

Minnesota Pollution Control Agency

Environmental Analysis and Outcomes Division

Request for Comments

Planned Amendments to Rules Governing Water Quality, Minnesota Rules Chapters 7050, 7052 and 7053

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is requesting comments on specific additions to its previously noticed plans to amend *Minnesota Rules* chapters 7050, 7052 and 7053 governing state water quality. At this time the MPCA is seeking comments on two additional areas of the water quality rules.

Subject of Rules. The MPCA published two Requests for Comments ¹ regarding its intent to amend the state water quality standards in *Minnesota Rules* chapters 7050 and 7052. In those Requests the MPCA invited comment regarding a number of planned amendments. However, as the MPCA developed those amendments it identified additional areas of the rules that would also be appropriate to amend. In this Request the MPCA is only seeking comment and information on the following additional amendments. ²

The first additional amendment simply expands the rule chapters that may be affected in this rulemaking. The original Requests only identified *Minnesota Rules* chapters 7050 and 7052. As the MPCA developed amendments relating to the water quality standards, it found that those amendments also affected some parts of *Minnesota Rules* chapter 7053. At this time the MPCA is considering amending *Minnesota Rules* chapter 7053 to address how minimum stream flow relates to phosphorus discharges, and to explain how a Total Suspended Solids standard applies to certain types of discharges. It is possible that other amendments to *Minnesota Rules* chapter 7053 will be identified as the MPCA continues to develop amendments to the water quality standards.

The second additional amendment is the MPCA's intent to amend *Minnesota Rules* chapter 7050 to change the use classification for specific waters that may support cold water communities (historically considered as trout lakes and trout streams). In the March 2, 2009 *State Register* Request, the MPCA said that it intended to update the list of Class 2A waters to reflect the latest Minnesota Department of Natural Resources lists of designated trout waters contained in *Minnesota Rule* part 6264.0050. Although the MPCA's rules will include the vast majority of trout waters contained in *Minnesota Rule* 6264.0050, the MPCA has determined that *Minnesota Rules* part 6264.0050 should not be the only reference for designating cold water communities. The MPCA is considering amending *Minnesota Rules* chapter 7050 to provide the MPCA with the ability to add or remove waters it classifies as Class 2A. The MPCA would base use classification changes on historical and current biological, chemical and physical monitoring data that reflects the type of aquatic community that can naturally be supported in these waters. The MPCA invites comment and information on this concept.

¹ July 28, 2008 and March 2, 2009

² Comments that were submitted for the original notices are still being considered and will continue to be part of the rulemaking record. Detailed information about the amendments covered by the original notices can be found at <http://www.pca.state.mn.us/qzqh5e3>.

Persons Affected. Because many of the revisions under consideration are applicable statewide, any person in Minnesota may potentially be affected by changes made to these rules. Specifically, the amendments to the rules discussed in this Request will be likely to affect municipal and industrial dischargers to waters of the state, local and state-wide lake and river associations, the agricultural community, and members of the general public with an interest in protecting Minnesota's waters.

Statutory Authority. The MPCA has general authority to promulgate and/or revise the water quality rules under *Minnesota Statute* § 115.03, subdivision 1 and *Minnesota Statute* § 115.44.

Public Comment. The MPCA is interested in hearing comments, technical information and data from any interested or potentially affected persons or groups. Written comments or information on these planned rule amendments may be submitted to the contact person identified below until 4:00 p.m. on Friday, July 20, 2012. All written comments received by that time, by e-mail or letter, will become part of the rulemaking record.

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>.

Agency 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 agency contact person at the number or address above.

Date: June 11, 2012

John Stine
Commissioner, MPCA