

January 27, 2025

VIA EMAIL

Drew Hatzenbihler, President  
Solid Waste Administrators Association  
125 Charles Ave  
St. Paul, MN 55103

Dear Drew Hatzenbihler:

I want to extend my gratitude for the attendance of members of your association, and other related stakeholders, to the Construction and Demolition Landfill (CDL) Proposed Rule Concepts and Waste Management Strategies meetings that took place in 2024. I must also thank you for the September 19, 2024 letter containing comments and feedback related to the rulemaking effort.

These opportunities to engage with the association have been both helpful and informative. We have begun to utilize this feedback to meet your call for adjustments that strive for a CDL Rule that minimizes negative outcomes while increasing environmental protection. These adjustments are summarized below:

1. Clear Rule Effective Date: As proposed, the draft Rule will become effective five working days after publication of the notice of adoption in the State Register.
2. Existing CDL Transition Period & Clear Decision-Making Timeframe: Once the Rule is effective, existing CDLs with disposal areas that are not certified as closed will be regulated under a transition rule part. These facilities will then have 12 months to indicate to the agency their plan for closure of their unlined disposal areas.
3. Financial Assurance at Existing CDLs: Existing CDLs that fall under the transition rule part will not be required to establish financial assurance.
4. Opportunity for Horizontal Expansion, if vertical expansion is not feasible: If a facility can demonstrate that additional capacity is necessary based on projected waste volumes, it may apply for horizontal unlined expansion. A facility granted a horizontal expansion would then be subject to closure requirements depending on the extent that facility's increased operating life.

As discussed in the meetings, we anticipate publishing the draft Rule language and the corresponding Request for Comment (RFC) in late Q1 2025. The RFC will include a portal for submitting comments and a link to the draft Rule language, which will be available on the MPCA website. Leading up to, during, and after the RFC period, we welcome opportunities to continue these discussions. If desired, MPCA representatives can attend upcoming board or committee meetings to share insights, explore strategic initiatives, or address specific challenges and opportunities that facilities may be facing.

Drew Hatzenbihler

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We greatly value the feedback shared during the meetings and are committed to using it to guide additional efforts toward facilitating a smoother transition. One key area of need identified was regional planning, and we are prioritizing initiatives to address this. As a first step, we are dedicating funding to construction and demolition (C&D) management planning to support strategic efforts in waste reduction, reuse, recycling, infrastructure development and expansion. This initiative reflects our commitment to aligning resources with the needs expressed by stakeholders and ensuring a collaborative approach to achieving long-term success.

Details about this funding can be found on the [SWIFT Supplier Portal](#) under the “Bidding Opportunities” section; please filter by “Bidding Events” using the following details:

- **Event Name:** MPCA-C&D Management Planning Grants
- **Event Number:** 2000016593
- **RFP closes at 4:30pm on March 12, 2025**

I also encourage facilities to engage directly with their assigned permitting staff. Whether it's addressing site-specific concerns, brainstorming innovative solutions, or providing tailored recommendations, the MPCA welcomes the chance to connect and collaborate with facility owners and operators.

Please continue to check the [C&D rulemaking webpage](#) for updates. Thank you again for your commitment to leadership in this area.

Sincerely,

*David J. Benke*

*This document has been electronically signed.*

David J. Benke  
Division Director  
Resource Management & Assistance Division

DJB/JB:rm