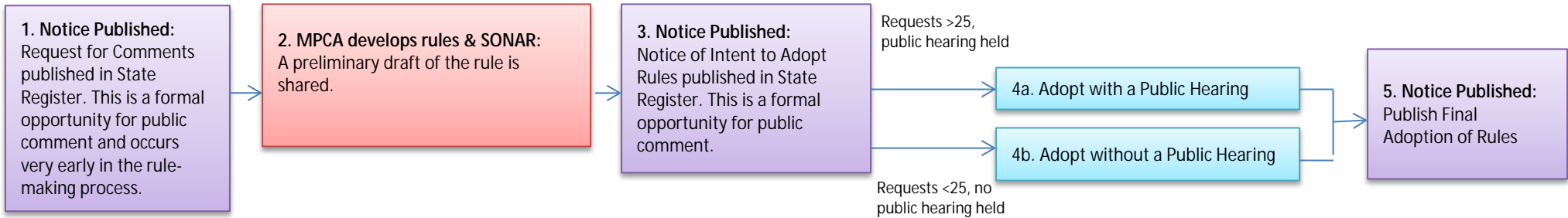


# Public Rulemaking Docket

## \*Opportunities for Public Involvement in MPCA Rules



The rulemaking process utilized by the Minnesota Pollution Control Agency (MPCA) provides three opportunities for public involvement:

1. When the Request for Comments (RFC) is published in the *State Register*, it communicates general ideas for the rulemaking. This is an opportunity for stakeholders to provide formal comments and input on the rulemaking ideas that may narrow or broaden the scope of the project. Stakeholder data or other relevant information can be submitted at this time. An example of information submitted could be relevant cost information for implementing the general ideas announced in the RFC. MPCA encourages stakeholder participation at this early stage of the process so that relevant information can be considered as decisions that shape the rule are made.
2. During this phase of the rulemaking, MPCA generally develops a preliminary draft of rule language and makes it available for at least one informal public comment period. Throughout this phase, stakeholder meetings may be held and informal comments may be submitted.
3. When a Notice of Intent to Adopt Rules is published, it signals the final opportunity for stakeholder input, unless a hearing is held. The published notice will indicate the relevant submittal deadlines. At this stage, a complete Statement of Need and Reasonableness (SONAR) and draft rule are made available for formal public comment.

The Agency can proceed with a public hearing or without one. If held, the public hearing provides an additional formal opportunity for stakeholders to testify or submit written testimony in front of an Administrative Law Judge (ALJ) who presides over the hearing.

On completion, MPCA will publish final adoption of rules. Most rules become effective five working days after they appear in the *State Register*.

*\*Note that the above schematic simply highlights the opportunity for public participation within the rulemaking process. Exempt rulemaking follows a more abbreviated process.*

|                  |                                       |   |   |
|------------------|---------------------------------------|---|---|
| <b>Acronyms:</b> | ALJ – Administrative Law Judge        | OAH – Office of Administrative Hearings | SONAR – Statement of Need and Reasonableness          |
|                  | GO – Governor’s Office                | RFC – Request for Comments              | SR – Minnesota State Register                         |
|                  | MMB – Minnesota Management and Budget |   | USEPA – United States Environmental Protection Agency |

Check with the agency contact person to inspect written comments, written requests for a public hearing, and names of parties who requested a public hearing.

Sign-up to receive rule notices at: <http://public.govdelivery.com/accounts/MNPCA/subscriber/new>

Search the Revisor’s Minnesota Rules Status database at: [https://www.revisor.mn.gov/rules/rule\\_search.php](https://www.revisor.mn.gov/rules/rule_search.php)

| Subject Matter <i>(Existing webpages are listed)</i>  | Brief Rule Summary   | Agency Contact Person<br><i>(Lead Staff)</i>  | Current status of proposed rule and any agency determinations   | Next Opportunity for Public Comment   | Timetable for adoption and other agency determinations | Notices published<br><i>(State Register citations)</i>   | Public Hearing Schedule |
|---|--|---|---|---|--|--|-------------------------|
| <b>CROSS-MEDIA RULES</b>  |  |   |   |   |  |  |                         |
| <p>Land-Related Housekeeping Amendments</p> <p>Medias impacted: Air, Water, and Waste. These rules are considered cross-media because of changes to procedural rules in chapter 7000 that affect all medias.</p> <p><a href="https://www.pca.state.mn.us/water/housekeeping-rulemakings">https://www.pca.state.mn.us/water/housekeeping-rulemakings</a></p> <p><i>Minn. R. chs. 7000, 7001, 7035, 7045, 9210, and 9215</i></p> <p>Revisor No. R-04155</p> | <p>First RFC topics:<br/>Address housekeeping edits (i.e., incorrect cross-references, updates to methods, remove obsolete requirements, etc.); incorporate federal requirements into rule; and incorporate approved variances to mixed municipal solid waste (MMSW) ash testing into the existing rule.</p> <p>Second RFC topics:<br/>Incorporate new federal requirements; incorporate new Minnesota household pharmaceutical collection requirements; repeal obsolete rules; and incorporate existing approved variances for MMSW ash testing into the rule with certain exceptions.</p> <p>For more information, see the rule webpage.</p> | <p>Yolanda Letnes<br/>651-757-2527<br/><a href="mailto:yolanda.letnes@state.mn.us">yolanda.letnes@state.mn.us</a></p> | <p>First RFC was published 10/21/13. Preliminary draft of rule language released 6/13/14. Changes to rule language are still being considered based on comments submitted.</p> <p>All comments submitted in response to the second RFC published 1/14/19 will also be considered.</p> | <p>Plan to publish proposed rules with formal public comment period in June 2019.</p> | <p>Goal: Complete December 2019.</p>                   | <p>RFC published in <i>SR</i> on <a href="#">21 October 2013 (38 SR 534)</a></p> <p>Second RFC published in the <i>SR</i> on <a href="#">14 January 2019 (43 SR 860)</a></p> | <p>Not anticipated.</p> |

| Subject Matter <i>(Existing webpages are listed)</i>   | Brief Rule Summary   | Agency Contact Person<br><i>(Lead Staff)</i>   | Current status of proposed rule and any agency determinations   | Next Opportunity for Public Comment           | Timetable for adoption and other agency determinations | Notices published<br><i>(State Register citations)</i>                     | Public Hearing Schedule |
|--|--|--|---|---|--|--|-------------------------|
| <b>AIR RULES – Be sure to check CROSS-MEDIA RULES</b>  |  |  |   |   |  |  |                         |
| Clean Air Act § 111(d): Clean Power Plan<br><br>Revisor No. R-04265  | Amending MPCA rules to bring MN into compliance with USEPA's Clean Power Plan  | Katie Izzo<br>651-757-2595<br><a href="mailto:katie.izzo@state.mn.us">katie.izzo@state.mn.us</a>             | On 10/10/2017, USEPA proposed to repeal the Clean Power Plan. The MPCA expects to not proceed with this rulemaking. |   |  | RFC published in <i>SR</i> on <a href="#">3 August 2015 (40 SR 124)</a>    |                         |
| Air Quality Incorporation by Reference<br><br><a href="https://www.pca.state.mn.us/air/rulemaking-incorporation-reference">https://www.pca.state.mn.us/air/rulemaking-incorporation-reference</a><br><br>Revisor No. R-04452 | Amending MPCA rules to incorporate USEPA New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) and to make corrections and clarifications to existing air-related rules. | Carol Nankivel<br>651-757-2597<br><a href="mailto:carol.nankivel@state.mn.us">carol.nankivel@state.mn.us</a> | Request for comment period closed April 6, 2018.  | Plan to publish proposed rules in early 2019. | Goal: Adopt rules in 2019.                             | RFC published in <i>SR</i> on <a href="#">20 February 2018 (42 SR 960)</a> | To be determined.       |

| Subject Matter <i>(Existing webpages are listed)</i>  | Brief Rule Summary   | Agency Contact Person<br><i>(Lead Staff)</i>  | Current status of proposed rule and any agency determinations  | Next Opportunity for Public Comment                      | Timetable for adoption and other agency determinations | Notices published<br><i>(State Register citations)</i>                           | Public Hearing Schedule  |
|---|--|---|--|--|--|--|--------------------------|
| <b>WATER RULES – Be sure to check CROSS-MEDIA RULES</b>   |  |   |  |  |  |  |                          |
| <p>*Water Quality Standards: Class 3 and non-wild rice-related amendments to Class 4 waters</p> <p><a href="https://www.pca.state.mn.us/water/amendments-water-quality-standards-%E2%80%94-use-classifications-3-and-4">https://www.pca.state.mn.us/water/amendments-water-quality-standards-%E2%80%94-use-classifications-3-and-4</a></p> <p><i>Minn. R. ch. 7050</i></p> <p>Revisor No. R-04335</p> | <p>Use classification changes for Class 3 (industrial consumption) waters and non-wild rice-related use classification changes for Class 4 (agriculture and wildlife) waters.</p>  | <p>Katie Izzo<br/>651-757-2595<br/><a href="mailto:katie.izzo@state.mn.us">katie.izzo@state.mn.us</a></p> | <p>RFC published 2/8/16; new RFC planned in February 2019.</p>   | <p>Anticipate publishing a new RFC in February 2019.</p> | <p>Goal: Adopt rules in 2020.</p>                      | <p>RFC published in <i>SR</i> on <a href="#">8 February 2016 (40 SR 965)</a></p> | <p>To be determined.</p> |
| <p>Water Quality Fee Rulemaking</p> <p><a href="https://www.pca.state.mn.us/amendments-water-quality-fee-rules">https://www.pca.state.mn.us/amendments-water-quality-fee-rules</a></p> <p><i>Minn. R. ch. 7002 and 7083</i></p> <p>Revisor No. R-04476</p>  | <p>Current fees authorized in the rules do not generate sufficient revenue to cover the costs of administering water quality programs associated with the fees. MPCA considering amendments to water quality fee rules that would increase permit application fees, additional fees, and annual fees. Includes fees for municipal and industrial wastewater permits, noncontact cooling water permits, stormwater permits, feedlot permits, septic systems, variances, environmental review, and laboratory certification. For more information, see the rule webpage.</p> | <p>Mary H. Lynn<br/>651-757-2439<br/><a href="mailto:mary.lynn@state.mn.us">mary.lynn@state.mn.us</a></p> | <p>RFC published 6/26/2017.</p> <p>Informational meetings on this rulemaking were held via video conference on July 24, 2017, at the MPCA St. Paul and Regional Offices.</p> <p>The MPCA created the Water Fee Advisory Committee (Minn. Stat. 14.101) to provide input to the Commissioner on water fees. The Advisory Committee met monthly January - June 2018. The MPCA plans to prepare a draft report, with key ideas we heard from Advisory Committee members and proposed actions including fee adjustments.</p> <p>Final meeting of the Water Fee Advisory Committee held November 26, 2018; the Commissioner provided an overview of the MPCA's draft report on this effort.</p> |  | <p>To be determined.</p>                               | <p>RFC published in <i>SR</i> on <a href="#">26 June 2017 (41 SR 1504)</a></p>   | <p>To be determined.</p> |

| Subject Matter <i>(Existing webpages are listed)</i>   | Brief Rule Summary   | Agency Contact Person<br><i>(Lead Staff)</i>  | Current status of proposed rule and any agency determinations   | Next Opportunity for Public Comment   | Timetable for adoption and other agency determinations | Notices published<br><i>(State Register citations)</i>  | Public Hearing Schedule    |
|--|--|---|---|---|--|---|----------------------------|
| <p>Subsurface Sewage Treatment System (SSTS) Inspections and Permit Requirements</p> <p><a href="https://www.pca.state.mn.us/water/amendments-subsurface-sewage-treatment-systems-inspection-and-permit-requirements">https://www.pca.state.mn.us/water/amendments-subsurface-sewage-treatment-systems-inspection-and-permit-requirements</a></p> <p>Minn. R. chs. 7081, 7082</p> <p>Revisor No. R-04478</p> | <p>Amending SSTS-related rules regarding when a State Disposal System (SDS) permit is required, and when tank pumping is required for completion of a compliance inspection on an existing SSTS.</p> | <p>Katie Izzo<br/>651-757-2595<br/><a href="mailto:katie.izzo@state.mn.us">katie.izzo@state.mn.us</a></p>             | <p>Preparing rule amendments, SONAR, and rule notice.</p>   | <p>Plan to publish proposed rules early 2019.</p>   | <p>Goal: Adopt rules in 2019.</p>                      | <p>RFC published in SR on <a href="#">11 Dec 2017 (42 SR 672)</a></p>   | <p>To be determined.</p>   |
| <p>Water Quality Standards: Class 2A/2B and Class 7 Use Change</p> <p><a href="https://www.pca.state.mn.us/wqs-designated-uses">https://www.pca.state.mn.us/wqs-designated-uses</a></p> <p>Minn. R. ch. 7050</p> <p>Revisor No. R-04561</p>  | <p>Use designation changes for Class 2 (aquatic life) and Class 7 (limited resource value waters).</p>   | <p>Mary H. Lynn<br/>651-757-2439<br/><a href="mailto:mary.lynn@state.mn.us">mary.lynn@state.mn.us</a></p>             | <p>Request for comment period closed November 8, 2018.</p> <p>The technical review for this project is complete. Technical staff are developing supporting documentation.</p> <p>Preparing rule amendments and SONAR.</p> | <p>Plan to publish proposed rules spring 2019.</p>  | <p>Goal: Adopt rules winter 2019.</p>                  | <p>RFC published in SR on <a href="#">24 Sept 2018 (43 SR 394)</a></p>  | <p>To be determined.</p>   |
| <p>Type IV Operator Certification Training Amendment</p> <p>Minn. R. part 7048.1000</p> <p>Revisor No. R-4566</p>  | <p>Reducing the number of training hours required to renew a Type IV (land spreading) operator certification.</p>  | <p>Carol Nankivel<br/>651-757-2597<br/><a href="mailto:Carol.nankivel@state.mn.us">Carol.nankivel@state.mn.us</a></p> | <p>Proposed rules open for public comment until February 15, 2019.</p>  | <p>Proposed rules published in the SR on January 14, 2019; comment period will close 4:30 on February 15, 2019.</p> | <p>Goal: Adopt rules in spring 2019.</p>               | <p>RFC published in SR on <a href="#">13 November 2018 (43 SR 548)</a></p> <p>Proposed rules published in SR on <a href="#">14 January 2019 (43 SR 825)</a></p> | <p>No hearing planned.</p> |

| Subject Matter <i>(Existing webpages are listed)</i>   | Brief Rule Summary   | Agency Contact Person<br><i>(Lead Staff)</i>   | Current status of proposed rule and any agency determinations  | Next Opportunity for Public Comment  | Timetable for adoption and other agency determinations | Notices published<br><i>(State Register citations)</i>  | Public Hearing Schedule                          |
|--|--|--|--|--|--|---|--|
| <b>WASTE RULES – Be sure to check CROSS-MEDIA RULES</b>  |  |  |  |  |  |   |  |
| Petroleum Contaminated Soils<br><br><a href="https://www.pca.state.mn.us/waste/amending-minnesota-rules-governing-land-treatment-practices-petroleum-contaminated-soil">https://www.pca.state.mn.us/waste/amending-minnesota-rules-governing-land-treatment-practices-petroleum-contaminated-soil</a><br><br><i>Minn. R. ch. 7037</i><br><br>Revisor No. R-04079 | Amending MPCA rules governing the evaluation and the land application of petroleum contaminated soils as a means of treatment.   | Nathan Cooley<br>651-757-2290<br><a href="mailto:nathan.cooley@state.mn.us">nathan.cooley@state.mn.us</a>    | RFC and preliminary draft of rules published 9/22/14.  | We welcome comments on the RFC and shared preliminary draft rules until the proposed rules are published in the SR for formal public comment.<br><br>Plan to publish notice of proposed rules spring 2019. | To be determined.                                      | RFC published in SR on <a href="#">22 September 2014 (39 SR 398)</a>  | To be determined.                                |
| Underground Storage Tanks (UST) Update<br><br><a href="https://www.pca.state.mn.us/waste/underground-storage-tanks-ust-update-rulemaking">https://www.pca.state.mn.us/waste/underground-storage-tanks-ust-update-rulemaking</a><br><br><i>Minn. R. ch. 7150</i><br><br>Revisor No. R-04360   | Federal UST regulations were amended 7/15/2015; the MPCA is revising its existing UST rules to address various new requirements, updates, corrections, and the removal of past deferrals. Federal rule requires states to re-apply for state program approval by 10/13/2018. | Yolanda Letnes<br>651-757-2527<br><a href="mailto:yolanda.letnes@state.mn.us">yolanda.letnes@state.mn.us</a> | RFC published 11/9/15. Comment period closed 12/11/15.<br><br>Advisory committee meetings completed February - June 2016.  | The MPCA held a public hearing on proposed rules October 25, 2018. All post-hearing comment periods have closed.   | Goal: Adopt rules spring 2019.                         | RFC published in SR on <a href="#">9 November 2015 (40 SR 548)</a><br><br>Dual Notice published in SR on <a href="#">27 August 2018 (43 SR 212)</a> | The MPCA held a public hearing October 25, 2018. |
| Construction & Demolition Debris Landfill Rules<br><br><a href="https://www.pca.state.mn.us/waste/cdl-rulemaking">https://www.pca.state.mn.us/waste/cdl-rulemaking</a><br><br><i>Minn. R. ch. 7001 and 7035</i><br><br>Revisor No. R-04556   | To be determined.<br><br>The MPCA plans to report to the MN Legislature March 2019.  | Nathan Cooley<br>651-757-2290<br><a href="mailto:nathan.cooley@state.mn.us">nathan.cooley@state.mn.us</a>    | RFC published on 10/1/2018.<br><br>The MPCA held meetings with interested parties in Crookston, Duluth, Mankato, and St. Paul in November and December to gather input and ideas for changes in the construction & demolition landfill system. | RFC on planned amendments published 10/1/2018. Comment period open October 1 – December 31, 2018.  | To be determined.                                      | RFC published in SR on <a href="#">1 October 2018 (43 SR 417)</a>   | To be determined.                                |

**COMPLETED RULEMAKING PROJECTS – ADOPTED WITHIN PAST YEAR**

| <b>Subject Matter</b><br><i>(Existing webpages are listed)</i><br>*denotes 2008 Triennial Review related rules   | <b>Notices Published</b><br><i>(State Register citations listed in sequence by Notice of Adoption date)</i>  | <b>Date Rule Adopted by MPCA (i.e., Order to Adopt is signed)</b> | <b>Date Rule Filed with Secretary of State</b> | <b>Effective Date of Rule</b> |
|--|--|---|--|-------------------------------|
| Exempt Source/Conditionally Insignificant Activities<br><br><a href="https://www.pca.state.mn.us/air/exempt-source-conditionally-insignificant-activities">https://www.pca.state.mn.us/air/exempt-source-conditionally-insignificant-activities</a><br><br>Revisor No. R-04429       | Notice of Intent to Adopt Rules Without a Public Hearing published in SR on <a href="#">23 April 2018 (42 SR 1223)</a><br><br>Notice of Adopted Permanent Rules Relating to Exempt Sources and Conditionally Insignificant Activities published in SR on <a href="#">7 January 2019 (43 SR 797)</a>  | 11/14/2018  | 11/28/2018                                     | 1/14/2019                     |
| Dry Cleaner Reimbursement Fund<br><br><a href="https://www.pca.state.mn.us/waste/drycleaner-fund-environmental-response-and-reimbursement-account">https://www.pca.state.mn.us/waste/drycleaner-fund-environmental-response-and-reimbursement-account</a><br><br>Revisor No. R-04411 | Notice of Intent to Adopt Expedited Rules published in SR on <a href="#">20 November 2017 (42 SR 581)</a><br><br>Notice of Extended Public Comment Period for Notice of Intent to Adopt Expedited Rules published in SR on <a href="#">18 December 2017 (42 SR 685)</a><br><br>Notice of Adopted Expedited Permanent Rules published in SR on <a href="#">14 May 2018 (42 SR 1444)</a> | 4/11/18   | 4/16/18  | 5/14/18                       |

**WITHDRAWN RULEMAKING PROJECTS**

| <b>Subject Matter</b><br><i>(Existing webpages are listed)</i>  | <b>Notices Published</b><br><i>(State Register citations listed in sequence)</i>  | <b>Date Rule Adopted by MPCA (i.e., Order to Adopt is signed)</b>  | <b>Date Rule Filed with Secretary of State</b> | <b>Effective Date of Rule</b> |
|---|---|--|--|-------------------------------|
| <p>Water Quality Standards Rulemaking. Sulfate Standard for the Protection of Wild Rice</p> <p><a href="https://www.pca.state.mn.us/water/protecting-wild-rice-waters">https://www.pca.state.mn.us/water/protecting-wild-rice-waters</a></p> <p>Revisor No. 04324</p> | <p>Notice of Hearing and Proposed Rules published in <i>SR</i> on <a href="#">21 August 2017 (42 SR 171)</a></p> <p>Notice of an additional hearing published in <i>SR</i> on <a href="#">18 September 2017 (42 SR 369)</a></p> <p>Notice of withdrawal published in <i>SR</i> on <a href="#">7 May, 2018 (42 SR 1423)</a></p>  | <p align="center">n/a</p> <p>Rules will not be adopted; proposed rules withdrawn from the rulemaking process</p>   | <p align="center">n/a</p>                      | <p align="center">n/a</p>     |
| <p>Exempt Wastewater Discharge Rules</p> <p>Revisor No. R-04484</p> <p>Good cause exempt rule process under Minn. Stat. § 14.388.</p>   | <p>No RFC required for good cause exempt rules.</p> <p>Rule language provided by 2017 Minnesota Session Law, Chapter 93 (section 160).</p> <p>The good cause exempt rulemaking process does not provide for public hearings.</p>  | <p align="center">n/a</p> <p>Rules will not be adopted; the 2018 MN Legislature addressed this subject matter in law.</p>  | <p align="center">n/a</p>                      | <p align="center">n/a</p>     |
| <p>Silica Sand Projects</p> <p><a href="https://www.pca.state.mn.us/quick-links/silica-sand-mining">https://www.pca.state.mn.us/quick-links/silica-sand-mining</a></p> <p><i>Minn. R. ch. 7007 and 7011</i></p> <p>Revisor No. R-04206</p>                            | <p>RFC published in <i>SR</i> on <a href="#">22 July 2013 (38 SR 109)</a></p> <p>2<sup>nd</sup> RFC published in <i>SR</i> on <a href="#">29 September 2014 (39 SR 421)</a></p> <p>Extension of 2<sup>nd</sup> RFC comment period published in <i>SR</i> on <a href="#">27 October 2014 (39 SR 583)</a></p> <p>The 2013 MN Legislature authorized the MPCA to provide rules governing air emissions from silica sand mining, processing, and transporting projects. The Agency convened an advisory panel and held a series of input meetings.</p> <p>The 2017 MN Legislature changed the MPCA's rulemaking authority on this subject. As a result, the MPCA has decided not to propose amended rules and will instead regulate under existing authorities.</p> | <p align="center">n/a</p> <p>The MPCA will not be amending these rules. The 2017 MN Legislature changed the MPCA's rulemaking authority on this subject. The MPCA can regulate this activity under existing rules.</p> | <p align="center">n/a</p>                      | <p align="center">n/a</p>     |



UNDER CONSIDERATION FOR POSSIBLE FUTURE RULEMAKING

| Subject Matter (Existing webpages are listed)                              | Brief Rule Summary   | Agency Contact Person<br><i>(Lead Staff)</i> | Current Status of proposed rule and any agency determinations   | Next Opportunity for Public Comment | Timetable for adoption and other agency determinations | Notices published<br><i>(State Register citations)</i> | Public Hearing Schedule |
|--|--|--|---|-------------------------------------|--|--|-------------------------|
| Water Quality Standards: Class 1<br><br><i>Minn. R. chs. 7050 and 7060</i> | Use designations changes for Class 1 (domestic consumption) and associated WQS for groundwater and surface water.                    | To be determined.                            | MPCA, Minnesota Department of Health, and other agencies with relevant authority reviewing specific items for revision. | To be determined.                   | To be determined.                                      |  | To be determined.       |
| Water Quality Standards: surface water pathogens (E.coli)                  | Revise recreational WQS for human health protection from E.coli based on USEPA 304(a) Recreational Water Quality Criteria from 2012. | Laura Solem                                  | The technical review for this project is nearly complete.   | To be determined.                   | To be determined.                                      |  | To be determined.       |