Opportunities for Public Involvement in MPCA Rules

1. Notice Published
   a. Request for Comments published in State Register
   b. Formal comment opportunity for all interested parties

2. Rule Development
   a. Statement of Need and Reasonableness drafting
   b. Potential preliminary draft rule shared

3. Notice Published
   a. Notice of Intent to Adopt Rules published in State Register
   b. Formal comment opportunity for all interested parties

4. Hearing/No Hearing
   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

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. 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.

2. 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.

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.

4. 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:

1. [https://public.govdelivery.com/accounts/MNPCA/subscriber/new](https://public.govdelivery.com/accounts/MNPCA/subscriber/new) (List includes rule topics and numerous non-rule topics)
2. Rulemaking (all rule topic notices)
3. New Rulemaking Announcements
4. [Good Cause Exempt Rulemaking](https://public.govdelivery.com/accounts/MNPCA/subscriber/new)
5. [Air](https://public.govdelivery.com/accounts/MNPCA/subscriber/new) (rule topics only)
6. [Water](https://public.govdelivery.com/accounts/MNPCA/subscriber/new) (rule topics only)
7. [Land](https://public.govdelivery.com/accounts/MNPCA/subscriber/new) (rule topics only -hazardous waste, solid waste)

Search Minnesota Rule Status records: [https://www.revisor.mn.gov/rules/status/](https://www.revisor.mn.gov/rules/status/)
### ACTIVE RULES—AIR

#### Subject Matter *(Existing webpages are listed)*

#### Brief Rule Summary

Agency Contact Person

| Clean Cars Minnesota | RFC comment period closed December 6, 2019. | 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. | Goal: Adopt rules in 202

#### Agency Contact Person:

Katie Izzo, 651-757-2595
katie.izzo@state.mn.us

#### RFC published in SR on 7 October 2019 (44 SR 464)
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<tr>
<th>Subject Matter (Existing webpages are listed)</th>
<th>Current status of proposed rule and any agency determinations</th>
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<th>Timetable for adoption and other agency determinations</th>
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<tr>
<td><strong>Brief Rule Summary:</strong> Use classification changes for Class 3 (industrial consumption) waters and non-wild rice-related use classification changes for Class 4 (agriculture and wildlife) waters.</td>
<td>RFC published 6/26/2017. Second RFC published January 27, 2020. Second RFC comment period closed on March 13, 2020.</td>
<td>Due to the COVID-19 public health crisis, the MPCA has suspended its current rulemaking schedule. The MPCA intends to release preliminary draft rule language for public comment and continue its rulemaking process; the timeline is yet to be determined.</td>
<td>To be determined.</td>
<td>RFC published in SR on 26 June 2017 (41 SR 1504)&lt;br&gt;Second RFC published in SR on 27 January 2020 (44 SR 847)</td>
</tr>
<tr>
<td><strong>Agency Contact Person:</strong> Yolanda Letnes, 651-757-2527 <a href="mailto:yolanda.letnes@state.mn.us">yolanda.letnes@state.mn.us</a></td>
<td>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.</td>
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<td><strong>Water Quality Fee Rulemaking</strong>&lt;br&gt;<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>&lt;br&gt;Minn. R. chs. 7002 and 7083&lt;br&gt;Revisor No. R-04476</td>
<td></td>
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<td></td>
<td>RFC published in SR on 26 June 2017 (41 SR 1504)&lt;br&gt;Second RFC published in SR on 27 January 2020 (44 SR 847)</td>
</tr>
<tr>
<td><strong>Brief Rule Summary:</strong> 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.</td>
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<tr>
<td><strong>Agency Contact Person:</strong> Mary H. Lynn, 651-757-2439 <a href="mailto:mary.lynn@state.mn.us">mary.lynn@state.mn.us</a></td>
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| Subsurface Sewage Treatment System (SSTS) Inspections and Permit Requirements  
https://www.pca.state.mn.us/water/amendments-subsurface-sewage-treatment-systems-inspection-and-permit-requirements  
Minn. R. chs. 7081 and 7082  
Revisor No. R-04478  
**Brief Rule Summary:** 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.  
Agency Contact Person:  
Katie Izzo, 651-757-2595  
katie.izzo@state.mn.us  
Public comment on proposed rules closed December 23, 2019. The MPCA has submitted the rule to the OAH for approval. | The MPCA did not receive requests for a hearing from 25 or more persons, so no hearing will be held. | Goal: Adopt rules in summer 2020. | RFC published in SR on 11 Dec 2017 (42 SR 672)  
Dual Notice published in SR on 12 Nov 2019 (44 SR 559) |
| Water Quality Standards: Class 2A/2B and Class 7 Use Change  
https://www.pca.state.mn.us/water/amendments-water-quality-standards-use-classifications-2-and-7  
Minn. R. ch. 7050  
Revisor No. R-04561  
**Brief Rule Summary:** Use designation changes for Class 2 (aquatic life) and Class 7 (limited resource value waters).  
Agency Contact Person:  
Mary H. Lynn, 651-757-2439  
mary.lynn@state.mn.us  
Public comment on proposed rules September 23 - November 7, 2019. A public hearing on the proposed rules was held on December 11, 2019. The Report of the ALJ was issued on February 1, 2020. There were no negative findings and the proposed rules as modified by the MPCA in response to public comments are approved.  
Proposed rules published in SR on 23 September 2019 (44 SR 405)  
Notice of Adopted Rules published in SR on 1 June 2020 (44 SR 1416) |
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<tr>
<td>Petroleum Contaminated Soil Management</td>
<td>RFC and preliminary draft of rules published 9/22/2014.</td>
<td>Anticipate proposing rule language in 2020; the timeline is yet to be determined.</td>
<td>To be determined.</td>
<td>RFC published in SR on 22 September 2014 (39 SR 398)</td>
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<tr>
<td>Construction &amp; Demolition (C&amp;D) Debris Landfill Rules</td>
<td>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.</td>
<td>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, with upcoming meetings planned in August and September 2020.</td>
<td>To be determined.</td>
<td>RFC published in SR on 1 October 2018 (43 SR 417)</td>
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**ACTIVE RULES—CROSS-MEDIA RULES**

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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.

https://www.pca.state.mn.us/water/housekeeping-rulemakings

Minn. R. chs. 7000, 7001, 7035, 7045, 9210, and 9215

Revisor No. R-04155

**Brief rule summary:**

**First RFC topics:**
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.

**Second RFC topics:**
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.

For more information, see the rule webpage.

**Agency Contact Person:**
Yolanda Letnes, 651-757-2527
yolanda.letnes@state.mn.us
### COMPLETED RULEMAKING PROJECTS—ADOPTED WITHIN PAST YEAR

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<tr>
<th>Subject Matter (Existing webpages are listed)</th>
<th>Notices Published</th>
<th>Date Rule Adopted by MPCA (i.e., Order to Adopt is signed)</th>
<th>Date Rule Filed with Secretary of State</th>
<th>Effective Date of Rule</th>
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### UNDER CONSIDERATION FOR POSSIBLE FUTURE RULEMAKING

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<tr>
<td>Water Quality Standards: Class 1 Min. R. chs. 7050 and 7060</td>
<td>MPCA, Minnesota Department of Health, and other agencies with relevant authority reviewing specific items for revision.</td>
<td>To be determined.</td>
<td>To be determined.</td>
<td>To be determined.</td>
</tr>
<tr>
<td>Brief Rule Summary: Use designations changes for Class 1 (domestic consumption) and associated WQS for groundwater and surface water</td>
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<tr>
<td>Agency Contact Person: To be determined.</td>
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<tr>
<td>Water Quality Standards: surface water pathogens (E.coli)</td>
<td>The technical review for this project is nearly complete.</td>
<td>To be determined.</td>
<td>To be determined.</td>
<td>To be determined.</td>
</tr>
<tr>
<td>Brief Rule Summary: Revise recreational WQS for human health protection from E.coli based on USEPA 304(a) Recreational Water Quality Criteria from 2012.</td>
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<tr>
<td>Agency Contact Person: Laura Solem</td>
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**Use Classification Changes for Trout Stream Portion of Dark River in St. Louis County**

Minn. R. part 7050.0470
Revisor No. R-04572

**Brief Rule Summary:** 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.

**Agency Contact Person:** Catherine Neuschler, 651-757-2607
catherine.neuschler@state.mn.us

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RFC published in SR on 18 March 2019 [43 SR 1101]
### WITHDRAWN RULEMAKING PROJECTS

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<th>Subject Matter</th>
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<th>Revisor No.</th>
<th>Additional notes</th>
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<tr>
<td>Exempt Wastewater Discharge Rules</td>
<td>No RFC required for good cause exempt rules. Rule language provided by 2017 Minnesota Session Law, Chapter 93 (section 160). The good cause exempt rulemaking process does not provide for public hearings.</td>
<td>Rules will not be adopted; the 2018 MN Legislature addressed this subject matter in law.</td>
<td>R-04484</td>
<td>Good cause exempt rule process under Minn. Stat. § 14.388.</td>
</tr>
<tr>
<td>Silica Sand Projects</td>
<td>RFC published in SR on 22 July 2013 (38 SR 109) 2nd RFC published in SR on 29 September 2014 (39 SR 421) Extension of 2nd RFC comment period published in SR on 27 October 2014 (39 SR 583) 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. 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.</td>
<td>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.</td>
<td>R-04206</td>
<td><a href="https://www.pca.state.mn.us/regulations/silica-sand-mining">https://www.pca.state.mn.us/regulations/silica-sand-mining</a></td>
</tr>
<tr>
<td>Clean Air Act § 111(d): Clean Power Plan</td>
<td>RFC published in SR on 3 August 2015 (40 SR 124)</td>
<td>On 7/8/2019, USEPA repealed the Clean Power Plan. The MPCA will not proceed with this rulemaking.</td>
<td>R-04265</td>
<td>n/a</td>
</tr>
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</table>