

## Attachment 1: Suggested Language Changes

### Backyard Compost Regulations

The MNCC would like to thank the Agency for reinstating the definition and exclusion for backyard composting. We believe this is a necessary step in continuing to encourage residents to compost their yard and food waste in their backyards. However, as I stated at the Hearing there are still remaining issues. The current language does not allow:

- Any paper products (example) paper towels, tea bags, coffee filters, paper plates and cups, etc.;
- Incidental amounts of fats, oil, grease, meat, dairy that are typically part of cooked foods,
- Incidental pet waste that is part of leaves and grass clippings, and
- The ability of local governments to approve the composting of other materials (i.e. composting of chicken litter)

The MNCC request the following modifications be made to the Backyard compost site definition:

Backyard compost site" means a site used to compost food scraps that may include small quantities of fats, oils, grease, meat and dairy, non recyclable paper, garden wastes, weeds, lawn cuttings and leaves that may include small quantities of pet waste, prunings and other materials as approved by the local unit of government, from single family households, ~~apartment building, or a single commercial office, a member of which is the owner, occupant, or lessee of the property.~~

These modifications would actually reflect what is happening in residential backyard composting situations and allow cities and organizations such as the MNCC to education residents about how to properly compost these materials.

### Small Compost sites

The second area the MNCC commented on was the need to make modifications to the "small compost sites" definition.

Small compost sites are excluded from needing a permit, yet there are still required to meet solid waste rule regulations 7035.2535 subp. 1; 7035.2565 subp. 1, 3, 4; 7035.2870 subp. 2. These regulatory requirements are not unreasonable, but the method used to impose them is done in the classic regulatory manor. The general public does not think like a regulator, so it is difficult for them: 1) find the regulations, and 2) to switch back and forth between multiple parts of regulations. To make it easier for the general public to comply with the conditions that the Agency wishes, the MNCC suggest the following definition changes:

Subp. 99a. **Small Compost site.** "Small compost site" means community gardens, urban farms, apartment buildings, town homes, schools, commercial offices, small businesses and non-profits where a member of which is an owner, occupant or lessee of the property that:

- A. ~~is used to~~ compost:
- (1) food scraps;
  - (2) yard waste;
  - (3) poultry litter generated on site only if the compost produced in used on site;
  - (4) non-recyclable paper; or

(5) compostable materials meeting ASTM D6400 or ASTM D6868, ~~incorporated by reference under part 7035.0605;~~and

(6) incidental amounts of fats, oils, grease meat, dairy and animal manures; and

(7) other materials as approved by the local unit of government

- B. does not accept large quantities of fats, oils, grease, meat, dairy, and animal manure,
- C. does not accept diapers, sanitary products, hazardous waste, sewage wastes, infectious waste, used motor oil and filters, or radioactive waste;
- D. does not exceed 100 cubic yards on site at any one time, including collected raw materials and compost being processed, but excluding carbon materials and finished compost;
- E. is where the materials under item A are managed to minimize odor, prevent groundwater and surface water contamination, contamination of soil and minimize the creation of nuisances and public health risks; and
- F. is not located in a floodplain, shoreland, or wetland.

By implementing the above changes the Agency places all of the requirements for these site in one location and creates a one-stop-shop situation. In addition, item L in 7035.2525 can be eliminated below and small compost sites in the item A.

#### **7035.2525 SOLID WASTE MANAGEMENT FACILITIES GOVERNED.**

Subp. 2. **Exceptions.** Parts 7035.2525 to 7035.2915 do not apply to the following solid waste management facilities or persons, except as indicated:

A. ~~Small compost sites must only comply with parts 7035.2535, subpart 1, items A to E; 7035.2555; and 7035.2565~~ backyard compost sites and small compost sites;

**[For text of items B to I, see M.R.]**

J. temporary community cleanup event transfer facilities in compliance with part 7001.3050, subpart 2, item H, must only comply with parts 7035.2535, subpart 1; 7035.2565, subparts 1, 3, and 4; and 7035.2870, subpart 2; ~~and~~

K. limited collection transfer facilities in compliance with part 7001.3050, subpart 2, item I, must only comply with parts 7035.2535, subpart 1; 7035.2555; 7035.2565, subparts 1, 3, and 4; and 7035.2870, subpart 2; ~~and~~

~~L. Small compost sites must only comply with parts 7035.2535, subpart 1, items A to E and 7035.2555, subparts 1 and 2, items A and B.~~

~~REPEALER. Minnesota Rules, part 7035.0300, subpart 7, is repealed.~~

As I testified at the hearing, the above definition changes capture the original intent of developing this category. In addition, the MNCC believes this regulatory approach makes a great deal of common sense and we hope that the Agency take this approach.

#### **Contact Water and Residuals definition**

The MNCC also made comments regarding the definition of contact water and residuals in its letter submitted during the public comment period. Those comments stand unchanged. Further, at the hearing, the Agency passed out changes to 7035.2836, subp 11, item B, subitem 4. The MNCC appreciates the Agency's effort to clarify this section of the proposed rule, but request the following clarifications to the language:

7035.2836, subp 11, item B, subitem 4: All rejects and residuals must be stored to prevent nuisances such as odors, vector intrusion, and litter. All rejects must be managed to minimize the generation of contact water and all residuals must be managed to minimize the generation of storm water. All contact water from rejects and storm water from residuals must be diverted to a collection and treatment system. Residuals may be stored off of a pad if it can be demonstrated that the processed materials they have come from have met the process to further reduce pathogens, have met the maturity standard required for transfer to the curing area, and contain less than or equal to three (3) percent inert materials (dry weight) greater than or equal to four (4) millimeters as determined by tests according to the approved sampling plan under subpart 5, item J, subitems (1) to (5).

The above language change is consistent with the MNCC's comment submitted during the public comment period regarding changes to the definition of Residuals. The requested definition change deletes the word "free" and sets a standard for inert content equal to that required in finished compost. Since Residuals can be sold as a product, setting an inert standard that is the same as that for a finished compost is a reasonable standard. The MNCC believes all of the changes above are reasonable and pose little if any threat to human health and the environment and should be adopted.

The MNCC also request the words "esthetic degradation" and be replaced by the work "litter". It is unclear how esthetic degradation would be determined, yet litter is often viewed as esthetically unpleasing and it is much easier to identify.