

1.1 **Pollution Control Agency**

1.2 **Proposed Permanent Rules Relating to Antidegradation of State Waters**

1.3 **7050.0218 METHODS FOR DETERMINATION OF CRITERIA FOR TOXIC**
1.4 **POLLUTANTS, FOR WHICH NUMERIC STANDARDS NOT PROMULGATED.**

1.5 [For text of subps 1 and 2, see M.R.]

1.6 Subp. 3. **Definitions.** For the purposes of parts 7050.0217 to 7050.0227, the
1.7 following terms have the meanings given them.

1.8 [For text of items A to CC, see M.R.]

1.9 DD. "Toxic pollutant" ~~has the meaning given it in part 7050.0185, subpart 2,~~
1.10 ~~item F.~~ means a pollutant listed as toxic under section 307(a)(1) of the Clean Water Act,
1.11 United States Code, title 33, section 1317(a)(1), or as defined by Minnesota Statutes,
1.12 section 115.01, subdivision 20.

1.13 [For text of items EE to HH, see M.R.]

1.14 [For text of subps 4 to 10, see M.R.]

1.15 **7050.0305 PURPOSE.**

1.16 The purpose of antidegradation is to achieve and maintain the highest possible
1.17 quality of waters of the state. To achieve this purpose:

1.18 A. existing uses and the level of water quality necessary to protect those uses
1.19 must be maintained and protected;

1.20 B. where, for any parameter, the water quality exceeds levels necessary to
1.21 support the propagation of fish, shellfish, and wildlife and recreation in and on the
1.22 water, that water shall be considered high water quality for that parameter. High water
1.23 quality must be maintained and protected unless the commissioner determines, after full
1.24 satisfaction of public participation and intergovernmental coordination provisions of parts

7050.0345, subpart 7, and 7050.0355, subpart 3, that allowing lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located. Further, the commissioner shall ensure that the highest statutory and regulatory requirements for all new and existing point sources and all prudent and feasible best management practices for nonpoint source control are achieved; and

C. where water quality constitutes an outstanding resource, such as waters of national and state parks and wildlife refuges and waters of other exceptional characteristics, that water quality shall be maintained and protected.

7050.0315 DEFINITIONS.

Subpart 1. **Applicability.** For purposes of parts 7050.0305 to 7050.0375, the terms in this part have the meanings given.

Subp. 2. **Alternatives analysis.** "Alternatives analysis" means an evaluation of prudent and feasible prevention, treatment, and mitigation alternatives that avoid and minimize net increases in loading or other causes of degradation resulting from a proposed activity.

Subp. 3. **Antidegradation review.** "Antidegradation review" means the process whereby the commissioner evaluates proposed regulated activities to ensure that:

A. existing uses are maintained;

B. high water quality is maintained unless it is necessary to accommodate important economic or social development in the area in which the receiving waters are located; and

C. water quality essential to preserve the exceptional characteristics of outstanding resource value waters is maintained.

Subp. 4. **Assimilative capacity.** "Assimilative capacity" means the difference between the numeric water quality standard necessary to meet the applicable beneficial

3.1 use for a parameter of concern and the existing water quality for that parameter when it is
3.2 better than the numeric water quality standard.

3.3 Subp. 5. **Beneficial use.** "Beneficial use" means an attainable use described under
3.4 part 7050.0140 and listed under parts 7050.0400 to 7050.0470 for each water body or
3.5 segment, whether or not the use is being attained.

3.6 Subp. 6. **Best management practices.** "Best management practices" means
3.7 practices or a combination of practices, techniques, or measures that are a cost-effective
3.8 and practicable means of preventing or reducing the amount of water pollution generated
3.9 by nonpoint sources to a level compatible with water quality goals.

3.10 Subp. 7. **Calcareous fen.** "Calcareous fen" means an area designated according to
3.11 Minnesota Statutes, section 103G.223, and described under part 8420.0935, subpart 2.

3.12 Subp. 8. **Clean Water Act.** "Clean Water Act" means the federal Water Pollution
3.13 Control Act, United States Code, title 33, sections 1251 et seq.

3.14 Subp. 9. **Compensatory mitigation.** "Compensatory mitigation," as applied
3.15 to physical alteration of water bodies, means the restoration (re-establishment or
3.16 rehabilitation), establishment (creation), enhancement, or preservation of water bodies for
3.17 the purpose of compensating unavoidable adverse impacts that remain after all prudent
3.18 and feasible avoidance and minimization has occurred.

3.19 Subp. 10. **Control document.** "Control document" means an authorization issued by
3.20 the commissioner for a regulated activity that specifies conditions under which the activity
3.21 is allowed to operate. Control document includes all authorizations issued to satisfy
3.22 Minnesota Statutes, section 115.03, including those used to administer NPDES permits
3.23 and any state certifications granted under section 401 of the Clean Water Act.

3.24 Subp. 11. **Critical conditions.** "Critical conditions" means the conditions under
3.25 which beneficial uses within receiving waters are most susceptible to degradation.

4.1 Subp. 12. **Degradation or degrade.** "Degradation" or "degrade" means a
4.2 measurable impact to water quality made or induced by human activity resulting in
4.3 diminished chemical, physical, biological, or radiological conditions of waters of the state.
4.4 For municipal sewage and industrial wastewater discharges, degradation is calculated
4.5 upon appropriate mixing of the discharge and receiving water.

4.6 Subp. 13. **Design average wet-weather flow.** "Design average wet-weather flow"
4.7 means the design flow based on the daily average flow for the wettest 30 consecutive days
4.8 for mechanical plants or for the wettest 180 consecutive days for controlled discharge
4.9 pond systems.

4.10 Subp. 14. **Design flow.** "Design flow" means the flow at critical conditions, which is
4.11 used for steady-state wasteload allocation modeling of regulated municipal sewage and
4.12 industrial waste discharges subject to numeric effluent limits.

4.13 Subp. 15. **Design maximum daily flow.** "Design maximum daily flow" means the
4.14 design flow based on maximum daily industrial production.

4.15 Subp. 16. **Disposal system.** "Disposal system" has the meaning given under
4.16 Minnesota Statutes, section 115.01, subdivision 5.

4.17 Subp. 17. **Draft permit.** "Draft permit" has the meaning given under part 7001.0010,
4.18 subpart 2.

4.19 Subp. 18. **Effective date.** "Effective date" means:

4.20 A. for the protection of high water quality, the date of the most recently issued
4.21 control document that established loading limits or other conditions limiting impacts to
4.22 the receiving waters; or

4.23 B. for the protection of exceptional characteristics of outstanding resource value
4.24 waters, the date when the outstanding resource value water was designated in rule. When
4.25 authorized loading decreases since the date the outstanding resource value water was

5.1 designated in rule and the decrease in loading results in an improvement in the exceptional
5.2 characteristics of the outstanding resource value water, the effective date is the date when
5.3 the reduced loading was specified in the applicable control document.

5.4 **Subp. 19. Exceptional characteristics of outstanding resource value waters.**

5.5 "Exceptional characteristics of outstanding resource value waters" means characteristics
5.6 for which an outstanding resource value water is designated, including wilderness,
5.7 scientific, educational, ecological, recreational, or aesthetic resource characteristics or
5.8 other special qualities that warrant stringent protection from degradation.

5.9 **Subp. 20. Existing uses.** "Existing uses" means those uses actually attained in the
5.10 water body on or after November 28, 1975, whether or not the uses are listed in parts
5.11 7050.0221 to 7050.0227.

5.12 **Subp. 21. Existing water quality.** "Existing water quality" means the condition of
5.13 a receiving water on the effective date. The existing water quality represents the water
5.14 quality at or immediately upstream from the point where a previously unregulated activity
5.15 would impact receiving waters or immediately below the point where a regulated activity
5.16 impacts receiving waters. Existing water quality is expressed either as a concentration of a
5.17 water quality parameter or by other means to describe the condition of receiving waters.
5.18 For waters impacted by an existing regulated activity, the existing water quality includes
5.19 the levels of pollutants to be discharged or other causes of degradation already authorized
5.20 in the applicable control document conditions.

5.21 **Subp. 22. Feasible.** "Feasible" means an alternative that is consistent with sound
5.22 engineering and environmental practices, is economically affordable, is legally possible,
5.23 and has supportive governance that can be successfully put into practice to accomplish
5.24 the task.

6.1 Subp. 23. **Federal designated recreational river segment.** "Federal designated
6.2 recreational river segment" means a water body designated as a recreational river under the
6.3 federal Wild and Scenic Rivers Act, United States Code, title 16, sections 1271 to 1287.

6.4 Subp. 24. **Federal designated scenic river segment.** "Federal designated scenic
6.5 river segment" means a water body designated as a scenic river under the federal Wild and
6.6 Scenic Rivers Act, United States Code, title 16, sections 1271 to 1287.

6.7 Subp. 25. **Federal designated wild river segment.** "Federal designated wild river
6.8 segment" means a water body designated as a wild river under the federal Wild and Scenic
6.9 Rivers Act, United States Code, title 16, sections 1271 to 1287.

6.10 Subp. 26. **Functions.** "Functions," as applied to compensatory mitigation, means the
6.11 physical, chemical, and biological processes that occur in aquatic ecosystems.

6.12 Subp. 27. **High water quality.** "High water quality" means quality better than
6.13 the water quality standard necessary to protect the applicable beneficial use, on a
6.14 parameter-by-parameter basis. A parameter within a body of water is assumed to be of
6.15 high water quality unless the water is listed as impaired for a parameter on the state's most
6.16 recent Environmental Protection Agency-approved impaired waters list according to the
6.17 Clean Water Act, section 303(d), or unless the commissioner determines by an assessment
6.18 of existing water quality that the body of water is not of high water quality.

6.19 Subp. 28. **Loading.** "Loading" means the amount of pollutants that is discharged, or
6.20 is proposed to be discharged, through control document authorization. When regulated by
6.21 a numeric effluent limit, loading refers to the:

6.22 A. mass limit expressed in the control document;

6.23 B. product of the average concentration limit specified in the control document
6.24 and the design flow, if no mass limit is specified; or

7.1 C. product of the average concentration value derived from the maximum
7.2 concentration limit specified in the control document using derivation methods established
7.3 in total maximum daily load procedures and the design flow, if no average concentration
7.4 limit is specified.

7.5 Subp. 29. **Measurable impact.** "Measurable impact" means the practical ability
7.6 to detect human-made or human-induced change in water quality, taking into account
7.7 limitations in analytical technique and sampling variability, according to part 7050.0335.

7.8 Subp. 30. **Mitigation offset.** "Mitigation offset" means measures that are taken to
7.9 compensate for all or part of a net increase in loading when there is a reduction in loading
7.10 elsewhere and that result in no or reduced degradation of the receiving water quality.
7.11 For the purposes of antidegradation review, a proposed mitigation offset resulting in
7.12 compensation of the entire proposed loading to the receiving water means that there is
7.13 no net increase in loading to that receiving water. A proposed mitigation offset resulting
7.14 in compensation of only part of the proposed loading to the receiving water requires
7.15 antidegradation review. Mitigation offsets may involve point sources, nonpoint sources, or
7.16 a combination of point and nonpoint sources.

7.17 Subp. 31 **National pollutant discharge elimination system or NPDES.** "National
7.18 pollutant discharge elimination system" or "NPDES" means the national program for
7.19 issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing
7.20 permits and imposing and enforcing pretreatment requirements under sections 307, 318,
7.21 402, and 405 of the Clean Water Act, United States Code, title 33, sections 1317, 1328,
7.22 1342, and 1345.

7.23 Subp. 32. **Net increase in loading.** "Net increase in loading" means an increase in
7.24 loading beyond conditions specified in the control document as of the effective date.

8.1 Subp. 33. **Outstanding resource value waters.** "Outstanding resource value
8.2 waters" means waters of the state designated under part 7050.0375 for their exceptional
8.3 characteristics.

8.4 Subp. 34. **Parameters of concern.** "Parameters of concern" means pollutants or
8.5 other causes of degradation that result from or can reasonably be expected to result from a
8.6 regulated activity and for which an antidegradation review is conducted.

8.7 Subp. 35. **Physical alteration.** "Physical alteration" means the dredging, filling,
8.8 draining, permanent inundating, or other physical change resulting in the loss of an
8.9 existing use. Restoring a degraded water body by reestablishing its hydrology is not a
8.10 physical alteration.

8.11 Subp. 36. **Point source.** "Point source" has the meaning given under Minnesota
8.12 Statutes, section 115.01, subdivision 11.

8.13 Subp. 37. **Pollutant.** "Pollutant" has the meaning given under Minnesota Statutes,
8.14 section 115.01, subdivision 12.

8.15 Subp. 38. **Prohibited outstanding resource value waters.** "Prohibited outstanding
8.16 resource value waters" means those water bodies designated under part 7050.0375,
8.17 subpart 1.

8.18 Subp. 39. **Project proponent.** "Project proponent" means a person who is proposing
8.19 a regulated activity that is anticipated to result in a net increase in loading or cause
8.20 degradation of waters of the state and who is seeking a preliminary antidegradation
8.21 determination from the commissioner.

8.22 Subp. 40. **Proposed activity.** "Proposed activity" means a regulated activity for
8.23 which control document authorization is being requested.

8.24 Subp. 41. **Prudent.** "Prudent" means selected with care and sound judgment.

9.1 Subp. 42. **Receiving waters.** "Receiving waters" means waters of the state that
9.2 receive discharges from, or are otherwise impacted by, regulated activities.

9.3 Subp. 43. **Regulated activity.** "Regulated activity" means an activity that requires a
9.4 control document under federal or state law.

9.5 Subp. 44. **Restricted outstanding resource value water.** "Restricted outstanding
9.6 resource value water" means those water bodies designated under part 7050.0375, subpart
9.7 2.

9.8 Subp. 45. **Scientific and natural areas.** "Scientific and natural areas" means areas
9.9 designated under Minnesota Statutes, section 84.033, and described under Minnesota
9.10 Statutes, section 86A.05, subdivision 5.

9.11 Subp. 46. **Section 401 certification.** "Section 401 certification" means an
9.12 authorization granted by the commissioner under section 401 of the Clean Water Act,
9.13 United States Code, title 33, section 1341.

9.14 Subp. 47. **State designated recreational river segment.** "State designated
9.15 recreational river segment" means a water body designated as a recreational river under
9.16 Minnesota Statutes, sections 103F.301 to 103F.345, and described under Minnesota
9.17 Statutes, section 103F.311, subdivision 4.

9.18 Subp. 48. **State designated scenic river segment.** "State designated scenic river
9.19 segment" means a water body designated as a scenic river under Minnesota Statutes,
9.20 sections 103F.301 to 103F.345, and described under Minnesota Statutes, section 103F.311,
9.21 subdivision 7.

9.22 Subp. 49. **State designated wild river segment.** "State designated wild river
9.23 segment" means a water body designated as a wild river under Minnesota Statutes,
9.24 sections 103F.301 to 103F.345, and described under Minnesota Statutes, section 103F.311,
9.25 subdivision 9.

10.1 Subp. 50. **Total maximum daily load or TMDL.** "Total maximum daily load" or
10.2 "TMDL" has the meaning given under Minnesota Statutes, 114D.15, subdivision 10.

10.3 Subp. 51. **Treatment works.** "Treatment works" has the meaning given under
10.4 Minnesota Statutes, section 115.01, subdivision 21.

10.5 Subp. 52. **Values.** "Values," as applied to compensatory mitigation, means
10.6 ecological, social, or economic characteristics of a water body that are deemed beneficial
10.7 or desirable.

10.8 Subp. 53. **Water quality standard.** "Water quality standard" means a number or
10.9 narrative description established for a pollutant or water quality characteristic to protect a
10.10 specified beneficial use as listed in parts 7050.0220 to 7050.0227.

10.11 **7050.0325 ANTIDEGRADATION REVIEW; WHEN REQUIRED.**

10.12 Except as specified in part 7050.0345, subparts 3 and 4, antidegradation review must
10.13 be conducted for the following new, reissued, or modified authorizations anticipated to
10.14 result in a net increase in loading or cause degradation of waters of the state:

10.15 A. national pollutant discharge elimination system individual and general
10.16 permits; and

10.17 B. section 401 certifications.

10.18 **7050.0335 DETERMINING EXISTING WATER QUALITY.**

10.19 Existing water quality shall be determined, in a descending order of priority, by:

10.20 A. using existing commissioner-approved monitoring data;

10.21 B. monitoring receiving waters, provided that samples are collected in a manner
10.22 and place and of such type, number, and frequency as may be considered necessary by the
10.23 commissioner to adequately reflect the condition of the receiving waters and the effects
10.24 of the parameters of concern upon those waters. In general, samples must be collected,

11.1 preserved, and analyzed following accepted quality control and quality assurance methods
11.2 and according to the procedures in part 7050.0150; and

11.3 C. comparing a water body with similar physical, chemical, and biological
11.4 characteristics and with similar impacts from point and nonpoint sources of pollution.

11.5 **7050.0345 ANTIDEGRADATION PROCEDURES; INDIVIDUAL**
11.6 **NPDES PERMITS FOR WASTEWATER ACTIVITIES AND SECTION**
11.7 **401 CERTIFICATIONS OF INDIVIDUAL FEDERAL PERMITS OR**
11.8 **AUTHORIZATIONS.**

11.9 Subpart 1. **Applicability.** Except as provided in part 7050.0365, antidegradation
11.10 review of individual NPDES permits for wastewater activities and individual section 401
11.11 certifications must follow the procedures described in this part.

11.12 Subp. 2. **Identification of parameters of concern.** The commissioner shall identify
11.13 parameters of concern based on the environmental risks of pollutants and other causes
11.14 of degradation associated with the proposed activity and the sensitivity of the receiving
11.15 waters.

11.16 Subp. 3. **Exemptions.** The activities in items A to C do not require antidegradation
11.17 review:

11.18 A. bypasses not prohibited by Code of Federal Regulations, title 40, section
11.19 122.41, paragraph (m), as amended;

11.20 B. response actions pursuant to:

11.21 (1) the federal Comprehensive Environmental Response, Compensation
11.22 and Liability Act;

11.23 (2) the federal Resource Conservation and Recovery Act;

11.24 (3) the Minnesota Environmental Response and Liability Act under
11.25 Minnesota Statutes, chapter 115B;

12.1 (4) the Petroleum Tank Release Cleanup Act under Minnesota Statutes,
12.2 chapter 115C; or

12.3 (5) similar federal, state, or tribal actions undertaken to alleviate a release
12.4 into the environment of hazardous substances, pollutants, or contaminants that may pose
12.5 an imminent danger to public health or welfare; and

12.6 C. discharges to Class 7 receiving waters, except when:

12.7 (1) existing and beneficial uses of the Class 7 water would be removed;

12.8 (2) downstream high water quality of non-Class 7 receiving waters will
12.9 be lowered; or

12.10 (3) the discharge lowers water quality essential to preserve the exceptional
12.11 characteristics of downstream outstanding resource value waters.

12.12 Subp. 4. **Exemption; temporary and limited impact.**

12.13 A. A regulated activity that results in temporary and limited impacts to high
12.14 water quality may be exempt from antidegradation review on a case-by-case basis. The
12.15 project proponent must provide a request for an exemption under this subpart before
12.16 submitting a control document application. The request must include:

12.17 (1) identification of affected receiving waters;

12.18 (2) parameters likely to cause adverse impacts;

12.19 (3) length of time during which the water quality will be impacted;

12.20 (4) a description of existing water quality and anticipated net changes to
12.21 existing water quality over the time period the receiving waters are impacted;

12.22 (5) cumulative effects on water quality from multiple exemptions for
12.23 temporary and limited impacts;

13.1 (6) degree to which achieving the applicable beneficial use may be at
13.2 risk; and

13.3 (7) potential for any residual long-term influences on existing uses.

13.4 B. The commissioner shall review the information submitted by the project
13.5 proponent and other reliable information before making a determination of whether the
13.6 activity is temporary and limited. When short term and limited exemptions are approved,
13.7 control document conditions must include an enforceable plan to ensure that water quality
13.8 is returned to pre-activity conditions within 12 months from when high water quality is
13.9 initially impacted by the activity. Exemptions for temporary and limited impacts shall be
13.10 granted only when existing uses are maintained.

13.11 Subp. 5. Project proponent's antidegradation assessment.

13.12 A. The project proponent must provide an antidegradation assessment with
13.13 sufficient information for the commissioner to determine whether and to what extent
13.14 water quality may be lowered by a proposed activity. The commissioner shall advise the
13.15 project proponent in writing of any deficiency in the antidegradation assessment. Review
13.16 of the deficient portion of the antidegradation assessment shall be suspended until the
13.17 project proponent has supplied the necessary information to correct the deficiency. The
13.18 antidegradation assessment must include:

13.19 (1) the name and address of the project proponent and, if different, of the
13.20 facility or activity;

13.21 (2) a concise description of the facility or activity that is the subject of
13.22 the application;

13.23 (3) identification of receiving waters, including a map showing the
13.24 receiving waters with the location of the associated proposed discharge points clearly
13.25 marked;

14.1 (4) a list of the parameters of concern; and

14.2 (5) a description of net increases in loading, existing water quality, and
14.3 anticipated changes to existing water quality resulting from the proposed activity. For
14.4 wastewater activities, the project proponent must compare the loading expected from the
14.5 proposed activity to the loading authorized by the commissioner as of the effective date.
14.6 Estimated net changes in loading for wastewater activities must be based on:

14.7 (a) for municipal sewage waste discharges, preliminary effluent limits
14.8 and the design average wet-weather flow; or

14.9 (b) for industrial waste discharges, preliminary effluent limits and
14.10 the design maximum daily flow.

14.11 B. The project proponent must provide an analysis of alternatives that avoid
14.12 and minimize net increases in loading or other causes of degradation through prudent and
14.13 feasible prevention, treatment, or mitigation offsets. When receiving waters are of high
14.14 water quality and there are no prudent and feasible alternatives that would avoid net
14.15 increases in loading or other causes of degradation, the project proponent must provide a
14.16 statement describing the design parameters, expected performance, construction, operation
14.17 and maintenance costs, and reliability of the alternative resulting in the least net increase
14.18 in loading or other causes of degradation.

14.19 C. When prudent and feasible alternatives are not available that would avoid
14.20 net increases in loading or other causes of degradation to high water quality, the project
14.21 proponent must provide an estimate of the net environmental, social, and economic
14.22 impacts of the proposed activity in the area where high water quality will be lowered. The
14.23 project proponent must:

14.24 (1) provide an assessment of the extent existing water quality will change
14.25 as a result of the proposed activity, which for wastewater activities is to include the change
14.26 in assimilative capacity at critical conditions;

- 15.1 (2) when applicable, describe net changes to:
- 15.2 (a) number and types of jobs;
- 15.3 (b) median household income;
- 15.4 (c) bond ratings;
- 15.5 (d) production of goods and services;
- 15.6 (e) property values;
- 15.7 (f) social services;
- 15.8 (g) recreational, tourism, or other commercial opportunities;
- 15.9 (h) other impacts to the surrounding environment; and
- 15.10 (i) factors subject to change, such as aesthetics, that cannot be
- 15.11 reasonably quantified; and
- 15.12 (3) provide a summary justifying why the lowering of high water quality is
- 15.13 important for social and economic development in the area in which the waters are located.
- 15.14 Subp. 6. Commissioner's antidegradation review and preliminary
- 15.15 determination.
- 15.16 A. The commissioner shall make a preliminary determination of whether and
- 15.17 to what extent water quality may be lowered based upon information submitted under
- 15.18 subpart 5 and other information obtained by the commissioner. The commissioner shall
- 15.19 consider how the activity by itself or in conjunction with other regulated activities would
- 15.20 impact existing uses, high water quality, and outstanding resource value waters.
- 15.21 B. The commissioner shall not approve a proposed activity that results in the
- 15.22 removal of an existing use, except as provided in item C. Evaluation of the protection
- 15.23 of existing uses includes consideration of:
- 15.24 (1) aquatic life that utilize or are present in the receiving waters;

16.1 (2) recreational opportunities in or on the receiving waters;

16.2 (3) hydrology, geomorphology, water chemistry, and habitat that supports
16.3 existing aquatic life or recreation;

16.4 (4) commercial activity that depends on the preservation of water quality;
16.5 and

16.6 (5) whether the proposed activity would remove an existing use for reasons
16.7 that cannot be tied to a beneficial use.

16.8 C. For the purposes of this part, existing uses are considered maintained and
16.9 protected when regulated activities involving the physical alterations of water bodies
16.10 are in compliance with this item.

16.11 (1) The commissioner shall prohibit physical alterations that result in the
16.12 loss of existing uses when there are prudent and feasible alternatives to avoid the loss.

16.13 (2) When the project proponent determines that there are no prudent and
16.14 feasible alternatives to avoid the loss of existing uses, the project proponent shall provide
16.15 for the commissioner's consideration the following information:

16.16 (a) how the purpose of the proposed activity relates to the loss of
16.17 existing uses;

16.18 (b) the spatial requirements of the activity;

16.19 (c) the location of existing structural or natural features, such as
16.20 topography and hydrology, that may dictate the placement or configuration of the activity;

16.21 (d) how site design addresses the sensitivity of existing aquatic life
16.22 to the proposed impacts;

16.23 (e) the beneficial uses and spatial distribution of the water bodies
16.24 on the site;

17.1 (f) impacts to both the water bodies to which physical alteration is
17.2 proposed and other impacted water bodies; and

17.3 (g) cumulative impacts to water bodies resulting from the proposed
17.4 activity and other activities.

17.5 (3) When the project proponent demonstrates that prudent and feasible
17.6 alternatives are not available to avoid the loss of existing uses, the commissioner shall
17.7 consider compensatory mitigation for the loss. When allowed, compensatory mitigation
17.8 must:

17.9 (a) be sufficient to ensure replacement of the lost existing use of the
17.10 water bodies that were physically altered;

17.11 (b) be accomplished by restoring the existing use of previously altered
17.12 water bodies of the same type or, when restoring is not prudent or feasible, creating or
17.13 enhancing water bodies of the same type;

17.14 (c) occur within the same watershed, to the extent prudent and feasible;

17.15 (d) be completed before or concurrent with the actual physical
17.16 alteration of the water bodies affected by the proposed activity to the extent prudent
17.17 and feasible; and

17.18 (e) compensate for loss of existing use according to a compensatory
17.19 mitigation plan developed by the project proponent and approved by the commissioner,
17.20 which includes a description of the existing values and functions of the impacted water
17.21 bodies, existing values and functions of the water bodies in which mitigation will occur,
17.22 anticipated changes in the values and functions of the water bodies in which mitigation
17.23 will occur, and a plan for monitoring the changes in values and functions of the water
17.24 bodies in which mitigation has occurred.

18.1 (4) The commissioner shall prohibit the loss of existing uses resulting from
18.2 physical alterations, regardless of the compensatory mitigation proposed, when:

18.3 (a) the commissioner determines the net environmental, social, and
18.4 economic changes resulting from the proposed activity do not contribute to important
18.5 economic or social development in the area in which the impacted waters are located; or

18.6 (b) the impacted water is an outstanding resource value water
18.7 designated in part 7050.0375.

18.8 (5) The loss of existing uses resulting from a physical alteration of a
18.9 water body shall be allowed only after an opportunity for public comment described
18.10 in part 7001.1440.

18.11 (6) When physical alterations resulting in the loss of existing uses are
18.12 authorized by the commissioner, impacted water bodies other than those to which the
18.13 physical alterations occurred are subject to the antidegradation provisions in parts
18.14 7050.0305 to 7050.0375.

18.15 D. This item applies to the protection of high water quality.

18.16 (1) The commissioner shall not approve the proposed activity when a
18.17 prudent and feasible alternative exists that would avoid net increases in loading or other
18.18 causes of degradation. When such an alternative is not available, the commissioner shall
18.19 approve the lowering of high water quality only through alternatives that minimize the
18.20 lowering of high water quality through prudent and feasible prevention, treatment, or
18.21 mitigation offsets.

18.22 (2) The commissioner shall not approve the lowering of high water
18.23 quality when the net environmental, social, and economic changes resulting from the
18.24 proposed activity do not contribute to important economic or social development in the

19.1 area in which the waters are located. The commissioner shall consider the following in
19.2 determining the importance of economic or social development:

19.3 (a) net economic gains, such as increases in employment, median
19.4 household income, productivity, property values, and recreational, tourism and other
19.5 commercial opportunities;

19.6 (b) contribution to social services;

19.7 (c) prevention or remediation of environmental or public health threats;

19.8 (d) trade-offs between environmental media; and

19.9 (e) the value of the water resource, including:

19.10 i. the extent to which the resources or characteristics adversely
19.11 impacted are unique or rare within the locality, state, or nation;

19.12 ii. benefits associated with high water quality for uses such as
19.13 fishing, recreation, or tourism; and

19.14 iii. benefits of preserving assimilative capacity for future
19.15 generations to meet their own needs.

19.16 (3) When high water quality is lowered, the commissioner shall not
19.17 approve a proposed activity that would cause a permanent deviation from water quality
19.18 standards, unless the activity is in compliance with item C for allowable impacts to
19.19 existing uses resulting from physical alterations of waters of the state.

19.20 E. This item applies to the protection of prohibited outstanding resource value
19.21 waters.

19.22 (1) The commissioner shall prohibit any proposed activity that causes a
19.23 net increase in loading or that would otherwise degrade the existing water quality of
19.24 prohibited outstanding resource value waters listed under part 7050.0375, subpart 1.

20.1 (2) Until such time water bodies are designated in rule as prohibited
20.2 outstanding resource value waters, the commissioner shall provide the protection afforded
20.3 in subitem (1) to water bodies identified as federal or state designated wild river segments
20.4 and water bodies associated with state designated scientific and natural areas.

20.5 F. This item applies to protection of restricted outstanding resource value waters.

20.6 (1) The commissioner shall restrict any proposed activity to the extent
20.7 necessary to preserve the existing water quality needed to maintain the exceptional
20.8 characteristics for which the restricted outstanding resource value waters listed under
20.9 part 7050.0375, subpart 2, were designated. If the commissioner determines a proposed
20.10 activity will not adversely impact the exceptional characteristics of the restricted
20.11 outstanding resource value waters, a lowering of water quality shall be approved only
20.12 through procedures specified in this part.

20.13 (2) Until such time that water bodies are designated in rule as restricted
20.14 outstanding resource value waters, the commissioner shall provide the protection
20.15 afforded in subitem (1) to water bodies identified as federal or state designated scenic or
20.16 recreational river segments and to state designated calcareous fens.

20.17 G. The preliminary antidegradation determination under this part must be
20.18 consistent with section 316 of the Clean Water Act, United States Code, title 33, section
20.19 1326, when there is the potential for degradation resulting from thermal discharges. When
20.20 a variance is granted under section 316(a) of the Clean Water Act, review procedures
20.21 under this part still apply.

20.22 H. The commissioner shall provide the project proponent with written
20.23 notification of the commissioner's preliminary antidegradation determination under this
20.24 subpart.

20.25 Subp. 7. **Public participation and intergovernmental cooperation.** The
20.26 commissioner shall include antidegradation assessments and preliminary antidegradation

21.1 determinations in the fact sheets required under part 7001.0100, subpart 3. When fact
21.2 sheets are not developed, the commissioner shall make antidegradation assessments
21.3 and preliminary antidegradation determinations available upon request. Requests for
21.4 antidegradation assessments and preliminary antidegradation determinations and the
21.5 opportunity for comment shall be provided through the public notice procedures described
21.6 in part 7001.0100, subparts 4 and 5, for activities covered under individual NPDES
21.7 permits and part 7001.1440 for individual projects covered under section 401 certifications
21.8 of individual permits or authorizations.

21.9 Subp. 8. **Commissioner's final antidegradation determination.**

21.10 A. The commissioner shall consider comments received under subpart 7 and
21.11 make a final antidegradation determination of whether the proposed activity achieves the
21.12 protection specified in subpart 6, items A to G.

21.13 B. The final antidegradation determination shall be included with the
21.14 commissioner's final determination to authorize or not authorize an activity according to
21.15 parts 7001.0140, 7001.1100, and 7001.1450.

21.16 **7050.0355 ANTIDEGRADATION PROCEDURES; GENERAL NPDES PERMITS,**
21.17 **INDIVIDUAL NPDES PERMITS FOR STORMWATER ACTIVITIES, AND**
21.18 **SECTION 401 CERTIFICATIONS OF GENERAL FEDERAL PERMITS OR**
21.19 **AUTHORIZATIONS.**

21.20 Subpart 1. **Antidegradation review required.** The commissioner shall conduct
21.21 antidegradation review during the development of general NPDES permits, individual
21.22 NPDES permits for stormwater activities, and section 401 certifications of general federal
21.23 permits or authorizations when the issuance of the new, reissued, or modified permit
21.24 has the potential to result in net increases in loading or otherwise cause degradation.
21.25 The review must consider parameters of concern based on the environmental risks of
21.26 pollutants and other causes of degradation associated with the activity covered under the
21.27 control document.

22.1 Subp. 2. Antidegradation review and preliminary antidegradation
22.2 determination.

22.3 A. The commissioner shall conduct an analysis of prudent and feasible
22.4 alternatives that avoid and minimize net increases in loading or other causes of
22.5 degradation resulting from issuance of the control document. In conducting the analysis,
22.6 the commissioner shall determine the parameters of concern associated with the regulated
22.7 activity and prudent and feasible alternatives that result in the least net increase in loading
22.8 or other causes of degradation. The commissioner shall document the rationale used to
22.9 make the determination.

22.10 B. The least degrading prudent and feasible alternatives shall be identified in
22.11 the draft control document as the commissioner's selected alternatives for the proposed
22.12 activity. The selected alternatives shall be included in the conditions of the draft control
22.13 document by which project proponents seeking coverage under the control document are
22.14 allowed to operate. The commissioner shall include with the draft control document a
22.15 preliminary determination that the issuance of the control document will either:

22.16 (1) avoid net increases in loading or other causes of degradation; or
22.17 (2) minimize net increases in loading or other causes of degradation to
22.18 the extent that it is prudent and feasible.

22.19 C. When prudent and feasible alternatives are not available to avoid net
22.20 increases in loading or other causes of degradation, the commissioner shall:

22.21 (1) provide a justification for why lowering high water quality resulting
22.22 from the activities covered under the control document are necessary to accommodate
22.23 important economic or social development; and

22.24 (2) include in the control document conditions that individual actions
22.25 covered under the control document may not cause the removal of existing or beneficial

23.1 uses or degrade water quality essential to preserve the exceptional characteristics of
23.2 outstanding resource value waters.

23.3 Subp. 3. **Public participation and intergovernmental cooperation.** The
23.4 commissioner shall provide an opportunity for comment on the antidegradation review
23.5 and the preliminary antidegradation determination under this part through:

23.6 A. part 7001.0210, subpart 4, for general NPDES permits;

23.7 B. part 7001.0100, subparts 4 and 5, for individual NPDES permits for
23.8 stormwater activities; and

23.9 C. part 7001.1440, for section 401 certifications.

23.10 Subp. 4. **Final antidegradation determination.** The commissioner shall consider
23.11 information obtained under subparts 2 and 3 before making a final determination that
23.12 the issuance of the control document will achieve the purpose of antidegradation under
23.13 part 7050.0305.

23.14 Subp. 5. **Other antidegradation review not required.** When other control
23.15 documents are not required for a proposed activity covered under a general NPDES permit,
23.16 an individual NPDES permit for stormwater activities, or a section 401 certification of
23.17 a general federal permit or authorization, antidegradation requirements are satisfied
23.18 when a project proponent certifies that conditions specified in the general NPDES
23.19 permit, individual NPDES permit for stormwater activities, or section 401 certification
23.20 of a general federal permit or authorization can and will be met. In such cases, further
23.21 antidegradation review of the proposed activity is not required.

23.22 **7050.0365 MULTIPLE CONTROL DOCUMENTS.**

23.23 When a proposed activity covered by an NPDES permit for stormwater activities
23.24 under part 7050.0355 also requires a section 401 certification of a federal permit
23.25 or authorization under part 7050.0345, the commissioner shall determine whether

24.1 antidegradation procedures specified in part 7050.0345 are required to best achieve the
24.2 purpose of antidegradation under part 7050.0305. In such cases, the commissioner's
24.3 determination of whether antidegradation procedures specified in part 7050.0345 are
24.4 required shall be provided in the public notice prepared under part 7001.1440.

24.5 **7050.0375 DESIGNATED OUTSTANDING RESOURCE VALUE WATERS.**

24.6 Subpart 1. **Prohibited outstanding resource value waters.** For the purposes of
24.7 parts 7050.0305 to 7050.0375, the following waters are prohibited outstanding resource
24.8 value waters:

24.9 A. waters within the Boundary Waters Canoe Area Wilderness;

24.10 B. those portions of Lake Superior north of latitude 47 degrees, 57 minutes,
24.11 13 seconds, east of Hat Point, south of the Minnesota-Ontario boundary, and west of the
24.12 Minnesota-Michigan boundary;

24.13 C. waters within Voyageurs National Park;

24.14 D. the following scientific and natural areas:

24.15 (1) Boot Lake, Anoka County;

24.16 (2) Kettle River in Sections 15, 22, 23, T.41, R.20, Pine County;

24.17 (3) Pennington Bog, Beltrami County;

24.18 (4) Purvis Lake-Ober Foundation, Saint Louis County;

24.19 (5) waters within the borders of Itasca Wilderness Sanctuary, Clearwater
24.20 County;

24.21 (6) Iron Springs Bog, Clearwater County;

24.22 (7) Wolsfeld Woods, Hennepin County;

24.23 (8) Green Water Lake, Becker County;

25.1 (9) Black Dog Preserve, Dakota County;

25.2 (10) Prairie Bush Clover, Jackson County;

25.3 (11) Black Lake Bog, Pine County;

25.4 (12) Pembina Trail Preserve, Polk County; and

25.5 (13) Falls Creek, Washington County; and

25.6 E. the following state and federal designated wild river segments:

25.7 (1) Kettle River from the site of the former dam at Sandstone to its
25.8 confluence with the Saint Croix River; and

25.9 (2) Rum River from Ogechie Lake spillway to the northernmost confluence
25.10 with Lake Onamia.

25.11 Subp. 2. **Restricted outstanding resource value waters.** For the purposes of
25.12 parts 7050.0305 to 7050.0375, the following waters are restricted outstanding resource
25.13 value waters:

25.14 A. Lake Superior, except those portions identified in subpart 1 as a prohibited
25.15 discharges zone;

25.16 B. those portions of the Mississippi River from Lake Itasca to the southerly
25.17 boundary of Morrison County that are included in the Mississippi Headwaters Board
25.18 comprehensive plan dated February 12, 1981;

25.19 C. lake trout lakes, both existing and potential, as determined by the
25.20 commissioner in conjunction with the Department of Natural Resources, outside the
25.21 boundaries of the Boundary Waters Canoe Area Wilderness and Voyageurs National Park
25.22 and identified in parts 7050.0460 to 7050.0470;

25.23 D. the following state and federal designated scenic or recreational river
25.24 segments:

- 26.1 (1) Saint Croix River, entire length;
- 26.2 (2) Cannon River from northern city limits of Faribault to its confluence
26.3 with the Mississippi River;
- 26.4 (3) North Fork of the Crow River from Lake Koronis outlet to the
26.5 Meeker-Wright County line;
- 26.6 (4) Kettle River from north Pine County line to the site of the former
26.7 dam at Sandstone;
- 26.8 (5) Minnesota River from Lac qui Parle dam to Redwood County State-Aid
26.9 Highway 11;
- 26.10 (6) Mississippi River from County State-Aid Highway 7 bridge in Saint
26.11 Cloud to northwestern city limits of Anoka;
- 26.12 (7) Rum River from State Highway 27 bridge in Onamia to Madison and
26.13 Rice Streets in Anoka; and
- 26.14 E. the following waters associated with calcareous fens. The number following
26.15 the name of the fen is the occurrence number assigned by the Department of Natural
26.16 Resources that uniquely identifies the record of information for the particular fen:
- 26.17 (1) Becker County: Spring Creek WMA NHR fen, 34 (T.142, R.42, S.13);
- 26.18 (2) Carver County: Seminary fen, 75 (T.116, R.23, S.35);
- 26.19 (3) Clay County:
- 26.20 (a) Barnesville Moraine fen, 44 (T.137, R.44, S.18);
- 26.21 (b) Barnesville WMA fen, 10 (T.137, R.45, S.1);
- 26.22 (c) Barnesville WMA fen, 43 (T.137, R.44, S.18);
- 26.23 (d) Felton Prairie fen, 28 (T.142, R.46, S.36);

- 27.1 (e) Felton Prairie fen, 36 (T.141, R.46, S.13);
- 27.2 (f) Felton Prairie fen, 48 (T.142, R.45, S.31);
- 27.3 (g) Felton Prairie fen, 53 (T.141, R.46, S.24);
- 27.4 (h) Haugtvedt WPA North Unit fen, 54 (T.137, R.44, S.28, 29); and
- 27.5 (i) Spring Prairie fen, 37 (T.140, R.46, S.11);
- 27.6 (4) Clearwater County: Clearbrook fen, 61 (T.149, R.37, S.17);
- 27.7 (5) Dakota County:
- 27.8 (a) Black Dog Preserve fen, 63 (T.27, R.24, S.34);
- 27.9 (b) Fort Snelling State Park fen, 25 (T.27, R.23, S.4); and
- 27.10 (c) Nicols Meadow fen, 24 (T.27, R.23, S.18);
- 27.11 (6) Goodhue County:
- 27.12 (a) Holden 1 West fen, 3 (T.110, R.18, S.1);
- 27.13 (b) Perched Valley Wetlands fen, 2 (T.112, R.13, S.8); and
- 27.14 (c) Red Wing fen, 72 (T.113, R.15, S.21);
- 27.15 (7) Houston County: Houston fen, 62 (T.104, R.6, S.26);
- 27.16 (8) Jackson County:
- 27.17 (a) Heron Lake fen, 45 (T.103, R.36, S.29); and
- 27.18 (b) Thompson Prairie fen, 20 (T.103, R.35, S.7);
- 27.19 (9) Le Sueur County:
- 27.20 (a) Ottawa Bluff fen, 56 (T.110, R.26, S.3);
- 27.21 (b) Ottawa WMA fen, 7 (T.110, R.26, S.11); and
- 27.22 (c) Ottawa WMA fen, 60 (T.110, R.26, S.14);

- 28.1 (10) Lincoln County: Hole-in-the-Mountain Prairie fen, 6; Pipestone
28.2 (T.108, R.46, S.1; T.109, R.45, S.31);
- 28.3 (11) Mahnomen County: Waubun WMA fen, 11 (T.143, R.42, S.25);
- 28.4 (12) Marshall County:
- 28.5 (a) Tamarac River fen, 71 (T.157, R.46, S.2);
- 28.6 (b) Viking fen, 68 (T.155, R.45, S.18);
- 28.7 (c) Viking fen, 70 (T.155, R.45, S.20); and
- 28.8 (d) Viking Strip fen, 69 (T.154, R.45, S.4);
- 28.9 (13) Martin County: Perch Creek WMA fen, 33 (T.104, R.30, S.7);
- 28.10 (14) Murray County: Lost Timber Prairie fen, 13 (T.105, R.43, S.2);
- 28.11 (15) Nicollet County:
- 28.12 (a) Fort Ridgely fen, 21 (T.111, R.32, S.6); and
- 28.13 (b) Le Sueur fen, 32 (T.111, R.26, S.16);
- 28.14 (16) Nobles County: Westside fen, 59 (T.102, R.43, S.11);
- 28.15 (17) Norman County:
- 28.16 (a) Agassiz-Olson WMA fen, 17 (T.146, R.45, S.22);
- 28.17 (b) Faith Prairie fen, 15 (T.144, R.43, S.26);
- 28.18 (c) Faith Prairie fen, 16 (T.144, R.43, S.35);
- 28.19 (d) Faith Prairie fen, 27 (T.144, R.43, S.25); and
- 28.20 (e) Green Meadow fen, 14 (T.145, R.45, S.35, 36);
- 28.21 (18) Olmsted County:
- 28.22 (a) High Forest fen, 12 (T.105, R.14, S.14, 15); and

29.1 (b) Nelson WMA fen, 5 (T.105, R.15, S.16);

29.2 (19) Pennington County:

29.3 (a) Sanders East fen, 65 (T.153, R.44, S.7);

29.4 (b) Sanders East fen, 74 (T.153, R.44, S.7); and

29.5 (c) Sanders fen, 64 (T.153, R.44, S.18, 19);

29.6 (20) Pipestone County:

29.7 (a) Burke WMA fen, 57 (T.106, R.44, S.28); and

29.8 (b) Hole-in-the-Mountain Prairie fen, 6 (see Lincoln County, subitem

29.9 (10);

29.10 (21) Polk County:

29.11 (a) Chicog Prairie fen, 39 (T.148, R.45, S.28);

29.12 (b) Chicog Prairie fen, 40 (T.148, R.45, S.33);

29.13 (c) Chicog Prairie fen, 41 (T.148, R.45, S.20, 29);

29.14 (d) Chicog Prairie fen, 42 (T.148, R.45, S.33);

29.15 (e) Kittleson Creek Mire fen, 55 (T.147, R.44, S.6, 7);

29.16 (f) Tympanuchus Prairie fen, 26 (T.149, R.45, S.17); and

29.17 (g) Tympanuchus Prairie fen, 38 (T.149, R.45, S.16);

29.18 (22) Pope County:

29.19 (a) Blue Mounds fen, 1 (T.124, R.39, S.14, 15);

29.20 (b) Lake Johanna fen, 4 (T.123, R.36, S.29); and

29.21 (c) Ordway Prairie fen, 35 (T.123, R.36, S.30);

29.22 (23) Redwood County:

- 30.1 (a) Swedes Forest fen, 8 (T.114, R.37, S.19, 20); and
- 30.2 (b) Swedes Forest fen, 9 (T.114, R.37, S.22, 27);
- 30.3 (24) Rice County:
- 30.4 (a) Cannon River Wilderness Area fen, 18 (T.111, R.20, S.34); and
- 30.5 (b) Cannon River Wilderness Area fen, 73 (T.111, R.20, S.22);
- 30.6 (25) Scott County:
- 30.7 (a) Savage fen, 22 (T.115, R.21, S.17);
- 30.8 (b) Savage fen, 66 (T.115, R.21, S.16); and
- 30.9 (c) Savage fen, 67 (T.115, R.21, S.17);
- 30.10 (26) Wilkin County:
- 30.11 (a) Anna Gronseth Prairie fen, 47 (T.134, R.45, S.15);
- 30.12 (b) Anna Gronseth Prairie fen, 49 (T.134, R.45, S.10);
- 30.13 (c) Anna Gronseth Prairie fen, 52 (T.134, R.45, S.4);
- 30.14 (d) Rothsay Prairie fen, 46 (T.136, R.45, S.33);
- 30.15 (e) Rothsay Prairie fen, 50 (T.135, R.45, S.15, 16); and
- 30.16 (f) Rothsay Prairie fen, 51 (T.135, R.45, S.9);
- 30.17 (27) Winona County: Wiscoy fen, 58 (T.105, R.7, S.15); and
- 30.18 (28) Yellow Medicine County:
- 30.19 (a) Sioux Nation WMA NHR fen, 29 (T.114, R.46, S.17); and
- 30.20 (b) Yellow Medicine fen, 30 (T.115, R.46, S.18).

30.21 **7052.0300 NONDEGRADATION STANDARDS.**

31.1 Subpart 1. **Applicability.** This part and parts ~~7050.0180 and 7050.0185~~ 7050.0305
31.2 to 7050.0375 establish the nondegradation standards and implementation procedures for
31.3 surface waters of the state in the Lake Superior Basin. For the purposes of this part and
31.4 parts 7052.0310 to 7052.0330, lowering of water quality means a new or expanded point
31.5 source discharge of a BSIC to an outstanding international resource water, or a new or
31.6 expanded point or nonpoint source discharge, for which there is a control document, of a
31.7 BCC to a high quality water. The nondegradation standards established in this part and
31.8 parts ~~7050.0180 and 7050.0185~~ 7050.0305 to 7050.0375 for surface waters of the state in
31.9 the Lake Superior Basin apply as follows:

31.10 [For text of item A, see M.R.]

31.11 B. ~~Part 7050.0180 applies~~ Parts 7050.0305 to 7050.0375 apply to new or
31.12 expanded discharges of any pollutant to surface waters ~~of the state designated as ORVWs~~
31.13 ~~as described in parts 7050.0460 and 7050.0470. Part 7050.0180, subpart 9, applies to new~~
31.14 ~~and expanded discharges upstream of an ORVW.~~

31.15 (1) For discharges of BCCs directly to ORVWs or upstream of ORVWs
31.16 in the Lake Superior Basin, the actions or activities that may trigger a nondegradation
31.17 demonstration are listed in part 7052.0310, subpart 4, and actions or activities that are
31.18 exempt from nondegradation requirements are listed in part 7052.0310, subpart 5.

31.19 ~~C. Part 7050.0185 applies to the discharge of non-BCCs to all surface waters of~~
31.20 ~~the state in the Lake Superior Basin not designated as ORVWs, and to the discharge of~~
31.21 ~~BCCs to waters not designated as ORVWs or high quality waters. Part 7050.0185~~

31.22 (2) Parts 7050.0305 to 7050.0375 also apply to the discharge of
31.23 pollutants to Class 7 waters, except that ~~the following requirements also apply in the~~
31.24 ~~indicated circumstances:~~

31.25 ~~(1) any new or expanded discharge to a Class 7 water upstream of an~~
31.26 ~~ORVW must meet the requirements of part 7050.0180, subpart 9; and~~

32.1 ~~(2)~~ any new or expanded discharge to a Class 7 water upstream of an OIRW
 32.2 or a high quality water must meet the requirements of parts 7052.0310 to 7052.0330 as
 32.3 necessary to ensure compliance with the standards established in subparts 3 and 4.

32.4 Subp. 2. **Maintenance of existing water quality.** Existing water uses under ~~part~~
 32.5 ~~7050.0185~~ parts 7050.0305 to 7050.0375 and the level of water quality necessary to
 32.6 protect existing uses must be maintained and protected. Where designated uses of the
 32.7 waterbody are impaired, there must be no lowering of the water quality with respect to
 32.8 the GLI pollutants causing the impairment.

32.9 [For text of subps 3 to 5, see M.R.]

32.10 **RENUMBERING.** In each part of Minnesota Rules referred to in column A, the
 32.11 reference in column B shall be deleted and the reference in column C shall be inserted:

| 32.12 | <u>Column A</u> | <u>Column B</u> | <u>Column C</u> |
|-------|------------------|-------------------------------------|-----------------------------------|
| 32.13 | <u>4410.0200</u> | <u>7050.0180</u> | <u>7050.0375</u> |
| 32.14 | <u>6115.0211</u> | <u>7050.0180</u> | <u>7050.0135, subpart 33</u> |
| 32.15 | <u>7002.0253</u> | <u>7050.0180, 7050.0185</u> | <u>7050.0305 to 7050.0375</u> |
| 32.16 | <u>7037.1000</u> | <u>7050.0180, subpart 2, item A</u> | <u>7050.0315, subpart 33</u> |
| 32.17 | <u>7050.0170</u> | <u>7050.0180 and 7050.0185</u> | <u>7050.0305 to 7050.0375</u> |
| 32.18 | <u>7050.0222</u> | <u>7050.0180 and 7050.0185</u> | <u>7050.0305 to 7050.0375</u> |
| 32.19 | <u>7050.0460</u> | <u>7050.0180, subpart 3 or 6</u> | <u>7050.0345, subpart 6, item</u> |
| 32.20 | | | <u>F or G</u> |
| 32.21 | <u>7050.0460</u> | <u>7050.0180, subpart 3</u> | <u>7050.0345, subpart 6, item</u> |
| 32.22 | | | <u>F</u> |
| 32.23 | <u>7050.0460</u> | <u>7050.0180, subpart 6</u> | <u>7050.0345, subpart 6, item</u> |
| 32.24 | | | <u>G</u> |
| 32.25 | <u>7052.0260</u> | <u>7050.0180, 7050.0185</u> | <u>7050.0305 to 7050.0375</u> |
| 32.26 | <u>7052.0300</u> | <u>7050.0180 and 7050.0185</u> | <u>7050.0305 to 7050.0375</u> |
| 32.27 | <u>7077.0105</u> | <u>7050.0180, subpart 2, item A</u> | <u>7050.0315, subpart 33</u> |

- 33.1 7090.1010 7050.0180, subparts 3 and 6 7050.0345, subpart 6,
33.2 items F and G
- 33.3 8420.0515 7050.0180 7050.0375
- 33.4 **CHANGE IN TERMS.** The term "nondegradation" shall be replaced with
33.5 "antidegradation" wherever it appears in Minnesota Rules, chapters 7050 and 7053.
- 33.6 **REPEALER.** Minnesota Rules, parts 7050.0180; and 7050.0185, are repealed.