hulks, street sweepings, ash, construction and demolition debris, mining waste, sludges, tree wastes, tires, lead acid batteries, motor and vehicle fluids and filters, and other non-MMSW materials collected, processed and disposed of as separate waste streams.

2. Materials Not Subject to Designation. The Waste Management Act directs counties to avoid landfilling and to prioritize recycling over resource recovery. Under the Act, source separated recyclable materials are exempt from designation and not within the county's authority to designate. To give further effect to the State's waste hierarchy and to implement a workable system of designation in the Member County region, the designation of waste does not apply to or include:

a. Materials that are separated from solid waste and recovered for reuse in their original form or for use in manufacturing processes;

b. Materials that are separated at a permitted transfer station located within the Member County region for the purposes of recycling the materials if: a) the transfer station was in operation on January 1, 1991; or b) the materials were not being separated for recycling at the Perham Facility at the time the transfer station began separation of the materials; and

c. Recyclable materials that are being recycled and residuals from the recycling if there is at least an 85% volume reduction in the solid waste processed at the recycling facility and the residuals are managed as separate waste streams.

3. Role of Solid Waste Designation. The Authority and its Member Counties have made considerable investment in the Perham Facility and its recent upgrades. Designation will ensure that the majority of waste generated in the Member Counties is managed at the Perham Facility. Without an adequate, long-term-ensured supply of waste, the regional System and the facilities it depends on could not be financially supported. The System aims to nearly double the waste processed at the resource recovery facility, increase recycling by approximately 80% and reduce landfilling tonnage in absolute terms by over 40%. All of these efforts come with additional associated costs. Such a system that prioritizes higher environmental outcomes, includes higher operating costs than one that relies more heavily on landfilling or that simply allows market forces to determine waste management choices. Designation is necessary to overcome economic pressures to send MMSW to various regional landfills and to facilitate the Authority and Member Counties ability to invest in higher environmental outcomes for the management of their solid waste.

4. Service Areas. Becker, Clay, Otter Tail, Todd and Wadena Counties are all parties to the JPA and Waste Delivery Agreements with the Authority, which apportion minimum waste delivery amounts from each County. The Authority will prepare a model Designation Ordinance, and each Member County will implement a designation ordinance in compliance with this Designation Plan. The Authority has determined that it is necessary to designate the entire five Member County region to ensure that MMSW is managed at the facilities. Each Member County will be a separate service area subject to designation. Under each of the ordinances in Clay, Todd, Wadena and Otter Tail Counties, the designated service area will be the entire County. The service area will also include all of Becker County, but will specifically exempt from designation any tribal lands located within Becker County that are also not subject to the solid waste tax.

5. Geographic Area Subject to Designation. This Designation Plan applies to all generated waste in the Member Counties that is not exempt or excluded. This designation includes residential, commercial and industrial waste generated and normally collected by commercial haulers or self-hauled that is suitable for disposal at the Facility. Attachment B delineates the designated area.

6. Designation Points of Delivery. The type of waste, vehicle used to transport the waste, insurance and other requirements may be used to determine which facility the designated waste should be delivered to.

The designation points of delivery are as follows, or as set by the respective Member County Board:

- Becker County:
 - Detroit Lakes Transfer Station, 24413 Co. Hwy. 144, Detroit Lakes, MN 56501.
 - Perham Facility, 201 6th Ave NE, Perham, MN 56573.
- Clay County:
 - Moorhead Transfer Station, 2727 Hwy 10 E., Moorhead, MN 56560.
 - Clay County Landfill, 3301 190th St. S., Hawley, MN 56549.
- Otter Tail County:
 - Perham Facility, 201 6th Ave. NE, Perham, MN 56573.
 - Henning Transfer Station, 51122 Rocky Ridge Rd., Henning, MN 56551.
 - Fergus Falls Transfer Station, 275 Airport Drive, Fergus Falls, MN 56537.
- Todd County:
 - Todd County Transfer Station, Hwy. 71, Browerville, MN.
- Wadena County:
 - Wadena County Transfer Station, 10542 170th St., Wadena, MN 56482.
 - Perham Facility, 201 6th Ave NE, Perham, MN 56573.

Licensed haulers within each County must deliver to the designated facilities. In accordance with this Designation Plan and the County designation ordinances, they may not deliver Acceptable Waste elsewhere. While haulers will generally deliver to a local county transfer station, some may deliver directly to the Perham Facility.

In addition the Clay County landfill will also be a designated facility for Clay County haulers only. Clay County licensed haulers will have the option (equivalent in tip fee costs) to deliver to the county-owned landfill or the county transfer station. Clay County will continue to operate its landfill, but aims through designation and its participation in the Authority, to assert greater control over long-term waste management. Initially this includes diverting a substantial amount of waste that would otherwise go to its landfill to Perham for energy recovery, committing to higher recycling goals, and utilizing its landfill capacity by accepting processed and unprocessed waste from Perham. Clay is not diverting all of its waste to the Perham Facility and the Perham Facility is unable to accept all of Clay County's waste without running into likely functional and operational capacity limitations. Thus the balance of Clay County's MMSW will be managed at its county landfill, ensuring predictable and manageable waste streams from Clay County to both the Perham Facility and Clay County landfill.

7. Projected Waste Generation. The projected total waste generation in the five Member Counties over the term of the JPA is listed in Table 5 below. In addition the

total projected amounts recycled, delivered to the Facility, combusted at the Facility and ultimately landfilled are also listed below in Tables 6-9. The difference between the projected tonnage delivered to the Facility and combusted at the Facility includes bulky items delivered but unable to be processed at the Facility (~3%) as well as fines (~8%) and recyclables (~6%) separated out at the Facility MRF. The fines and bulky items are also included in the total landfilled numbers in Table 9 but the fines will be re-used at the Clay County Landfill as Alternate Daily Cover. The recyclables pulled out of the delivered material at the MRF are also included in the Projected Material Recycled in Table 6.

Table 5: Projected Waste Generation

	2014	2015	2016	2017	2018	2019	2020	2025	2030
Becker	30,694	31,199	31,722	32,254	32,795	33,346	33,905	36,669	39,536
Clay	51,515	52,477	53,532	54,689	55,958	57,353	58,890	66,954	76,123
Otter Tail	57,662	58,463	59,216	59,978	60,751	61,533	62,325	65,979	69,533
Todd	23,246	23,489	23,767	24,047	24,331	24,619	24,910	26,300	27,689
Wadena	14,239	14,369	14,527	14,687	14,849	15,012	15,177	15,959	16,734
Total	177,355	179,998	182,764	185,656	188,684	191,862	195,207	211,861	229,614

Table 6: Projected Material Recycled

	2014	2015	2016	2017	2018	2019	2020	2025	2030
Becker	11,815	12,478	13,322	14,190	15,084	16,004	16,951	21,999	23,719
Clay	19,267	20,400	21,067	22,822	24,676	26,661	28,772	40,737	46,238
Otter Tail	25,352	26,289	27,219	28,170	29,140	30,130	31,765	39,565	41,696
Todd	12,313	12,594	12,898	13,206	13,520	13,840	14,166	15,784	16,618
Wadena	7,045	7,182	7,406	7,634	7,867	8,103	8,344	9,572	10,037
Total	75,792	78,943	81,911	86,023	90,293	94,738	99,998	127,658	138,308

Table 7: Projected Acceptable Waste Combusted at Facility

	2014	2015	2016	2017	2018	2019	2020	2025	2030
Becker	4,500	10,920	10,994	11,069	11,144	11,219	11,295	11,626	11,930
Clay	0	7,144	7,144	7,144	7,144	7,144	7,144	7,144	7,144
Otter Tail	20,515	20,800	21,068	21,339	21,614	21,892	22,174	18,427	19,540
Todd	5,987	6,944	6,957	6,969	6,982	6,994	7,007	7,039	7,052
Wadena	5,194	5,177	5,098	5,016	4,931	4,843	4,754	4,241	4,485
Total	36,197	50,986	51,260	51,537	51,814	52,093	52,374	48,477	50,150

Table 8: Projected Total Amount Landfilled

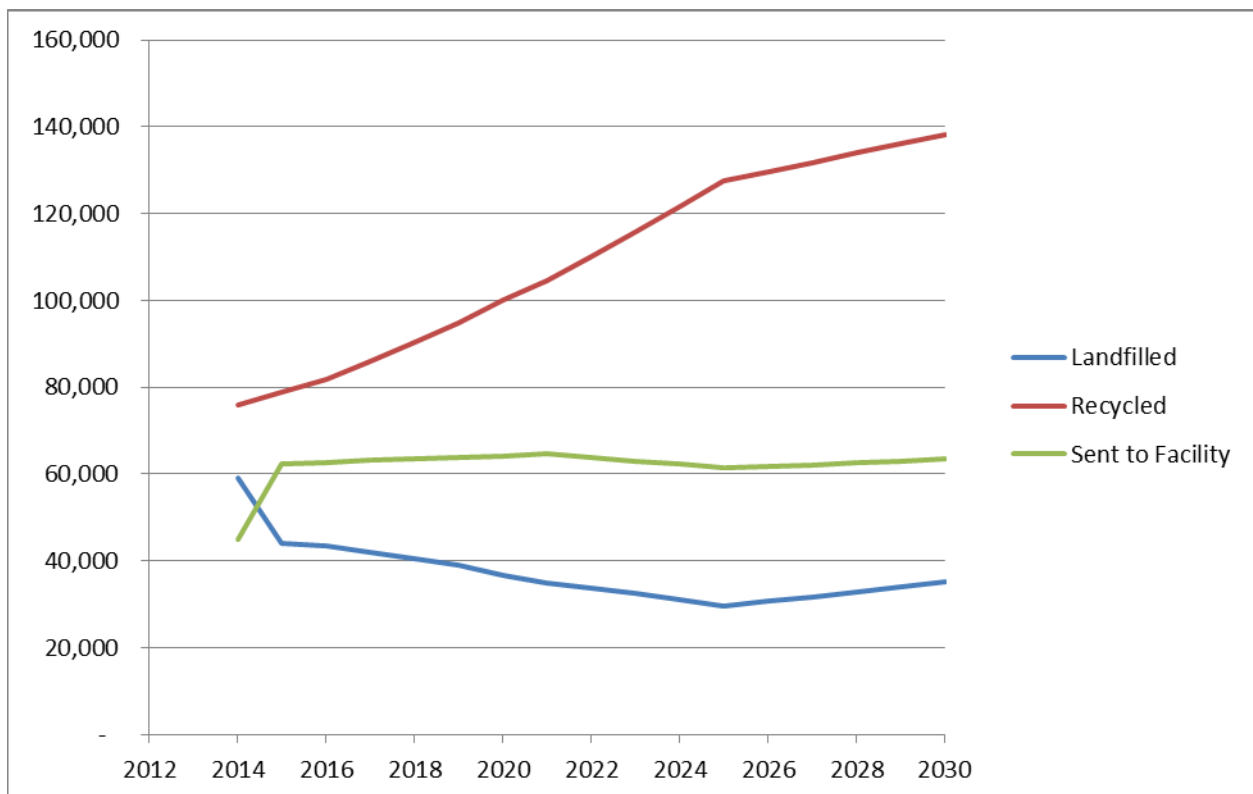
	2014	2015	2016	2017	2018	2019	2020	2025	2030
Becker	13,734	7,158	6,764	6,354	5,927	5,482	5,019	2,407	3,253
Clay	30,992	23,677	24,067	23,470	22,881	22,299	21,725	17,831	21,5805
Otter Tail	9,723	9,304	8,861	8,404	7,933	7,449	6,327	5,938	6,258
Todd	3,523	2,529	2,492	2,453	2,412	2,368	2,322	2,068	2,618
Wadena	1,281	1,293	1,307	1,322	1,336	1,351	1,366	1,436	1,506
Total	59,254	43,962	43,492	42,002	40,489	38,949	36,759	29,680	35,140

Table 9: Projected Acceptable Waste Delivered to Facility*

	2014	2015	2016	2017	2018	2019	2020	2025	2030
Becker	7,055	13,650	13,743	13,836	13,929	14,024	14,119	14,533	14,912
Clay	-	9,400	9,400	9,400	9,400	9,400	9,400	9,400	9,400
Otter Tail	24,023	24,360	24,676	24,997	25,321	25,650	25,983	22,977	24,335
Todd	7,571	8,680	8,696	8,711	8,727	8,743	8,759	8,799	8,814
Wadena	6,283	6,284	6,231	6,176	6,118	6,059	5,998	5,629	5,940
Total	44,932	62,373	62,745	63,119	63,496	63,876	64,259	61,338	63,402

*Table 9 includes the projected total amounts each Member County could feasibly deliver to the Perham Facility. These numbers include unsorted recyclables sent to the Facility that are ultimately recovered in the MRF and recycled. It also includes bulky items that are unable to be processed and pulled out upon arrival as well as fines that are part of the delivered material but separated out through the MRF. The bulky items will be landfilled and the fines will be sent to Clay County Landfill potentially for use as alternate daily cover. These amounts are included in the Table 8 amounts. Ultimately there is about a 20% difference between what will be delivered to the Facility and what ultimately will be combusted.

8. Graph 1: Projected Regional System Benefits (in TPY)



V. EVALUATION OF BENEFITS AND COSTS

There are a variety of costs, benefits, risks, short-/long-term effects and other factors that are relevant to different types of solid waste facilities and methods of solid waste management.

This section of the Designation Plan will evaluate and discuss estimated costs, and benefits associated with the Facility. The public policies and purposes served by the Perham Facility and designation will also be discussed.

Costs set out for the Perham Facility are estimates based on current information available and assumptions that can be made at this time. Many factors can influence costs such as: method of financing, interest rates, term of financing, energy prices and costs, inflation, economic conditions, energy market, contractual terms and regulatory changes. Therefore the costs estimated herein can vary according to changing assumptions and conditions.

A. Public Interest/Purpose Served by Designation (Achievement of State, Local and Regional Policies). Various sections of this Designation Plan set forth the public policies and purposes that it serves. The upgrades to and use of the Perham Facility will further each Member County's goal of moving waste management further up the State's hierarchy. As identified in the tables and graph included in the previous section, this Designation Plan supports an approximately 80% increase in recycled tonnage by 2030, while total landfilled tonnage decreases by well over 40% in absolute terms, even while total MMSW generated in the region increases by approximately 30% over the same period. Meanwhile, a steady stream of waste is delivered to the Perham Facility each year supporting the continued efficient and maximized operation of the regional resource recovery facility. In addition, with the inclusion of Clay County there is some flexibility built into the regional System to ensure adequate waste to the Perham Facility as well as provide for a stable landfill disposal alternative. As a result, the Designation Plan as a whole moves the region substantially upwards on the State's Hierarchy, while also supporting State goals aimed at greenhouse gas reduction and regional planning.

1. Materials Separation and Recovery. In addition to County recycling programs, the upgrade to the Facility will include a MRF intended to remove additional unacceptable materials and recyclables that wind up in the waste stream despite best education and program efforts. The Authority has also committed to a recycling target of 60% by 2025 as a condition to state funding for the Facility expansion. The Authority anticipates that the MRF will help to reach this goal across the Member Counties by recovering and recycling another 5 to 8% of the materials that arrive at the Perham Facility. The MRF system is designed to separate and remove undesirable waste and fines, including much of the glass and grit from the MMSW; ferrous and nonferrous metals, including aluminum; and old corrugated containers. Removing these materials not only helps to improve overall recycling rates, but also leads to higher plant operational efficiency and lower facility air emissions.

2. Recovery of Energy. Recovery of energy from solid waste is a State, regional and local policy goal that is greatly advanced by use of the Perham Facility and designation of waste in the Member Counties to that facility. The Perham Facility is able to produce steam and electricity, though it has focused on selling steam to two primary industrial customers.

The design capacity of the Perham Facility after the upgrades will be over 200 tons per day, or approximately 73,000 tons per year. The Authority anticipates operating the Perham Facility at approximately 62,000, or at approximately 80 to 85% capacity.

This Designation Plan will support a nearly doubling of waste processed at the higher ranked resource recovery facility.

3. Reduction in Waste Generation. This Designation Plan will foster an overall reduction in waste generation in the region. The act of designating waste allows Member Counties to implement waste management systems that are higher on the State's hierarchy and more sustainable, while simultaneously helping cover the added costs of doing so. The increased cost to generators of disposing of waste in a more responsible manner may additionally encourage greater waste reduction. Paying the full cost of a more sustainable and integrated waste management system provides economic incentive to reduce the costs associated with disposing of that waste. Through better recycling, composting and waste reduction, generators can reduce the amount paid in disposal fees. Additionally each Member County has implemented and will continue to implement a public education program that makes costs of waste management visible and promotes waste reduction.

4. Abatement of Landfill Disposal. This Designation Plan captures a significant amount of waste that would otherwise be landfilled, most often outside the region's borders. While three of the five Member Counties have been utilizing the Perham Facility for several years, the upgrades to the Perham Facility will improve overall operation and efficiency and thereby reduce the need for those Member Counties to turn to landfill arrangements when the Perham Facility becomes unavailable. For Becker and Clay Counties, entering into the JPA and this joint Designation Plan marks a significant new effort to shift waste that would otherwise be landfilled toward energy recovery at the Perham Facility. By processing waste at the Perham Facility instead of landfilling, Becker and Clay counties alone will divert over 23,000 tons annually from being directly landfilled. Between all five counties, the Authority plans to divert approximately 62,000 tons per year. While the Perham Facility will ultimately send some materials (fines, bulky items) and ash to a landfill, it will generally only do so after processing the waste, pulling out undesirables and recyclables which were not previously separated, and making use of the MMSW energy content.

Clay County haulers will retain the option to deliver directly to the county-owned landfill. While this clearly contemplates the continued use of an existing landfill, it does so as part of a regional system that moves all counties forward on state waste management goals. Designation will better allow Clay County to direct waste to the Perham Facility while also enabling the county to make higher and better use of its own landfill. It allows for better long-term planning for its landfill operations and gives the Authority a viable and certain final disposal option for fines and unprocessed waste that cannot be used at the Perham Facility.

In addition, aggressive Member County recycling goals should further reduce the total tonnage sent to landfills from the five counties. As a result, the Authority estimates a more than 40% reduction in total tonnage landfilled by 2030 and despite waste generation projected to increase by approximately 30% over the same period. Put another way, by 2030, the Authority expects the landfilled tonnage to represent no more than 15% of the total MMSW generated in the region.

5. Environmental Impact. The environmental benefits of maximizing the use of the expanded and upgraded Perham Facility are primary drivers of this Designation Plan. The Authority is interested in ensuring that landfill rates go down in the Member Counties, that recycling rates go up, and that as much remaining acceptable MMSW as possible be turned into a valuable commodity (primarily steam). The Authority is also keenly interested in the associated greenhouse gas emissions reduction benefits associated with all of the above actions. Lastly, the Perham Facility upgrade allows for plant modernization that further increases the net environmental effect of the project.

a. Environmental Benefits of Using the Expanded Facility. Although the plans for the Perham Facility did not exceed the threshold for a mandatory Environmental Impact Statement (“EIS”), the Authority chose to complete a voluntary EIS so that the environmental impacts of the project could be fully evaluated. On March 26, 2013 the MPCA determined that the EIS was adequate and complete.¹ A copy of the MPCA determination is in Attachment C.

In the Final EIS, the MPCA explained:

The proposed Project serves the identified needs of the region and provides an alternative solid waste management option for individual counties (i.e., Becker, Otter Tail, Todd, and Wadena Counties) that is ranked higher on the *Minnesota Waste Hierarchy* than landfilling. Implementation of the proposed Project is also consistent with recommendations in the *2009 Solid Waste Policy Report* by providing continued local leadership and creating strong intergovernmental partnerships and regional governments that can effectively manage solid waste. The proposed Project provides these benefits to the region as well as reused solid waste for a beneficial purpose, reduces the amount of MSW disposed of in landfills, and also increases the lifespan of existing landfills in the region.

The operation of the PRRF and the proposed Project addresses Minnesota Waste Policy by creating energy from waste. Overall, the five goals listed in Minn. Stat. 115A.02a would all be met by the proposed Project in some way. The proposed Project would allow greater separation and recovery of materials prior to using the waste to produce steam (i.e., energy) with the use of the MRF. Additionally the PRRF is a joint effort between four

¹ Findings of Fact, Conclusions of Law, and Order, *In re Decision on the Need for an Environmental Impact Statement for the Proposed Perham Resource Recovery Facility Expansion Project, Perham, Minnesota* (Mar. 23, 2013 M.P.C.A.).

counties, which allows coordination of solid waste management among political subdivisions.^[2]

The Final EIS also included environmental mitigation measures to be adopted by the Perham Facility including a long-term mercury limit of 41 µg/dscm (a lower limit than what the Facility is currently subject to). The long-term limit is based on the MPCA's Mercury Risk Estimation Method, which estimates the human health hazard to be equal to someone eating four to five meals of fish every week for a year. Short-term mercury limits would remain 100 µg/dscm per Minnesota Rule 7011.1229 and 0.08 mg/dscm based on the New Source Performance Standards.

Similarly the Perham Facility will be subject to more stringent long-term dioxin/furan limits than the current long-term standard to which the Perham Facility had been subject. The existing north unit will meet a 20 ng/dscm limit, and the new south unit will meet a 13 ng/dscm limit.

In addition the Authority plans to plant trees along the northern boundary of the property to improve aesthetics for neighboring residences as well as to improve concerns regarding fugitive dust particles and NOx related to on-site vehicle traffic. This undertaking is also anticipated to better control dust from the Perham Facility. It also has taken steps to ensure that the net effect of the new Perham Facility will be a reduction in overall noise levels even though the Perham Facility is being expanded in total. The Authority will enclose four noise-generating sources within the expanded Perham Facility design.

Water use and local traffic would increase with the Perham Facility expansion but would not require changes to existing appropriation permits or changes to the roads or intersection controls respectively.

While the Perham Facility will be the recipient of the vast majority of waste designated under this Designation Plan, the Clay County landfill will also receive a portion of the unprocessed waste from Clay County as well as fines and unprocessed waste that is otherwise unusable by the Perham Facility. The Clay County landfill is a MMSW landfill that has been in operation since 1973 under MPCA Solid Waste Permit SW-34. The 275 acre site located about 17 miles east of Moorhead was most recently permitted in 2009 and is currently undergoing another permitting process to extend the permitted life beyond late 2014, but also seek MPCA approval to accept fines from the Perham Facility as use for alternative daily cover and to accept other waste the Perham Facility cannot use.

² Minnesota Pollution Control Agency, Perham Resource Recovery Facility Expansion Project, Final Environmental Impact Statement, at 8 (Mar. 2013).

Clay County has initiated a number of remedial actions at the landfill in the past to address groundwater contamination and migration off-site. In 2009 and 2010 a fairly substantial groundwater monitoring system was installed as part of a comprehensive investigation, but only low-level, isolated instances of volatile organic compounds have been detected. At present, the proposed and current landfill design includes environmental controls that meet or exceed the regulatory requirements for this type of facility. Clay County has also invested in a leachate recirculation system as well as an active methane gas recovery system. Although Clay County has been actively seeking to arrange for the use of its methane for energy recovery, it has been unable to date to secure sufficient and reliable methane from its system. This is something the county is currently working to remedy. This Designation Plan, in addition to previously discussed benefits, will also improve the financial integrity of the Clay County landfill such that the county is better able to manage it for higher environmental outcomes overtime.

b. Public Health and Safety Benefits. As mentioned above, the expansion and upgrade of the Perham Facility will include substantial improvements in terms of long-term mercury limits and long-term dioxin and furan limits. Both are more restrictive than what the Perham Facility had been subject to and result in improvements to public health. Further the multitude of greenhouse gas benefits of the expanded Perham Facility and associated MRF yield public health benefits that may be more dispersed in nature and extend beyond the local area. While upgrades at the Perham Facility will yield measurable public health benefits at the local level, it may be that the most substantial public health benefits of this Designation Plan are borne out through substantial avoidance of greenhouse gas emissions.

c. Comparison to the No-Build Alternative. Because the proposed expansion and upgrade of the Perham Facility must meet specific design and operation specifications, the EIS did not include an evaluation of the project against other alternative technologies or designs. It did however include an assessment of the environmental impacts of the project against a no-build alternative.

For example, the expanded Perham Facility will allow for an increase in the amount of MMSW hauled to the Perham Facility and thus likely increase the number of truck hauls from approximately 32 trips per day to 44 trips per day. There are no county-owned landfills in Becker, Otter Tail, Todd or Wadena County, however, and thus most of the waste from four of the five Member County area is sent to landfills outside Minnesota at a distance of over 100 miles. The no-build scenario would require more waste to be sent outside Minnesota, possibly increasing distances traveled. This would mean greater use of landfilling over time as waste generation increases and greater transport economic and environmental costs of disposing of that waste in available landfills (see Table 9). As compared to a no-build alternative, expansion and use of the Perham Facility as the primary waste disposal method will significantly decrease the distance

traveled for waste disposal, reduce landfill use dramatically and, thereby, increase the lifespan of existing landfills in the region.

Table 10: Distances to Disposal Facilities from Each County Seat

County Information		Distance to Facility in Miles			
County	County Seat	PRRF	City of Fargo Landfill	Dakota Landfill	Morrison County Landfill
Becker	Detroit Lakes	20	57	120	105
Clay	Moorhead	66	6	91	153
Otter Tail	Fergus Falls	50	60	80	110
Todd	Long Prairie	65	140	160	30
Wadena	Wadena	25	90	140	60

Designating waste to the Perham Facility will also likely improve overall recycling rates in the Member Counties against a no-build alternative. This is largely due to the fact that the expansion plans include a MRF that will separate out recyclable materials.

Although the EIS found no measurable change between alternatives with regard to composting, the Authority committed to a 15% organics recycling goal across the Member County region as another condition to its receipt of State grant monies. Further, the Authority is responsible for efficient operation of the Perham Facility, and keeping organics out of the waste stream will only further improve operational efficiency.

The Service Area and region is large and diverse but predominately agricultural. The Member Counties have worked quite closely with several businesses within the service area that provide value added processing of agricultural commodities. In many cases now the highest and most productive use of the waste at these facilities has been as feed for livestock. The Member Counties understand that any expansion of organics recovery would likely require an expansion into the area of larger institutions (i.e. schools, hospitals, nursing homes, etc.).

d. Reduction in Greenhouse Gases. Utilizing resource recovery technologies significantly reduces the amount of life-cycle greenhouse gas (“GHG”) emissions produced in comparison to landfilling alternatives (even with methane recovery). According to the EPA, there are three primary ways modern waste-to-energy facilities do this: 1) the renewable power produced offsets other carbon intensive power sources; 2) modern facilities like the Perham Facility are including MRFs that increase ferrous and nonferrous metal recycling that in turn decrease the need for energy intensive mining operations; and 3) the facilities avoid methane emissions associated with landfilling operations.

The relative GHG implications of waste-to-energy facilities have been coming into sharper focus over the past decade or more. In 2002, researchers studied waste management activities across the country and found that WTE facilities nation-wide avoided 5 Million Metric Tons of Carbon Equivalent (MMTCE) emissions by displacing other power generation and another 6 MMTCE by avoiding methane emissions. Later research has continued to confirm that management of MMSW involving a modern WTE facility is a vastly superior solution in terms of avoiding GHG emissions in comparison to other conventional technologies including those with methane recovery on landfill operations.

Instead of displacing conventional electric power generation, the Perham Facility will displace the use of natural gas to produce steam. This may also be important from a long-term economic standpoint as even the modern era of natural gas pricing may contain more volatility than once expected. Furthermore, the Perham Facility has the capability to produce electric power from the steam should circumstances, economic or otherwise, change.

In addition and as mentioned above, designation to the Perham Facility may reduce the overall vehicle miles traveled for waste management in the five Member County region. This will add another significant GHG emissions savings due to the Authority's plans to designate waste to Perham.

6. Coordination of Solid Waste Management Among Political Subdivisions.

The Member Counties coordinate solid waste management among political subdivisions in the region primarily through the JPA, operation of the Perham Facility and this joint Designation Plan. Each Member County has approved this Designation Plan and will be implementing a corresponding ordinance to ensure that waste generated in the Member Counties is brought to the Designated Facilities, generally for ultimate delivery to the Perham Facility. In Clay County, however, this will involve the added step of managing the waste that is delivered to the Perham Facility pursuant to its Delivery Agreement as well as the waste that is disposed at its existing landfill. Because successful operation of the Perham Facility is the foremost responsibility of the Authority and associated regional planning, the designation of waste to support its long-term operation is critical to the regional cooperation and goals.

Additionally Member Counties have been in the process of exploring such joint options as allowing licensed waste haulers to dispose of their collected waste at the closest and most convenient facility operated by the Member Counties. Part of that process includes purchasing and implementing a data management program jointly by the Authority thus allowing the tracking of waste generated and collected in each individual county while still allowing the individual haulers to use the closest and most convenient site. Coordination of solid waste management in the region is a key policy goal of the Authority.

7. Orderly and Deliberate Development and Financial Security of Waste Facilities. The Member Counties have invested in a regional solid waste management

system that focuses on strategic and maximized use of the Perham Facility and moves every Member County up on the State's hierarchy in terms of environmental solutions for waste management. It is in the interest of the citizens of the Member Counties to designate waste so the member Counties can rely on a steady, reliable and long-term supply of waste in order to operate the Designated Facilities efficiently. Because the systems that are higher on the State's waste hierarchy increasingly address the environmental impacts of waste disposal, they are often more costly. In this case the direction of MMSW to the Perham Facility, combined with tipping fees that adequately cover these costs, ensures that waste generators ultimately pay costs that are closer to the full costs of the waste they produce.

Particularly with the addition of Becker and Clay Counties, designation in the Member Counties is anticipated to increase the total delivered waste to the Perham Facility by an estimated 27,000 tpy as compared to waste delivered in other normal operating years. This Designation Plan is anticipated to support the eventual delivery of at least 62,000 tpy from Member Counties, an increase of more than 75%. Delivery of waste at this level will allow the Perham Facility to increase its steam generation and reduce natural gas use and purchase. The certain and steady stream of waste will allow Perham Facility operators to maximize efficiency and optimum plant operation over the long term.

The development of facilities that meet higher environmental standards, such as the Perham Facility, generally requires higher initial capital costs than for the development of other waste management strategies that fall lower on the State's hierarchy. Because these higher capital costs create heightened financial risk for the Member Counties involved, opportunities to reduce the exposure and risk to Member Counties and their residents and businesses on their investment should be taken. Waste assurance through designation of solid waste reduces the risk of uncertain waste supply and the financial implications that accompany it, such as reduced tipping fees and steam sales. Further, under the JPA, each Member County is responsible for its pro-rata debt obligation share of any shortfall. Designation will greatly reduce the risk to Member Counties of having to fund this obligation in light of a waste shortfall.

For Clay County, this Designation Plan represents an additional calculation. The County has its own landfill, the operation of which is highly dependent on tipping fee revenues. By joining the Authority, Clay has committed to a significant diversion of its county generated waste to the Perham Facility and also to aggressive recycling goals - both of which reduce waste available for disposal at the landfill. Waste designation that incorporates the Clay County Landfill as a small part of the System ameliorates some of the risk Clay County takes by diverting county waste to higher ranked management solutions. Designation gives all counties considerably more control and ability to plan for more efficient and long-term waste management solutions. In the case of Clay, it also allows the County to divert significant amounts of waste to higher end-uses, while reserving adequate waste and the associated revenue streams to operate its own landfill to the best of its ability over the long-term.

B. Estimated Revenues and Expenses

1. Direct Costs: Operating Costs

Various factors will influence the operating costs as well as the sources of revenues for the expanded Facility. The table below illustrates projected costs and revenues in five year increments out to 2030. The projections are based on currently available information and reasonable assumptions based on years of experience operating the Facility. Annual cost of operations at the Facility are expected to be roughly \$5,000,000 in 2015, increasing steadily over time to approximately \$7,000,000 by 2030. Total operating revenues are projected to be at nearly \$7,500,000 in 2015 with the first \$5,000,000 covering operating expenses and over \$2,000,000 of the remainder applied to the debt service for the expansion. Over sixty percent of the revenues in any given year are based on the tipping fees associated with the delivered waste, making assurance of that waste critical to successful operation of the Facility. Further the revenues associated with the recyclables and steam sales are directly correlated with the amount of waste delivered to the Facility.

**PRAIRIE LAKES MUNICIPAL
SOLID WASTE AUTHORITY**

WASTE DESIGNATION PLAN

PERHAM FACILITY		Units	2014	2015	2020	2025	2030
Tip Fee	\$ per ton		\$83.64	\$84.00	\$92.74	\$102.40	\$113.05
Annual Throughput	Tons		41,667	55,000	55,000	55,000	55,000
Operating Revenues							
Tipping Fees			\$3,485,000	\$4,620,000	\$5,100,853	\$5,631,754	\$6,217,912
Spot waste fees				\$100,000	\$110,408	\$121,899	\$134,587
Clay County waste trade (6000 tons)				\$0			
Electricity Sales			\$19,000	\$19,000	\$19,000	\$19,000	\$19,000
Recovered Recyclable Revenues			\$500,000.00	\$1,000,000	\$1,159,274	\$1,343,916	\$1,557,967
Steam Sales To Bongards'			\$1,475,121	\$1,346,285	\$1,560,713	\$1,809,294	\$2,097,468
Steam Sales To Tuffy's			\$433,458	\$395,716	\$458,743	\$531,809	\$616,513
Scale usage fees				\$15,000	\$16,561	\$18,285	\$20,188
Total Operating Revenues			\$5,912,579	\$7,496,001	\$8,408,992	\$9,457,674	\$10,643,447
Operating Expenses							
Labor			\$1,941,793	\$1,986,352	\$2,226,496	\$2,498,676	\$2,807,719
Plant Operations			\$299,498	\$384,914	\$424,976	\$469,208	\$518,044
Office Operations			\$42,833	\$53,867	\$59,474	\$65,664	\$72,498
Professional Services			\$229,500	\$294,953	\$325,652	\$359,547	\$396,968
Environmental Costs			\$732,350	\$1,105,696	\$1,222,748	\$1,352,298	\$1,495,696
Insurance			\$164,220	\$211,056	\$233,022	\$257,276	\$284,053
Utilities			\$998,452	\$921,751	\$1,017,688	\$1,123,610	\$1,240,556
Facility Maintenance			\$24,480	\$24,970	\$27,568	\$30,438	\$33,606
Rents/Leases			\$4,004	\$4,084	\$4,509	\$4,978	\$5,496
Major Maintenance Expenses					\$600,000		
Total Operating Expenses			(4,437,129)	(4,987,642)	(6,142,134)	(6,161,693)	(6,854,636)
Operating Income (Loss)			\$1,475,450	\$2,508,359	\$2,266,858	\$3,295,980	\$3,788,811
NON-OPERATING REVENUE (EXPENSE)							
Administrative Fees			(\$88,122)	(\$89,884)	(\$99,240)	(\$109,569)	(\$120,973)
Interest Earnings			\$0	\$22,500	\$75,775	\$173,939	\$341,318
Capital Projects Account Transfer			\$0	(\$25,000)	(\$200,000)	(\$220,816)	(\$243,799)
Transfer to Major Maint. Account			(\$175,000)	(\$200,000)	(\$220,816)	(\$243,799)	(\$269,174)
Transfer from Major Maintenance Reserve			\$0	\$0	\$600,000	\$0	\$0
Hosting Fee To City of Perham				\$46,500	\$46,500	\$46,500	\$46,500
Debt Service:							
Loader Payment			(\$20,000)	(\$20,000)	(\$23,185)	(\$26,878)	(\$31,159)
Bond Principal & Interest Payment			(\$1,063,660)	(\$2,048,813)	(\$2,044,386)	(\$2,048,708)	(\$2,048,185)
Total Non-Operating Revenue (Expense)			(\$1,346,782)	(\$2,314,697)	(\$1,865,353)	(\$2,429,331)	(\$2,325,471)
Net Income (Loss)			\$128,668	\$193,661	\$401,505	\$866,649	\$1,463,339
Operating Reserve	\$250,00	\$250,000	\$250,000	\$250,000	\$1,583,586	\$4,454,425	\$9,957,606
Capital Reserve		\$500,000	\$500,000	\$500,000	\$950,000	\$1,990,808	\$3,139,944
Major Maintenance Reserve		\$0	\$175,000	\$175,000	\$115,808	\$564,944	\$133,683

LANDFILL FACILITY			
Landfill Revenues			2015
Landfill Fees			\$1,310,000
Interest on Investments			\$50,000
Rent (Haylands)			\$1,260
Misc Refunds			\$1,000
Total Operating Revenues			\$1,362,260
Landfill Expenses			
Labor			\$230,830
Office Supplies			\$7,363
Utilities			\$16,000
Professional Services (accounting/technical/other)			\$533,000
Building and Equip Maintenance			\$40,000
Insurance (building)			\$4,426
Vehicle			\$55,000
Misc Landfill Maintenance			\$5,200
Equipment			\$30,000
Interfund Transfers			\$100,000
Depreciation			\$100,000
Sales Tax			\$75,000
Mn Landfill Surcharge			\$100,000
Misc fees			\$4,000
Total Operating Expenses			(1,300,819)
Operating Income (Loss)			\$61,441

a. Direct Costs: Capital. The following table itemizes the capital costs for the expansion at the Facility. The net capital outlays for the expansion amount to \$27,000,000 with nearly \$8,000,000 of that being supported by grants from the State. The annual debt service on this capital expenditure is included in the operating costs table above.

The Clay County Landfill is not currently subject to debt service or pending significant capital improvements. It has permitted capacity for another 50 years and no immediate plans for expansion.

Long Term Bond Obligations	Amount (Currently Financed)	Amount
Disposal System Revenue Bond of 2011 (refinance of 2001, 2003A)	\$ 10,500,000.00	
Taxable Disposal System Revenue Bond of 2003 B		\$0
Total Site Work, Foundations and Buildings		\$6,911,615
Total MRF Addition		\$4,314,200
Generator Upgrade (Proposed)		\$279,450
Total WTE Expansion		\$14,795,411
Land Acquisition (Proposed)		
Capital Reserve Fund		\$500,000
Bond Issuance Costs		\$241,160
Engineering & Permitting	\$ 2,450,000.00	
Subtotal		\$27,041,836
State of MN Grant		
MRF System		\$5,075,000
Second Boiler Improvement		\$2,800,000
Subtotal State of MN Grant		\$7,875,000
Net Cost of Facility Improvements (w/ CAP Grants)		\$19,166,836
Net Cost of Facility Improvements (w/o CAP Grants)		\$27,041,836

b. Direct Costs: Disposal Costs. Future waste generation is expected to grow as population increases and also on a per-capita basis over time in the region. Regional disposal options are limited, and there is only one available county-owned landfill in the five Member County area: Clay County Landfill. Aside from the particular arrangement Clay County has developed with the Authority to take fines and a limited amount of waste the Perham Facility cannot reuse or recycle, the Clay County landfill has not typically been accepting out-of-county waste.

Tipping fees at regional landfills are generally between \$30/ton and \$60/ton. The tipping fee within the Member Counties for use of the Perham Facility is expected to be slightly more than \$80/ton. While the tipping fees are considerably lower at some regional landfills, they often require more distance traveled to deliver the waste, which can also add significant additional costs. The Authority is also concerned about reliance by most of the Member Counties on landfills outside their control and the relative uncertainty surrounding the permitted capacity of these facilities. While they may seek additional capacity in the future, there is no guarantee it will be available and the associated tipping fees are an additional unknown. Uncertainties over future landfilling capacity and costs aside, ultimately this Designation Plan will help to overcome unfavorable economics that continue to favor delivery to regional landfills not in the Member Counties' control.

2. Indirect Costs.

a. Enforcement. Many rural residents historically disposed of waste on their own property, including by burning it in various manners. While the trend toward contracted waste collection and disposal service is increasing, there is still

some waste disposed of improperly in each of the Member Counties. The solid waste management ordinances in each county address improper disposal and county plans to enforce the ordinances in such cases.

With regard to the collection and delivery of the MMSW to the Perham Facility, Member Counties plan to adopt the same basic designation ordinances to reduce the potential for confusion among haulers and generators and make inadvertent violations less likely. Member Counties will also make every effort to enter into Waste Delivery Agreements with the licensed haulers so that the obligations are clear and set forth in enforceable contracts. For those haulers without Waste Delivery Agreements, the Member Counties will enforce the designation ordinances against violators.

b. Route Rearrangement. For most haulers, designation should not have a dramatic impact on routes as the primary points of delivery are already established county facilities. Additionally, some haulers may deliver directly to the Perham Facility, an option that will remain open under this Designation Plan for haulers that choose to do so. Further and as discussed in greater detail below, Clay County will continue to allow delivery to its landfill. This minimizes the disturbance for haulers on the eastern side of the county in light of the only other public transfer station being on the west side of the county.

There are, however, licensed haulers for which the Designation Plan will force route changes. In most cases the overall transportation costs are anticipated to go down as the average travel distance to the Perham Facility is less than that to most of the landfills used in the region. Even so it will require route changes for those haulers currently delivering to landfills or other facilities.

The few haulers that deliver to points outside the five-county service area will have to alter their routes to deliver to one of the designation delivery points. For most licensed haulers, however, route rearrangement should be fairly insignificant given that the various county transfer stations will be the delivery points and the Counties will take responsibility for getting the waste from the stations to the Perham Facility.

c. Other long-term effects. Over the long term, designation should be beneficial to the haulers. It provides a reliable, long-term management method for all haulers. Once the haulers adjust their routes, if necessary, there should be little additional incurred costs due to designation. As mentioned elsewhere, designation of waste to the county facilities or the Perham Facility should reduce overall transportation costs for waste disposal in the region—a cost that has been rising over the past decade.

This Designation Plan will have impacts on surrounding regional landfills that are currently accepting waste from any one of the five counties. Clay is the only county with its own landfill. Haulers on the east side of the county are generally already delivering to the county-owned landfill and thus designation

may not have a dramatic effect upon haulers or other landfills that are receiving only nominal amounts. Designation in Clay County, may have a more substantial impact on the Fargo landfill that is the current recipient of some of the Clay County waste. That waste, as a result of this Designation Plan, will most likely be redirected to the Moorhead transfer station where it will be sent to the Perham Facility or the county landfill.

Becker County's participation in this Designation Plan may involve the most substantial changes of any Member County. While the Designation Plan will leave waste generated on tribal land untouched, it will redirect the rest of the county's Acceptable MMSW to its transfer station or directly to the Perham Facility. Landfills in North Dakota (Fargo, Gwinner and Wishek) may be those most directly affected. Becker County projects sending approximately 12,500 tpy to the Perham Facility beginning in 2015. Designation in Otter Tail, Wadena and Todd will capture waste that is otherwise leaving the counties and going to other regional landfills as discussed earlier, but the impact should be substantially less dramatic given the three counties' historical delivery to the Perham Facility.

d. *Competition.* Without designation or a legal requirement that haulers deliver to the county designated sites, economic interests would drive waste delivery to lower-priced surrounding landfills—particularly those in Morrison County and North Dakota. These landfills, however, have varying degrees of capacity and may be subject to other county plans or other states' waste management policies over time. Ultimately and over the long term, designation should benefit generators by providing a secure, long-term disposal.

C. Necessity of Designation for Financial Support of the System. Designation of Member County waste is crucial to securing sufficient waste supply to support the reliable operation of and long-term financial viability of the Perham Facility as well as the Clay County Landfill. Other waste assurance methods involve reliance on multiple factors that may be outside the respective County's control or be more costly to implement. Without the certainty that waste designation provides, the Member Counties' investments in the Perham Facility in particular would be put substantially at risk and the overall waste management plans relying on use of the Perham Facility would also be in jeopardy. Loss of the Perham Facility as a central component of each Member County's solid waste management plans could mean a substantial return to landfilling; an increase in overall GHG emissions through greater use of land disposal and loss of renewable steam and/or electricity generation; and a return to waste management activities that fall lower on the State's hierarchy.

VI. EVALUATION OF ALTERNATIVES TO DESIGNATION

A. Background. Were economic drivers to be more closely correlated with the State's waste hierarchy, designation may not be necessary. However, it remains the case that waste disposal methods that fall lower on the State's hierarchy have lower fees than methods that are higher on the hierarchy. This difference is exhibited in the lower tipping fees available at regional landfills as compared to the costs required to operate a waste-to-energy facility such as the Perham Facility.

B. Availability of Less Restrictive Methods for Ensuring Adequate Waste Supply. While designation is one approach, there are other options that the Authority and Member Counties have considered.

1. Relying on Negotiated Contracts. While contracting for waste delivery is a less restrictive option than designation, negotiating contracts without designation is inefficient in several respects. First it only reaches those haulers willing or available to enter into the contracts and only applies so long as the contract is in effect. It is subject to the efficiency and effectiveness of the negotiation process and may be costly if it requires substantial incentives to induce parties to enter into the contract. The higher the economic incentives required to induce parties to enter into contracts, the harder it is for the Member Counties to cover the debt service on the Perham Facility. Furthermore, the contracting process does not reach self-haulers, whereas designation will. While the Member Counties will negotiate contracts with the licensed haulers, having designation ordinances in place in each County will serve as a crucial safety net by making designation apply to those without Waste Delivery Agreements.

2. Publicly Owned Collection Services. The five Member Counties generally plan to transport the delivered Acceptable Waste from their transfer stations to the Perham Facility. This arrangement should help ensure that only Acceptable Waste is delivered and done in the most efficient manner. This step will cut back the third-party arrangements in the delivery stream. In addition the Authority could invest in the equipment, administrative infrastructure and personnel to do public collection. This however is an enormously expensive and administratively burdensome undertaking for the Authority and does not adequately value the current system of private collection that already exists in the region. Further it would distract limited Authority staffing and financial resources from its primary focus, which is the safe and reliable operation of the Perham Facility.

Except for the limited public collection systems in Fergus Falls and Moorhead, the Authority region as a whole depends heavily on private collection and it would be a hugely disruptive, expensive, and potentially inefficient undertaking to redo the existing system with public collection. In light of the public collection system in Moorhead in particular, Clay County could send some waste to the Perham Facility through the public entities statutes. As mentioned earlier, however, diverting significant amounts of Clay County waste without the added security of supply that designation provides could put its own landfill operations in jeopardy over time.

3. Closure of Landfills. The landfills being used by haulers in Becker, Otter Tail, Todd and Wadena counties are generally located in other counties, if not in other states. The Authority has no ability to order the closure of the landfills in other jurisdictions. Clay County does have a county-owned landfill that has been the primary repository for the county's MMSW. Rather than summarily closing the landfill or simply continuing to use it at the current rate, Clay County has elected to join the Authority and direct a substantial portion of its waste to the Perham Facility as a more integrated, regional and long-term approach to waste management. Clay County will also take fines and some unprocessed waste from Perham, providing a reliable final disposal outlet for

the Authority for those materials that cannot be processed or utilized by the Perham Facility. The arrangement, while allowing for some limited landfilling, also creates for a more fully integrated regional management system. It also makes more efficient use of an existing landfill by diverting unprocessed waste to the Perham Facility in exchange for taking in some processed waste.

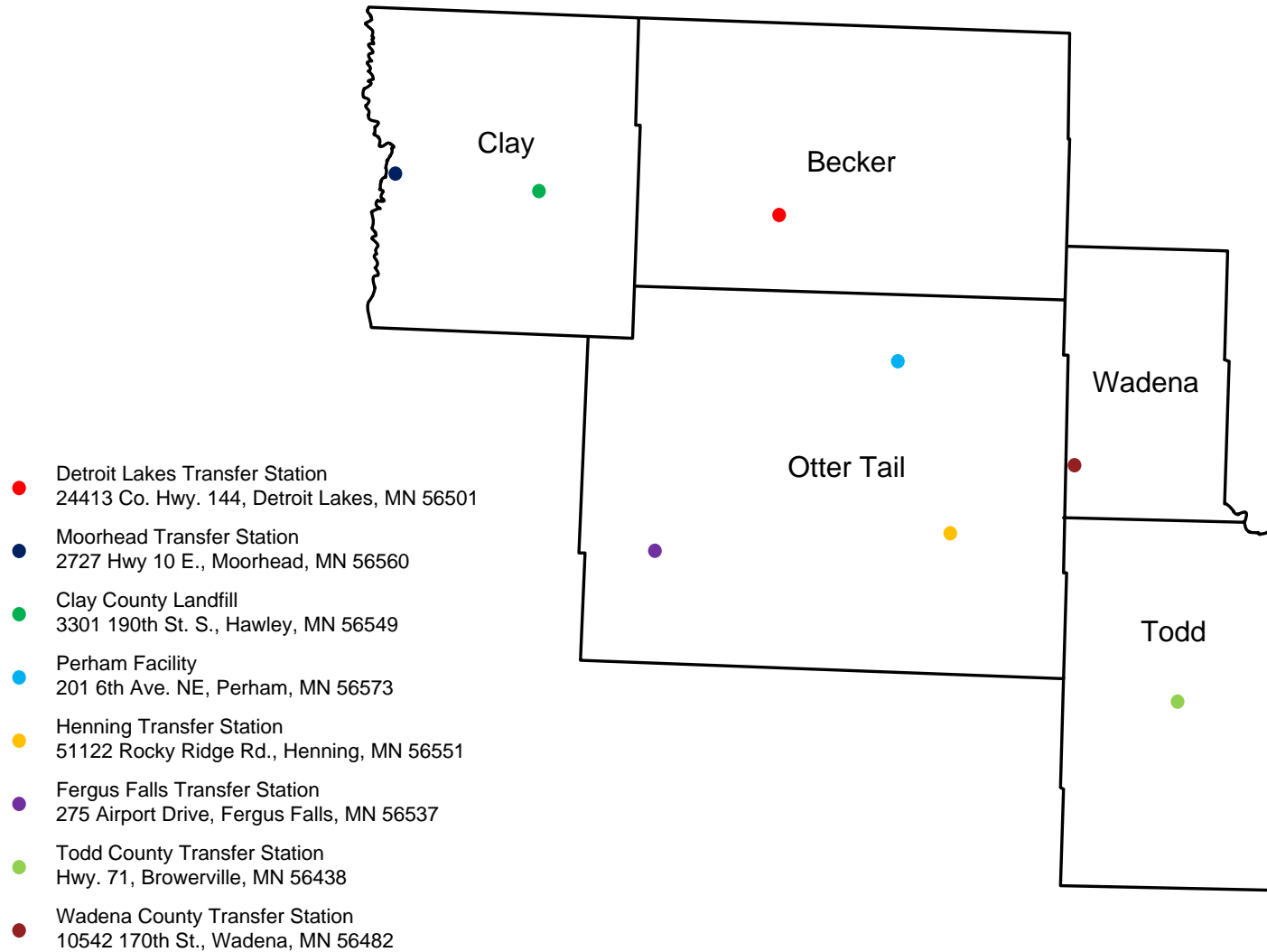
C. Conclusion. Ultimately the Authority finds that designation is the most comprehensive, fair and economically efficient means of ensuring adequate waste supply to the Designated Facilities. Designation ordinances in Member Counties create the necessary and direct legal requirement that waste be delivered to the transfer stations, Perham Facility or Clay County Landfill for the term necessary to ensure success. Furthermore, it helps assign the full cost of the solid waste management system to the waste generators. The Member Counties will negotiate contracts as required in the designation process, and to the extent that contracts are secured, waste will be delivered pursuant to the contracts. If the contract is breached it will be enforced. Haulers without Waste Delivery Agreements that violate the ordinance would be subject to ordinance enforcement. Without the security and reliability that designation provides, the Authority may face significant long-term financial risk associated with operation and maintenance of the Perham Facility and risk of not meeting each Member County's solid waste management goals.

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ATTACHMENT A
PLMSWA JOINT POWERS AGREEMENT

ATTACHMENT B

MAP OF DESIGNATED AREAS



ATTACHMENT C

**MPCA FINDINGS OF FACT, CONCLUSIONS OF LAW IN APPROVING
FINAL ENVIRONMENTAL IMPACT STATEMENT**