

# Minnesota Pollution Control Agency

## Resource Management and Assistance Division Request for Comments

Planned Amendments to Rules in Minnesota Rules Chapters 7041, 7053, 7076, 7080, 7081, 7082 and 7083.

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) is requesting comments on its plans to amend *Minnesota Rules* chapters 7041, 7053, 7076, 7080, 7081, 7082 and 7083 only to the extent necessary to repeal obsolete requirements, correct existing errors and clarify inconsistencies. The amendments being considered will make a number of minor, unrelated changes to rules governing the MPCA's sewage sludge management program, the administration of variances for aquaculture facilities, the notification process for Clean Water Partnership grants and various minor elements of the subsurface sewage treatment system program. In this Request for Comments (Request) the MPCA is providing notice of its intent to clarify and correct the rules it is charged with implementing and is seeking input from the public regarding these changes and the identification of additional changes that will correct or clarify existing rules. If rules in additional chapters relating to other MPCA programs are identified as being obsolete or requiring minor correction or clarification, those amendments may also be conducted in this rulemaking.

**Subject of Rules** In its 2012 Legislative Report on Obsolete Rules dated December 4, 2012, the MPCA identified obsolete rules that should be repealed. In addition to those identified obsolete rules, the MPCA has identified a number of additional errors and inconsistencies that must be corrected through rulemaking. The MPCA believes that it is appropriate to conduct a "housekeeping" rulemaking to make the necessary corrections, but does not intend to make any substantive changes through this rulemaking. For purposes of project management and to facilitate review and participation by the potentially affected regulated community, the MPCA will be proposing the necessary changes through

two separate rule proposals dealing with two different areas (water programs and land programs) of the MPCA's programs. In this Request the MPCA is seeking comments on housekeeping amendments to rules that generally relate to the MPCA's water programs. (A similar Request for Comments will be published in the future for a rulemaking which will consider changes and corrections to rules related to the MPCA's land programs.) Although this Request specifically identifies the following water-related amendments being considered at this time, the MPCA will consider comments and suggestions for additional changes and corrections for any of the rules administered by the MPCA relating to water programs.

Areas of proposed amendment:

- MPCA Sewage Sludge Management in Minnesota Rule chapter 7041. (considering changes to correct errors, clarify existing requirements and update reference materials.)
- Aquaculture variances in Minnesota Rule chapter 7053 (considering changes to repeal all of the obsolete requirements relating to the process for obtaining a variance for aquaculture facilities.)
- Clean Water Partnership grants in Minnesota Rule chapter 7076 (considering changes to the process for providing notification of grant availability to allow for the use of alternatives to publication in the *State Register*.)
- Subsurface Sewage Treatment System Requirements in Minnesota Rule chapters 7080, 7081, 7082 and 7083 (considering changes to correct errors and clarify existing requirements.)

The state rulemaking process requires agencies to consider the economic effect and also the cumulative impact of proposed amendments. The MPCA does not expect that any of the minor rule changes that will be proposed will result in any economic effect. However, with this Request the MPCA is also providing notice that it will be addressing economic and cumulative impact as part of this rulemaking and encouraging parties who may be interested or have information pertaining to the expected economic effect and the cumulative impact of this rule to provide that information to

the MPCA and to register with the MPCA to receive notice when rules are proposed. (Cumulative impact means the impact that results from incremental impact of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.)

**Persons Affected** Persons who may potentially be affected by the housekeeping changes include persons who are interested in receiving notice of Clean Water Partnership grants and who would have an objection to being provided notice by a means other than publication in the *State Register*. Housekeeping changes to the aquaculture variance requirements are not expected to have any effect on any persons because those aquaculture variance procedures are obsolete. Other changes being considered are unlikely to have any effect on any persons other than to clarify requirements and improve understanding of the rules.

**Statutory Authority** *Minnesota Statute* §115.03, subd. 1, grants the MPCA general authority to promulgate and/or revise the rules within the scope of its powers. Specific authorities for the rule amendments being considered are found in:

Sewage Sludge Management- *Minnesota Statute* §116.07, subd. 2

Aquaculture facilities- *Minnesota Statute* § 115.44, subd. 4

Clean Water Partnership- *Minnesota Statute* § 103F.745

Subsurface Sewage Treatment Systems-- *Minnesota Statute* § 115.55, subd. 3

**Public Comment** The MPCA is interested in hearing comments from any interested or potentially affected persons or groups. Written comments or information may be submitted to the contact person identified below until 4:00 p.m. on Friday, June 14, 2013. The MPCA will consider all comments in the development of the rule amendments.

**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** Comments, information, and requests for more information on these planned rule amendments should be directed to:

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**Alternative Format** Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the MPCA contact person at the number or address above.

Date: John Stine  
Commissioner