

## \*Opportunities for Public Involvement in MPCA Rules



The rulemaking process utilized by the Minnesota Pollution Control Agency (MPCA) provides three opportunities for public involvement:

1. When the Request for Comments (RFC) is published in the *State Register*, it communicates general ideas for the rulemaking. This is an opportunity for stakeholders to provide formal comments and input on the rulemaking ideas that may narrow or broaden the scope of the project. Stakeholder data or other relevant information can be submitted at this time. An example of information submitted could be relevant cost information for implementing the general ideas announced in the RFC. MPCA encourages stakeholder participation at this early stage of the process so that relevant information can be considered as decisions that shape the rule are made.
2. During this phase of the rulemaking, MPCA generally develops a preliminary draft of rule language and makes it available for at least one informal public comment period. Throughout this phase, stakeholder meetings may be held and informal comments may be submitted.
3. When a Notice of Intent to Adopt Rules is published, it signals the final opportunity for stakeholder input, unless a hearing is held. The published notice will indicate the relevant submittal deadlines. At this stage, a complete Statement of Need and Reasonableness (SONAR) and draft rule are made available for formal public comment.
4. The Agency can proceed with a public hearing or without one. If held, the public hearing provides an additional formal opportunity for stakeholders to testify or submit written testimony in front of an Administrative Law Judge who presides over the hearing.
5. On completion, MPCA will publish final adoption of rules. Most rules become effective five working days after they appear in the *State Register*.

*\*Note that the above schematic simply highlights the opportunity for public participation within the rulemaking process.*

**Acronyms:** GO – Governor’s Office  
MMB – Minnesota Management and Budget

OAH – Office of Administrative Hearings  
RFC – Request for Comments

SONAR – Statement of Need and Reasonableness  
SR – Minnesota State Register

Check with the agency contact person to inspect written comments, written requests for a public hearing, and names of parties who requested a public hearing.

<b>Subject Matter</b> (Existing webpages are listed)	<b>Agency Contact Person</b> (Lead Staff)	<b>Current Status of proposed rule and any agency determinations</b>	<b>Next Opportunity for Public Comment</b>	<b>Timetable for adoption and other agency determinations</b>	<b>Notices published</b> (State Register citations)	<b>Public Hearing Schedule</b>	<b>Date Rule Adopted by MPCA</b>	<b>Date Rule Filed with Secretary of State</b>	<b>Effective Date of Rule</b>
Animal Feedlots Rule Amendments <a href="http://www.pca.state.mn.us/tchyffd">http://www.pca.state.mn.us/tchyffd</a>	Kevin Molloy 651-757-2577 <a href="mailto:kevin.molloy@state.mn.us">kevin.molloy@state.mn.us</a>	Published RFC in the SR 12/19/11. Preliminary draft of rule amendments distributed at stakeholder meetings held on 9/4/12 and 9/7/12. The team is finalizing Rule and SONAR language.	Formal comment period targeted for July 2013, (Notice of Intent to Adopt Rules)	Goal: Adopt rules in Fall 2013 (if no public hearing required)	RFC published in SR on <a href="#">19 December 2011 (36 SR 685)</a>				
Antidegradation/N ondegradation <a href="http://www.pca.state.mn.us/oxpg919">http://www.pca.state.mn.us/oxpg919</a>	Carol Nankivel 651-757-2597 <a href="mailto:carol.nankivel@state.mn.us">carol.nankivel@state.mn.us</a>	Stakeholder meetings – 9/12 – shared a preliminary draft of rule language.	Notice of Hearing to be published 2014	2014	RFC published in SR on <a href="#">29 January 2007 (31 SR 960)</a> ; <a href="#">29 May 2007 (31 SR 1733)</a> ; and <a href="#">25 February 2013 (37 SR 1255)</a>				
Compost <a href="http://www.pca.state.mn.us/jsri8b0">http://www.pca.state.mn.us/jsri8b0</a>	Yolanda Letnes 651-757-2527 <a href="mailto:yolanda.letnes@state.mn.us">yolanda.letnes@state.mn.us</a>	Preliminary Draft #2 posted on web on 10/29/12 and informal comments were due 11/16/12. The next phase will be drafting the SONAR and readying for formal public noticing.	Formal public comment period – tentatively 10/13.	Goals: Notice -10/13 Complete - Spring/Summer 2014	RFC published in SR on <a href="#">26 July 2010 (35 SR 106)</a> and <a href="#">17 October 2011 (36 SR 441)</a>	Unknown			
Land-Related Housekeeping Amendments	Yolanda Letnes 651-757-2527 <a href="mailto:yolanda.letnes@state.mn.us">yolanda.letnes@state.mn.us</a>	Drafting rule language and SONAR  Nature of rule changes will be minor edits correcting cross-references, obsolete language, etc.	RFC expected to be published in Fall 2013 and Notice anticipated Summer 2014	Complete Fall 2014		Unknown			

<b>Subject Matter</b> (Existing webpages are listed)	<b>Agency Contact Person</b> (Lead Staff)	<b>Current Status of proposed rule and any agency determinations</b>	<b>Next Opportunity for Public Comment</b>	<b>Timetable for adoption and other agency determinations</b>	<b>Notices published</b> (State Register citations)	<b>Public Hearing Schedule</b>	<b>Date Rule Adopted by MPCA</b>	<b>Date Rule Filed with Secretary of State</b>	<b>Effective Date of Rule</b>
Mercury Emission Inventory Reporting and Reduction Requirements <a href="http://www.pca.state.mn.us/iryp4a1">http://www.pca.state.mn.us/iryp4a1</a>	Mary H. Lynn 651-757-2439 <a href="mailto:mary.lynn@state.mn.us">mary.lynn@state.mn.us</a>	Shared Preliminary Draft #2 language with stakeholders 7/31/12. Informal comments will be considered and appropriate changes made to rule language. Will continue with SONAR drafting.	Formal public comment period – targeted for 8/13	Goals: Notice - 8/13 Complete by Spring 2014	RFC published in SR on <a href="#">27 July 2009 (34 SR 122)</a>	Unknown			
Omnibus Air <a href="http://www.pca.state.mn.us/oxpg1413">http://www.pca.state.mn.us/oxpg1413</a>	Mary H. Lynn 651-757-2439 <a href="mailto:mary.lynn@state.mn.us">mary.lynn@state.mn.us</a>	RFC published in SR 9/17/12. Currently drafting rule language and SONAR.	Pending – stakeholder meetings to be determined	Goals: Notice - 12/13 Complete – summer 2014	RFC published in SR on <a href="#">17 September 2012 (37 SR 409)</a>	Unknown			
Petroleum Contaminated Soils	Nathan Cooley 651-757-2290 <a href="mailto:nathan.cooley@state.mn.us">nathan.cooley@state.mn.us</a>	Working on preliminary draft of rules and RFC	Likely Summer 2013 with RFC	Under development; late 2013	None				
Wastewater and Stormwater Treatment Assistance Rule <a href="http://www.pca.state.mn.us/aj0rffe">http://www.pca.state.mn.us/aj0rffe</a>	Nathan Cooley 651-757-2290 <a href="mailto:nathan.cooley@state.mn.us">nathan.cooley@state.mn.us</a>	The Agency is drafting its SONAR and finalizing its rules.	Expect to publish proposed Notice of Intent to Adopt Rules late June or early July 2013	Goal is to have completed by 9/30/13	RFC published in SR on <a href="#">2 August 2010 (35 SR 143)</a>	Requests for hearing not anticipated			
Water-Related Housekeeping Amendments (Chapters 7041, 7053, 7076, 7080, 7081, 7082, and 7083)	Carol Nankivel 651-757-2597 <a href="mailto:carol.nankivel@state.mn.us">carol.nankivel@state.mn.us</a>	Drafting rule language and SONAR	Expect to publish proposed rules summer 2013	Complete by Winter 2014	RFC published in SR on <a href="#">29 April 2013</a> (37 SR 1602)	No hearing expected			

<b>Subject Matter</b> (Existing webpages are listed)	<b>Agency Contact Person</b> (Lead Staff)	<b>Current Status of proposed rule and any agency determinations</b>	<b>Next Opportunity for Public Comment</b>	<b>Timetable for adoption and other agency determinations</b>	<b>Notices published</b> (State Register citations)	<b>Public Hearing Schedule</b>	<b>Date Rule Adopted by MPCA</b>	<b>Date Rule Filed with Secretary of State</b>	<b>Effective Date of Rule</b>
Water Quality Standards for river eutrophication (new); turbidity replaced by TSS; and supporting amendments to Minn. R. ch. 7053 <a href="http://www.pca.state.mn.us/iryp1405">http://www.pca.state.mn.us/iryp1405</a>	Carol Nankivel 651-757-2597 <a href="mailto:carol.nankivel@state.mn.us">carol.nankivel@state.mn.us</a>	Both rules and SONAR in draft stages.  Note: these amendments are the result of the 2008 Triennial Review of water standards and are being proposed in a number of separate but concurrent rulemaking activities.	Informational opportunities Summer 2013	Complete by Spring 2014	RFC published in SR on <a href="#">28 July 2008 (33 SR 223)</a> ; <a href="#">2 March 2009 (33 SR 1493)</a> ; and <a href="#">11 June 2012 (36 SR 1511)</a>	Tentatively scheduled for Winter 2014			
Water Quality Standards: Human health-based methods; <a href="http://www.pca.state.mn.us/iryp1405">http://www.pca.state.mn.us/iryp1405</a>	Carol Nankivel 651-757-2597 <a href="mailto:carol.nankivel@state.mn.us">carol.nankivel@state.mn.us</a>	Both rules and SONAR in draft stages.  Note: these amendments are the result of the 2008 Triennial Review of water standards and are being proposed in a number of separate but concurrent rulemaking activities.			RFC published in SR on <a href="#">28 July 2008 (33 SR 223)</a> ; <a href="#">2 March 2009 (33 SR 1493)</a> ; and <a href="#">11 June 2012 (36 SR 1511)</a>				
Water Quality Standards: Use Classification Changes to Class 1 (Domestic Consumption) and Class 2A (cold-water communities, and Class 7 limited resource value waters) <a href="http://www.pca.state.mn.us/iryp1405">http://www.pca.state.mn.us/iryp1405</a>	Carol Nankivel 651-757-2597 <a href="mailto:carol.nankivel@state.mn.us">carol.nankivel@state.mn.us</a>	Both rules and SONAR in draft stages.  Note: these amendments are the result of the 2008 Triennial Review of water standards and are being proposed in a number of separate but concurrent rulemaking activities.			RFC published in SR on <a href="#">28 July 2008 (33 SR 223)</a> ; <a href="#">2 March 2009 (33 SR 1493)</a> ; and <a href="#">11 June 2012 (36 SR 1511)</a>				

<b>Subject Matter</b> (Existing webpages are listed)	<b>Agency Contact Person</b> (Lead Staff)	<b>Current Status of proposed rule and any agency determinations</b>	<b>Next Opportunity for Public Comment</b>	<b>Timetable for adoption and other agency determinations</b>	<b>Notices published</b> (State Register citations)	<b>Public Hearing Schedule</b>	<b>Date Rule Adopted by MPCA</b>	<b>Date Rule Filed with Secretary of State</b>	<b>Effective Date of Rule</b>
Water Quality Standards: Class 3 (Industrial Consumption) <a href="http://www.pca.state.mn.us/iryp1405">http://www.pca.state.mn.us/iryp1405</a>	Carol Nankivel 651-757-2597 <a href="mailto:carol.nankivel@state.mn.us">carol.nankivel@state.mn.us</a>	Both rules and SONAR in draft stages.  Note: these amendments are part of the 2008 Triennial Review of water standards that are being proposed in a number of separate but concurrent rulemaking activities.			RFC published in SR on <a href="#">28 July 2008 (33 SR 223)</a> ; <a href="#">2 March 2009 (33 SR 1493)</a> ; and <a href="#">11 June 2012 (36 SR 1511)</a>				
Water Quality Standards: Aquatic life WQS for nitrate, nonylphenol, Cadmium, Chloride, Copper, and Human health based standards, non-wild rice related amendments to Class 4 waters	Carol Nankivel 651-757-2597 <a href="mailto:carol.nankivel@state.mn.us">carol.nankivel@state.mn.us</a>	The MPCA is researching and compiling information about these possible rule changes and no rulemaking schedule has been developed at this time.							
Water Quality Standards Rulemaking. Minn. R. ch. 7050. Waters used for production of wild rice and (pending research outcome) wild rice sulfate-based standard	Carol Nankivel 651-757-2597 <a href="mailto:carol.nankivel@state.mn.us">carol.nankivel@state.mn.us</a>	The MPCA is researching and compiling information about these possible rule changes and no rulemaking schedule has been developed at this time. Refer also to the MPCA wild rice webpage for periodic status updates: <a href="http://www.pca.state.mn.us/ktghd17">http://www.pca.state.mn.us/ktghd17</a>							
Water Quality Trading Rule <a href="http://www.pca.state.mn.us/sbiz91d">http://www.pca.state.mn.us/sbiz91d</a>	Kevin Molloy 651-757-2577 <a href="mailto:kevin.molloy@state.mn.us">kevin.molloy@state.mn.us</a>	Drafting rule language and SONAR.		Goal: Public Notice Intent to Adopt Rules in Fall/Winter 2013	RFC published in SR on <a href="#">23 July, 2007 (32 SR 87)</a> .				

<b>Subject Matter</b> (Existing webpages are listed)	<b>Agency Contact Person</b> (Lead Staff)	<b>Current Status of proposed rule and any agency determinations</b>	<b>Next Opportunity for Public Comment</b>	<b>Timetable for adoption and other agency determinations</b>	<b>Notices published</b> (State Register citations)	<b>Public Hearing Schedule</b>	<b>Date Rule Adopted by MPCA</b>	<b>Date Rule Filed with Secretary of State</b>	<b>Effective Date of Rule</b>
Water Quality Variance Rule <a href="http://www.pca.state.mn.us/zihy1479">http://www.pca.state.mn.us/zihy1479</a>	Mary H. Lynn 651-757-2439 <a href="mailto:mary.lynn@state.mn.us">mary.lynn@state.mn.us</a>	RFC published in SR 10/01/12. 2 <sup>nd</sup> RFC published in SR 3/4/2013	Pending – stakeholder meetings to be determined	Goals: Complete by Spring 2014	RFC published in SR on <a href="#">1 October 2012 (37 SR 492)</a> ; 2 <sup>nd</sup> RFC published in SR on 4 March 2013 (37 SR 36)				

#### COMPLETED RULEMAKING PROJECTS – ADOPTED WITHIN PAST YEAR

<b>Subject Matter</b> (Existing webpages are listed)	<b>Notices Published</b> (State Register citations listed in sequence by Notice of Adoption date)	<b>Effective Date of Rule</b>
Landfill 10-yr permit	Notice of Adoption published in SR on <a href="#">30 July 2012 (37 SR 171)</a>	7/30/12
Water and Wastewater Treatment Operators Certification	RFC published in SR on <a href="#">17 August 2009 (34 SR 232)</a> ; Dual Notice published in SR on <a href="#">23 January 2012 (36 SR 835)</a> ; Notice of Adoption published in SR on <a href="#">04 September 2012 (37 SR 327)</a>	9/11/12
Subsurface Sewage Treatment System – Alternative Local Standards Rule	Notice of Adoption of Exempt Permanent Rules published in SR on <a href="#">01 October 2012 (37 SR 483)</a>	10/01/12
Federal Air Permit Thresholds for Greenhouse Gases	RFC published in SR on <a href="#">29 August 2011 (36 SR 177)</a> ; Dual Notice published in SR on <a href="#">9 July 2012 (37 SR 47)</a> ; Notice of Adoption published in SR on <a href="#">24 December 2012 (37 SR 991)</a>	1/24/13 with expired temporary rules
Clean Water Partnership	RFC published in SR on <a href="#">27, December 2011 (35 SR 745)</a> ; Dual Notice published in FR on <a href="#">19, November 2012 (37 SR 773)</a> ; Notice of Adoption published in SR on <a href="#">18 March 2013 (37 SR 1334)</a>	03/18/13

#### **UNDER CONSTRUCTION** – UNDER CONSIDERATION FOR POSSIBLE FUTURE RULEMAKING – **UNDER CONSTRUCTION**

<b>Subject Matter</b>	<b>Current Status of Proposal</b>	<b>Timetable for Agency Determination</b>
<i>Future rule</i>	<i>Under consideration</i>	<i>Decision as to whether to pursue anticipated</i>