



November 29, 2015

Ms. Anna Kerr
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155

Minnesota Composting Council
c/o Ginny Black
11410 49th Place North
Plymouth, MN 55442

RE: Comments on the Draft 2015 Solid Waste Policy Report

Dear Ms. Kerr:

The Board of the MN Composting Council thanks the Minnesota Pollution Control Agency (MPCA) for the opportunity to comment on the MPCA's draft 2015 Solid Waste Policy Report. The following comments focus on the "Managing organics materials" section of the report.

Organics collection section

Since there is no official definition for "food waste", the MNCC recommends that the phrase "food waste" be changed to "food scraps". This mirrors the EPA wording and removes the image of "waste", allowing it to be viewed more as a resource.

The term "organic materials" is used though out the document. At this time the MNCC recommends that, at a minimum, the definition of "organic materials" should include: *food scraps, yard waste, fish and animal waste, plant materials, and uncoated paper that is not recyclable either because it is soiled with food or has no recycling market.* This definition is a cross between the statutory definition in source-separated compostable waste and the definition recently adopted in the amendments to the compost rule. The MNCC is currently in a conversation with the Solid Waste Coordinating Board regarding the development of an "organics materials" definition, so suggestions for an actual definition will hopefully be forthcoming.

The MNCC requests the language in the document that refers to the lack of maturity of organics collection programs be modified to show that yard waste collection and drop off programs have been in

existence for 25 years and are very mature systems. This is in contrast to food and non-recyclable paper collection programs which are much more recent, many less than 10 years old, and are not mature systems. As a result, the food and non-recyclable paper collection system needs to be the focus for establishing efficient collection options.

Finally, parts of the section are written in the first person. This should be changed to third person.

Access to organics collection section

Much attention was paid to collecting organic materials and specifically drop sites. While drop sites are an important component of a collection system and may be the best option for Greater Minnesota, the only way to reach a 10 or 15 percent capture rate in the Metro Area is through curbside collection. The MNCC believes that the state should take a stronger position and require collection of organics materials be offered curbside for both residential and commercial generators.

The MNCC agrees that education will be an important component of any organic materials collection system, just as it was with the collection of traditional recyclables. State law currently requires, "... a promotional program that publishes notices at least once every three months...", but is not being followed. At a minimum this requirement needs to be enforced for both organic materials and traditional recyclables, as traditional recyclables are often contaminants in the organic material stream.

It has been brought to the MNCC's attention that organics collection programs are charging more for the collection of organic materials than they are for trash collection. This is counter to MN Statute 115A.93, subd 3, (c) that states, "A licensing authority shall prohibit mixed municipal solid waste collectors from imposing a greater charge on residents who recycle than on residents who do not recycle." The state needs to educate program managers and haulers about the application of this statute to organics collection programs and conduct education and enforcement as needed.

Organics facility capacity and collection system section

This section focuses on the need for additional capacity at transfer stations to transport organic materials to commercial compost facilities. There is very little discussion of the need for additional commercial compost facilities as organics programs grow. The MNCC believes it is necessary to develop a chart or map of the existing commercial compost facilities, the permitted capacity at each facility and how much capacity is currently being used. This information is critical in estimating how much additional capacity might be needed to handle a 10-15 percent recovery rate. This chart or map could be in the text of the document or in an appendix to the report.

While existing commercial compost operators can handle more material, as the organics programs ramp up in the Metro, additional capacity will be needed. The existing compost rule, as recently amended, is not mentioned in the draft report and still presents a significant barrier to establishing new compost facilities. The state offers little in the way of resources to assist in the development of new compost facilities or to support the existing facilities nor the construction of new facilities. The state needs to consider ways to more easily permit facilities and then support those facilities as they mature.

The MNCC believes it is important to structure the solid waste industry's financial system to support the Hierarchy as outlined in 115A.02. The solid waste tax was a start in that direction, as funds collected under that tax were originally intended to be used to finance the strategies at the top of the hierarchy [source reduction, recycling (which includes source-separated compostable materials) and yard waste composting]. Over time these financial resource were diverted to other uses including being diverted to the state's General Fund and the landfill clean-up program. These financial resources should be returned to funding the programs as originally intended, with particular emphasis on supporting the budding compost programs and facilities within the state.

Compostable product labeling section

The MNCC agrees that the statutes dealing with compostable plastics labeling need significant strengthening. Expanding Minn. Stat. 325E.046 to include all products making a compostability claim to meet ASTM D6400 is a good first step. However, since the statute was passed, several more test methods have been developed to address specific product applications. The MNCC recommends that any statute changes add the ASTM D6868 and the EN13432 standards.

These standards are recognized by composters across the US who rely on the Biodegradable Products Institute (BPI) for the certification of compostable products. In addition, products not meeting these standards but making similar-sounding claims such as bio-degradable, degradable or oxo-degradable, should be prohibited from using language that implies compostability. These product claims are confusing for residents, businesses and organics program educators and are, in many cases, intentionally misleading. Modernizing the law and prohibiting these claims would help to reduce confusion and clarify which products are truly compostable and which are not.

The MNCC supports the comments of Natureworks, LLC and Natur-Tec and believes more needs to be done to address this issue. Enforcement of Minn. Stat. 325E.046 has been done on a case by case basis, and only when the compost industry or curbside collection programs bring those products to the attention of state regulators. Enforcement efforts needs to be stepped up. In addition, there has been no concerted effort on the part of the state to educate the corporate buyers and distributors of compostable products about the compostability standards or about the assistance available from the state or BPI on how to determine which products meet composting specifications. The MNCC is currently discussing how it can assist in the education of corporate buyers and distributors.

Markets for organic materials section

Robust diverse markets for compost are key to having an economically viable compost industry. There has been some effort on the part of the state to build compost markets in Minnesota, but the efforts have been spotty and inconsistent. Most of the current markets are found in the construction industry. When construction all but came to a halt in the recession, compost facilities were left with accumulating piles of finished compost on their sites.

Other markets that need major development efforts and policy initiatives in the State of Minnesota include: Highway, streets, roads, rail, airport, inter-modal water ports, pipeline construction and all other public and private transportation projects; mine land reclamation projects, horticultural, landscaping, nurseries, viticulture, and forestry utilization; as well as organic, green and traditional building and solid

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housing construction, residential uses, turf and agricultural markets; soil remediation, constructed wetlands, water quality projects and soil erosion projects. The primary challenge in these markets is the cost required to transport, spread and incorporate the compost materials for the specific use. Most manufactured chemical fertilizers are not a substitute for proper cycling of organic materials into soils. Research and Extension education programs by the University of Minnesota on the positive impacts of using compost for these and other innovative uses of compost need to be significantly expanded. Without major increases in financial support by the State of Minnesota expansion of these markets is unlikely."

A number of communities around the US have set standards for incorporating compost into soils on construction projects before installing landscaping or revegetating. The Soils for Salmon program marked the beginning of the use of compost for storm water treatment and retention. The City of Eagan and the City of Denver adopted ordinances based on the Soils for Salmon program. They have done this for water conservation purposes and to remove contaminants from storm water before it reaches surface water bodies. These ordinances could be used as models for other communities.

The Solid Waste Management Coordinating Board is considering establishing a Compost Market Development Committee. The MNCC believes the state should coordinate this with the proposed Market Development Council. If the Market Development Council is revived, it should include representatives from the compost industry, waste haulers, farmers and farm associations, landscape and nursery organizations, the development community, state agencies (DNR, Dept. of Ag, DOT, Dept. of Commerce, and DEED), Watershed Districts and Water Management Organizations, and organics program managers. Extensive research exists to support that compost has a tremendous capacity for holding water and removing pollutants from storm water. It can increase infiltration of storm water in heavy soils and slow infiltration in light soils; not to mention its ability to promote vigorous growth of the plant materials.

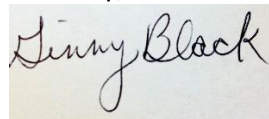
Green Bonds are not something the MNCC is not familiar with so cannot comment on their effectiveness. However it is an intriguing concept that the MNCC would be interested in learning more about. A recommendation to explore this option should be included in the recommendation section.

Conclusion

The MNCC supports the recommendations of the Report for Organics recovery and developing markets for compost products. The comments above are intended to add to those recommendations to make them stronger and better address the needs of the compost industry.

Thank you for your consideration of the above comments.

Sincerely;

A handwritten signature in black ink that reads "Ginny Black". The signature is written in a cursive style and is placed over a light-colored rectangular background.

Ginny Black, Chair
Minnesota Composting Council