

Adopted: _____

MSBA/MASA Model Policy 805

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805 WASTE REDUCTION AND RECYCLING

I. PURPOSE

The purpose of this policy is to establish a resource recovery program to promote the reduction of waste, the separation and recovery of recyclable and reusable commodities, the procurement of recyclable commodities and commodities containing recycled materials, the disposition of waste materials and surplus property and the establishment of a program of education to develop an awareness of environmentally sound waste management. (Minn. Stat. § 115A.15, Subd. 1)

II. GENERAL STATEMENT OF POLICY

It is the policy of the school district to comply with all state laws relating to waste management and to make resource conservation an integral part of the physical operations and curriculum of the school district.

III. DEFINITIONS

- A. "Mixed solid waste" means garbage, refuse, source-separated compostable materials and other solid waste but does not include auto hulks, street sweepings, ash, construction debris, sludges, tree and agricultural wastes, tires, lead acid batteries, motor and vehicle fluids and filters and other materials collected, processed, and disposed of as separate waste materials. (Minn. Stat. § 115A.03, Subd. 21)
- B. "Packaging" means a container and any appurtenant material that provide a means of transporting, marketing, protecting, or handling a product and includes pallets and packing such as blocking, bracing, cushioning, weatherproofing, strapping, coatings, closures, inks, dyes, pigments, and labels. (Minn. Stat. § 115A.03, Subd. 22b)
- C. "Postconsumer materials" means a finished material that would normally be discarded as a solid waste having completed its life cycle as a consumer item. (Minn. Stat. § 115A.03, Subd. 24b)
- D. "Recyclable commodities" means materials, pieces of equipment, and parts which are not reusable but which contain recoverable resources. (Minn. Stat. § 115A.15, Subd. 1a(a))
- E. "Recyclable materials" means materials that are separated from mixed solid waste for the purpose of recycling, including paper, glass, plastics, metals, automobile

) oil and batteries. Refuse-derived fuel or other material that is destroyed by incineration is not a recyclable material. (Minn. Stat. § 115A.03, Subd. 25a)

F. "Recycling" means the process of collecting and preparing recyclable materials and reusing the materials in their original form that do not cause the destruction of recyclable materials in a manner that precludes further use. (Minn. Stat. § 115A.03, Subd. 25b)

G. "Resource conservation" means the reduction in the use of water, energy and raw materials. (Minn. Stat. § 115A.03, Subd. 26a)

H. "Reusable commodities" means materials, pieces of equipment, parts, and used supplies which can be reused for their original purpose in their existing condition. (Minn. Stat. § 115A.15, Subd. 1a(b))

I. "Source-separated compostable materials" means mixed solid waste that:

1. is separated at the source by waste generators for the purpose of preparing it for use as compost;
2. is collected separately from other mixed municipal solid wastes;
3. is comprised of food wastes, fish and animal waste, plant materials, diapers, sanitary products, and paper that is not recyclable because the director has determined that no other person is willing to accept the paper for recycling; and
4. is delivered to a facility to undergo controlled microbial degradation to yield a humus-like product meeting the agency's class I or class II, or equivalent, compost standards and where process residues do not exceed 15 percent by weight of the total material delivered to the facility.

(Minn. Stat. § 115A.03, Subd. 32(c))

J. "Waste reduction" means an activity that prevents generation of waste or the inclusion of toxic materials in waste, including:

1. reusing the product in its original form;
2. increasing the life span of a product;
3. reducing material or the toxicity of material used in production or packaging; or
4. changing procurement, consumption, or waste generation habits to result in smaller quantities or lower toxicity of waste generated.

(Minn. Stat. § 115A.03, Subd. 36a)

IV. WASTE DISPOSAL

- A. The school district will attempt to decrease the amount of waste consumable materials by:
 - 1. reduction of the consumption of consumable materials whenever practicable;
 - 2. full utilization of materials prior to disposal;
 - 3. minimization of the use of non-biodegradable products whenever practicable.
- B. Each school district facility will have containers for at least three of the following recyclable materials: paper, glass, plastic and metal. (Minn. Stat. § 115A.151)
- C. The school district will transfer all recyclable materials collected to a recycler and, to the extent practicable, cooperate with, and participate in, recycling efforts being made by the city and/or county where the school district is located. (Minn. Stat. § 115A.151)
- D. Prior to entering into a contract for the management of mixed solid waste, the school district will determine whether the disposal method provided for in the contract is equal to or better than the waste management practices currently employed in the county or district plan in the county where the school district is located and whether the contract is consistent with the solid waste plan. If the waste management method provided for in the contract is ranked lower than the waste management practices employed by the county or district, the school district will:
 - 1. determine the potential liability to the school district and its taxpayers for managing waste in this manner;
 - 2. develop and implement a plan for managing the potential liability; and
 - 3. submit the information in (1) and (2) above to the Pollution Control Agency.

If the contract is inconsistent with the county plan or if the school district's waste management activities are inconsistent with the county plan, the school district should obtain the consent of the district prior to entering into a binding contract or developing or implementing inconsistent solid waste management activities. (Minn. Stat. § 115A.46, Subd. 5; Minn. Stat. § 115A.471; Minn. Stat. § 458D.07, Subd. 4)

- E. The school district may not knowingly place motor oil, brake fluid, power steering fluid, transmission fluid, motor oil filters, or motor vehicle antifreeze

(other than small amounts of antifreeze contained in water used to flush the cooling system of a vehicle after the antifreeze has been drained and does not include de-icer that has been used on the exterior of a vehicle) in or on:

1. solid waste or solid waste management facilities other than a recycling facility or household hazardous waste collection facility;
2. the land unless approved by the Pollution Control Agency; or
3. the waters of the state, an individual sewage treatment system, or in a storm water or waste water collection or treatment system unless:
 - a. permitted to do so by the operator of the system and the Pollution Control Agency;
 - b. the school district generates an annual average of less than 50 gallons of waste motor vehicle antifreeze per month; and
 - c. the school district keeps records of the amount of waste antifreeze generated, maintains these records on site and makes the records available for inspection for a minimum of three years following generation of the waste antifreeze.

(Minn. Stat. § 115A.916)

V. PROCUREMENT OF RECYCLED COMMODITIES AND MATERIALS

- A. When practicable and when the price of recycled materials does not exceed the price of nonrecycled materials by more than ten percent, the school district may purchase recycled materials. In order to maximize the quantity and quality of recycled materials purchased, the school district may also use other appropriate procedures to acquire recycled materials at the most economical cost to the school district. (Minn. Stat. § 16B.122, Subd.3a)
- B. When purchasing commodities and services, the school district will apply and promote waste management practices with special emphasis on the reduction of the quantity and toxicity of materials in waste. (Minn. Stat. § 16B.122, Subd. 3b)
- C. Whenever practicable, the school district will:
 1. purchase uncoated office paper and printing paper unless the coated paper is made with at least 50 percent postconsumer material;
 2. purchase recycled content paper with at least ten percent postconsumer material by weight;
 3. purchase paper which has not been dyed with colors, excluding pastel colors;

4. purchase recycled content paper that is manufactured using little or no chlorine bleach or chlorine derivatives;
5. use no more than two colored inks, standard or processed, except in formats where they are necessary to convey meaning;
6. use reusable binding materials or staples and bind documents by methods that do not use glue;
7. use soy-based inks;
8. produce reports, publications and periodicals that are readily recyclable;
9. print documents on both sides of the paper where commonly accepted publishing practices allow; and
10. purchase copier paper that contains at least ten percent post-consumer material by fiber content.

(Minn. Stat. § 16B.122, Subd. 2)

- D. After July 1, 1998, the school district may not use a specified product included on the prohibited products list published in the State Register. (Minn. Stat. § 115A.9651)
- E. In developing bid specifications, the school district will consider the extent to which a commodity or product is durable, reusable or recyclable, and marketable through applicable local or regional recycling programs and the extent to which the commodity or product contains postconsumer material. (Minn. Stat. § 16B.122, Subd. 3b)
- F. When a project involves the replacement of carpeting, the school district may require all persons who wish to bid on the project to designate a carpet recycling company in their bids. (Minn. Stat. § 16B.122, Subd. 3b)

VI. OTHER

It is the policy of the school district to actively advocate, where appropriate, for resource conservation practices to be adopted at the local, regional and state levels.

Legal References: Minn. Stat. § 16B.122 (Purchase and Use of Paper Stock; Printing)
Minn. Stat. § 115A.03 (Definitions)
Minn. Stat. § 115A.15 (State Government Resource Recovery)
Minn. Stat. § 115A.151 (State and Local Facilities)
Minn. Stat. § 115A.46 (Requirements)
Minn. Stat. § 115A.471 (Public Entities; Management of Solid Waste)
Minn. Stat. § 115A.916 (Motor Vehicle Fluids and Filters; Prohibitions)

Minn. Stat. § 115A.9651 (Toxics in Specified Products, Enforcement)
Minn. Stat. § 458D.07 (Sewage Collection and Disposal)

Cross References: *National Solid Waste Management Ass'n v. Williams, et al.*, 966 F. Supp. 844, (D.Minn. 1997), *aff'd* 146 F.3d 595 (8th Cir. 1998)