

September 13, 2023

Peder Sandhei
Minnesota Pollution Control Agency
520 Lafayette Road N.
St. Paul, MN 55155

Re: Comments on the draft of the Metropolitan Solid Waste Management Policy Plan 2022-2042

Dear Mr. Sandhei,

The Partnership on Waste and Energy (Partnership) is a joint powers board consisting of Hennepin, Ramsey and Washington counties. We seek to end waste, promote renewable energy and enhance the health and resiliency of communities we serve while advancing equity and responding to the challenges of a changing climate. Our member counties serve a combined population of over two million people (over 55% of the Twin Cities metro area), plus many more who work, learn and play in our communities.

The Partnership appreciates the opportunity to comment on the Minnesota Pollution Control Agency (agency) draft of the Metropolitan Solid Waste Management Policy Plan 2022-2042 (Plan). Staff from Hennepin, Ramsey and Washington counties and Ramsey/Washington Recycling & Energy (R&E) have collaborated to provide feedback on the draft Plan, including comments on the following:

- The Plan's points system and overall structure
- Sustainable materials management and extended producer responsibility
- Measurement and data reliability
- Education & outreach
- Collection best practices
- Market development for food-derived products
- Wood waste and addressing the impacts of emerald ash borer
- Solid waste infrastructure and technologies
- Sustainable building and deconstruction

General Comments

As a reflection of its core values for its work in the policy space, the Partnership includes advancing equity in its state legislative platform. Our comments below reflect how the Plan development process, from language to engagement, can advance or hinder equity.

First, we applaud the agency for addressing the anachronistic term “master plan” to describe the county plans required under Minnesota State Statutes 473.803. We support the name “county solid waste plan” in the draft Plan and concur with the reasons cited on page 4. (As a side note, the Partnership supported proposed statutory changes during the 2023 legislative session to eliminate references to “master” plans, and we intend to support such efforts in future sessions until the language is changed.)

The Partnership supports the active consideration of alternative verbiage as one approach to inclusivity in the Plan. In that vein, we encourage the term “citizens” to be replaced with “residents” throughout the Plan, as “citizens” does not include all people we serve. Another re-phrasing suggestion is to replace “impacts of food choices” in Strategy 10 (page 22) of the draft Plan. Food choices can be dictated by what people can afford, and residents in food deserts face limitations in what is available. This means

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sometimes residents do not have a choice available to them. Also, the word “stakeholder” can be insensitive to Indigenous and other people. We encourage the alternative “interested parties” or similar language without the burden of the historical context of “stakeholder.”

Related to community engagement in Plan development, the Partnership appreciates the intention of the agency to conduct activities such as in-person open houses and virtual sessions. In the future, Partnership counties encourage stronger agency collaboration with county staff in community engagement processes occurring in their counties, in both messaging and approach, to garner more participation. Each metro county has unique, diverse populations, and county staff bring locally-specific knowledge and well-established engagement pathways to reach our communities. We are happy to work with the agency to harness opportunities that maximize robust and authentic engagement.

Points System & Plan Structure

Combining required strategies and a points system for optional strategies is a creative way to provide some flexibility while achieving desired outcomes. However, the Partnership has concerns about the lack of flexibility, the mismatch between a strategy’s point value and its difficulty and impact, and overly prescriptive details that specify how to implement strategies.

The structure in the draft Plan identifies required strategies that counties must include in their solid waste plans. The Partnership has serious concerns, described in detail throughout this letter, about several of those requirements:

- Strategy 1: Increase compliance with hauler reporting (see page 5)
- Strategy 10: Commit to standardized outreach and education (see pages 5-6)
- Strategy 28: Collect recycling weekly by 2025 (see page 6)
- Strategy 41: Develop plans to prevent and manage wood waste (see pages 7-8)
- Strategy 50: Require food-derived compost in county construction/landscaping (see pages 8-9)
- Strategy 60: Implement the use of a Building Material Management Plan (see page 11)

We ask that the agency reconsider these requirements and accept our proposed recommendations for revising these strategies. The Partnership commends the agency on the strong, positive intent of the Plan and urges responsiveness to the concerns we have raised so counties are best positioned to be successful.

The Partnership also requests flexibility for both required and optional strategies. In previous policy plans, the agency allowed counties to propose alternative strategies for agency consideration and approval. We strongly support this prior approach and recommend allowing this practice again.

Based on implementation experience, the Partnership recommends that the point values be re-evaluated to better align with the resources (e.g., funding, staff time, partner relationships) required, known challenges and level of impact associated with each strategy. For example, Strategies 31 and 32 should be worth more points because contracting for waste service involves the organized collection process established in statute, historically a very challenging effort. Strategy 39, requiring the diversion of organics by large commercial food generators, should also be worth more points since it requires regulatory changes and significant staff resources for successful implementation. In general, strategies involving regulatory processes should receive higher point values. In addition to re-evaluating point values, we request that the agency provide more detail about the criteria used to determine how points are assigned.

In addition, the Partnership requests the agency to revise strategies to be less prescriptive on the specifics of implementation. For example, we support Strategy 38 to expand backyard composting outreach and resources, but we oppose a requirement to send biannual mailings to residents to promote educational resources. Such a detailed requirement would result in an unprecedented and unwise expenditure of resources. Flexibility allows counties to creatively achieve the overall goal through means they determine are more effective and potentially less expensive.

The Partnership strongly supports strategies that advance how waste is managed in the Twin Cities metro area. However, new programs and more intensive initiatives require significantly more resources (funding, staff, partnership development) to implement, while counties must continue to support existing programs and critical downstream management. For example, to implement Strategy 37, Ramsey and Washington counties invested over \$13.5 million in facility expansion and equipment at the Recycling & Energy Center (the counties' joint solid waste processing facility), revised contracts with hundreds of haulers and vendors, hired six new dedicated staff and will soon be negotiating agreements to expand food scrap bag sortation capacity at transfer station locations. All these resources go toward just one of the twenty-eight required strategies. In Hennepin County, establishing mandatory weekly recycling, Strategy 28, would cost residents at least an additional \$22 million per year. A mandate to establish pre-processing of waste at resource recovery facilities, Strategy 34, could have a capital cost in Hennepin County alone of well over \$100 million.

The Partnership recommends that the agency recognize the total resource strain that required strategies impose on counties and avoid unfunded mandates that they may represent in the Plan's current form. We strongly encourage the agency to consider this in its choice of required strategies. The Plan should also include a state-led strategy on legislative and non-legislative efforts to secure funding to assist counties in implementing Plan strategies. This could include advocating for capital funding requests, significant increases in SCORE grant funding, policy solutions that shift financial responsibility away from counties (e.g., extended producer responsibility) and finding additional creative funding solutions.

The Partnership opposes language in required strategies that dictate counties adopt ordinances in their solid waste plans, such as Strategy 3, 28, 41 and 50. County solid waste plans may provide policy statements that direct exploration and potential adoption of ordinances as a tool to achieve certain outcomes. But plans are not the appropriate place for adopting a county ordinance or mandating ordinance adoption by elected officials. While ordinances can be a helpful tool for some counties, the Plan should respect local jurisdictional authority and the solutions each county believes best fits into regulatory versus non-regulatory approaches. For example, Strategy 41 could encourage, but should not require, ordinance adoption to address wood yard operations and data collection issues.

The Partnership recognizes that a large share of counties' impact on solid waste generation and management is through initiatives with residents and businesses. However, there are significant opportunities to improve solid waste outcomes in sectors with specialized needs, such as schools/educational institutions, correctional facilities and medical facilities. The Plan, as drafted, could better address these sectors. We recommend that the agency include specific strategies or address these institutions where relevant in the Plan, as these facilities have unique challenges in addressing solid waste management that require specific approaches.

Sustainable Materials Management (SMM) and Extended Producer Responsibility (EPR)

The Partnership applauds the priority the draft Plan places on using SMM as an overall guiding approach for responding to the multiple challenges of producing, using and managing materials in ways that yield the greatest environmental and public health benefits. We offer these suggestions for clarifying and strengthening the presentation of this approach in the Plan.

- Include more details on evaluation initiatives for measuring greenhouse gas (GHG) impacts.
- Expand on responsibilities and roles for developing an SMM framework and completing robust and useful life cycle assessments.
- Clarify how the agency will reconcile the goal for 75% recycling/composting by 2030, which the draft Plan often reiterates that counties will be held to achieving, when decisions based on SMM approaches may work against a goal to maximize recycling of materials.
- Acknowledge that quality life cycle analysis (LCA) work is expensive if it is expected to usefully reflect and stay current with changes in extraction, production, use and management systems.

Additionally, the Partnership asks the agency to consider additional models beyond the United States Environmental Protection Agency (EPA) Waste Reduction Model (WARM) for estimating lifecycle GHG emissions and other impacts. This is important to support SMM work and the new environmental impact target concept. WARM suffers from gaps, such as incomplete weight data and lack of data for more discrete categories of materials. It also lacks methodology to adequately model for newer technologies, such as anaerobic digestion or the various non-mechanical (i.e., advanced or chemical) recycling technologies for material-to-material production. We urge the agency to prioritize working with the counties, EPA and experts in LCA modeling to find solutions that overcome the current limitations of WARM. This approach will better connect with the broader need for the agency to develop more robust and accurate data to allow SMM approaches to more effectively inform policy and program design.

The Partnership urges the agency to more explicitly articulate in the background section on SMM the roles that product design and production have in an SMM approach and how decisions, particularly on design, dictate much about where within the waste hierarchy a product can be managed. Design is a significant determinant in the overall life cycle of products. In the same vein, we suggest the Plan acknowledge the local nature of certain elements of life cycle impacts and how modeling tools can be insufficient in factoring local considerations into analysis and results. For example, actual energy used in the stages of a product life cycle will yield different GHG and LCA results if generated from coal versus renewable resources. In another example, the likelihood of an electronic item being reused or recycled depends on whether electronics disassembly and refurbishing operations are readily available near the point of “generation,” and in turn, the energy required for reuse is higher if equipment must be shipped long distances to a refurbisher.

We further suggest the Plan more strongly and urgently address the need to build LCA capacity at the agency to support using an SMM approach for policy decisions, resource allocation and development of systems, programs and services. For example, “[continuing] to explore options” for growing LCA data, modeling and resources, as stated in Strategy 7, comes across as an inadequate level and scope of commitment and a less than timely pace given the scale of need. If SMM will truly play a relevant role in how counties approach managing materials within this planning cycle, a stronger commitment from the agency is crucial.

It's also important to acknowledge the limitations of LCAs in determining a material's impact. LCAs are good for assessing a product's upstream climate impacts, but they don't account for all environmental and health impacts. Plastic, for example, is a material that comes out favorably through an LCA focused on GHG emissions, but that misses both the health impacts of use and the long-term end-of-life impacts of plastic waste leakage into the environment, many of which still have not been quantified. Similarly, an environmental impact target that measures only GHG emissions is a one-dimensional approach that obscures the importance of toxicity reduction and efforts to provide more equitable waste management services. We appreciate the agency's focus on a more comprehensive approach to the impacts of waste and encourage continued engagement with counties in developing environmental targets.

Closely related to SMM, the Partnership agrees that one of the key themes of the Plan must be product stewardship and EPR. EPR presents the opportunity to establish a system of shared responsibility that addresses the importance of design, reduces the lifecycle impacts of products and packaging and builds on the existing system to create better environmental outcomes. We suggest pulling the “hold manufacturers responsible” language out of Policy 2 on page 9 and creating a separate policy to articulate this concept more comprehensively.

An EPR approach needs to be pursued at the state level. The Partnership has recently focused on EPR for packaging, but it also supports product stewardship policies that address other problem materials. We look forward to opportunities to collaborate on such work with leadership from the agency. We strongly encourage the Plan to identify state-led initiatives in the Product Stewardship section (pages 42-43 of the draft Plan) that will advance EPR, such as coordinating interested party conversations.

Measurement and Data Reliability

Reliable measurement and reporting of solid waste data has been an area of major interest to the Partnership for several years. Data provides a lens for how the public and interested parties see progress and success in county efforts and is the basis for accountability to statutory and other requirements. As such, problems with data reliability have negative implications. The Partnership counties see hauler reporting, commercial recycling data and consistency in measurement methodologies as areas needing the most urgent attention from the agency to improve the quality of this communication and performance measurement tool.

The Partnership views assuring hauler reporting as the statutory responsibility of the agency. We recommend that Strategy 1 be changed from a required strategy to optional and use the phrase “promote compliance” rather than “increase compliance.” The Plan should not convey that noncompliance is a county issue. We further recommend that the Plan include a state-led strategy in which the agency focuses its compliance efforts on hauler reporting for recyclables and uses its enforcement authority to improve compliance rates.

We have identified commercial recycling as a persistent data gap. The agency is in the best position to collect that data because state statute requires commercial buildings to recycle and requires recycling haulers to register with and report to the agency. The Partnership counties do not license haulers for recycling collection. In addition, with the same list of recycling haulers operating across the metropolitan area, the agency is best poised to implement this strategy rather than have multiple counties duplicate efforts to collect the same data. Finally, we suggest that the “evaluation of the system objectives” section of the Plan on page 15 addresses the challenges associated with reporting commercial recycling data.

With respect to state-led Strategy 6, “develop appropriate and consistent waste reporting systems,” we recommend that the agency lead a collaborative process to establish a consistent reporting methodology for metro counties. This should address how to use state hauler and facility data, conduct business surveys, prevent double counting and improve the tracking of self-hauling. We suggest that this effort be combined with state-led Strategy 26. The Partnership supports efforts to better measure waste reduction and reuse. As such, we encourage the agency to work in consultation with counties to develop standardized reporting practices and efficient systems to collect the full range of data valuable for performance and system measurement and program planning.

The Partnership also suggests adding a new state-led strategy to conduct a waste characterization study for the metro region that provides data on residential and non-residential (business) sector waste. Understanding the current makeup of residential waste (including multi-unit residential properties) as well as waste from commercial businesses and mixed-use properties would be valuable for county decision-making on how to most effectively move waste up the hierarchy. There are knowledge gaps that we believe the agency is best positioned to help close in how shifts to work-from-home arrangements may have permanently changed waste generation patterns and management needs.

Education & Outreach

The Partnership has serious concerns about Strategy 10. The Recycling Education Committee (REC) is a voluntary group of interested parties that makes consensus-based, non-binding decisions. Membership is geographically diverse and includes representation from around the state, not just the metro. The REC guide says it is intended to supplement existing programs, provide guidance and inform decision-making. Most importantly, the guide states that the use of the terms is completely voluntary. This approach has been successful in achieving the goals of the group.

Transforming the committee into a regulatory tool and requiring metro counties to unanimously agree on any deviations from the norm will have a harmful effect on collaboration and negative impact on implementation at the local level. The current language of Strategy 10 creates barriers to local flexibility

that may come with regulatory “approval” of standardized language. For example, Ramsey County, Washington County and R&E have significantly invested in education and communications that use the term “food scraps” over “organics.” This phrase was chosen by these counties based on community engagement, as it provides clarity in plain language on what can and cannot be composted. The counties use the term food scraps across all communications about food waste recycling, including the food scraps pickup program being rolled out to both counties.

The Partnership recognizes that clear, consistent and relevant communication across the metro will help residents reduce confusion and recycle better. The Partnership recommends that the agency amend this strategy to reflect that REC guidance is voluntary and allows for county-specific branding, flexibility for local programs and culturally appropriate messaging that meets the needs of local audiences.

Collection Best Practices

Counties recognize that collection best practices help ensure proper collection of materials, reduce contamination and create consistency in the solid waste management system. Whenever possible, best practices should be implemented. However, the Partnership has several significant concerns with the practices outlined in the Plan.

The Partnership strongly opposes the weekly recycling requirement in Strategy 28. The frequency of recycling collection should be a city decision. Many cities have chosen every-other-week collection and share our concerns about how this mandate could cause an increase in greenhouse gas emissions from trucks, double collection costs and increase detrimental impact on roads. There is a lack of evidence about the efficacy of this strategy to address Plan goals. We are also concerned about how this requirement will exacerbate the ongoing hauler driver shortage, which affects all collection operations. Furthermore, the timeline laid out in the Plan is unrealistic and will impact communities with contractual commitments with haulers, as well as those that do not. We recommend the agency change this strategy from required to optional and allow for alternatives such as encouraging households upgrade to a larger cart size or providing technical assistance to cities that want to evaluate weekly recycling when their contracts expire, or they want to evaluate the option. We also suggest that the agency add a state-led strategy to the Plan to conduct a cost-benefit analysis of this strategy, including consideration of potential state policy changes that would impact the economics of curbside recycling, such as a deposit return system.

The Partnership also has concerns with optional Strategy 30, bi-weekly trash collection with weekly recycling and organics collection, related to contamination in recycling systems and public health issues. Unless research to the contrary can be shown, we believe certain circumstances (insufficient trash service volume, desire to have odorous items removed quickly, desire to save money with reduced trash service level, etc.) will lead to increased contamination in weekly recycling and organics collection. Additionally, residents who miss a bi-weekly trash collection event will find themselves with a month’s worth of trash, which has public health nuisance implications that need to be considered. The accumulation of trash can harbor flies and other disease-carrying insects, rodents and vermin. Further, the Ramsey/Washington food scraps pickup program is designed for residents to use weekly trash collection to transport food scraps bags for organics recycling. The Partnership is concerned this strategy, as drafted, would cause Ramsey and Washington counties to forego the points for this strategy, despite providing weekly organics collection county-wide. We suggest the agency reconsider the inclusion of this strategy or revise the strategy in a way that recognizes and addresses public health implications and existing programs.

Wood Waste and Addressing the Impacts of Emerald Ash Borer

The Partnership is pleased that the Plan includes several strategies on wood waste and addressing the impacts of emerald ash borer (EAB). The growing challenges in managing wood waste have been overlooked in the policy space for far too long, particularly given the dramatically increasing threat to an estimated three million ash trees in the state since EAB was discovered in the metro area in 2009. The region’s over-reliance on one facility for management of the region’s wood waste has led to significant

challenges we must now face proactively. The Partnership suggests reconsidering some of the assumptions and expectations presented in the strategies within this section of the Plan, as well as some suggested improvements to this section based on current research on wood waste in the metro.

The Partnership strongly encourages including at least one state-led strategy in this section. State leadership has been called for on this issue for several years in communications with legislative leaders, the governor's office and the agency, with little action. Given the regional nature of wood waste generation and the flow of that waste, the scale of the problem, the lack of a planful "system" to manage large quantities of EAB- and storm-related wood waste and over-reliance on Saint Paul Cogeneration (SPC) as largely our "system" by default, the situation calls for an approach larger than an individual county can take on. Unlike the extensive public sector planning done for other waste streams in the state, there are no comparable policies and plans for wood waste. The Environmental Quality Board report cited in the Plan implies the need to develop such a system when it says, "ongoing interagency planning is critical to tracking the effectiveness of existing efforts; identifying any gaps; and proposing and implementing policies, regulations, incentives, and any other means to best support those impacted by EAB and the loss of ash trees." The need for a strong state role is made clear here, one that involves multi-county collaboration in and outside the metro area. The region and state need a policy, planning, management and economic framework to establish solutions for the long term. Individual county plans are not best suited to adequately fulfill that need.

Regarding the statement in Strategy 41 that county plans should assume that biomass plants, including SPC's District Energy, will have tip fees, the agency and counties cannot make such an assumption when we hear otherwise from our sources at SPC about the company's ability to administer a tip fee system. This assumption sets up a scenario that counties should consider as a possible market condition, but county plans should also consider a range of possibilities regarding the financial underpinnings of operations at SPC and other facilities using wood waste for biomass energy production. In fact, the legislature in 2023 approved changes to the 2021 law regarding the Minnesota Public Utility Commission approval of power purchase agreements (M.S.S. 216B.2424, subd. 5(c)), removing language that required SPC to find funding to operate beyond the end of the current power purchase agreement "without any subsidy or contribution from any power purchase agreement." This opens up the possibility that the Public Utility Commission may approve a future agreement containing economic features that avoid a need for tip fees. We suggest, at minimum, replacing "assume" with "consider" and "will" with "may."

Strategy 41 should explicitly include a requirement for counties to plan for the possibility of SPC no longer accepting wood waste as early as 2025, without relying on stockpiling or open burning of wood waste as solutions. This is a real possibility that cannot be ignored, despite the legislative appropriation in 2023 of \$16.5 million for a grant to the facility, which is less than half of what SPC stated it needed to ensure financial viability of the continued use of wood waste. County plans should include contingencies for alternative processing options and address cooperative planning with other counties, the state and existing or potential service providers.

Statements in Strategy 41 identified the need to collect data, suggesting that counties must adopt ordinances in their plans to register wood yards and require reporting from yard operators. The Partnership made the best effort to date in trying to understand the volume and flow of wood waste in the region through its "[Twin Cities Metro Area Emerald Ash Borer Wood Waste Study](#)," published by Cambium Carbon on behalf of the Partnership in December 2022. We agree that more complete and ongoing data collection is needed to better understand challenges and create solutions. However, this issue needs to be addressed regionally, not county-by-county, given the flow of wood waste across county borders and even across metro/non-metro borders, and the fact that the source of wood waste received at wood yards—commercial, residential, or mixed—varies from county to county, making data collection and interpretation difficult. We encourage the agency to include this data collection and analysis activity in a state-led strategy in the Plan.

As discussed earlier, the Partnership does not support Strategy 41's requiring the adoption of a county ordinance and asks the agency to revise this. Also, if the third sentence of Strategy 41, or a variation of it, remains in the Plan, it should clarify "...amount of wood waste being generated within their jurisdiction and the volumes being processed at wood yards in the region. Finally, consistent with previous comments on strategies that require financial resources to implement, the Plan should not state or imply counties are required to educate the public about EAB, tree treatment/preservation and responsible wood waste management. We recommend replacing the language "Plan should include strategies..." with "Counties should consider including strategies in their plans..."

Regarding Strategies 45 and 46, the Partnership acknowledges that proper tree care and treatment play an important role in moderating the volume of incoming EAB wood waste. However, communities represented by the Partnership are already severely infested with EAB, and treatment is often not a cost-effective alternative to removal and replanting with trees that will develop more long-lasting, climate-appropriate community canopies in the coming decades. Additionally, according to publications such as this [state guide to insecticide use](#), some common pesticide treatments for EAB, such as the neonicotinoids Dinotefuran and Imidacloprid, can be highly toxic to aquatic invertebrates and have the potential to leach into the groundwater. The Partnership suggests refining these strategies to prioritize the judicious treatment of high-quality ash trees on private/public property that are not yet affected by EAB, recognizing that the unavoidable increase of wood waste in communities where treatments will be minimally effective calls for a more effective emphasis in the Plan on the need for alternative wood waste management options as otherwise addressed here.

The Partnership supports Strategy 47 because it addresses the real and urgent expenses residents face due to ash tree removal, but this tool may be difficult to implement at the county level. This strategy should be broadened to also allow counties to support implementation by municipalities where county-level implementation is not feasible or within its jurisdiction. We also suggest that this strategy focus the priority of this strategy on removal and replacement of EAB infested trees in the metro region.

The Partnership is pleased that the draft Plan includes biochar as a strategy for expanding use of wood waste-derived products. In Strategy 48, expanding composting and mulching capacity beyond existing markets, we recommend that biochar production be referred to as different than composting and mulching, since these are distinct processes. We recommend the Plan establish two separate strategies, one to expand composting and mulching capacity and one to create capacity for producing and marketing biochar. We also recommend that biochar production be higher in priority in the Plan than composting and mulching due to the significant climate benefits via carbon sequestration and natural biofiltration properties. We recommend the agency assign the strategy for biochar production a higher point value.

Market Development of Food Waste-Derived Products

The entities that make up the Partnership have been intensely focused on the food waste management system in the metro for the past several years, from food waste prevention to a range of processing options to end markets for products derived from food waste. One of the crucial factors for growing food waste processing capacity in our region is the financial viability and stability that occurs when food waste-derived products have consistent demand and a high value. We offer comments on two key end markets for products derived from food waste: construction and livestock operations.

The Partnership recommends that Strategy 50, which requires food-derived compost in county construction and landscaping projects, be changed to a state-led strategy that focuses on state specifications (which are used by counties and their contractors). Instead of adding a layer of county requirements for use of food-derived compost, we recommend that a state-led strategy commit to an agency partnership with the Minnesota Department of Transportation (MnDOT) to incorporate requirements into routine operations at the state level to support the intent of this strategy. County transportation departments and contractors across the metro are closely familiar with MnDOT specifications. In terms of effective and successful implementation, the best path forward is for the

agency to work with MnDOT to update the 3890 specifications to require using a percentage of food-derived compost in roadside construction and landscaping projects.

Further, we recommend the agency work with MnDOT and interested parties to clarify what qualifies as food-derived compost within MnDOT's Grade 2 compost category. Currently, the Grade 2 category includes the term "source-separated organics material (SSOM) compost" as a proxy for food-derived compost. Food-derived compost is an allowable type within the definition of SSOM compost, but food-derived compost is not called out separately in the Grade 2 category. The definition of SSOM, a regulatory term defined in the agency's composting rules, also includes yard waste. Therefore, it could be argued that yard waste compost could qualify as SSOM compost. This confusion needs to be resolved as a part of implementing a state-led strategy on food-derived compost use.

In addition to a state-led strategy, the Partnership would support an optional strategy that focuses on counties promoting the use of food-derived compost in county, city and private sector projects. We believe counties play a role in championing the benefits and value of food-derived compost.

Food-to-animals is a food waste management strategy used heavily throughout the metro, particularly by schools. However, the number of operations collecting and using food waste is small, and the Partnership sees a need for direct action to ensure adequate access and capacity. We recommend Strategy 51, finding new outlets to increase food to animal operations, be changed from an optional strategy to a state-led strategy. We believe it will be much more efficient and effective for the agency to work directly with the Bureau of Animal Health (BAH) on tactics most pressing for improving food-to-animal opportunities in the metro. This is an area where a regional solution, rather than disjointed county-by-county efforts, is preferred. There are three areas of improvement we suggest for agency work with BAH:

- Improve reporting from food-to-animal operations on collection and use of food waste volumes. This will help with data reliability for this method of food waste management and create a much better understanding of where gaps and opportunities exist.
- Streamline regulations to encourage more animal feeding opportunities, while continuing to protect public and animal health. This type of feeding permit, issued by BAH, can be challenging for smaller operations to obtain, which is a barrier that may be preventing more food-to-animal capacity from coming online.
- Engage with agricultural operators that could become food-to-animal operations and encourage their participation. BAH has a much closer relationship to this industry than county solid waste entities and is therefore better positioned to lead engagement.

Solid Waste Management Infrastructure & Technologies

The members of the Partnership have led in the metro and region in evaluating and pursuing next-generation solid waste management technologies that will reduce land disposal of waste, reduce greenhouse gas emissions, harness the nexus between waste and energy, and benefit public health, the local economy and the environment. We offer the following comments on regional infrastructure planning, policy development, anaerobic digestion, waste-to-energy and landfilling.

The Partnership supports the inclusion of Strategy 11, engaging in efficient and value-added infrastructure planning. However, we strongly recommend this be a state-led strategy and the agency lead discussions about infrastructure planning with county participation. We believe the agency is best positioned to lead this effort for deliberate facility development in the region. Hennepin, Ramsey and Washington counties are proud to be developing new large-scale organics processing infrastructure (e.g., anaerobic digestion) to address capacity concerns, but there are limitations to counties' ability to influence and direct planning region-wide. As such, we see solid waste infrastructure planning as needing regional solutions and recommend the agency actively engage counties in a multi-entity effort to develop those solutions.

The Partnership is pleased that the draft Plan includes state-led Strategy 52 to develop a process for gathering the information necessary to make timelier and more consistent policy decisions. We strongly support the state moving more quickly on research, evaluation and policy development around emerging technologies. It is critical for the agency to be an active, forward-thinking partner in facilitating the development of next-generation solutions in our region. The Partnership looks forward to working closely with the agency to further these goals for the benefit of our communities.

The validity of the opening statement on page 39 of the draft Plan, “the solid waste system is evolving,” cannot be understated. While opportunities like anaerobic digestion are at the center of today’s conversations, our sector holds the key to many more advances that prevent landfilling, create valuable products and reduce waste’s impact on climate change. The Partnership requests that the agency prioritize addressing the evolution of the metro’s integrated solid waste management system and take a leadership role in supporting and facilitating emerging technologies that can provide next-generation solutions. This will provide more assurance and certainty for both counties and the private sector to invest in our region.

Regarding the draft Plan’s stance on anaerobic digestion in the solid waste hierarchy, the Partnership continues to urge the agency to prioritize this organics processing technology as equal to or above aerobic composting. The additional benefits, such as methane capture and creation of renewable biogas, are critical for Minnesota to address a changing climate, and are well-matched to the goals of sustainability and a circular economy. The Partnership feels strongly that digestion is not equivalent to combustion and should not be classified as such. Technologies that create biochar similarly provide climate benefits that we ask the agency to support at or above the level of organics recycling in the hierarchy.

The Partnership values the guidance of the state’s waste management hierarchy and its prioritization of actions that utilize materials at their highest value and best use. We also recognize the important role of waste-to-energy in managing waste materials that cannot be addressed through other actions higher on the hierarchy. We support the agency’s recognition of waste-to-energy as an important part of the waste management system and as the preferred end-of-life management strategy over land disposal.

State-led Strategy 69, incentivizing deconstruction over landfilling mixed municipal solid waste and demolition debris, also provides an opportunity to reflect the true cost of landfills. While the strategy language in the draft Plan only mentions incentives for deconstruction, the Partnership would also like the agency to work on the other side of this equation: the low cost of C&D waste disposal. We encourage the agency to advocate for additional state taxes or fees that better account for the externalities of land disposal and raise the cost of landfilling C&D waste. Combined with financial incentives for deconstruction, this would create substantial incentives for contractors, counteracting the costs of a more labor-intensive process (the nature of deconstruction work) and keep materials out of landfills.

More broadly, the Partnership encourages the agency to take a leading role in communicating about the negative impacts, legacy repercussions and true cost of landfills. Partnership counties view land disposal as the least desirable method to manage waste due to these negative impacts. Waste in landfills poses perpetual environmental and health risks specific to this method of management. This includes risks to groundwater, air and soil. Per- and polyfluoroalkyl substances (PFAS), sometimes called “forever chemicals,” can migrate into the leachate from landfills, according to the agency. The leachate is often treated at a wastewater treatment facility, but few existing removal systems can remove PFAS, leading to potential discharge into surface water with the treated wastewater. PFAS are persistent and can bioaccumulate, meaning the amount builds up in the bodies of humans and animals over time. An air quality concern with land disposal is the risk of fires. With the growing use of lithium-ion batteries in consumer products, the risk of fires in trash has increased. Fires at landfills are difficult to control because of the large fuel source. Landfill fires can smolder and emit toxic smoke for significant periods of time, emitting carbon monoxide, hydrogen sulfide, benzene, VOCs, dioxins/furans, heavy metals, particulate matter and other harmful pollutants. The landfill liner and leachate and gas collection systems can be damaged in fires, causing further environmental and public health problems.

Landfilling may seem less expensive in the short run, but the management of these risks – and paying for the consequences – costs more in the long run. We believe more education and active outreach from the state is needed as conversations about managing waste continue to be at the forefront with our communities and state policymakers. We encourage adding a state-led strategy to the land disposal section to commit to these kinds of communication efforts.

Sustainable Building & Deconstruction

Partnership counties have built strong relationships and a reputation for success working with organizations specializing in building material salvage and reuse. We believe it is important to continue this work and appreciate the inclusion of several strategies in the draft Plan that reward the efforts being made and provide incentives to counties to do more.

While we fully support the intent of Strategy 60 – implementing the use of a building material management plan – it should not be a county-required strategy for several reasons. Counties generally do not have authority over construction and demolition waste, which limits our ability to require cities to adopt a building material management plan requirement. Partnership counties are limited in their pre-demolition inspection authority, which focuses on hazardous building materials.

Instead, we recommend making Strategy 60 a state-led strategy, which better aligns with state authority in this area. The agency currently includes an optional building material management plan as part of its 10-day building demolition notification application. This optional plan could be made a required plan, and the agency could explore expanding the entities covered through this process to include more residential demolitions or require it through the state building code.

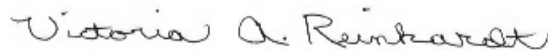
Additionally, we encourage an additional component in state-led Strategy 69 on deconstruction incentives. We suggest the agency explore pathways to creating demolition permitting schedules that provide meaningful, scaled permit cost reductions for proportional recovery of building materials through deconstruction, relative to a permit for a project that includes no deconstruction activity.

Thank you again for the opportunity to share our comments on the draft Metropolitan Solid Waste Management Policy Plan 2022-2042. We hope this feedback contributes to a thorough, robust and effective plan. County staff would be happy to discuss any of the above and provide more information as needed. The Partnership looks forward to continued engagement with the agency during this process.

Sincerely,



Commissioner Debbie Goettel, Hennepin County
Chair, Partnership on Waste and Energy



Commissioner Victoria Reinhardt, Ramsey County
Vice-Chair, Partnership on Waste and Energy



Commissioner Fran Miron, Washington County
Partnership on Waste and Energy