Minnesota Pollution Control Agency

Request for Comments on a Planned Rule Amendment to Operator Training Requirements, Minn. R. pt. 7048.1000; Revisor's ID Number R-04566

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (MPCA) is requesting comments from affected or interested parties on a planned amendment to rules governing the hours of training required to renew certification for operators of land disposal facilities (Type IV Operator Certification). The planned amendments will only affect Minn. R. pt 7048.1000.

Plain-Language Summary of the Request for Comments. This is the MPCA's legal notice of its intent to begin the rulemaking process to make an amendment to rules governing the training required for certified operators of land application facilities. This is the first opportunity for public comment and input on this rule project. We want your feedback to inform us about the ideas described under the Subject of Rules section below. If you have comments or ideas about the amendment being considered, please submit them in writing according to the Public Comment section below. Submitting your ideas and information at this early stage in rulemaking allows us more time to address issues, and helps to ensure informed decision-making.

Subject of Rules. The MPCA is considering making a single change to the training requirements for the operators of Type IV disposal facilities where sewage sludge or semi-solids from industrial or commercial operations are applied to the land. The operators of these facilities must be certified and in order to renew their certification, must currently complete nine hours of training every three years. The MPCA has found that the necessary training content can be provided in less time and is seeking comment about its intent to reduce the number of recertification training hours to six hours every three years.

Persons Affected. The persons affected by this rule change will be the approximately 650 Type IV operators who are certified to work in Minnesota. The MPCA believes that Type IV operators will benefit from the reduction of training hours by having the rules reflect the actual training time needed and by being able to complete re-certification training in one day.

Statutory Authority. Minnesota Statutes § 116.41, subd. 2 authorizes the MPCA to develop standards of competence for persons operating and inspecting various classes of disposal facilities.

The agency shall develop standards of competence for persons operating and inspecting various classes of disposal facilities. The agency shall conduct training programs for persons operating facilities for the disposal of waste and for inspectors of such facilities, and shall charge such fees as are necessary to cover the actual costs of the training programs. All fees received shall be paid into the state treasury and credited to the Pollution Control Agency training account and are appropriated to the agency to pay expenses relating to the training of disposal facility personnel.

The agency shall require operators and inspectors of such facilities to obtain from the agency a certificate of competence. The agency shall conduct examinations to test the competence of applicants for certification, and shall require that certificates be renewed at reasonable intervals. The agency may charge such fees as are necessary to cover the actual costs of receiving and processing applications, conducting examinations, and issuing and renewing certificates. Certificates shall not be required for a private individual for land-spraying and associated interim and temporary storage of sewage sludge on property owned or farmed by that individual.
Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing until 4:30 p.m. on December 14, 2018. The MPCA will not publish a notice of intent to adopt the rules until at least 60 days have elapsed from the date of this request for comments.

The state rulemaking process requires agencies to seek and consider information on specific topics relating to the rule amendments being considered. The MPCA requests that interested persons submit:

- Information regarding the possible economic effect of the possible rule amendments.
- Information pertaining to the cumulative effect of the possible rule amendments. Cumulative effect means the impact that results from incremental effects of the proposed rule in addition to other rules, regardless of what state or federal agency has adopted the other rules.
- Information on the potential effect on local government ordinances or regulations as described in Minnesota Statutes § 14.128. The MPCA does not anticipate that the rule amendments will require a local government to adopt or amend an ordinance or other regulation. Local governments may submit written information to the contrary.

Rule Drafts. Information about the proposed amendment and rulemaking activities will be posted on https://www.pca.state.mn.us/water/amendments-operator-training-requirements, and you are encouraged to register at GovDelivery to receive notice and information about this rulemaking.

MPCA Contact Person. Written comments, questions, and requests for more information on this possible amendment should be directed to:

Carol Nankivel
Minnesota Pollution Control Agency
520 Lafayette Road North, St. Paul, Minnesota, 55155-4194
Telephone: 651-757-2597; Toll-free: 1-800-657-3864; Fax 651-297-1456
Email: carol.nankivel@state.mn.us

Alternative Format. Upon request, the MPCA can make this information 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 address or telephone number listed above.

NOTE: Comments received in response to this notice will be considered by the MPCA in the development of proposed rules but will not necessarily be included in the formal rulemaking record submitted to the Administrative Law Judge (ALJ). The MPCA is required to submit to the ALJ only those written comments received in response to the rules after they are proposed. If you want the ALJ to review your comments, you must resubmit them when the MPCA publishes proposed rules for public comment.

10/24/2018
Date

John Linc Stine, Commissioner
Minnesota Pollution Control Agency