

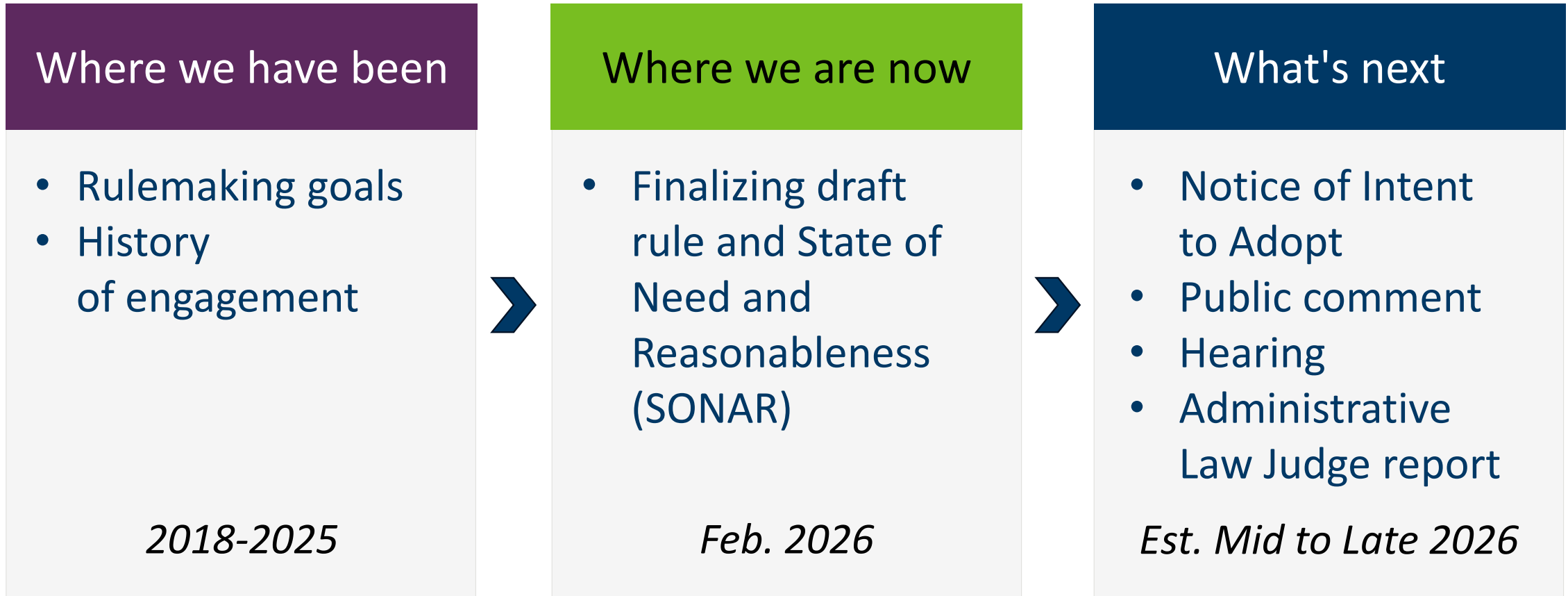


Construction and Demolition Debris Landfills (C&D) Rulemaking Update

Jon Buck | Land Permits Unit Supervisor

February 2026

Agenda: Walk Through the Rulemaking Process



A stack of papers and folders is shown on a wooden surface. The papers are slightly aged and some have green tabs. A dark blue rectangular overlay is centered over the stack, containing the text "Where we have been" in white, sans-serif font.

Where we have
been

C&D Rulemaking Goals

The goal of this rulemaking effort is to improve the current C&D landfill system by:

- Making changes to how facilities are designed, constructed, and managed by implementing standard landfill engineering practices
- Addressing negative groundwater impacts
- Managing construction and demolition materials in a more sustainable manner

History of Engagement

- 2018: Public comment period
- 2019-2021: Rule Advisory Panel (RAP) discuss draft concepts
- 2023: RAP reconvened
- 2024: Stakeholder sessions
- 2025: Public comment period and three virtual informational meetings

A close-up photograph of a person's hands typing on a silver laptop keyboard. The scene is brightly lit, likely by natural light from a window in the background, which is out of focus, showing green foliage. A dark blue semi-transparent rectangular box is overlaid on the center of the image, containing the text "Where we are now" in white, sans-serif font. The laptop screen on the left shows a blurred image of a person. In the foreground, there are some papers and a spiral notebook.

Where we are now

- Key rule concepts include:
 - Lined disposal requirement for any new capacity
 - Leachate collection
 - Postclosure & custodial care
 - Financial assurance for new, lined capacity
 - Transition period for existing facilities

2025 Request for Comment

- July 28 – Sept. 12, 2025
- Received 25 comment letters; Key topics:
 - Timeline
 - Cost
 - Service gaps/disposal options
 - Illegal disposal
 - Setback distances
 - Financial Assurance
 - Gas management
 - Definition consistency

Draft Rule and SONAR

- Finalizing draft rule and State of Need and Reasonableness (SONAR)
- Visit the [CDL Rule Webpage](#) to review:
 - Rule concepts
 - RFC comment letters
 - Procedural rulemaking documents
 - Other resources

The image shows the Wisconsin State Capitol building, a grand neoclassical structure with a prominent dome topped by a golden orb. The building's facade features a series of arches supported by columns. A semi-transparent blue rectangular overlay is positioned in the center, containing the text "What's next" in a white, sans-serif font.

What's next

What's Next in Rulemaking Process

- Notice of Intent to Adopt with a Hearing is published
- Public comment period opens (engagement opportunity)
- Hearing held followed by post-hearing comment period (engagement opportunity)
- Administrative Law Judge report is published
- Governor's office approval
- Notice of adoption (final rule) is published

Writing an Effective Public Comment

Effective public comments:

- Identify the specific rule requirement that is problematic
- Share specific concerns with supporting information
- Provide alternative language with supporting discussion as to why the alternative is reasonable

Effective comments that include constructive, clear, and concise information can help refine the rule text

Submitting Public Comments

- Currently, the MPCA uses eComments to accept public comments during the public comment period
- eComments is expected to be revamped sometime in 2026 to make it easier to submit comments
- Read the Notice of Intent to Adopt to familiarize yourself with how to submit your comments in case changes to eComments are implemented before we public notice
- Familiarize yourself with how to submit comments before the deadlines

Important Takeaways

- Engage assigned permit staff for facility-specific questions
- Submit your public comments as indicated in the Notice of Intent to Adopt
 - The public comment period, hearing, and the post-hearing comment periods are the final engagement opportunities before the rule moves forward
- Sign up for GovDelivery updates on MPCA's CDL rulemaking webpage
- Check the C&D rule webpage for updates

February 2026

- Finalizing draft rule and State of Need and Reasonableness (SONAR)



Summer/Fall 2026?

- Notice of Intent to Adopt and Hearing published in State Register
- Hearing date TBD
- Read the Notice of Intent to Adopt for instructions on submitting comments
- Familiarize yourself with how to submit comments before the deadlines



~180 days after Administrative Law Judge report issued

- Notice of Adoption published in State Register
- Effective date of rule is five working days after State Register publication

Time for Questions

Thank you

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[https://www.pca.state.mn.us
/get-engaged/construction-
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