

May 23, 2025

**VIA EFILING ONLY**

Erica Backstrom  
Minnesota Pollution Control Agency  
525 S Lake Ave Ste 400  
Duluth, MN 55802  
[erica.backstrom@state.mn.us](mailto:erica.backstrom@state.mn.us)

**Re: *In the Matter of the Adopted Exempt Permanent Rule:  
Terminating Postclosure Care of Solid Waste  
Disposal Facilities (R-4878)*  
OAH 25-9003-40430; Revisor R-4878**

Dear Erica Backstrom:

Enclosed herewith and served upon you by mail is the **ORDER ON REVIEW OF RULES UNDER MINN. STAT. § 14.388 AND MINN. R. 1400.2400** in the above-entitled matter. The amendments to the rule parts are exempt from the rulemaking requirements of Minn. R. ch. 1400 (2023) pursuant to the good cause exemption in Minn. Stat. § 14.388, subd. 3 (2024).

With the approval of the adopted rules, the Office of Administrative Hearings has closed this file and is returning the rule record to the Agency so that the Minnesota Pollution Control Agency can maintain the official rulemaking record in this matter as required by Minn. Stat. § 14.365 (2024). Upon submission to the Office of Administrative Hearings of the Minnesota Pollution Control Agency's signed order approving the rules, the Office of Administrative Hearings will file the rules with the Secretary of State. The Agency's next step is to arrange for publication of the proposed amendments in the State Register as required by Minn. Stat. § 14.388, subd. 1 (2024).

If you have any questions regarding this matter, please contact William Moore at (651) 361-7893, [william.t.moore@state.mn.us](mailto:william.t.moore@state.mn.us) or via facsimile at (651) 539-0310.

Sincerely,

  
SAMANTHA COSGRIFF  
Legal Assistant

Enclosure

cc: Legislative Coordinating Commission  
Ryan Inman

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
ADMINISTRATIVE LAW SECTION  
PO BOX 64620  
600 NORTH ROBERT STREET  
ST. PAUL, MINNESOTA 55164

**CERTIFICATE OF SERVICE**

In the Matter of the Adopted Exempt Permanent Rule: Terminating Postclosure Care of Solid Waste Disposal Facilities (R-4878)	OAH Docket No. 25-9003-40430 Revisor R-4878
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On May 23, 2025, a true and correct copy of the **ORDER ON REVIEW OF RULES UNDER MINN. STAT. § 14.388 and MINN. R. 1400.2400** was served by electronic mail, unless otherwise indicated below, addressed to the following:

**VIA EFILING ONLY**

Erica Backstrom  
Minnesota Pollution Control Agency  
525 S Lake Ave Ste 400  
Duluth, MN 55802  
[erica.backstrom@state.mn.us](mailto:erica.backstrom@state.mn.us)

**VIA EMAIL ONLY**

Legislative Coordinating Commission  
[lcc@lcc.leg.mn](mailto:lcc@lcc.leg.mn)

**VIA EMAIL ONLY**

Ryan Inman  
Office of the Revisor of Statutes  
[ryan.inman@revisor.mn.gov](mailto:ryan.inman@revisor.mn.gov)  
[jason.kuenle@revisor.mn.gov](mailto:jason.kuenle@revisor.mn.gov)  
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[traci.olinger@revisor.mn.gov](mailto:traci.olinger@revisor.mn.gov)

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Adopted Exempt  
Permanent Rule: Terminating Postclosure  
Care of Solid Waste Disposal Facilities  
(R-4878)

**ORDER ON REVIEW  
OF RULES UNDER  
MINN. STAT. § 14.388  
AND MINN. R. 1400.2400**

This matter came before Administrative Law Judge Megan J. McKenzie upon the application of the Pollution Control Agency (Agency) for a legal review under Minn. Stat. § 14.388 (2024).

On May 9, 2024 the Agency filed documents with the Office of Administrative Hearings seeking review and approval of the above-entitled rules under Minn. Stat. § 14.388 and Minn. R. 1400.2400 (2023).

Based upon a review of the written submissions by the Agency, and for the reasons set out in the Memorandum which follows below,

**IT IS HEREBY DETERMINED THAT:**

1. The rule was adopted in compliance with the procedural requirements of Minnesota Statutes, Chapter 14 (2024), and Minnesota Rules, Chapter 1400 (2023).
2. According to Laws of Minnesota 2024, chapter 116, article 2, sections 30(b), the Agency has the statutory authority to adopt the proposed rule using the exempt rulemaking process.

**IT IS HEREBY ORDERED THAT:**

The adopted rule is **APPROVED**.

Dated: May 23, 2025

  
Megan J. McKenzie  
Administrative Law Judge

520 Lafayette Road North | St. Paul, Minnesota 55155-4194 | 651-296-6300

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May 22, 2025

The Honorable Judge Megan McKenzie  
Administrative Law Judge  
Office of Administrative Hearings  
600 Robert Street N.  
St. Paul, MN 55101

**In the Matter of the Proposed Exempt Rules Relating to Solid Waste; Request for Review and Approval of Good Cause Exempt Rules Under Minnesota Statutes, Section 14.388; Revisor's ID No. 4878; OAH Docket No. 25-9003-40439**

Dear Judge McKenzie:

This letter contains the Minnesota Pollution Control Agency's (MPCA's) response to a comment and questions received on May 15, 2025.

**1. General comments**

The MPCA received one comment from Bryan Murdock, which is included here and responded to as follows.

**Comment (Murdock):** "Dear MPCA Rulemaking Coordinator, We, a group of concerned stakeholders representing interests in Minnesota's solid waste disposal facilities, support the Minnesota Pollution Control Agency's (MPCA) efforts to enhance environmental protection through Minnesota Rules 7035.2655, which requires commissioner approval to terminate postclosure care. However, the rule's vague scope, discretionary criteria in subpart 1, item B, and adoption under the good-cause exemption (Minnesota Statutes § 14.388, subd. 1(3)), as mandated by Minnesota Session Laws 2024, Chapter 116, Article 2, Section 30(b), raise concerns about its applicability, transparency, and potential for inconsistent enforcement. The rule appears to affect a small number of facilities—potentially 20–100 closed landfills and unpermitted dumps not enrolled in the MPCA's Closed Landfill Program, particularly those nearing or past 20 years of postclosure care and outside direct MPCA management. With 112 program sites already overseen and 20–30 operating landfills unaffected until future closure, this narrow scope questions the urgency of exempt rulemaking. Item B's reliance on undefined "pertinent information" and broad commissioner discretion to reevaluate closure documents risks arbitrary application, especially without clear identification of affected landfills. We request answers to the following questions by May 16, 2025, to ensure transparent and equitable implementation, particularly regarding which landfills are subject to the rule. Questions for Clarification Legislative Mandate and Exemption Rationale What specific environmental risks (e.g., methane, PFAS) or regulatory gaps prompted Section 30(b)'s mandate for commissioner

approval, and which types of landfills were the legislative focus? For a rule affecting an estimated 20–100 sites, why was the good-cause exemption deemed necessary, and why was standard rulemaking with broader public input considered “unnecessary”? Does item B’s discretionary language (e.g., “pertinent information”) align with the exemption’s requirement for non-interpretive changes, or should it have warranted public review? Scope and Affected Landfills Which landfills are subject to the rule? Does it apply solely to non-Closed Landfill Program closed landfills and unpermitted dumps (approximately 20–100 sites), or also to program sites or recently closed facilities? Provide a list or categories of affected landfills and an estimated total number. How will item B’s criteria apply to unpermitted dumps lacking historical monitoring data, and are such sites automatically subject to postclosure care requirements? Are non-program landfills that completed 20 years of postclosure care under prior agreements subject to reevaluation under item B, and how will they be identified? Exemptions and Retroactive Application Which facilities are exempt from commissioner approval? For example, are low-risk landfills (e.g., demolition debris), sites with prior termination certifications, or those in custodial care exempt? Are unpermitted dumps predating modern permitting (pre-1967) exempt unless under specific MPCA enforcement or cleanup programs? Will landfills released from postclosure obligations before March 18, 2025, face retroactive reevaluation, and what criteria will determine their inclusion? Item B Criteria and Enforcement Safeguards Define “pertinent information” and specify how compliance with parts 7035.2565 and 7035.2815–7035.2915 will be assessed. When will guidance detailing these criteria be published? What measures (e.g., standardized protocols, appeals process, public reporting of termination decisions) will ensure item B’s criteria are applied consistently across all affected landfills? How will the MPCA prevent selective enforcement against non-program landfills, particularly those with complex regulatory histories? Conclusion We support robust environmental oversight but are concerned that Minnesota Rules 7035.2655’s vague criteria, limited scope, and urgent adoption may lead to inconsistent application across a small number of non-program landfills and unpermitted dumps. Without clear identification of affected landfills and transparent criteria, the rule risks arbitrary enforcement. We urge the MPCA to provide detailed responses, publish Section 30(b) and item B guidance, and engage stakeholders to ensure equitable implementation. Please confirm receipt and consideration of these comments by May 16, 2025.”

**Response:** We appreciate the stakeholders’ support for the MPCA’s efforts to enhance environmental protection through Minnesota Rules (Minn. R.) 7035.2655, which requires commissioner approval to terminate postclosure care. As part of their lawmaking duties, the Legislature considered these issues. For reference, please see [MPCA’s Legislative Director, Tom Johnson’s testimony before the State and Local Government and Veterans Committee on Senate File 4493; March 26, 2024](#) beginning at 1:46:38.

The Legislature determined that the MPCA must amend the rules to require the commissioner’s approval to terminate the postclosure care period and that the commissioner may use the

Judge McKenzie

Page 3

May 19, 2025

good-cause exemption under Minnesota Statutes (Minn. Stat.) 14.388, subd. 1, clause 3 to adopt these rules.

In conclusion, the Agency has addressed the concerns raised during the comment period. We respectfully submit that the Administrative Law Judge should recommend adoption of these rules.

If you have any questions or concerns, please contact me at [erica.backstrom@state.mn.us](mailto:erica.backstrom@state.mn.us) or 218-302-6659.

Sincerely,

A handwritten signature in cursive script that reads "Erica Backstrom".

Erica Backstrom  
Rule Coordinator

# 40430 Minnesota Pollution Control Agency Notice of Submission of Rules Governing Solid Waste

Closed May 16, 2025 · Discussion · 1 Participants · 1 Topics · 1 Answers · 0 Replies · 0 Votes

1

PARTICIPANTS

1

TOPICS

1

ANSWERS

0

REPLIES

0

VOTES

## SUMMARY OF TOPICS

### SUBMIT A COMMENT

 1 Answers · 0 Replies

Important: All comments will be made available to the public. Please only submit information that you wish to make available publicly. The Office of Administrative Hearings does not edit or delete submissions that include personal information. We reserve the right to remove any comments we deem offensive, intimidating, belligerent, harassing, or bullying, or that contain any other inappropriate or aggressive behavior without prior notification.

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**Bryan Murdock** · Citizen · (Postal Code: unknown) · May 15, 2025 9:26 am

 0 Votes

Dear MPCA Rulemaking Coordinator,

We, a group of concerned stakeholders representing interests in Minnesota's solid waste disposal facilities, support the Minnesota Pollution Control Agency's (MPCA) efforts to enhance environmental protection through Minnesota Rules 7035.2655, which requires commissioner approval to terminate postclosure care. However, the rule's vague scope, discretionary criteria in subpart 1, item B, and adoption under the good-cause exemption (Minnesota Statutes § 14.388, subd. 1(3)), as mandated by Minnesota Session Laws 2024, Chapter 116, Article 2, Section 30(b), raise concerns about its applicability, transparency, and potential for inconsistent enforcement.

The rule appears to affect a small number of facilities—potentially 20–100 closed landfills and unpermitted dumps not enrolled in the MPCA's Closed Landfill Program, particularly those nearing or past 20 years of postclosure care and outside direct MPCA management. With 112 program sites already overseen and 20–30 operating landfills unaffected until future closure, this narrow scope questions the urgency of exempt rulemaking. Item B's reliance on undefined "pertinent information" and broad commissioner discretion to reevaluate closure documents risks arbitrary application, especially without clear identification of affected landfills.

We request answers to the following questions by May 16, 2025, to ensure transparent and equitable implementation, particularly regarding which landfills are subject to the rule.

Questions for Clarification

Legislative Mandate and Exemption Rationale

What specific environmental risks (e.g., methane, PFAS) or regulatory gaps prompted Section 30(b)'s mandate for commissioner approval, and which types of landfills were

# 40430 Minnesota Pollution Control Agency Notice of Submission of Rules Governing Solid Waste

Closed May 16, 2025 · Discussion · 1 Participants · 1 Topics · 1 Answers · 0 Replies · 0 Votes

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the legislative focus?

For a rule affecting an estimated 20–100 sites, why was the good-cause exemption deemed necessary, and why was standard rulemaking with broader public input considered “unnecessary”?

Does item B’s discretionary language (e.g., “pertinent information”) align with the exemption’s requirement for non-interpretive changes, or should it have warranted public review?

## Scope and Affected Landfills

Which landfills are subject to the rule? Does it apply solely to non-Closed Landfill Program closed landfills and unpermitted dumps (approximately 20–100 sites), or also to program sites or recently closed facilities? Provide a list or categories of affected landfills and an estimated total number.

How will item B’s criteria apply to unpermitted dumps lacking historical monitoring data, and are such sites automatically subject to postclosure care requirements?

Are non-program landfills that completed 20 years of postclosure care under prior agreements subject to reevaluation under item B, and how will they be identified?

## Exemptions and Retroactive Application

Which facilities are exempt from commissioner approval? For example, are low-risk landfills (e.g., demolition debris), sites with prior termination certifications, or those in custodial care exempt?

Are unpermitted dumps predating modern permitting (pre-1967) exempt unless under specific MPCA enforcement or cleanup programs?

Will landfills released from postclosure obligations before March 18, 2025, face retroactive reevaluation, and what criteria will determine their inclusion?

## Item B Criteria and Enforcement Safeguards

Define “pertinent information” and specify how compliance with parts 7035.2565 and 7035.2815–7035.2915 will be assessed. When will guidance detailing these criteria be published?

What measures (e.g., standardized protocols, appeals process, public reporting of termination decisions) will ensure item B’s criteria are applied consistently across all affected landfills?

How will the MPCA prevent selective enforcement against non-program landfills, particularly those with complex regulatory histories?

## Conclusion

We support robust environmental oversight but are concerned that Minnesota Rules 7035.2655’s vague criteria, limited scope, and urgent adoption may lead to inconsistent application across a small number of non-program landfills and unpermitted dumps. Without clear identification of affected landfills and transparent criteria, the rule risks arbitrary enforcement. We urge the MPCA to provide detailed responses, publish Section 30(b) and item B guidance, and engage stakeholders to ensure equitable implementation. Please confirm receipt and consideration of these comments by May 16,



## **40430 Minnesota Pollution Control Agency Notice of Submission of Rules Governing Solid Waste**

Closed May 16, 2025 · Discussion · 1 Participants · 1 Topics · 1 Answers · 0 Replies · 0 Votes

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2025.

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**VIA EFILING**

May 9, 2025

The Honorable Judge Megan McKenzie  
Administrative Law Judge  
Office of Administrative Hearings

**In the Matter of the Proposed Exempt Rules Relating to Solid Waste; Request for Review and Approval of Good Cause Exempt Rules Under Minnesota Statutes, Section 14.388; Revisor's ID No. 4878; OAH Docket No. 25-9003-40439**

Dear Judge McKenzie:

The Minnesota Pollution Control Agency proposes to adopt exempt rules relating to Solid Waste. The Agency requests that the Office of Administrative Hearings review and approve the rules under Minnesota Statutes, section 14.388.

Enclosed for your review are the documents required by Minnesota Rules, part 1400.2400, subpart 2:

1. The rules with the revisor's approval.
2. A proposed Order Adopting Rules.
3. A copy of the Notice required under Minnesota Statutes, section 14.388, subdivision 2; a Certificate of Mailing; and a Certificate of Accuracy of the Mailing List.

If you have any questions or concerns, please contact me at [erica.backstrom@state.mn.us](mailto:erica.backstrom@state.mn.us) or 218-302-6659.

Sincerely,

Erica Backstrom  
Rule Coordinator

# Office of the Revisor of Statutes

## Administrative Rules



**TITLE:** Adopted Exempt Permanent Rule: Terminating Postclosure Care of Solid Waste Disposal Facilities

**AGENCY:** Minnesota Pollution Control Agency

**REVISOR ID:** R-4878

**MINNESOTA RULES:** Chapter 7035

The attached rules are approved as to form

*Cindy K. Maxwell*  
\_\_\_\_\_  
Cindy K. Maxwell  
Assistant Deputy Revisor

1.1 **Minnesota Pollution Control Agency**

1.2 **Adopted Exempt Permanent Rule: Terminating Postclosure Care of Solid Waste**  
1.3 **Disposal Facilities**

1.4 **7035.2655 POSTCLOSURE CARE AND USE OF PROPERTY.**

1.5 Subpart 1. **Postclosure care requirements.** Postclosure care requirements apply to  
1.6 solid waste disposal facilities and are as follows:

1.7 A. Postclosure care must continue for at least 20 years after the date of completing  
1.8 closure. Terminating the postclosure care period requires approval from the commissioner  
1.9 based on the requirements of item B.

1.10 *[For text of items B and C, see Minnesota Rules]*

1.11 *[For text of subpart 2, see Minnesota Rules]*

# Minnesota Pollution Control Agency

## Proposed Order Adopting Rules

### Division of Resource Management & Assistance

Adoption of Rules Relating to Solid Waste, Minnesota Rules, 7035.2655, Revisor's ID Number R-4878, OAH Docket Number 25-9003-40430

### BACKGROUND INFORMATION

1. The Minnesota Pollution Control Agency (MPCA) has complied with all notice and procedural requirements in Minnesota Statutes, chapter 14, Minnesota Rules, chapter 1400, and other applicable law.
2. The use of the good cause exempt rulemaking process for this rule, commonly referred to as the Solid Waste Facilities Exiting Postclosure Care rule, is authorized by Laws of Minnesota 2024, chapter 116, article 2, sections 30(b). According to Minnesota Statutes, section 14.388, subdivision 1, clause (3), these changes incorporate specific changes stated in applicable statutes that require no interpretation of law.
3. The attached Findings & Statement of Notice address the need and reasonableness of this rule and is hereby incorporated by reference.
4. Minn. Stat. ch. 14 and Minn. R. ch. 1400 govern how state agencies must adopt administrative rules. The attached Findings & Statement of Notice address efforts of the Minnesota Pollution Agency in providing required notifications to the general public and affected stakeholders, various state agencies and departments, the legislature, and the Office of the Governor. The attached Findings & Statement of Notice are hereby incorporated by reference.
5. The Office of Administrative Hearings received [#] written comment on the rules.

### ORDER

The rules of the Minnesota Pollution Control Agency governing Solid Waste in the form set out in the Revisor's draft, R-04878 dated March 18, 2025, are adopted under my authority in Laws of Minnesota 2024, chapter 116, article 2, section 30(b).

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Date

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Katrina Kessler, Commissioner  
Minnesota Pollution Control Agency

## 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.

**Minnesota Department of Pollution Control Agency**

**Resource Management and Assistance Division**

**NOTICE OF SUBMISSION OF EXEMPT RULES PROPOSED FOR ADOPTION WITHOUT A PUBLIC HEARING  
TO THE OFFICE OF ADMINISTRATIVE HEARINGS**

**Amendments to Rules Governing Solid Waste, Minnesota Rules, part 7035.2655; Revisor's ID Number  
R-4878, OAH Docket Number 25-9003-40430**

TO: ALL INTERESTED PERSONS

In accordance with Minnesota Statutes, section 14.388, subdivision 2, this Notice is being sent to all persons who have registered their name with the agency under Minnesota Statutes, section 14.14, subdivision 1a. This notice is also posted on the website of the Minnesota Pollution Control Agency (MPCA).

PLEASE TAKE NOTICE that the above-cited rules proposed for adoption will be submitted to the Office of Administrative Hearings on the date of this notice, May 9, 2025 . A copy of the rule modification is attached to this notice.

Also attached is the "Findings & Statement of Notice," which explains the need and reasonableness of this rule amendment, and details the MPCA's notice plan for this rulemaking. The same "Findings & Statement of Notice" was incorporated by reference into the Commissioner's Proposed Order adopting the rule, which was submitted to the Office of Administrative Hearings.

All interested persons have five business days after the date of this notice to submit comments to the Office of Administrative Hearings via its eComments website at <https://minnesotaoah.granicusideas.com/discussions> or 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-64620.

By Laws of Minnesota 2024, chapter 116, article 2, section 30(b), the Minnesota Legislature requires the commissioner of the Minnesota Pollution Control Agency to adopt or amend rules governing Solid Waste.

The Department is using the good cause exemption process as directed by 2024 session law and under Minnesota Statutes, section 14.388, subd. 1, clause (3), to make the specific change stated in the laws cited above without additional interpretation.

The agency contact person is Erica Backstrom, Rule Coordinator, at Minnesota Pollution Control Agency, 520 Lafayette Rd. N., St. Paul, Minnesota 55155, telephone (218) 302-6659, email [erica.backstrom@state.mn.us](mailto:erica.backstrom@state.mn.us). For special accommodation you may contact agency contact person named above. Questions concerning the rules should be directed to the agency contact person.

**STATE OF MINNESOTA  
POLLUTION CONTROL AGENCY**

May 9, 2025

Date

Katrina Kessler

Katrina Kessler, Commissioner  
Minnesota Pollution Control Agency



**Minnesota Pollution Control Agency**

**CERTIFICATE OF MAILING THE NOTICE OF SUBMISSION FOR EXEMPT RULES PROPOSED FOR ADOPTION WITHOUT A PUBLIC HEARING TO THE RULEMAKING MAILING LIST; CERTIFICATE OF ACCURACY OF THE MAILING LIST**

**Proposed Permanent Exempt Rules Relating to Solid Waste, Minnesota Rules, part 7035.2655; Revisor's ID No. R-4878; OAH Docket No. 25-9003-40430**

1. I certify that on May 9, 2025, in Duluth, Saint Louis County, Minnesota, I emailed the Notice of Submission of Exempt Rules Proposed for Adoption Without a Public Hearing, the Findings and Statement of Notice, and the Certified Revisor's copy of the proposed rules by sending an electronic copy to all persons on the rulemaking list under Minnesota Statutes, section 14.14, subdivision 1a, by sending electronic notification using the GovDelivery system or depositing the notice in the State of Minnesota's central mail system for United States mail with postage prepaid, according to subscriber preferences.
2. I certify that the list of persons that have requested that their names be placed on the MPCA's rulemaking list under Minnesota Statutes, section 14.14, subdivision 1a, is accurate, complete, and current as of May 9, 2025. A copy of the mailing list for U.S. subscribers and email subscribers list via the GovDelivery system is available upon request.

Date: May 9, 2025

/s/ Erica L. Backstrom  
Rule Coordinator  
Minnesota Pollution Control Agency

# RECEIVED

By: OAH on 11/4/2024 1:03 PM

OAH Docket Number: \_\_\_\_\_

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

Adopted Exempt Permanent Rule:  
Terminating Postclosure Care of Solid Waste  
Disposal Facilities (R04878)

**NOTICE OF APPEARANCE**

**PLEASE TAKE NOTICE that:**

1. The Agency named below will appear at the prehearing conference and all subsequent proceedings in the above-entitled matter.

2. By providing its email address below, the Agency chooses to opt into receiving electronic notice from the Office of Administrative Hearings in this matter. **Note: Provision of an email address DOES NOT constitute consent to electronic service from any opposing party or agency in this proceeding.**<sup>1</sup>

3. The Agency agrees to use best efforts to provide the Office of Administrative Hearings with the email address(es) for opposing parties and their legal counsel.

**Agency's Name:** Erica Backstrom (Rule Coordinator)  
Minnesota Pollution Control Agency (MPCA)  
Email: [erica.backstrom@state.mn.us](mailto:erica.backstrom@state.mn.us) Telephone: 218-302-6659  
Mailing Address: 520 Lafayette Rd., St. Paul MN 55155

**Agency's Attorney:** Leslie Fredrickson  
Firm Name: MPCA  
Email: [Leslie.fredrickson@state.mn.us](mailto:Leslie.fredrickson@state.mn.us) Telephone: 651-757-2414  
Mailing Address: 520 Lafayette Rd., St. Paul MN 55155

**Respondent's/Opposing Party's Name:** not applicable  
Email: not applicable Telephone: not applicable  
Mailing Address: not applicable



Dated: 11/4/2024

**Signature of Party/Agency or Attorney**

<sup>1</sup> In order to opt in to electronic notice, this form must be emailed to [OAH.efiling.support@state.mn.us](mailto:OAH.efiling.support@state.mn.us). If the party does not wish to opt in to electronic notice, this form may be filed with the Office of Administrative Hearings via facsimile, U.S. Mail, or personal service. See 2015 Minn. Laws Ch. 63, Minn. R. 1400.5550, subps. 2-5 (2023).

Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.