

## Opportunities for Public Involvement in MPCA Rules

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| <b>1. Notice Published</b><br>a. Request for Comments published in <i>State Register</i><br>b. Formal comment opportunity for all interested parties | <b>2. Rule Development</b><br>a. Statement of Need and Reasonableness drafting<br>b. Potential preliminary draft rule shared | <b>3. Notice Published</b><br>a. Notice of Intent to Adopt Rules published in <i>State Register</i><br>b. Formal comment opportunity for all interested parties | <b>4. Hearing/No Hearing</b><br>a. Threshold of 25 or more requests is needed to hold a hearing on a Dual Notice or a Notice of Intent to Adopt Rule Without a Hearing |
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The rulemaking process utilized by the Minnesota Pollution Control Agency (MPCA) provides three opportunities for public involvement:

- 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. The 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.
- During this phase of the rulemaking, MPCA generally develops a preliminary draft of rule language and makes it available for at least one information public comment period. Throughout this phase, stakeholder meetings may be held and informal comments may be submitted.
- 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 MPCA 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. Check with the MPCA contact person to inspect written comments, written requests for a public hearing, and names of parties who requested a public hearing.

On completion, the MPCA will publish final adoption of rules. Most rules become effective five working days after they appear in the *State Register*. Notice, [exempt](#) rulemaking follows a more abbreviated process.

### Acronyms:

ALJ—Administrative Law Judge

GO—Governor’s Office

MMB—Minnesota Management and Budget

OAH—Office of Administrative Hearings

RFC—Request for Comments

SONAR—Statement of Need and Reasonableness

SR—Minnesota *State Register*

USEPA—United States Environmental Protection

Agency

Sign up to receive rule notices through individual rule webpages, or at:

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| <ol style="list-style-type: none"> <li><a href="https://public.govdelivery.com/accounts/MNPCA/subscriber/new">https://public.govdelivery.com/accounts/MNPCA/subscriber/new</a> (List includes rule topics and numerous non-rule topics)</li> <li><a href="#">Rulemaking</a> (all rule topic notices)</li> <li><a href="#">New Rulemaking Announcements</a></li> </ol> | <ol style="list-style-type: none"> <li><a href="#">Good Cause Exempt Rulemaking</a></li> <li><a href="#">Air</a> (rule topics only)</li> <li><a href="#">Water</a> (rule topics only)</li> <li><a href="#">Land</a> (rule topics only -hazardous waste, solid waste)</li> </ol> |
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**ACTIVE RULES—AIR**

<p><b>Subject Matter</b> <i>(Existing webpages are listed)</i>  <b>Brief Rule Summary</b>  <b>Agency Contact Person</b></p>	<p><b>Current status of proposed rule and any agency determinations</b></p>	<p><b>Next Opportunity for Public Comment</b>  <b>Public Hearing Schedule, if applicable</b></p>	<p><b>Timetable for adoption and other agency determinations</b></p>	<p><b>Notices published</b>  <i>(State Register citations)</i></p>
<p><b>Clean Cars Minnesota</b>  <a href="https://www.pca.state.mn.us/air/clean-cars-mn-rulemaking">https://www.pca.state.mn.us/air/clean-cars-mn-rulemaking</a>                      Minn. R. ch. 7023                      Revisor No. R-04626  <b>Brief Rule Summary:</b> Adopting low-emission vehicle and zero-emission vehicle air standards that require vehicle manufacturers to deliver vehicles to the Minnesota market that produce lower emissions of greenhouse gases (GHG) and other air pollutants.  <b>Agency Contact Person:</b>                      Katie Izzo, 651-757-2595  <a href="mailto:katie.izzo@state.mn.us">katie.izzo@state.mn.us</a></p>	<p>RFC comment period closed December 6, 2019.</p>	<p>The MPCA had intended to publish the Notice of Intent to Adopt Rule With a Hearing in the SR in March 2020.                       Due to the COVID-19 public health crisis, the MPCA has reassessed that timeline and determined it is no longer appropriate and is delaying publication of the rule temporarily.</p>	<p>Goal: publish Notice of Intent in fall 2020.</p>	<p>RFC published in SR on <a href="#">7 October 2019 (44 SR 464)</a></p>

**ACTIVE RULES—WATER**

<p><b>Subject Matter</b> <i>(Existing webpages are listed)</i>  <b>Brief Rule Summary</b>  <b>Agency Contact Person</b></p>	<p><b>Current status of proposed rule and any agency determinations</b></p>	<p><b>Next Opportunity for Public Comment</b>  <b>Public Hearing Schedule, if applicable</b></p>	<p><b>Timetable for adoption and other agency determinations</b></p>	<p><b>Notices published</b> <i>(State Register citations)</i></p>
<p><b>*Water Quality Standards: Class 3 and non-wild rice-related amendments to Class 4 waters</b></p> <p><a href="https://www.pca.state.mn.us/water/amendments-water-quality-standards-use-classifications-3-and-4">https://www.pca.state.mn.us/water/amendments-water-quality-standards-use-classifications-3-and-4</a></p> <p>Minn. R. ch. 7050</p> <p>Revisor No. R-04335</p> <p><b>Brief Rule Summary:</b> 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><b>Agency Contact Person:</b>            Claudia Hochstein, 651-757-2622  <a href="mailto:claudia.hochstein@state.mn.us">claudia.hochstein@state.mn.us</a></p>	<p>RFC closed April 22, 2019.</p>	<p>Plan to publish proposed rules by December 2020.</p>	<p>Goal: Adopt rules in 2021.</p>	<p>RFC published in SR on <a href="#">8 February 2016 (40 SR 965)</a></p> <p>Second RFC published in SR on <a href="#">11 March 2019 (43 SR 1067)</a></p>

<b>Subject Matter</b> <i>(Existing webpages are listed)</i> <b>Brief Rule Summary</b> <b>Agency Contact Person</b>	<b>Current status of proposed rule and any agency determinations</b>	<b>Next Opportunity for Public Comment</b> <b>Public Hearing Schedule, if applicable</b>	<b>Timetable for adoption and other agency determinations</b>	<b>Notices published</b> <i>(State Register citations)</i>
<p><b>Water Quality Fee Rulemaking</b></p> <p><a href="https://www.pca.state.mn.us/water/amendments-water-quality-fee-rules">https://www.pca.state.mn.us/water/amendments-water-quality-fee-rules</a></p> <p>Minn. R. chs. 7002 and 7083</p> <p>Revisor No. R-04476</p> <p><b>Brief Rule Summary:</b> 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, stormwater permits, feedlot permits, septic systems, and variances. For more information, see the rule webpage.</p> <p><b>Agency Contact Person:</b>  Mary H. Lynn, 651-757-2439  <a href="mailto:mary.lynn@state.mn.us">mary.lynn@state.mn.us</a></p>	<p>RFC published 6/26/2017.</p> <p>Second RFC published January 27, 2020.</p> <p>Second RFC comment period closed on March 13, 2020</p> <p>The MPCA created the Water Fee Advisory Committee (Minn. Stat. 14.101) to provide input to the Commissioner on water fees. The report with the Advisory Committee recommendations is available on the rule webpage.</p>	<p>Due to the COVID-19 public health crisis, the MPCA has suspended its current rulemaking schedule.</p> <p>The MPCA intends to release preliminary draft rule language for public comment and continue its rulemaking process; the timeline is yet to be determined.</p>	<p>To be determined.</p>	<p>RFC published in SR on <a href="#">26 June 2017 (41 SR 1504)</a></p> <p>Second RFC published in SR on <a href="#">27 January 2020 (44 SR 847)</a></p>

<b>Subject Matter</b> <i>(Existing webpages are listed)</i> <b>Brief Rule Summary</b> <b>Agency Contact Person</b>	<b>Current status of proposed rule and any agency determinations</b>	<b>Next Opportunity for Public Comment</b> <b>Public Hearing Schedule, if applicable</b>	<b>Timetable for adoption and other agency determinations</b>	<b>Notices published</b> <i>(State Register citations)</i>
<p><b>Subsurface Sewage Treatment System (SSTS) Inspections and Permit Requirements</b></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 and 7082</p> <p>Revisor No. R-04478</p> <p><b>Brief Rule Summary:</b> 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><b>Agency Contact Person:</b> Katie Izzo, 651-757-2595 <a href="mailto:katie.izzo@state.mn.us">katie.izzo@state.mn.us</a></p>	<p>Public comment on proposed rules closed December 23, 2019. The ALJ has approved the rule; the rule will become effective five working days after a Notice of Adoption is published in the <i>State Register</i>, in accordance with Minn. Stat. § 14.27.</p> <p>The MPCA had originally planned to finalize this rule earlier in 2020, but after COVID-19–related delays pushed the work back, we are now in the busy season for SSTS inspections, when making these changes effective by publishing a Notice of Adoption could make compliance for the SSTS industry unnecessarily confusing. <b>Therefore, the MPCA intends to wait until December to publish the Notice of Adoption.</b></p>	<p>The MPCA did not receive requests for a hearing from 25 or more persons, so no hearing was held.</p>	<p>The MPCA plans to publish a Notice of Adoption in December 2020.</p>	<p>RFC published in SR on <a href="#">11 Dec 2017 (42 SR 672)</a></p> <p>Dual Notice published in SR on <a href="#">12 Nov 2019 (44 SR 559)</a></p>

**ACTIVE RULES—LAND (HAZARDOUS WASTE, SOLID WASTE)**

<p><b>Subject Matter</b> (<i>Existing webpages are listed</i>)  <b>Brief Rule Summary</b>  <b>Agency Contact Person</b></p>	<p><b>Current status of proposed rule and any agency determinations</b></p>	<p><b>Next Opportunity for Public Comment</b>  <b>Public Hearing Schedule, if applicable</b></p>	<p><b>Timetable for adoption and other agency determinations</b></p>	<p><b>Notices published</b> (<i>State Register citations</i>)</p>
<p><b>Petroleum Contaminated Soil Management</b>  <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>  Minn. R. ch. 7037  Revisor No. R-04079  <b>Brief Rule Summary:</b> Amending MPCA rules governing the evaluation and the land application of petroleum contaminated soils as a means of treatment.  <b>Agency Contact Person:</b>  Nathan Cooley, 651-757-2290  <a href="mailto:nathan.cooley@state.mn.us">nathan.cooley@state.mn.us</a></p>	<p>RFC and preliminary draft of rules published 9/22/2014.</p>	<p>Anticipate proposing rule language in 2020; the timeline is yet to be determined.</p>	<p>To be determined.</p>	<p>RFC published in SR on <a href="#">22 September 2014 (39 SR 398)</a></p>
<p><b>Construction &amp; Demolition (C&amp;D) Debris Landfill Rules</b>  <a href="https://www.pca.state.mn.us/waste/cdl-rulemaking">https://www.pca.state.mn.us/waste/cdl-rulemaking</a>  Minn. R. ch. 7001 and 7035  Revisor No. R-04556  <b>Brief Rule Summary:</b> To be determined.  The MPCA released the C&amp;D landfill groundwater monitoring report in October 2019.  <b>Agency Contact Person:</b>  Nathan Cooley, 651-757-2290  <a href="mailto:nathan.cooley@state.mn.us">nathan.cooley@state.mn.us</a></p>	<p>RFC closed December 31, 2018.  The MPCA held meetings with interested parties in Crookston, Duluth, Mankato, and St. Paul in November and December 2018 to gather input and ideas for changes in the construction &amp; demolition landfill system.</p>	<p>The MPCA created two related advisory panels (Minn. Stat. 14.101) to provide input on improving environmental protections from C&amp;D landfills. The Rule Advisory Panel has been meeting since fall of 2019. Meetings since March 2020 have been virtual.</p>	<p>To be determined.</p>	<p>RFC published in SR on <a href="#">1 October 2018 (43 SR 417)</a></p>

**ACTIVE RULES—CROSS-MEDIA RULES**

<p><b>Subject Matter</b> <i>(Existing webpages are listed)</i>  <b>Brief Rule Summary</b>  <b>Agency Contact Person</b></p>	<p><b>Current status of proposed rule and any agency determinations</b></p>	<p><b>Next Opportunity for Public Comment</b>  <b>Public Hearing Schedule, if applicable</b></p>	<p><b>Timetable for adoption and other agency determinations</b></p>	<p><b>Notices published</b> <i>(State Register citations)</i></p>
<p><b>Land-Related Housekeeping Amendments</b></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>Minn. R. chs. 7000, 7001, 7035, 7045, 9210, and 9215</p> <p>Revisor No. R-04155</p> <p><b>Brief rule summary:</b>  <b>First RFC topics:</b>            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><b>Second RFC topics:</b>            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><b>Agency Contact Person:</b>            Yolanda Letnes, 651-757-2527  <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 January 2021.</p>	<p>Goal: Adopt rules in 2021.</p>	<p>RFC published in SR on <a href="#">21 October 2013 (38 SR 534)</a></p> <p>Second RFC published in the SR on <a href="#">14 January 2019 (43 SR 860)</a></p>

## COMPLETED RULEMAKING PROJECTS—ADOPTED WITHIN PAST YEAR

Subject Matter <i>(Existing webpages are listed)</i> Agency Contact Person	Notices Published	Date Rule Adopted by MPCA <i>(i.e., Order to Adopt is signed)</i>	Date Rule Filed with Secretary of State	Effective Date of Rule
Water Quality Standards: Class 2A/2B and Class 7 Use Change  Minn. R. ch. 7050  Revisor No. R-04561	RFC published in SR on <a href="#">24 Sept 2018 (43 SR 394)</a>  Proposed rules published in SR on <a href="#">23 September 2019 (44 SR 405)</a>  Notice of Adopted Rules published in SR on <a href="#">1 June 2020 (44 SR 1416)</a>	4/29/2020	5/4/2020	6/8/2020
Air Quality Incorporation by Reference  Minn. R. chs. 7005, 7007, 7011, 7017, and 7019  Revisor No. R-04452	RFC published in SR on <a href="#">20 February 2018 (42 SR 960)</a>  Proposed rules published in SR on <a href="#">12 August 2019 (44 SR 132)</a>  Notice of Adopted Rules published in SR on <a href="#">16 March 2020 (44 SR 1030)</a>  Contact program staff regarding implementation.	2/12/2020	2/18/2020	3/23/2020

## UNDER CONSIDERATION FOR POSSIBLE FUTURE RULEMAKING

Subject Matter <i>(Existing webpages are listed)</i> Brief Rule Summary Agency Contact Person	Current Status of proposed rule and any agency determinations	Next Opportunity for Public Comment Public Hearing Schedule, if applicable	Timetable for adoption and other agency determinations	Notices published <i>(State Register citations)</i>
Water Quality Standards: Class 1  Minn. R. chs. 7050 and 7060  <b>Brief Rule Summary:</b> Use designations changes for Class 1 (domestic consumption) and associated WQS for groundwater and surface water  <b>Agency Contact Person:</b> 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.



<b>Subject Matter</b> <i>(Existing webpages are listed)</i> <b>Brief Rule Summary</b> <b>Agency Contact Person</b>	<b>Current Status of proposed rule and any agency determinations</b>	<b>Next Opportunity for Public Comment Public Hearing Schedule, if applicable</b>	<b>Timetable for adoption and other agency determinations</b>	<b>Notices published</b> <i>(State Register citations)</i>
<b>Water Quality Standards: surface water pathogens (E.coli)</b>  <b>Brief Rule Summary:</b> Revise recreational WQS for human health protection from E.coli based on USEPA 304(a) Recreational Water Quality Criteria from 2012.  <b>Agency Contact Person:</b> Laura Solem	The technical review for this project is nearly complete.	To be determined.	To be determined.	To be determined.
<b>Use Classification Changes for Trout Stream Portion of Dark River in St. Louis County</b>  Minn. R. part 7050.0470  Revisor No. R-04572  <b>Brief Rule Summary:</b> Response to a petition to change use classifications Class 1B (drinking water), Class 3 (industrial consumption), and Class 4A (agricultural irrigation) for the trout stream portion of the Dark River in St. Louis County.  <b>Agency Contact Person:</b> Catherine Neuschler, 651-757-2607 <a href="mailto:catherine.neuschler@state.mn.us">catherine.neuschler@state.mn.us</a>	RFC closed April 29, 2019.	RFC published in the SR March 18, 2019; comment period closed April 29, 2019.	To be determined.	RFC published in SR on <a href="#">18 March 2019 (43 SR 1101)</a>

## WITHDRAWN RULEMAKING PROJECTS

Subject Matter	Notices Published	Status	Revisor No.	Additional notes
Water Quality Standards Rulemaking. Sulfate Standard for the Protection of Wild Rice	<p>Notice of Hearing and Proposed Rules published in SR on <a href="#">21 August 2017 (42 SR 171)</a></p> <p>Notice of an additional hearing published in SR on <a href="#">18 September 2017 (42 SR 369)</a></p> <p>Notice of withdrawal published in SR on <a href="#">7 May, 2018 (42 SR 1423)</a></p>	Rules will not be adopted; proposed rules withdrawn from the rulemaking process.	R-04324	<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>
Exempt Wastewater Discharge Rules	<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>	Rules will not be adopted; the 2018 MN Legislature addressed this subject matter in law.	R-04484	Good cause exempt rule process under Minn. Stat. § 14.388.
Silica Sand Projects	<p>RFC published in SR on <a href="#">22 July 2013 (38 SR 109)</a></p> <p>2<sup>nd</sup> RFC published in SR on <a href="#">29 September 2014 (39 SR 421)</a></p> <p>Extension of 2<sup>nd</sup> RFC comment period published in SR 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>	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.	R-04206	<a href="https://www.pca.state.mn.us/regulations/silica-sand-mining">https://www.pca.state.mn.us/regulations/silica-sand-mining</a>
Clean Air Act § 111(d): Clean Power Plan	RFC published in SR on <a href="#">3 August 2015 (40 SR 124)</a>	On 7/8/2019, USEPA repealed the Clean Power Plan. The MPCA will not proceed with this rulemaking.	R-04265	n/a