

DATE November 1, 1988

TO : Gerald Willet, Commissioner

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SUBJECT : WASTE MANAGEMENT ISSUES

As concerned staff we would like to take the time to express some thoughts on waste management issues as they involve the MPCA. First, we would like to briefly discuss the health risk assessment process and the role it has played in evaluating environmental impacts, since this issue has served to focus our concerns.

Recent EIS's and other environmental analyses of pollution sources have placed great emphasis on the human health risks associated with dioxin and other toxic emissions. Such emphasis is understandable given the toxicity of these compounds and our mandate to protect the public health. However, our knowledge of the biogeochemical cycling of dioxins and other compounds and their effects on human health is extremely incomplete, as is reflected in the orders of magnitude uncertainties in the human health risk assessments. In addition, many other environmental effects of pollutant emissions are incompletely understood. For example, many pollution sources also generate toxic ash, and we are continuing to find levels of contaminants in ash leachates which may pose significant impacts on wastewater treatment plants and/or receiving streams. The bottom line is that we cannot fully evaluate all the potential environmental impacts of many toxic pollutant sources. Given these uncertainties, the question arises as to where the burden of proof lies.

Risk assessment is not likely to provide definitive answers to the questions of environmental impacts anytime soon, if ever. We do not believe that a recommendation to issue a permit should proceed merely because the shortcomings of risk assessment do not provide a definitive answer. In such a case other considerations should come into play. The uncertainties in the evaluation of environmental impacts should lead us to greater caution in our reviews and permitting activities and should not be used to justify a decision to issue a permit.

Minnesota's waste management priorities are, in order of preference, 1) waste reduction, 2) recycling, 3) yard waste composting, 4) co-composting or energy recovery or both, and 5) land disposal (MN Rules part 7035.1105 Subp. 3.C.5.). These rules also set goals of 3% for waste reduction, 25% for recycling, 12% for composting, 60% for energy recovery, and 20% for landfilling. Although we agree with the order of prioritization, many of us have come to question the heavy reliance on energy recovery, given the environmental hazards of the technology, the national policy suggesting a smaller reliance on incineration, current practices elsewhere (see attached article), and other factors. Certainly there is a place for incineration in waste management. However, we believe it makes sense to further study the issue to determine whether our percentage abatement goals can be better aligned with the preference of the

technology. For example, it is possible that we already have sufficient incinerator capacity in Minnesota, if other options were fully implemented. We need to devote the resources to find out how much of each waste management option is needed and is possible in Minnesota.

We feel that in many cases we are forced to focus on a narrow facet of an environmental problem (e.g. an incinerator or an ash landfill permit) without the prerogative of considering alternatives or the big picture. Though we must address the environmental aspects of incineration, we have little input into the overall waste management planning. It is difficult (and perhaps unwise) to divorce ourselves (the MPCA) completely from the policy and planning issues because the technical issues are related to the policy and planning issues. These issues should be considered when evaluating the environmental impacts of projects like the Hennepin County Incinerator and associated ash landfill. How can we make informed decisions without comparing the environmental impacts of incinerator projects with the impacts of other technologies and other alternatives? (The attached article from the Waste-To-Energy Report provides additional information on why it makes good environmental and economic sense to look at the entire waste management picture, not segments.)

These questions have bothered us as we work on toxic emissions, including incineration-related questions. Other staff have expressed similar concerns and have questioned what in practice has come to be the widespread acceptance of incineration as the preferred solution to waste management. Not only are we as a regulatory agency frustrated by the process, but also the counties and the regulated community are often frustrated. We believe that if the MPCA has concerns about present waste management policy, then (despite our limited regulatory role) we should bring forward these concerns to focus the policy debate on these issues. We should not exclude ourselves from this debate merely because our role has been narrowly defined as regulatory.

Our State's track record on policy and regulation in the area of waste management has not been admirable. This has been due to many factors, including the rapidly changing waste management scene, legislative inaction in areas such as container deposit, and the waste management policy and regulatory structure within State government. Various facets of the infrastructure have been handled by such diverse entities as the legislature, the counties, the Pollution Control Agency, the Metropolitan Council, the Environmental Quality Board, and the Waste Management Board. All too often there has been insufficient study and planning for efficient waste management. The recent executive action disbanding the Waste Management Board gives us an opportunity to correct some of the deficiencies of the past.

We hope that these considerations can serve as a focus in future waste management discussions in the State. We would be interested in meeting with you to discuss these issues and to hear your viewpoint. Several of us would also be encouraged to have an inter-divisional meeting with management and staff to discuss the issues in the memo and future strategies.

Attachment

cc: Bonnie Sims  
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Tim Scherkenbach  
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