March 4, 2014

Ms. Yolanda Letnes  
Minnesota Pollution Control Agency  
520 Lafayette Road North  
Saint Paul, Minnesota 55155-4194

Dear Ms. Letnes:

The US Composting Council (USCC) submits the following comments to the Minnesota Proposed Amendments to Rules Relating to Compost Facilities, Minnesota Rules Chapters 7001 and 7035 and its accompanying Statement of Need and Reasonableness.

In 2011, the USCC initiated a public private partnership to develop a Model Compost Rules Template (MCRT). The MRCT includes design and operating requirements for an organic materials compost facility.

The USCC, in conjunction with the Georgia Environmental Protection Division, BioCycle, a volunteer task force comprised of state composting regulators composting facility operators and several consultants, developed the MRCT to assist state regulatory agencies in developing and/or revising compost regulations. The MRCT is based on science as well as experience and is intended as an aid in developing regulatory rules. The USCC strongly supports the protection of human health and the environment and believes that these goals will ensure consumer confidence in compost facility operations and the quality of the finished product.

While compost facilities must be designed, operated and regulated to ensure the protection of human health and the environment, overly restrictive regulations will increase the cost of compost facilities and drive organics materials to incinerators and landfills. We are all well aware that this is not the best option for organic materials of any type. Therefore, there is a balance that needs to be struck between regulations and the building of a strong compost facility infrastructure.

The USCC compliments Minnesota in being a leader in the compost industry and would like to see that leadership continue, however, the USCC does not believe that the proposed Minnesota rule will achieve that in two significant areas. Therefore, the USCC submits the following comments:
Comment #1

In the previous draft of the compost rule the MPCA listed 9 soil types (Sandy clay loam, Loam, Silt loam, Silt, Sandy clay, Clay loam, Silty clay loam, Clay, and Silt) as acceptable. These soil types were considered adequate protection with a depth to water table of 5 feet. The November 2013 draft has removed 3 of those soils; Silt loam, Loam, and Silt. This is a more restrictive standard and the MPCA, Statement of Need and Reasonableness (SONAR) fails to provide reasonable justification for the more restrictive language.

Further, the USCC disagrees with the MPCA analysis on page 28 in the corresponding SONAR that Loam, Silt loam and Silts as “highly permeable” and should not be allowed. In fact, the MPCA’s own chart included on page 28 of the SONAR shows Silt loam, Loam, and Silt soils with a permeability that is “moderate”, not as having “high permeability”. The three soil types are among the most common soil types in Minnesota and would have the effect of eliminating many potential sites without adequate justification.

The MPCA also fails to provide any justification for the statement made on page 24 of the SONAR that source separated organics material presents a greater risk to health and the environment than composting of yard waste. This statement is key in the MPCA argument to require more restrictive language but the SONAR fails to provide any justification for this statement.

Recommendation:
The USCC does not agree with the MPCA limiting the “eligible soil types” and recommends the reinstatement of Loam, Silt and Silt loam. In fact the USCC provides a recommendation in the Model Compost Rules released on April 4, 2013 that the following nine soils including Sandy clay loam, Loam, Silt loam, Silt, Sandy clay, Clay loam, Silty clay loam, Clay, Silty clay Silt loam, Loam, and Silt are acceptable as part of the five foot of separation from the zone of continuous ground water saturation.

Comment #2

Proposed language:

All rejects and residuals must be stored to prevent nuisances such as odors, vector intrusion, and aesthetic degradation. All rejects and residuals must be managed to prevent the generation of contact water. All contact water from residuals and residual storage area must be delivered to the contact water collection and treatment system.

Comments:

The MPCA tries to present the justification for this requirement on page 26, Sub-item (4). The effect of the above language is to require that residuals be screened and stored on a pad. The USCC believes this is an unnecessary and expensive change to the rule as residuals consist of oversize material that is used as a feedstock for the composting process. Any residual that has gone through the PFRP poses no increased risk to human
health and the environment. The material in the curing and finished compost areas are allowed to be stored off the pad because those materials pose little, if any, risk to human health and the environment. Further, residuals coming from the screening of the materials in those areas similarly pose little, if any, risk to human health and the environment.

**Recommendation:** Allow residuals to be stored off pad until reincorporated into the composting process.

Finally, the US Compost Council, located at 5400 Grosvenor Lane, Bethesda, MD 20814, tel: 301-897-2715, contact, Lori Scozzafava, Executive Director, l.scozzafava@compostingcouncil.org is requesting a contested case hearing on the Proposed Amendments to Rules Relating to Compost Facilities, Minnesota Rules Chapters 7001 and 7035 and its accompanying Statement of Need and Reasonableness.

The USCC appreciates the opportunity to comment on Minnesota’s proposed rule and hopes that the experience of compost professionals around the country will be of value to Minnesota’s process. Thank you for your consideration.

Please accept all names listed below as signers of this letter.

Sincerely,

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