

September 17, 2023

Commissioner Kessler
Minnesota Pollution Control Agency
520 Lafayette Road North
Saint Paul, Minnesota 55155

Re: MPCA's Metro Solid Waste Management Policy Plan (2022-2042)

Dear Commissioner Kessler,

The undersigned organizations, as part of the Minnesota Zero Waste Coalition, appreciate the opportunity to submit comments on the MPCA's Metro Solid Waste Management Policy Plan (2022-2042). Our communities need a comprehensive Plan that prioritizes waste reduction and strategies that will move us closer to a zero waste economy here in Minnesota. There is too much at stake not to take bold action.

We are facing a global climate crisis that is having real impacts on Minnesotans. According to multiple state agencies, including the MPCA, Minnesota is seeing higher temperatures, more extreme storms with intense flooding, and changes to our ecosystems due to greenhouse gas emissions. As noted by the MPCA, among other impacts, these climate changes result in more costly infrastructure repairs, increased costs in insurance rates, devastating flooding, and increased medical costs to people due to heat-related and air-quality related illnesses. These costly human health and environmental impacts disproportionately harm environmental justice communities and BIPOC communities.

Unfortunately, the draft Plan is not responding to the urgency of the moment. We cannot afford business as usual when it comes to waste. We ask that the MPCA utilize this report as a wakeup call to local governments, state decision-makers, and fellow Minnesotans.

We recommend the following changes to the report:

Set Greater Waste Reduction Goals: While we agree that recycling and composting are key strategies for addressing our waste crisis, waste prevention must be our highest priority. While there are comparatively strong goals for increasing recycling and composting rates, the overall waste reduction goal is low. We believe the waste reduction goals should be considerably higher – at least 50% by 2030 and 75% by 2042 - and accompanied by policies and programs that would support reduction. The MPCA should be setting ambitious goals and utilizing the Plan as a blueprint to reach these reduction goals.

Focus on Upstream Strategies: Much of the draft Plan focuses on end-of-life management. But waste prevention is an upstream activity that involves reducing waste through changes in the design, purchase, and use of materials. Reduction has the potential for large environmental

benefits because it reduces environmental impacts over all stages of the life cycle of materials: resource extraction, manufacturing, transportation and end-of-life management.

Acknowledge the Real Impact of Incineration: The report states - "*The MPCA understands and acknowledges the concerns of potential impacts expressed by residents near WTE facilities. The best way to address these concerns is to actively pursue the strategies that result in more waste reduction, reuse, recycling, and organics recovery. Once a system is developed that does not need to rely on WTE facilities, then it would be appropriate to look at taking them off-line*"

The MPCA must acknowledge the real impact of incinerators on human health and the environment. We know these are not simply *concerns about potential impacts* but real impacts that have been harming generations of communities. It is because of these real impacts that Hennepin County Commissioners and community members have been working on closing their WTE facility within the timeline of this Plan.

Yet instead of supporting community efforts, the Plan actively works against efforts that are already in motion with Policy 20 stating "assure elected county officials understand the importance of supporting and maintaining WTE facilities." We cannot move towards a circular economy that prioritizes reduction and reuse if our State Agency charged with protecting our environment is the leading advocate for WTE. Instead, the MPCA should be using this Plan as one tool to build a system that does not rely on WTE facilities, rather than waiting for it to develop outside of this work.

Advocate for a Change to the Waste Hierarchy & ROD: While we understand the MPCA must act within existing policy constraints and systems, those systems are maintaining the status quo as it relates to waste. Without changing underlying policies, it is difficult to reach reduction, reuse, and recycling goals.

Strengthen Electronics Recycling: Electronics Recycling is largely missing from this Plan. Though electronic waste (e-waste) only makes up 2-3% of U.S. municipal solid waste by weight, it represents almost 70% of the toxic waste stream. Our current legislation enacted in 2007 supported just over 20 million pounds of collection in 2020, falling far short from the estimated 133 million pounds generated yearly, leaving the majority of e-waste to be improperly disposed of. In May of this year, Rice County experienced a large fire caused by a battery in their landfill that burned for 5 days and polluted the air with smoke largely from burning plastic. In July of this year St. Louis County lost a brand new trailer and in 2017 lost \$490,000 to a fire in their transfer station; both fires were suspected to be caused by batteries. Our tax dollars are being used to clean up messes from improper e-waste disposal and, additionally, cover increasing insurance costs due to growing risks. We urge the agency to include the support of a statewide stewardship plan for e-waste collection within the Plan. An e-waste collection system should:

- have a target of 100% recapture;
- provide free drop off for all MN residents and businesses;

- have a flexible definition of “covered electronic device” to ensure it does not become outdated when new technology enters the waste stream (ex. disposable vapes); and
- funds should go directly to registered collectors to incentivise increased collection.

In addition, we recommend the following changes to the specific waste management sections of the Plan:

Improving Data / Transparency: We agree that the State needs better waste data including increasing compliance with hauler reporting and ensuring all counties are complying with data reporting requirements. We recommend the following changes to this section:

- Waste composition studies should be required at least once every 3 years at landfills and waste-to-energy facilities in each county within the TCMA. If we are to build a system that does not rely on WTE facilities, as the Plan states support for, we need better data from those facilities. The composition studies should have consistent methodology that categorizes data most useful to inform waste reduction strategies, including but not limited to e-waste, hazardous waste, construction and demolition waste, food waste, compostable waste, non-recyclable plastic packaging, and recyclable material by individual material and format type.
- Improving recycling data collection at businesses within the county should be a required strategy rather than an optional strategy.
- Counties, including TCMA, should be required to submit data on waste reduction strategies and reuse/refill strategies. If we are to build a better system for waste prevention, we need data on what counties are doing, what strategies are working, and where there are gaps and potential for greater investments.

Increase and Document Prevention of Wasted Food & Food Rescue: Food waste is a large contributor to methane gas emissions. The MPCA should set a separate food waste reduction goal that guides more ambitious strategies in this Plan. Additionally, the following changes should be made to this section:

- *Optional strategy. 17. Work with health inspectors to educate restaurants and other establishments that have excess food to donate.* - This strategy should move from optional to required. Additionally, it should include food-to-animal and or composting for inedible portions of food. The strategy should be state-led allowing for partnerships with the Minnesota Department of Health and the Board of Animal Health to develop educational materials for health inspectors.

Build a Reuse Infrastructure: The systems of single-use packaging and linear consumption are well established. If we are to make significant systems change and meet more ambitious waste prevention goals, it is critical that we invest in infrastructure for equitable, non-toxic reuse and refill alternatives. We support the required strategies of offering grants to organizations transitioning from single-use to reusable products or implementing waste reduction strategies. However, many optional strategies should be required. The following changes should be made to that section:

- *Optional Strategy 20. Implement a county policy encouraging all county and city-led events and food providers use reusable food and beverage service ware* - This strategy should be strengthened, be both a county and state-led strategy, and made required. We should not just be encouraging county and city-led events to be zero waste (utilizing reusable or recyclable and compostable products when reuse is not possible), rather government entities should be a leading example of waste reduction strategies. Each and every public event and public space should be zero waste, this includes state-level spaces.
- *Optional Strategy 21. Adopt an ordinance with a mandatory consumer charge for take-out single-use cups, containers, and utensils.* - This strategy needs to be reworked. Unlike bag fee ordinances, where people actually have the option to bring their own reusable bag, this is not an option for to-go food packaging, with the exception of cups. Until federal and state food code change, and/or a vast majority of restaurants adopt returnable/refillable packaging programs, as would be supported by Strategy 18, this policy would simply be an added fee for customers who have no choice in food packaging. This has the high potential for inequitable impacts on low-income communities and would have little meaningful impact on actually reducing waste.
- *Optional Strategy 24. Establish a Reuse location for residential drop-off and pick-up.* This strategy should be made mandatory and, similar to the recommendations for hazardous waste, include mobile sites for greater access. We need to actively be creating systems for reuse and this is one small way to begin making reuse easier for Minnesota households.

Collection Best Practices: We support the strategy to move aggressively to every week collection of recyclables, and to have them collected on the same day as trash and composting. As noted in the Plan, the continuing labor shortage will make this difficult and expensive for municipalities to implement. The State and Counties should be investing in workforce development for collections drivers, and establishing training programs that remove some of the barriers to employment like providing access to on-truck hours and subsidizing the cost of the CDL test.

Recycling Management:

- *Strategy 34. Establish mandatory pre-processing of waste and resource recovery facilities and landfills by 2025.* - Overall this strategy needs more details, including:
 - Does this include organics? If so, there need to be standards set by composters on acceptability of these materials prior to requiring removal of organics from 'mixed waste'.
 - Does this include e-waste? Pre-processing should include pre-sort to capture e-waste for recycling.
 - Capture of metals at landfills and incinerators should be required, but mixed-waste processing is a poor strategy for other recyclables and does not result in materials that are the high quality needed to build circular supply chains.

Recycling Market Development: Strong regional markets for materials are critical for reaching recycling goals. The State and Counties should focus on materials that are highly recyclable but

challenging to transport long distances, like glass, and not be distracted by materials that we should be working to eliminate, like plastic bags and styrofoam. Until Extended Producer Responsibility (EPR) for packaging and Deposit Return Systems (DRS) are in place that decouple recycling programs from the wild swings of the virgin materials commodity markets, the State and Counties should also establish “Markets of last resort” and provide State and County-owned storage facilities for times, like now, when PET markets bottom out or paper markets aren’t buying due to facility breakdowns.

Organics Management: While we need to regulate landfill gas, we simultaneously need to stop methane at the source through organics waste diversion. The bedrock policy that catalyzes food recovery and is most effective at preventing organic waste from landfill or incineration is a mandatory organic waste ban. Policy is needed to phase out organic food waste from landfills and incinerators while investing in programs that reduce food waste, educate and assist consumers, address food insecurity, and cultivate food waste recycling infrastructure like composting. The MPCA should intentionally promote community composting and ensure the associated economic benefits are equitably accessible. We have seen successful organic waste disposal bans in New York, California, Maryland and other states.

Emerging Technologies: Minnesota has little experience with Anaerobic Digestion (AD) in the context of municipal solid waste management. But with increased state and federal funding for AD and growing interest in expanding the sector, the MPCA needs to develop more rigorous standards and oversight which take into account public health, worker protections, and environmental safeguards. These regulatory standards for AD must at least require the use of source separated compostable materials for feedstock and generate compost that is beneficial to plant growth, soil health, and water quality. MPCA should also ensure that guidelines for organics and food waste management prioritize prevention and the reduction of feedstocks rather than promoting a reliance on AD to deal with excess waste.

Waste to Energy: We are disappointed to see that the only recommendation under this section is that Counties continue to support the implementation of the Restriction on Disposal. As mentioned above, the MPCA needs to acknowledge work in motion in Hennepin County to close the HERC by 2040. It is in the best interest of our communities to create a Metro Solid Waste Plan that acknowledges this reality and puts forward effective strategies to reduce waste and move towards circularity. Additionally, we would appreciate additional details on the following statements in this section:

- *“WTE facilities provide important services and reduce environmental risk. They do not carry legacy impacts that result in later clean-ups.”* - This is inaccurate. The legacy impacts are there, they’re just impacts that the MPCA doesn’t have to take responsibility for cleaning up. Once pollutants, like PFAS, are released into the air, it is impossible to clean-up resulting in an even greater environmental risk.
- *“The MPCA understands and acknowledges the concerns of potential impacts expressed by residents near WTE facilities.”* - We would like further detail on what the MPCA understands about the experiences of residents living near WTE facilities.

Landfilling: The optional strategy should be made required. Additionally, the MPCA needs to be leading policy changes that strengthen state landfilling standards. There are proven, cost-effective practices and technologies that would significantly mitigate methane emissions from landfills. Maryland, Washington, California, and Oregon have moved beyond the inadequate floor of landfill air emissions regulations set by the U.S. EPA and set stronger emissions regulations for existing landfills. Minnesota must update its state landfill emissions rules to be as strong as these leading states. Additionally, the agency should not miscategorize landfill gas to energy, sometimes labeled “renewable natural gas”, as a viable greenhouse gas or waste reduction strategy. Rather, RNG from landfills creates a perverse incentive to continue to put organic waste in landfills, which in turn creates potent methane emissions.

Product Stewardship: We agree with Policy 15 that would hold producers responsible for disposal of their products and packaging. In addition to shifting the cost burden, a key opportunity, when it comes to packaging, is to require producers to meet reduction targets. More than 40% of plastic is used for packaging and that number is growing. Since 2010, petrochemical companies have invested more than \$200 billion in plastic production expansion and are an increasing contributor to greenhouse gas emissions. That is why it is critical now to limit plastic packaging. In addition, plastic production and disposal facilities emit vast amounts of pollution and are sited in low-income and communities of color. The most effective way to address the environmental justice and climate impact of plastic is to produce less of it. Reduction targets are key.

We agree with Policy 9 to “Reduce toxicity by working with manufacturers to eliminate the use of hazardous components in packaging and products.” Plastic contains hazardous chemicals, including flame retardants, bisphenols, phthalates, and PFAS, many of which are endocrine disrupting chemicals that have an impact on fetal reproductive and neurodevelopment. These chemicals are also linked to obesity, diabetes, and certain cancers. The most effective action to address this is to reduce plastic use but where that is not possible, we need strong regulations to phase-out the most harmful chemical additives. This will protect consumers, the environment, and workers exposed to toxic chemicals. It will also give manufacturers a level playing field.

- **Add State-led Strategy:** Support EPR for packaging legislation that would: 1) Shift the cost of recycling from local government to producers; 2) Set enforceable reduction targets for each Producer; 3) Incentivize reuse and recyclability targets; 4) Phase-out toxic chemicals used in packaging; and 5) Use eco-modulated fees to cover the costs of state-wide recycling and to enforce targets.

Household Hazardous Waste (HHW): Residents need greater access to HHW drop off sites. The optional strategies in this section should be required especially offering monthly drop-off sites in locations other than permanent HHW sites.

We are happy to provide additional information on any of these recommendations and appreciate your consideration of our comments. If you have questions, please contact Lucy

Mullany with Eureka Recycling (lucym@eurekarecycling.org) and/or Nazir Khan with the Minnesota Environmental Justice Table (nazir@mnejtable.org).

The following organizations sign-on in support of these comments:

Center for Earth, Energy, & Democracy
Clean Water Action / Fund
Climate Generation
Cooperative Energy Futures
CURE
Environmental Justice Coordinating Council - Public Policy Project
Eureka Recycling
Fresh Energy
Health Professionals for a Healthy Climate
Mankato Zero Waste and Beyond Plastics Mankato Area
Minneapolis Federation of Teachers & Education Support Professionals, Local 59
Minnesota Center for Environmental Advocacy
Minnesota Environmental Justice Table
Minnesota Nurses Association
Our Streets Minneapolis
Reuse Minnesota
Rusty & the Crew
Sierra Club North Star Chapter
Southwest Alliance for Equity
Standard Clay Products
Twin Cities Democratic Socialists of America
Vote Climate