



Request for City Council Committee Action from the Department of Public Works

Date: February 24, 2014

To: Honorable, Cam Gordon, Chair, Health, Environment & Community Engagement Committee

Refer to: Honorable Kevin Reich, Chair, Transportation & Public Works Committee

Subject: **Minneapolis Comments on Proposed Minnesota Pollution Control Agency (MPCA) Compost Rule Changes**

Recommendation:

Approve comments on the proposed MPCA Compost Rule Changes and direct the Department of Public Works to submit comments to the MPCA.

Previous Directives:

- None

Department Information:

Prepared by: David Herberholz, Director, Solid Waste and Recycling Division

Approved by: _____

Steven A. Kotke, P.E., Director of Public Works

Reviews

- Permanent Review Committee (PRC): Approval _n/a_ Date _____
- Civil Rights Approval Approval _n/a_ Date _____
- Policy Review Group (PRG): Approval _n/a_ Date _____

Financial Impact

- No financial impact

Community Impact

On July 26, 2010 the MPCA published a Request for Comments in the State Register regarding its plans to amend the rules governing Compost Facilities, Minnesota Rules, Chapter 7035. The public noticed draft of the proposed rule changes was released on January 6, 2013. The proposed rules, if passed as currently written, will regulate all backyard compost sites within

the State of Minnesota. Other sections of the proposed rules will add additional barriers to composting site operations at community gardens in the City.

Public Works recommends that the City of Minneapolis requests a contested case hearing to address the impacts the proposed rules have on residents who compost at backyard compost sites and community gardens in Minneapolis. The sections of the rule to be contested are those that unnecessarily hinder residents' ability to continue to compost in their backyard or at a community garden site in the manner in which they have for many years.

MPCA staff have commented that contesting the proposed rule will delay implementation from June 2014 to September 2014. The last time there were significant changes to the rules was almost 20 years ago. It has taken over three years to get to the public noticed draft rule and without contesting the proposed rule, it is possible no changes will be made and the next opportunity to update the rule may not come for an additional 20 years.

See the attached document for the full text of the comments.

Supporting Information

A Resolution of the City of Minneapolis declaring August 10, 2013 as Community Garden Day in Minneapolis, states that there are more than 214 community gardens in Minneapolis. These gardens would will be impacted by the proposed rules.

The Recycling Association of Minnesota has held annual compost bin distribution events in the Twin Cities Metro Area for over 5 years. Minneapolis hosted a distribution event in 2013 and is doing so again in 2014. It can be assumed that the proposed rule changes will impact a significant number of residents based on the availability of compost bins through the Recycling Association's sale events in addition to the commercial availability of backyard compost bins.

Attachments: Proposed Minnesota Pollution Control Agency Compost Rule Changes
City of Minneapolis Comments