

Minnesota Pollution Control Agency

Environmental Analysis and Outcomes Division

Request for Comments on Planned Amendments to Rules Governing Water Quality Variances, *Minnesota Rules* Chapters 7050, 7052, and 7053

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is requesting comments on a specific addition to its previously noticed Request for Comments to amend water quality rules, *Minnesota Rules* chapters 7050 (Waters of the State) and 7053 (State Waters Discharge Restrictions). At this time the MPCA is seeking comments on one additional area of the water quality rules. Request for Comments on the amendments are requested from affected or interested parties. Comments should be submitted in writing in accordance with the provisions of this notice under the **Public Comment** section below.

Plain English Summary: This Request for Comments is the MPCA's legal notice of its intent to amend an additional rule chapter under the current water quality variance rulemaking effort. At this stage, we do not have a draft rule; we want your feedback to inform us about the ideas described under the **Subject of Rules** section below. If you have other ideas related to this rulemaking that we need to consider, please submit them in writing. For example, we recognize that costs to regulated parties can be a concern with rulemaking; if you have cost information or data related to this rulemaking that you wish to share with us to inform our decisions, please submit that information. Submitting your ideas and information to us at this stage in rulemaking allows us more time to address issues that may come up, and helps to ensure informed decision-making on our part.

Subject of Rules: The MPCA published a Request for Comments on October 1, 2012, regarding its intent to amend the rules governing water quality variances in *Minnesota Rules* chapters 7050 and 7053. In that request, the MPCA invited comment on planned amendments to eliminate inconsistencies in these rules governing the issuance of water quality variances. In this request, the MPCA is only seeking comment and information on the following additional amendment.¹

The additional amendment simply expands the *Minnesota Rules* chapters that may be affected in this rulemaking. The original request only identified *Minnesota Rules* chapters 7050 and 7053. As the MPCA began developing the amendments, it found that those amendments also affected some parts of *Minnesota Rules* chapter 7052 (Lake Superior Basin Water Standards), specifically, part 7052.0280, variances from water quality standards. Therefore, the MPCA found that it would also be appropriate to amend the variance rules in *Minnesota Rules* chapter 7052 as part of the rulemaking. Additionally, in response to the October 2012 request, the MPCA received comments also recommending amendments to the *Minnesota Rules* chapter 7052 variance rules. At this time the MPCA is considering amending part 7052.0280 to align the *Minnesota Rules* chapter 7052 variance rules with amendments to the *Minnesota Rules* chapter 7050 and 7053 variance rules; and to address applicability for new dischargers, and time frame and review of variances. The MPCA invites comment and information on these concepts.

¹ Comments that were submitted for the original notice are still being considered and will continue to be part of the rulemaking record. More information about the amendments covered by the original Request for Comment can be found at: <http://www.pca.state.mn.us/zihy1479>.

Persons Affected: The planned amendments to the rules will affect the owners and operators of all facilities that may seek a variance from the water quality standards or effluent discharge restrictions. These facilities include Publicly Owned Treatment Works (i.e. municipal wastewater treatment facilities) and industrial dischargers authorized to discharge under a National Pollutant Discharge Elimination System or State Disposal System permit.

Statutory Authority: *Minnesota Statutes*, section 115.03(1)(e) authorizes the MPCA to adopt, issue, reissue, modify, deny, or revoke permits, variances, standards, and rule.

Public Comment: Interested persons or groups may submit written comments or information on the planned rule amendments to *Minnesota Rules* part 7052.0280, from March 4, 2013, until 4:30 p.m. on April 4, 2013. Comments or information should be submitted to the contact person identified below. The MPCA will not publish a notice of intent to adopt the rules until more than 60 days have elapsed from the date of this Request for Comments.

Rule Drafts: No draft of the rule is available at this time. Persons interested in being notified when a draft is available and other activities relating to this (or other MPCA rulemakings) are encouraged to register at <https://public.govdelivery.com/accounts/MNPCA/subscriber/new>.

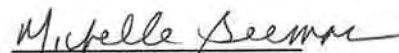
MPCA Contact Persons: Written comments, requests to receive a draft of the rules when it is available, and requests for more information on the planned rule amendments should be directed to:

Mary H. Lynn
Minnesota Pollution Control Agency
520 Lafayette Road North, St. Paul MN 55155-4194
Telephone: 651-757-2439 or **Toll-free:** 1-800-657-3864
TTY: 651-282-5332
E-mail: mary.lynn@state.mn.us

Alternative Format: Upon request, this information can be made available in an alternative format, such as large print, Braille, or audio. To make such a request, please contact the MPCA contact person at the telephone number or address above.

Note: Written comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge if and when a proceeding to adopt rules is started. The MPCA is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submit written comments during the development of the rules and you want to ensure that the administrative law judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Date: 2/20/13


John Linc Stine
Commissioner *for*