August 29, 2016
Minnesota Pollution Control Agency
Attn: Johanna Kertesz
520 Lafayette Road N
Saint Paul, MN 55155

Re: comments on draft Metropolitan Solid Waste Management Policy Plan 2016—2036

Dear Ms. Kertesz,

The Minnesota Composting Council appreciates the opportunity to comment on the draft Metropolitan Solid Waste Management Policy Plan 2016-2036 (draft plan). The Minnesota Composting Council (MNCC) is a non-profit organization dedicated to the development, expansion and promotion of the composting industry in Minnesota based upon sound science, principles of sustainability, and economic viability.

The majority of the MNCC's comments relate to the organics recycling section of the draft plan. We also have several comments on the MMSW and emerging technologies sections. 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 Minnesota as a whole.

Our comments are as follows:

Organics Recycling Programs Can Lead to Source Reduction

A robust organics recovery effort can lead to source reduction in waste. When generators separate organics for collection, the amount of "waste" they are producing becomes a visible cost. This awareness frequently leads generators to implement strategies to reduce materials being "wasted."

Residents who participate in both traditional and organics recycling programs are more aware of the waste they produce and are more likely to avoid purchasing items with packaging that cannot be recycled or composted. This behavior change results in even greater environmental benefits associated with waste reduction.

Additionally, cities with organics recycling programs such as Seattle, San Francisco, Portland, Minneapolis, and St. Louis Park have enacted ordinances that further reduces the non-recyclable and non-compostable waste stream by requiring certain types of food packaging to be recyclable or compostable. There are several cities in the TCMA that are considering environmental packaging ordinances similar to those in Minneapolis and St. Louis Park.

Enforcement of State Recycling Standards for Organics Across Source of Origin

As is widely detailed in the draft plan, valuable materials that are easily recyclable or compostable are increasingly being directed to industrial landfills as a means of avoiding the State Solid Waste Management Tax and applicable county fees. This needs to stop.

Organics are defined as a recyclable material in the State of Minnesota. The source of origin (such as an industrial food producer) does not matter. The State needs to apply standards of reduction and recycling outlined in Minnesota Statute 115A to all waste types regardless of source of origin.

Accurate Measure of Organic Materials Available for Collection

Claims have been made that there is insufficient organic material to meet Minnesota's 75 percent recycling goal. The MNCC supports the Minnesota Pollution Control Agency conducting a rigorous evaluation of the amount of organic material in both the MMSW and industrial waste streams. Without that evaluation, it is impossible to determine the amount of material available for recovery and how much additional processing capacity is needed.

Identify Gaps in Capacity Needed to Process Organic Materials

The draft plan does not adequately address organics recycling programs beyond collection. The MNCC does not believe that there is sufficient capacity in the TCMA to process all of the residential and commercial organic materials generated in the TCMA. The issue of processing capacity becomes an even larger problem if organics from industrial sources are added to the mix. The MNCC therefore recommends that the MPCA conduct a study of existing organics processing facilities to determine what additional capacity is required to reach the state's 75 percent recycling goal for the Metro Area.

Reduce Barriers to Construction of Environmentally Sound SSOM Compost Facilities

Recent efforts to revise permitting rules failed to reduce barriers to constructing environmentally sound composting facilities. This is evidenced by the fact that no new facility permit requests have come to the MPCA using the newly amended sections governing source separated organic material (SSOM) compost facilities.

The MNCC believes valid scientific evidence presented during the development of the current SSOM Compost Rule was disregarded and resulted in the current rule being more stringent than necessary to protect the environment. The MNCC provided testimony in a report commissioned by the MNCC and written by American Engineering Testing (AET) which documented the flaws in the data used by the MPCA to develop the current SSOM Facility rule. Among those flaws were the MPCA's use of data from compost piles that were at saturation capacity for water holding, the use of drinking water standards on water samples that were not tested using the proper protocol for drinking water test methods, and the inconsistency in the MPCA's application of what is defined as a hard-packed all–weather surface. These errors and omissions in the MPCA's evaluation resulted in an overly restrictive Rule which greatly increases the cost of locating and constructing an SSOM compost facility.

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.

Organics Recycling for Large Generators

The MNCC supports the priority strategy to require large generators to divert organics and would be willing to participate in discussions to determine the minimum requirements for large generators and to determine an implementation schedule for various sized generators. Additionally, Western Lake Superior Sanitary District (WLSSD), which began a first of its kind commercial organics collection program in the early 2000s, offers an excellent example of how to implement a large commercial or industrial organics diversion program.

Expand Waste Designation to Ensure Organic Materials Managed to Highest and Best Use

Another opportunity for increasing organics recovery statewide would be to expand waste designation to include organics recycling facilities and not allow organics to go to a landfill or a waste-to-energy facility until capacity at existing organics recovery facilities has been met. Expanding waste designation in this way would ensure that organic materials are managed to their highest and best use. When evaluating organics options for Greater Minnesota in the future, waste designation for organics management facilities should include transfer stations.

Demand Scientific Evidence When Considering Recovery of Organic Materials from MMSW

Minnesota has an unsuccessful history of businesses trying to create sellable compost from MMSW composting operations. The MNCC urges the MPCA and the TCMA to use extreme caution when evaluating mixed waste processing as a means to extract recyclables, including organic materials, for processing.

In the early 1990s, when Minnesota had eight operating MMSW composting facilities, the finished compost produced at these facilities was so contaminated with glass particles it shimmered in the sun. In addition, bits of plastic and plastic film could be seen fluttering in the fields where compost had been applied. Frequently, finished compost from MMSW compost facilities was found to have lead levels that exceeded the State's environmental limits for lead, resulting in a product that was considered hazardous waste. Needless to say the finished product was not acceptable to end markets and the lost revenue from the sale of this material contributed to the failure of those MMSW compost facilities.

Private companies and solid waste agencies in the U.S. and Canada state that end products resulting from MMSW processing and anaerobic digestion can be composted. Indeed, recent tests show that the organic materials from MMSW processing or the digestate from anaerobic digestion can be composted. However, compost facility operators composting those materials have stated that they do not want the contaminated materials because they result in poor quality compost that cannot be sold. If the finished compost is not a sellable product, it will likely end up being used as daily cover at a landfill with very little accomplished at a very high cost.

The industries proposing MMSW processing and anaerobic digestion need to provide scientific evidence that the materials resulting from these processes meet environmental standards set by the State and result in a saleable material. The experience of industry experts from each stage in the processing chain, including secondary processors, needs to be considered.

Economically Competitive Compost Facilities

In order for organics composting to be mainstreamed into the economy, facilities must compete economically with other options. To be economically viable, a compost facility must be able to collect a tip fee from the feed stocks delivered to the facility and be able to sell a high quality finished compost. The MNCC supports policies that enhance the construction and operation of compost facilities in an economically viable manner while still protecting the environment.

The traditional recycling system can be looked to as a model. In the early years of recycling, many Materials Recycling Facilities (MRFs) were publicly owned, while today the majority of MRFs are privately owned. Using this model the MNCC would recommend policies that promote private sector ownership.

MPCA Role in Developing Markets for Compost

The MNCC believes that a concentrated, consistent effort is needed on the part of the State to develop markets for compost.

The industry has come a long way since the early 1990s and there is a great deal of scientific research clearly showing the benefits of using compost in applications such as reducing erosion on construction sites and filtering storm water to remove contaminants before it enters waterways. This research should be used by the MPCA to begin a concerted and consistent market development program for the use of finished compost. In addition, the MPCA should require that the Test Methods for Compost and Composting (TMECC), developed using research from Minnesota compost facilities, be used for the testing of finished compost. TMECC are internationally recognized as the best test methods for ensuring quality finished compost.

One key fact to keep in mind when developing markets for compost is that, while the State can set the environmental standards for finished compost, end users typically set specifications that far exceed those environmental standards. Market standards for state and local highway departments, watershed districts, and the construction and landscape industries can vary greatly depending on the intended use.

As an example, in the 1990s the Minnesota Department of Transportation (MNDOT) was encouraged to use ton compost on road projects. At that time, compost was being produced from MMSW and had a large amount of glass and plastic contamination. As a result, MNDOT has since restricted the compost it will use to only those made from feedstocks of yard waste and manures, i.e., excluding compost made from feedstock of SSOM. The MPCA should work with MNDOT to define the environmental and end use requirements for compost used in road projects.

Residential Collection of SSOM

The MNCC supports the draft plan's priority strategy of making residential curbside organics collection available in the TCMA by 2025. The MNCC encourages the report to elaborate on this requirement and state that source-separated organics collection must be available region-wide by 2025. As mixed-municipal solid waste (MMSW) composting has failed in the past to produce a sellable product, ensuring quality feedstocks are collected for composting facilities in Minnesota is key a factor in assuring their success.

Enforcement of Minnesota State Statute §115A.93

The MNCC also supports the enforcement of current MN Statute §115A.93 which states: *"A licensing authority shall prohibit MMSW collectors from imposing a greater charge on residents who recycle than on residents who do not recycle*." Under current law, source-separated organic materials are considered a recyclable material.

Importance of Education to Ensure Success of Traditional and Organics Recycling Programs

When traditional recycling programs were first launched, education was acknowledged as a key activity. The draft plan fails to mention how important education is to ensuring that clean materials are collected for both traditional and organics recycling. The MNCC believes that increased education efforts are imperative to the success of these programs.

Identify New Funds for Life-cycle Analysis

The draft plan suggests performing life-cycle analysis (LCA) for many different activities as a way to prioritize materials that have the greatest environmental impact. There is no question that information from LCAs would be very valuable, however, a funding source for the analyses is not identified. The MNCC is concerned that funding would be taken from existing local programs or staffing allocations at the state level, and requests that funding for additional studies be taken instead from SCORE funds not allocated to local programs or state staff complements.

Seek Increased SCORE Funding in 2017

The MNCC feels that all units of government in the TCMA, including the MPCA, should include increasing SCORE funding in their legislative priorities for 2017. With increased State goals and additional measurement, evaluation, and programs for new waste streams identified in the draft plan, additional funding must be secured for the success of the TCMA's current recycling programs

Expand Compostable Plastic Labeling Requirements

The MNCC supports legislation to amend compost rule 325.046 to require plastics labeled compostable to meet either ASTM standard D6400 (for plastic film) or ASTM standard D6868 (for food service ware).

Summary

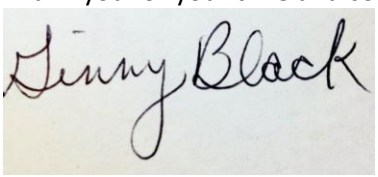
The MNCC believes the following steps are necessary: (1) forwarding source reduction strategies, (2) requiring MMSW and Industrial Waste be subjected to requirements in 115A, (3) obtaining an accurate evaluation of organic materials available for diversion, and (3) amending the compost siting and design rules to encourage development of new SSO compost facilities, (4) focus on large generators as well as residential generators, (5) used designation where practical to support SSO compost facilities, (6) critically evaluate MMSW processing and anaerobic digestions option as possible sources for compost options, (7) implement policies that forward the economic viability of SSO compost facilities, (8) develop a meaningful compost end market program, (9) enforce MN Statute §115A.93, (10) assure adequate funding, and (11) implementing aggressive education programs.

The MNCC supports many activities regarding organics management in the draft plan and hopes the MPCA and the TCMA include the MNCC and representatives from the composting industry

in conversations regarding new and emerging technologies for managing organic materials. The MNCC believes that the steps outlined above are necessary to assure the continued success of traditional recycling programs and the ultimate success of organics recycling, leading the TCMA down a path to successfully meet the 75 percent State recycling goal.

The MNCC appreciates the opportunity to comment on the draft Metropolitan Solid Waste Management Policy Plan 2016 – 2036. We welcome questions or requests for more information from the Agency regarding our comments. If you have questions you can contact me at 763-370-5618 or ginny_compost@yahoo.com.

Thank you for your time and consideration,



Ginny Black
MNCC Chair

Encl. AET Letter of April 10, 2014 Comments Regarding the Proposed MPCA Rules for SSOM Compost Sites