

November 2, 2023

RE: Construction & Demolition Debris Landfill Rulemaking Update

Dear Construction & Demolition Debris Landfill Owners and Operators:

The purpose of this letter is to help you stay informed on developing changes to the Construction & Demolition (C&D) system in Minnesota. C&D debris is generated during construction, renovation, and demolition. In Minnesota, there are over 90 C&D landfills or portions of landfills that are constructed without liners or leachate collection systems. Without liners or leachate collection systems, leachate will contaminate soils and eventually find its way to groundwater. For these reasons, Minnesota's current C&D debris disposal system is not protective of the environment. To better protect soil and groundwater from contamination, the Minnesota Pollution Control Agency (MPCA) is proposing new rules that are more protective of groundwater and require all landfills: be lined with leachate collection systems, be capped with protective covers, have more stringent operating - location - and closure requirements, require groundwater monitoring, and have financial assurance to mitigate future liabilities and facilitate proper closure. The MPCA is also proposing to eliminate the unlined C&D permit by rule facilities.

Facts supporting this proposed rule are as follows:

- C&D Debris is not inert as was assumed in the 1988 Demolition Landfill Rules.
- Prevention of pollution is always preferred over mitigation and remediation.
- Unlined landfills release leachate into groundwater.
- The [2019 Groundwater Report](#) identified system wide impacts to the groundwater which indicates that changes to the rules and regulations are necessary.
- There are currently three unlined C&D landfills that have impacted residential drinking water sources. These sites have received alternative drinking water sources.
- Minnesota's groundwater is a highly valuable and sensitive resource.
- Minnesota does not allow groundwater to be degraded beyond its highest use, which is drinking water.
- Similar states in our region have ceased unlined landfilling of C&D materials.

The MPCA is also proposing a transition period of up to seven years to close existing unlined C&D landfill areas with environmentally protective covers. MPCA recommends that all unlined C&D landfill owners and operators contact your assigned permit engineer and hydrologist to discuss the proposed rule concepts, and how they may impact your facilities. This discussion will help you plan the future of the landfill with respect to the proposed rule concepts, closure of any existing unlined C&D landfill areas, as well as transitioning to a proposed new C&D management system that includes providing more recycling, reuse, or Beneficial Use opportunities, and developing regional partnerships for collecting and transferring material to an approved lined facility. Also, the MPCA is actively pursuing financial assistance for grants to assist in providing funds to offset the transition costs to a new system and enhanced cover closure costs.

The MPCA is currently in the process of drafting the proposed new C&D rules. We currently expect rule completion within the 2024 calendar year. If you wish to stay updated on this process, please subscribe to the email subscription service, 'GovDelivery' here:

<https://public.govdelivery.com/accounts/MNPCA/subscriber/new>, and sign up for the "Land Rulemaking/Rulemaking: Construction and Demolition Debris Landfills" communications. You can also visit the [C&D rulemaking webpage](#) for updates. Additionally, MPCA recommends signing up for two additional topics related to solid waste management and permitting information in Minnesota while signing up for the rulemaking topic as we send out newsletters through those sign ups throughout the year that will also provide updates on the rulemaking process:

1. Waste and recycling/Sustainable Building and Construction & Demolition Materials Management
2. Waste and recycling/Solid Waste Matters

Sincerely,

David J. Benke

This document has been electronically signed.

David J. Benke

Division Director

Resource Management & Assistance Division

DJB/GK:kj