

FINDINGS & STATEMENT OF NOTICE

Amending Minnesota Rules, parts 7035.2655, subpart 1(a).

FINDINGS

By Laws of Minnesota 2024, chapter 116, article 2, section 30(b), the Minnesota Legislature requires the commissioner of the Minnesota Pollution Control Agency (MPCA) to make the following rule changes:

- (a) Insert the following language that reads: “Termination of the postclosure care period requires approval from the commissioner based on the requirements in part 7035.2655, subpart 1, item B.”

Minnesota Statutes chapter 14 requires the MPCA to explain the facts establishing the reasonableness of the proposed rules. “Reasonableness” means that there is a rational basis for the MPCA’s proposed action. Explained in this section is the specific reasonableness of the proposed rules, together with an explanation of the need for the change.

This rulemaking proposes to revise the current rule language, which requires solid waste disposal facilities to engage in a minimum of 20 years of postclosure care, to clearly specify how the MPCA will determine that the facility has met the requirements for ending the postclosure care period safely after that 20-year minimum.

The proposed amendment would add rule language establishing that to complete the postclosure care period, facilities need the MPCA commissioner’s approval, which will be based on the requirements in existing rule part 7035.2655, subpart 1, item B.

STATEMENT OF NOTICE

1. On September 23, 2024 the MPCA made available a publicly accessible webpage titled “[Closed Landfill Requirements](http://www.pca.state.mn.us/get-engaged/closed-landfill-requirements)” at <http://www.pca.state.mn.us/get-engaged/closed-landfill-requirements> for the purpose of providing the public background and other information relevant to this proposed rulemaking. The “Closed Landfill Requirements” webpage has been updated routinely to inform the public of developments for this rulemaking. The MPCA will continue to use this webpage to communicate updates regarding this proposed rulemaking, including how affected persons may submit comments when the Office of Administrative Hearings (OAH) five-day comment period opens.
2. The MPCA uses “GovDelivery” to provide notice electronically via e-mail to interested and affected persons of various updates and public notices issued on a wide range of topics, including administrative rulemakings. Any person may visit the MPCA GovDelivery subscription page at <http://public.govdelivery.com/accounts/MNP/CA/subscriber/new> to subscribe and choose the notifications they want to receive. The MPCA hosts a GovDelivery subscription list titled “Good Cause Exempt Rulemaking” for the purpose of sending notice and updates on proposed rules that qualify for the good cause exempt rulemaking process. There are currently 3,128 subscribers to the “Good Cause Exempt Rulemaking” list. There is a link for the specific “Good Cause Exempt Rulemaking” subscription list on the “Closed Landfill Requirements” webpage noting that if someone would like updates on the proposed solid waste facilities exiting postclosure care rulemaking, they should subscribe to that GovDelivery list.

3. The MPCA lists active rule projects on the publicly accessible Public Rulemaking Docket through the MPCA's webpage titled "Proposed Rules" found at <http://www.pca.state.mn.us/get-engaged/proposed-rules>. The Public Rulemaking Docket is updated monthly and includes information about the current status and timeline of the proposed rule as well as contact information for persons working on this proposed rulemaking at the MPCA.
4. The MPCA publishes a quarterly newsletter titled "Solid Waste Matters" which communicates relevant information to its subscribers. The subscribed members on this list include permitted solid waste disposal facilities, local government offices, tribal partners, environmental advocacy agencies and other persons who have interests in issues of solid waste. On January 8, 2025, the MPCA sent a GovDelivery notice to its 3,146 subscribers of the list for "Solid Waste Matters" which included a notice update on the proposed Solid Waste Facilities Exiting Postclosure Care Rulemaking. Interested and affected persons were informed in this update to sign up for the "Good Cause Exempt Rulemaking" GovDelivery, so that they will be informed when the five-day comment period opens.
5. On May 9, 2025, the MPCA will submit this rule to the OAH, and on that same date, it will send out a communication to its subscribers of the "Good Cause Exempt Rulemaking" GovDelivery list. This communication will include a copy of the proposed rule, an explanation of why the rule meets the requirements of the good cause exemption under Minnesota Statutes, section 14.388, Subdivision 1, and a statement that interested parties have five working days after the date of the notice to submit comments to the OAH.
6. On May 9, 2025, the MPCA will submit this rule to the OAH, and on that same date, the MPCA will post this update on the "Closed Landfill Requirements" webpage a copy of the proposed rule, an explanation of why the rule meets the requirements of the good cause exemption under Minnesota Statutes, section 14.388, Subdivision 1, and a statement that interested parties have five working days after the date of the notice to submit comments to the OAH.