



Submitted only via Comment Input Portal

September 15, 2023

Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, MN 55155-4194

RE: Draft Metropolitan Solid Waste Management Policy Plan 2022-2042 Comments

To Whom It May Concern:

Dem-Con Companies (Dem-Con) appreciates the opportunity to provide comments on the Draft MPCA Metropolitan Solid Waste Policy Plan 2022-2042 (“MPP”) and offer the following comments for your consideration.

Dem-Con is a third-generation family-owned company that has been servicing the Twin Cities and greater Minnesota waste and recycling needs since 1965. We are a diversified, full-service recycling, processing and disposal company that owns and operates solid waste facilities throughout Minnesota including landfills, Materials Recovery Facilities (MRFs), transfer stations, C&D recycling facilities, shingle, wood, and metal recycling facilities.

Based upon our review of the MPP, we offer comments on the following topics:

- Lithium-Ion Batteries
- Appendix D – Procedures for obtaining MPCA CON for landfills in the Metropolitan Area
- Establish mandatory pre-processing of waste by 2025.

Lithium-Ion Batteries:

- Lithium-Ion batteries are a significant threat to the solid waste and recycling industry and infrastructure throughout the country. The potential danger lithium-ion batteries pose, once carelessly tossed in the trash or recycling, threatens the very infrastructure that is helping to achieve the state recycling goals. Nationally, our industry is losing 3% of its recycling infrastructure per year to battery fires with more than one facility a month being completely destroyed from battery fires. At Dem-Con we know this first-hand. In 2018, a lithium-ion battery was to blame for the complete loss of our Blaine transfer station. The prevalence of lithium-ion batteries in our society is increasing year-over-year and the energy density, and associated risk, of each battery is also increasing. This has become

an existential threat to our industry and the recycling infrastructure in Minnesota and we believe that, at a minimum, the MPP should address the following items.

- A strategy for the funding of mass-media education campaign. It has been our experience through our Green Grades Education program that the most effective communication on lithium batteries is to the broader public through television news broadcasts, billboards, social media, and other media reaching large numbers of the general public. Unfortunately, many of the traditional efforts such as regulatory changes, discussion within our industry, etc. have not reached the broader public and they are largely unaware of the risk lithium batteries pose. Therefore, we strongly believe that the MPP should inform, and the MPCA should identify, specific dedicated funding to be used each year to help inform the public of the risk of lithium-ion batteries through these mass media channels.
- A plan for increasing the infrastructure for lithium battery takeback programs. The MPP should provide guidance on the implementation, funding, and strategy for increasing the locations for the safe drop off, storage, shipping, and recycling of lithium batteries. One such program that has gained some traction nationally is the Call2Recycling battery take back program. The MPP should encourage and promote the growth of these types of programs in Minnesota. We need a convenient alternative for consumers that have been educated about the risks of lithium-ion batteries.

Appendix D – Procedures for obtaining MPCA CON for landfills in the Metropolitan Area:

- CON Scenarios:
 - Dem-Con believes that Scenario 1 is the only scenario that provides for a transparent and equitable allocation of CON. In addition, it the only process that would allow for the orderly and deliberate development of facilities for the following reasons:
 - Preparing a new MSW facility or permit application can take 6-12 months given that the process would include a solid waste application, air permit application, and environmental review application. It would not be possible to complete this within the required 180 days thus effectively eliminating any new applications or facilities. This would effectively stifle competition and any innovation within the industry to move solid waste management in Minnesota beyond the status quo.
 - The review and determination of a CON application in advance of the preparation of a full permit application allows the applicant to propose new strategies for solid waste management and receive a preliminary determination before expending the money and resources to prepare a full application. In addition, it allows the MPCA to be able to review these potential alternatives, that would not otherwise exist under Scenario 2, to make a more informed decision on the allocation of CON.

- County or District CON Letters:
 - Based on recent conversations with MPCA staff, Dem-Con feels it is necessary to expand on and clarify the content of the County and District letters in the MPP. Specifically, we believe the MPCA needs to consider the following:
 - Given the open subscription model of waste collection (i.e. independent haulers) and the fact that counties or districts are required to go through a Request For Proposal (RFP) process, it is not possible to know exactly which facility the waste from a given county/district will go to until permits are issued and RFP's a bid upon. Appropriately, Mn Rule 9215.0900 only requires that "estimates" are included in the request. Therefore, we believe that the statement in the Draft MPP that counties shall provide a letter with the annual amounts "expected" to go to the applicate facility is inconsistent with the Mn Rules and would not be possible given open subscription model and the RFP process.
 - Mn Rule 9215.0900, Subp. 3 only requires counties and districts to provide a letter indicating that the county's or districts "*best estimate*" that the amount of solid waste in question is "*available for management*" at the proposed facility. The Mn Rules do not require that the county or district commit, dedicate, or otherwise direct this volume to a facility, which as stated in the bullet above, is not possible.

Establish mandatory pre-processing of waste by 2025:

- Dem-Con is a third-generation family-owned company specializing in waste processing, recycling, and landfill diversion. Based on our experience, we believe that there are opportunities for Minnesota to increase the processing of waste prior to landfilling and we are supportive of a productive discussion around how best to achieve this. However, given that the MPP does not contemplate what methods, locations, and types of processing would be most beneficial, nor has it involved stakeholder engagement on this topic, we do not think it is possible to comment on this strategy at this time. We encourage the MPCA to set up stakeholder meetings for further discussion on how to best implement pre-processing to help meet the state recycling goals.

Dem-Con appreciates your consideration of our comments and looks forward to further stakeholder engagement and discussion on these issues. If you have any questions regarding our comments, please feel free to reach out to me directly at 612-845-5075.

Sincerely,



Bill Keegan, P.E.
President
Dem-Con Companies, LLC