



July 9, 2021

Re: Comments for updating the Metropolitan Solid Waste Management Plan – 2016-2036

The Minnesota Composting Council appreciates the opportunity to comment on needed updates and revisions to the current Metropolitan Solid Waste Management Plan (MSWMP). The Minnesota Composting Council (MNCC) is a non-profit organization dedicated to the development, expansion, and promotion of the composting industry in Minnesota based on sound science, principles of sustainability, and economic viability.

While the current MSWMP acknowledges many challenges and systemic, programmatic, and educational needs to move organic materials including food scraps and other compostable items up the hierarchy, little has been done since the plan's last update in 2016. Meeting the State's recycling and composting goals (updated in [State Statute 115A.551](#) in 2016) are only possible if organics are moved out of the trash and managed through best practices. The State needs to prioritize organics and provide more resources (staffing, research, grants, etc.) if we are to meet the State's recycling goal.

The MNCC provides the following items for consideration as the MPCA begins to update the MSWMP. While these comments are on the MSWMP, we would like to emphasize that our comments can be applied beyond the seven-county Twin Cities Metropolitan Area (TCMA) covered by the draft plan to the State of Minnesota as a whole. Additionally, the MNCC is ready and willing to help the MPCA, and Minnesota counties, cities and private entities improve and expand the composting industry.

1. Adopt a food / organics management hierarchy.

The MPCA developed an organics management hierarchy many years ago, but it was never officially adopted. An adopted hierarchy would assist local units of government (LGUs) as rationale for allocating time and resources to management methods that reduce wasted food, get edible food to people or animals, and best manage remaining uneaten food. A proposed hierarchy is as follows:

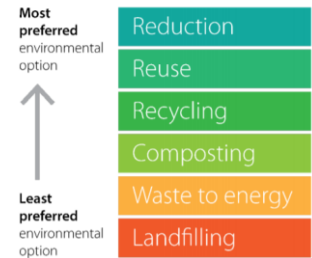
- a. Source / Waste reduction
- b. Food to people
- c. Food to animals
- d. Industrial uses
- e. Composting
- f. Anaerobic Digestion
- g. Other forms of waste to energy (ex. pyrolysis, gasification)
- h. Landfilling with gas recovery
- i. Landfilling without gas recovery

In adopting a hierarchy, it will also be important to differentiate which activities and their byproducts are not applicable to solid waste management taxes and fees and how the 85:15 threshold is to be calculated.

2. Organics Management.

To incorporate the development of an Organics management hierarchy, the term “composting” used in the adopted Waste Management hierarchy (right) should be changed to Organics Management. The proposed Organics Management Hierarchy discussed above is a subset of the Organics Management section in the overall Waste Management Hierarchy. Both the State and LGUs know that composting is not the only method, nor the priority, for how food discards should be managed and changing the term “composting” to organics management addresses this. The SWMP section is already called “Organics management”.

Minnesota’s waste hierarchy



Furthermore, the Waste Management Hierarchy should be renamed to the Materials Management Hierarchy.

3. Define / re-define compost in Statute.

The industry is currently seeing challenges with the lack of an adequate definition for “compost”. There are entities selling ‘compost’ from unpermitted facilities or from facilities that are not following best management practices (BMPs) to meet the process to further reduce pathogens (PRFP). This is causing several challenges for compost facilities meeting Minnesota Rule requirements, including:

- a. Composters are being outbid by companies who are not actually composting and are selling material that is not compost at all or is not fully composted. This is leaving customers with false impressions of compost and deterring them from purchasing compost in the future. This has been seen in private projects and projects from State agencies who should only be using compost from permitted composting facilities or composters following BMPs and meeting PRFP.
- b. “Compost” that has not met PRFP has resulted in confusion and fear among residential customers that buy or use compost that they may be spreading invasive species, such as, jumping worms, garlic mustard, buckthorn, or other weed seeds. In actual fact, if they are purchasing compost that has not gone through PRFP, they may well be spreading those invasive species. Current media attention has raised the awareness of home gardeners about invasive species. If all processors of organic materials were required to meet PRFP, they would not have to worry about spreading invasive species. Customers would know they’re purchasing an actual compost product versus one that may lead to the spread of invasives, weed seeds, or have other potential issues like e-coli or salmonella from improperly composted materials.
- c. The MPCA, DNR, MnDOT, and others should maintain a list of composters who meet PRFP online and enforcement actions should be taken to prevent others from selling ‘compost’ without a permit or who do not meet PRFP, in order to protect the environment and the composting industry.

4. Organics recycling programs.

The MNCC is supportive of the MSWMP establishing targets for residential county-wide organics collection programs, requirements for large generators, public entities, and large venues. The target dates (years) in the 2016-2036 plan need to be extended slightly based on current needs for increased

infrastructure and capacity for composting (or other organics management), markets for finished compost, and educational needs discussed below.

5. Increasing capacity for composting.

The 2016-2036 MSWMP addresses several issues related to capacity for composting. Without increased composting capacity and supplemental infrastructure (ex. transfer stations), there will be nowhere for organics from collection program requirements identified above to be composted or otherwise managed. Items needed to increase capacity include:

- a. The recent compost facility siting and design rule changes did not make it easier to permit a new Source Separated Organics (SSO) composting facility. Not one new SSO facility has been permitted and remained open since the rules were amended. The MPCA funded studies at the University of Minnesota Landscape Arboretum Demonstration Composting Site, that showed composting food scraps on a site with a hard-packed all-weather surface is sufficient to protect the environment. These rules need to be modified to reflect science-based research and set requirements that will allow more composting facilities to be built at a reasonable cost while still affording the necessary safeguards that protect our water, land, and inhabitants. For full comments from the MNCC on the SSOM Compost Rule revision see the attached AET report.
- b. Also, research (including the MPCA's own research) shows PFAS is equally, if not more, prevalent in yard waste. Yard waste compost facility siting, design and operations should be modified. In addition to properly managing contact water to address a number of contaminants, yard waste composters at the very least should be required to meet PRFP to reduce the spread of invasives and other pathogens like e-coli and salmonella.
- c. Based on new research, MPCA should evaluate management methods for contact water other than sending it to a wastewater treatment facility. Currently yard waste compost sites must manage surface water run-off and run-on. SSO and MSW composting facilities are required to treat contact water. There are still landfills in the state who are allowed to land apply leachate which have many more harmful chemicals than those identified in storm water from compost facilities. Contact water management requirements should be appropriate for materials managed and based on scientific research. The MNCC encourages MPCA to evaluate the effectiveness of other management methods including but not limited to compost socks, engineered wetlands, and land application. The current costs to manage contact water, and difficulties obtaining a permit, is a barrier for other entities looking to get into the composting industry.
- d. The MPCA's Certificate of Need process revealed there are facilities with unused permitted capacity for composting. The MPCA should explore ways to incentivize these permit holders to begin to use their permitted capacity.
- e. Transfer capacity for organics also needs to be expanded to facilitate movement of increased organics to composting facilities. If a facility needs to close temporarily or permanently from a fire, pandemic, or other reason, additional transfer capacity will be necessary to continue to get organics to composting facilities.

6. Markets for finished compost.

In order for composting programs to be successful, finished compost needs to be valued and used. More work needs to be done to expand markets for finished compost products. Furthermore, as LGUs adopt climate action plans, greenhouse gas/carbon reduction goals, the carbon sequestration and climate change reduction benefits of using compost needs to be better detailed and promoted. This will encourage more LGUs to close the loop and use compost in their public works projects, parks, etc. Market Development strategies to expand compost use include:

- a. Developing and promoting the water conservation and carbon sequestration benefits of using compost.
- b. Requiring MnDOT and LUGs to use compost. MPCA and MnDOT worked to change the compost specs to allow for SSO compost to be used, however, not much, if any, is actually being used. MnDOT and LUGs should explicitly specify SSO compost be used for projects where there is a source within a reasonable distance of the project. Additionally, contractors should be responsible and held accountable to prove they are using SSO compost from facilities that are meeting PRFP and testing should be done to verify. Options to consider include:
 - i. Require LGUs to spend 80% of a project's budget spent today on soils, soil covers, or soil amendments to be spent on compost moving forward, prioritizing SSO compost as long as supply is available.
 - ii. Requiring LGUs to adopt policies related to soil quality (ex. City of Eagan) and/or stormwater best practices that increase organic content of the soil (by using compost).
 - iii. Require LGUs to adopt policies for adding organic content (compost) for all new construction projects.
- c. Whatever policies are required, soils used (top-soils or amendments) or re-used on site must be tested and amended to a minimum of 5% organic content.
- d. MPCA should develop fact sheets and educate engineers about compost use. Phosphorus (P) found in compost is slow-release, unlike P from chemical fertilizers, and may be more readily available for plant uptake than run-off. Using compost also increases the water holding capacity of the soil to reduce run-off overall.
- e. MPCA should facilitate an advisory committee consisting of MnDOT, Minnesota Office for Soil Health, University of Minnesota, Minnesota Board of Soil and Water, MPCA Stormwater staff, compost producers, and LGUs on compost market development.
- f. MPCA should also work with other State agencies to improve horticultural and agricultural use of SSO compost. These sectors present a huge underutilized market for compost.
- g. MPCA should work with LGUs to determine the highest and best use for digestate coming out of Anaerobic Digestion (AD) facilities. With Hennepin, Ramsey and Washington counties planning AD facilities in the future, outlets and markets for this material will soon be needed.

7. Improving quality of compost.

Education at every step of the cycle of our food and other compostable materials management is critically important, yet it is underfunded and/or not done continuously. State Statute (115a.552 subd. 3) requires quarterly recycling information and education be distributed to residents, however, it is not enforced. Since composting facilities cannot remove the majority of contaminants before the composting process, ongoing education is even more crucial to a successful program. Actions to divert organics for compost and to promote using quality compost include:

- a. At least quarterly ongoing communications to residents, businesses, and LGU staff and facilities. Education should include:
 - i. Overall program, how to participate, and benefits of participating
 - ii. Common contaminants to the process (non-compostable items, look-alike food service items, chemicals, etc.)
 - iii. How compost is produced, and issues associated with contamination (microplastics, PFAS, invasive species management, etc.)
- b. Partner with the MNCC and other State agencies to hold more compost operator trainings on best management practices for composting, education, and marketing finished compost.
- c. Adopt and enforce the following bills introduced during the 2021 legislative session:
 - i. Compostable food-service product labeling
 - ii. PFAS ban in food-service packaging
- d. Support the allocation of all solid waste management tax revenue funding back to its intended purpose - to the environmental fund.

8. Management of wood waste.

The current SWMP does not address wood waste. With the potential closure of District Energy and other biomass facilities no longer operating or no longer using wood waste as a feedstock, the MSWMP should address best management practices to prevent the spread of invasive species and ensure material is managed appropriately in the future. Here are several items to consider including:

- a. MPCA should begin discussing a plan to ensure wood waste is managed properly if biomass facilities no longer accept wood waste in the future.
- b. Wood chips and mulch should be heated to prevent the spread of invasive species.
- c. LGUs are increasingly interested in biochar. MPCA should develop BMPs for the production of biochar.
- d. Research has shown that sawdust may be beneficial as a PFAS filtration media. MPCA should evaluate this as a possible PFAS remediation strategy and determine the acceptable uses and/or proper disposal for spent sawdust if it is to be used for this purpose in the future.

9. Regulation of PFAS

The MNCC is pleased that the MPCA and other State agencies are developing a PFAS blueprint for the State. However, there needs to be aggressive research around PFAS in rain water, storm water, in the air, and elsewhere in the environment. Only after ambient levels are known, is it fair to develop realistic regulations around PFAS management for end of life facilities (compost site, landfill, wastewater treatment facilities).

Simultaneously, upstream prevention of PFAS is critical to protect our environment. Only by preventing the use of these chemicals will the health and environmental impacts be reduced. Banning the use of PFAS in food-service packaging, accomplished in the 2021 legislative session is a good first step, but these chemicals should be banned from use in all products.

Summary

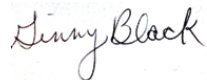
Diverting organics from the trash is necessary to meet the State's recycling and composting goals. In order to do this, there needs to be a significant increase of interdepartmental and intergovernmental collaboration. The current MSWMP plan discussed the need for MPCA to be able to develop a more timely process for gathering information and making decisions. The target deadline for this was 2019. A more timely decision making process needs to happen as more research and information comes out daily which can have huge implications for organics recycling programs and the composting industry.

Current staffing levels around organics management at the MPCA are not sufficient for the wide variety of tasks that need to be accomplished. The MNCC feels the MPCA should add staff and resources (ex. grants, technical assistance, and educational resources) to improve and increase the management of organics in the TCMA and the state.

Thank you again for the opportunity to provide comments in advance of updating the 2016-2036 MSWMP. We look forward to reviewing and commenting on the draft plan when it is released and working with the MPCA, LUGs, composters, and compost users to continue to expand and strengthen the composting industry in Minnesota.

Please let us know if you have any questions.

Sincerely,



Ginny Black, MNCC Chair