



Minnesota Center for Environmental Advocacy

The legal and scientific voice protecting and defending Minnesota's environment

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April 30, 2007

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Commissioner Brad Moore
Minnesota Pollution Control Agency
520 Lafayette Road
Saint Paul, MN 55155

Re: Anti-degradation Petition

Dear Commissioner Moore:

The Minnesota Center for Environmental Advocacy (MCEA) submits the enclosed in response to the Agency's Request for Comments Regarding Planned Amendments to Rules Governing the Non-Degradation of Minnesota Waters, Minnesota Rules, Chapter 7050.

MCEA has conducted a thorough analysis of the State's antidegradation rules (excluding the rule that applies to Lake Superior) and concluded that existing antidegradation policy does not satisfy federal requirements and is insufficient to protect the State's waters from continued degradation. MCEA initially raised these concerns in Kris Sigford's October 26, 2006 letter to the Agency, and we appreciate the broad scope of the Agency's Request for Comments which includes consideration of whether state policy is consistent with federal requirements.

Because MCEA's research and analysis of antidegradation policy has led to specific and detailed recommendations, we have elected to submit a Petition for Rulemaking with proposed language that would remedy the failings of existing rules. MCEA's proposal makes limited amendments to Minn. R. 7050.0180 (outstanding resource value waters), and replaces Minn. R. 7050.0185 (nondegradation for all waters) with two new sections. The proposed rules bring Minnesota's antidegradation policy in line with the federal regulation's requirement that states protect high-quality waters from unnecessary degradation.

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MCEA submits its Petition and supporting documents pursuant to Minn. Stat. § 14.09 and Minn. R. 1400.2040. Enclosed and served pursuant to these sections, please find the following:

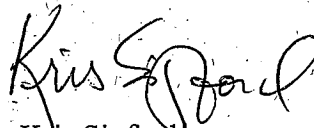
1. Petition for Rulemaking;
2. Proposed Amendments to Minn. R. Part 7050.0180;
3. Proposed New Minn. R. Part 7050.0181;
4. Proposed New Minn. R. Part 7050.0182; and
5. Memorandum in Support of Petition and Attached Exhibits.

We appreciate the opportunity to participate in the Agency's efforts to ensure that Minnesota's waters are protected from degradation and will remain a valuable resource for many generations. We look forward to working with you and Agency staff on this important project. Please feel free to contact us if you have any questions. Thank you.

Sincerely,



Kevin Reuther
Staff Attorney



Kris Sigford
Water Quality Director

cc: Carol Nankivel, via email
David Pfeifer, U.S. EPA Region 5