

ATTENDEE COMMENTS AND QUESTIONS
Poster Notes from Organizational Meeting
Construction, Demolition and Industrial Landfill Work Group
1 - 4 pm, Room 2A-2B, MPCA, St. Paul
July 14, 2008

INITIAL QUESTIONS DURING PART 1 AND PART 2 OF AGENDA

How many representatives per sector does the MPCA have in mind?

Does the May 2008 law really require rulemaking to start now - will be big staff effort - is it an option not to do rulemaking at this time?

Re the use of guidance and policies instead of rules, how much authority does the MPCA have to use these without going to a rule?

PART 3, RESPONSE TO QUESTION FOR ALL ATTENDEES: "SUCCESS FOR THIS MEETING - WHAT MIGHT THAT LOOK LIKE?"

The demolition landfill guidance was done with flexibility in mind, and wouldn't that be lost if MPCA went to a rule?

We need an understanding what consensus means - even if we don't totally agree on everything - Keep in mind that at the Legislature not all legislators agreed to the language, wasn't unanimous

Some guidance is too variable - there are some guidance documents that should be in rule

Siting of new CDI landfills. We need to see that ground water and the environment are protected, that there is a reasonable assurance against problems, but also do need to allow new facilities to be sited

I am looking for an orientation today, and how we can protect water quality and quantity

Looking for an understanding of the effort ahead, and feel we should not end up worse than where we are now

Work group should include a focus on legislation - reconciling current laws would be good

Would like to know the broad scope of statewide siting location standards for ground water protection, over the long term

A cross section of membership should be on the work group. I recall the original rule and attempts to revise them. We need new rules to define these. The 1988 rules were not satisfactory. We need to settle once and for all.

From the solid waste administrators' perspective, a rule is not the same as a policy. Also Greater Minn doesn't want to be a dumping ground for metro waste. Feel that waste should be disposed in the region where generated. Also, small landfills can't provide the same protection as large landfills

We need a full understanding of the goal and process - the process must be well documented, transparent, and people must see how we arrived at our decisions. Would like to involve more solid waste administrators from around the state

For this meeting, success is a diverse range of participation, including construction of landfills, operation and permitting. The full process has gone on for 20 years (since 1988 rules) so we have a lot of information whether any risks have been shown. We need to base on that experience and on scientific literature, not emotions

Would like to see the lay of the land, and to know what consensus is, and how we agree on the text of a report

I have a concern about going to the Legis with rulemaking already underway, in Jan 2010. Maybe siting of LF rule could wait. On CDI landfills yes we need clarification and decisions, but the general solid waste permitting authority given PCA offers some flexibility now. Whatever we come up with I hope it is better than what we have and not problematic. We need sound science and a technical background

Will demolition and industrial waste be distinguished? We need more clarity on what applies to what

On meeting dynamics - I was involved in the waste combustor ash rules and the process worked for that. I hope we can build on that process model

The Legislature is not a good place to debate scientific and technical information - this process is better for that. Either we need to reach consensus or we need to lay out a framework for good debate

Yes, there should be balanced science

We need to divide up the types of material involved and look at them separately. That might help. Yes we need input from Minn Geol Survey

I hope for a good cross-section of membership. The rule should be protective but also practical

FURTHER COMMENTS FOLLOWING CHECK-IN

Whatever rules we come up with, we need better follow-through. Anything that is banned must have a good disposal option, or else it will go in the ditch. Outreach is vital and also a collection program

Rules can be outdated within ten years no matter how good they are when adopted. We need a way to easily update them, like with the LF leachate pilot programs, without doing a complete rewrite.

Legislative charge makes no mention of "rules" and "guidelines" - just asks for report on legislation and policy

PART 3, RESPONSE TO QUESTION: "SUCCESS FOR THE GROUP'S REPORT - WHAT MIGHT THAT LOOK LIKE?"

Should be concise but with enough clarity so that legislators won't run away with ideas not in report - avoid fuzzy definitions

Scope could be massive if we let it but the Legislature named a specific set of problems, so it is good to scope and narrow it. Solve the problem they want solved and get it done, in a way that is responsive to the law

PCA should tell us what is the problem that needs to be fixed. We have ground water monitoring in place and things look OK. Is it just a need to formalize guidance regarding demolition landfills? Doesn't ground water monitoring tell you if there is any problem?

Time frame - are we just looking at the landfill life cycle itself, or the land use after that?

Report needs "meat" to it - there is a risk of a watered-down report to reach consensus. Can we include concisely a wide range of opinions and information?

RESPONSE TO QUESTION: "WHAT PROBLEMS NEED SOLVING?"

The siting of landfills triggers emotion and then legislation. Opposition is not for scientific but visual and other reasons like noise for siting of wind turbines. Science says that ash landfills permitted under PCA authority are already protective

What will be the effect of rules on existing demolition landfills - will they be able to be re-permitted?

Ultimately we want a real rule that we can add guidance to, not an approach that starts out with a guidance document

PART 4: PROCESS

Are two questions for the group:
Scope of report
Rulemaking

Is there a budget at PCA to hire an outside facilitator (Answer: no appropriation was made)

Is there an appropriation for rulemaking (Answer: had been in legislation earlier but was cut out)

Facilitator for the C&D guidance worked in that process, and came from outside the C&D issue - I recommend that to keep meetings moving and to make communication fair

Yes, a professional facilitator who is not from one faction or other will help. Agenda setting: should reflect what group wants

Agree that legislation could make the group's scope too broad - PCA staff could start that discussion and group could react. We will need PCA staff work

Stakeholders can speak but can't write such a report in a short time. It could start with outline and use subgroups to report back

Next meeting - we can meet with a facilitator and identify four or five main things to start

Location - multiple sites could be OK, but time it so that we aren't stuck in traffic coming and going if in city

Would prefer to meet in person, rather than videoconference

Subgroups or focused discussions could be on: demo guidance, industrial LF policies, siting moratorium and effect, financial assurance

If we only have 4-5 months to meet and draft report we should meet all day, or more than 3 hours anyway

Could meet 9-3 on a given day. See the process we used for the Demo Landfill Guidance

SCOPING

Are four issues:

- determine whether to continue with the guidance document, whether is adequate, for demolition landfills
- industrial landfill policy - is it a solid base on which to regulate
- landfill siting moratorium in effect - touches many new landfills
- site criteria - ground water; and financial assurance

The work group's report will be easier to write than the rules

The report should specify what rule changes should cover

CHECKING ON MEMBERSHIP INTEREST FROM ATTENDEES

Counties: rural and metro counties - Annalee G will get back

State agencies: MN Geo Survey, DNR, MDH

Private LF: SKB, WMI, Xcel, Grinning Bear

Haulers: NSWMA, maybe two more - Doug Carnival will get back

Environmental: Mark Hugunin, Dave Engstrom

Other: RW Beck, John McCain, Minn Chamber, Chuck Pagel, Frank Ongaro

MEETING

August 4, most of day