

**Joint Comment submitted by:
Minnesota Environmental Justice Table and
Minnesota Center for Environmental Advocacy**

September 17, 2023

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

Dear Commissioner Kessler & Assistant Commissioner Koudelka,

The Minnesota Center for Environmental Advocacy (MCEA) and the Minnesota Environmental Justice Table (MNEJ) have reviewed the Metropolitan Solid Waste Management Policy Plan (the Plan) and we respectfully submit these comments. In summary, we recommend that the Plan be amended to 1) include a scenario with a HERC retirement date of 2025, 2) adjust the data to clearly show the fate of the ash from the waste burned, 3) include stronger organics recycling policies, (4) significantly strengthen waste reduction goals and policies, (5) make environmental justice policy and not just rhetoric, and (6) include or strengthen policies that shift towards decentralized waste management.

1) The Plan must include a HERC shut down by 2025 scenario.

The purpose of the Plan is to set goals and establish policies for the Metropolitan Solid Waste system, with the general objectives of improving public health, reducing the reliance on landfills; conserving energy and natural resources; and reducing pollution and greenhouse gas emissions. In addition to these goals, the Plan governs the permitting and expansion of landfills and other solid waste facilities. Specifically, state law requires that no permit for operation or expansion of a solid waste facility be issued except if the permit is in accordance with the Plan.¹ In other words, any landfill expansion or alteration that would be needed in the short term as a result of the closure of any of the Waste to Energy facilities that incinerate Metro municipal solid waste would need to be covered by this Plan.

Currently, Hennepin County staff are preparing a closure plan for the HERC. This closure plan is required by statute as a condition for the release of a state capital expenditure allocated to Hennepin County for an Anaerobic Digester.² Due to passage of the 100% carbon free standard last year, HERC will count against renewable energy requirements. The County's zero waste plan,³ issued earlier this year, calls for

¹ Minn. Stat. 473.823, subd. 3; Minn. Stat. 473.149, subd. 3.

² Laws of Minn. 2023, Chapter 71, Section 3, subd. 4.

³ <https://www.hennepin.us/-/media/hennepinus/your-government/projects-initiatives/solid-waste-planning/zero-waste-plan.pdf>

establishing milestones to phase out HERC as well. A HERC closure may result in a need for more MSW landfill capacity in the Metro in the short term. Because the landfill Certificate of Need requires a showing that landfill capacity is needed, an accurate forecast of the tonnage of waste produced and the existing and forecast WTE processing capacity is vital. The failure to model a future without the HERC means the Plan is deficient. Without a no-HERC scenario, MPCA and the existing landfills cannot plan for and permit expanded landfill capacity. As a result, we recommend the Plan be revised to model two future scenarios where the HERC is shut in 2025 and in 2030.

2) **The Plan must show the fate of the ash from the HERC.**

For the Plan to be accurate, it must show both what municipal solid waste is forecast to be produced in the Metro, and also how that waste is recycled, processed, or otherwise disposed of. The Plan in its current form does not accurately represent the fate of the ash from the HERC and other WTE facilities.

For example, a total of 821,000 tons per year⁴ of MSW from the 7-county Metro is expected to be incinerated for 2023-2038. However, these tons of MSW are not wholly converted to energy – roughly 20% by weight is trucked off to landfills in the form of ash. Instead of showing this 20% as destined for the landfill, the chart ignores it, showing a landfill rate of 5% by 2029. We recommend that additional material flow charts be added to show how the waste flows from the point of discard, to the waste to energy facilities, and subsequently, to the landfill. A material flow chart showing the relative quantities of different source materials and how they flow through the system would also better inform the public of how waste is managed.

3) **Organics recycling policies must be stronger.**

Diverting food waste and organics from landfills and incinerators is a key goal of the Plan and must be part of the Metro's greenhouse gas reduction policy. While the Plan includes some positive policy requirements and suggestions for increasing organics recycling, more must be done.

Required strategy #37

“Make residential curbside organics collection available in cities with a population greater than 5,000.”

We support universal curbside organics pickup for Cities larger than 5,000 people. However, there needs to be a strengthened focus on improved access for multi-family complexes. We suggest that the Plan require counties to:

- Allow landlords of apartment complexes to sign-up for free curbside organics pick-up. There should be no added charge for organics recycling passed through to landlords or renters.

⁴ Page 86 of draft Plan

- Mandate municipally-run drop-off locations within a certain radius of shared housing.

Required strategy # 38

“Expand backyard composting outreach and resources for residents.”

This is a laudatory goal, however, current organics sections of county webpages are difficult to find. We recommend that the Plan require the following of counties:

- Link free resources for composting services & hazardous waste options on main page of county website (perhaps under “quicklinks”/“helpful links”)
 - For example, Anoka currently has this information, but it is found only after navigating through several niche tabs
- Advertise Household Hazardous Waste Facility in Blaine
 - Accepts toxic waste from Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington county residents. This service is currently only publicized on the Anoka county webpage.

Required additional strategy: community and distributed composting

Community composting keeps wealth in communities, and is a key element of a regenerative society and the environmental justice movement.⁵ Industrial-scale organics recycling facilities and anaerobic digesters are known to often produce lower-quality products. Community composting is also a lynchpin in the decentralization of waste management, an environmental justice framework for ending waste colonialism (i.e. the export and/or concentration of waste in poor or marginalized communities).

Decentralized systems also create more incentives for smaller-scale composters to engage the communities that they live and work in.

We advocate for community composting to both be a required organics strategy, and for the MPCA to support the scale-up of community composting statewide.

Optional strategy #39

“Require management of organics from large commercial food generators by 2030”

We suggest requiring and strengthening this strategy.

- The strategy is currently only worth 5 points for counties to adopt it. Instead, it should be worth at least 9, to reflect the importance of capturing the large concentrations of organics waste at commercial food generators.
- The Plan should include an annual county-mandated evaluation of food waste at commercial food generators.

⁵ <https://ilsr.org/catalyzing-equity-through-composting/>

- The Plan should mandate food rescue programs if leftover organics meet a certain threshold, and Counties must approve legitimate partnerships with restaurants/food shelves.

State-led strategy #40 (MPCA)

“Standardize the role of compostable products in organics recycling programs by 2025”

MPCA should move more quickly to set standards for compostable products. Additionally, this Policy should be strengthened:

- Standardization should precede any expectation that commercial buildings compost; the standards should dictate how businesses approach composting.
- MPCA should publish compostable standards to webpages/mailings mentioned in required residential outreach to better inform/incentivize residents

Optional strategy #48

“Expand composting and mulching capacity beyond existing markets”

This strategy should be made mandatory and strengthened.

- Counties should mandate facilities to provide free compost directly to residents in usable form for free. If residents could see the results of their efforts in the form of free compost and richer soil, it would incentivize more organics recycling.

4) Waste reduction goals must be much higher, and the plan must add and prioritize reduction policies and programs.

Five percent is not an ambitious enough goal for waste reduction over 20 years. A 5% waste reduction goal means that total tonnage will continue to increase. Hyper-consumption drives the climate crisis. Wealthy areas of the metro, the metro overall, and the United States must reduce waste and consumption significantly. This plan must take much seriously what is needed to address this crisis. The plan’s own Scott County example (page 17) suggests the importance of source reduction. There needs to be both more required and optional policies and programs that would support waste reduction, and these must be given the highest priority, reflected in points awarded.

In order to meet reduction goals, we advocate for: single-use plastic bans; scaling up “consumption challenges” into both major metro-wide and targeted educational campaigns in all 7 counties that use the power of government to set direction and change behavior; expanding pay-as-you-throw programs; significant tax rebates, grants, and other support for businesses and institutions like universities; and expansion of free public access to high-quality drinking water throughout the metro and encouragement of its use over bottled water.

We strongly support the reuse policies included in the plan. However, we advocate for bans as preferable to fees on consumers, in order to avoid regressive policies that unequally impact those who are least responsible for this crisis and also turn people against waste reduction. This must be done in combination with educational campaigns to stimulate a culture shift towards carrying reusable cups, containers, utensils (like the shift underway with reusable grocery bags), and supporting businesses in incentivizing and accommodating this shift.

MPCA must also help support and advocate at the state level for a single-use plastic ban, EPR legislation that is robust and prevents loopholes for industry, food waste prevention, and a statewide source reduction goal to accompany the 75% recycling goal. In line with the United Nations Sustainable Development Goals,⁶ MPCA should set a goal of at least 50% waste reduction by 2030 and 75% by 2042 (as compared to current total waste generated), as well as a waste diversion goal of 90% by 2042. This is what the climate emergency demands, and MPCA should be setting direction to rise to this challenge.

5. Environmental justice must be policy and not just rhetoric.

If “environmental justice” is going to be more than just rhetoric for the MPCA, this plan must account for the acute health impacts of incinerators and the cumulative impacts of their siting in overburdened communities. The MPCA must stop weaponizing and distorting science to force communities to accept a risk scientists don’t fully understand and are actively debating. It must take precautions when it comes to people’s health and lives, and acknowledge the real impacts of incineration.

MPCA’s position on incineration is outdated. The EPA’s own waste hierarchy is under review. Europe is moving away from incineration,⁷ recognizing that feeding incinerators hampers progress to zero waste. The European Union will include incinerators in its emissions trading scheme.

The plan claims: “*WTE facilities provide important services and reduce environmental risk. They do not carry legacy impacts that result in later clean-ups.*” The legacy impacts are there. They’re just impacts that the MPCA doesn’t have to take responsibility for cleaning up. A recent study found that urban parks built on former waste incineration sites can be lead hotspots.⁸ PFAS – acknowledged in this plan as a problem for the incinerator industry – is just one of many pollutants that incinerators cannot adequately

⁶ <https://www.un.org/sustainabledevelopment/sustainable-consumption-production/>

⁷ <https://www.wired.com/story/in-europe-backlash-heats-up-over-garbage-incinerators/>

⁸ <https://phys.org/news/2023-09-urban-built-incineration-sites-hotspots.html>

destroy and filter. An agency that is increasingly concerned with environmental justice must adhere to a precautionary principle.

The plan says: *“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”*

MPCA must acknowledge impacts, not “concerns.” This language is patronizing and slanted, and it flies in the face of environmental justice. Furthermore, it is unscientific. There are numerous studies showing incinerators do harm health. The MPCA knows well that HERC and other incinerators contribute significantly to the pollution in overburdened communities and that their siting is classic environmental racism. Innovations in pollution control technology, and the County’s admission that more such technology could be added,⁹ are proof that impacts are real.

And with regard to the rationale of a “first-zero-waste” argument, no such system can be built while counties depend on incinerators as revenue sources. Hennepin County claims that revenue from HERC funds its environmental programs, while cities panic about loss of revenue from landfills. As long as these entities profit from waste, we will not solve the waste crisis. Instead, shutting down incinerators in Minnesota will encourage more aggressive action for reducing waste, especially given the strong policies and public awareness around avoiding landfilling.

6. MPCA must shift towards decentralized waste management.

One of the biggest equity issues with waste is that individuals and communities that generate waste usually do not experience or even see its impacts. This is also a key reason why our society keeps generating waste at such high volumes. This reality is made even more inequitable and unjust by the tendency of large, centralized waste disposal facilities to be sited near poor communities, as was the case with HERC, despite the fact that the poor generate waste at far lower rates than the rich. As mentioned above, this is a critical environmental justice issue. In comparison, when people are using sustainable waste management practices like composting, they do not see the benefits. Local communities seeing and directly benefiting from better waste practices, for example, through distributed and community composting sites, will enable transformative behavior change and increase participation in better waste practices. And wealthy communities knowing that their waste actually harms other people, for example by breathing in toxins from burning trash, will incentivize them to reduce and

⁹ <https://www.hennepin.us/-/media/hennepinus/your-government/projects-initiatives/solid-waste-planning/zero-waste-plan.pdf> at 22.

divert waste. (This is also why it is so critical that MPCA stop propagandizing incineration and minimizing its harms and risks.)

Decentralized waste management would make landfills and incinerators unnecessary because instead of concentrating waste disposal in specific sacrifice zones, waste would be processed or disposed of near where it is generated. The state of Kerala in India—famous for its high human development indicators, environmental quality, and active civil society—has been proving the feasibility and effectiveness of this framework for many years.¹⁰ Both the principles of environmental justice¹¹ and the urgency of the climate emergency demand that we imagine or learn from fundamentally different frameworks. We have seen how large industrial facilities like meat processing plants can make critical systems like food very vulnerable to shocks. A decentralized waste management system is also more robust and dependable in a time of crisis.

We know that this model is perhaps hard to even imagine in a society wedded to concentrated and industrialized waste processing and disposal, though there are whispers of a decentralized model throughout this plan. We would welcome the opportunity to open a larger discussion and visioning around what this could look like, and what policies and programs could enable this model to become reality.

/s/ Nazir Khan

Nazir Khan

Minnesota Environmental Justice Table

nazir@mnejtable.org

/s/ Evan Mulholland

Evan Mulholland

Minnesota Center for Environmental Advocacy

emulholland@mncenter.org

¹⁰ <https://www.no-burn.org/wp-content/uploads/India.pdf>

¹¹ <https://www.ejnet.org/ej/principles.html>