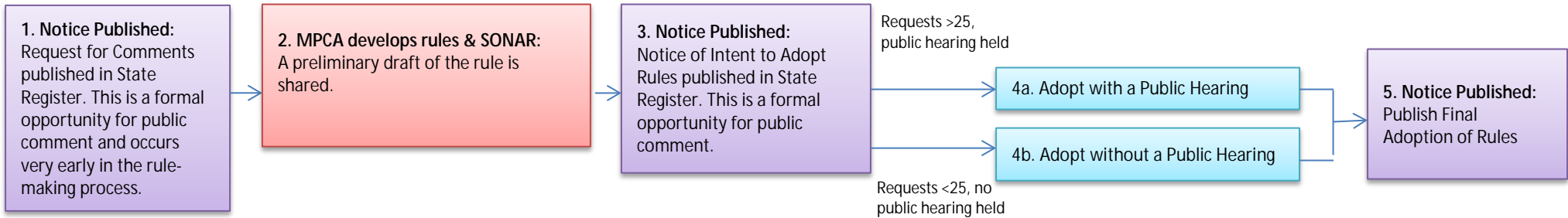


Public Rulemaking Docket

*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.*

Acronyms:	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

Subject Matter <i>(Existing webpages are listed)</i>	Brief Rule Summary	Agency Contact Person <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 <i>(State Register citations)</i>	Public Hearing Schedule
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CROSS-MEDIA RULES

<p>Land-Related Housekeeping Amendments https://www.pca.state.mn.us/water/housekeeping-rulemakings</p> <p><i>Minn. R.</i> chs. 7000, 7001, 7035, 7045, 9210, and 9215</p> <p>Revisor No. R-04155</p> <p>Medias impacted: Air, Water, and Waste.</p>	<p>Will 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 MMSW ash testing into the existing rule.</p> <p>These rules are considered cross-media because of changes to procedural rules in chapter 7000 that affect all medias.</p>	<p>Yolanda Letnes 651-757-2527 yolanda.letnes@state.mn.us</p>	<p>RFC published 10/21/13. Preliminary draft of rule language released 6/13/14. Changes to language currently being considered based on comments submitted.</p> <p>Nature of rule changes will be minor edits correcting cross-references, obsolete language, etc.</p>	<p>Anticipate publishing proposed rules with formal public comment period in December 2018.</p>	<p>Goal: Complete summer 2019.</p>	<p>RFC published in <i>SR</i> on 21 October 2013 (38 SR 534)</p>	<p>Not anticipated.</p>
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AIR RULES – Be sure to check CROSS-MEDIA RULES

<p>Clean Air Act § 111(d): Clean Power Plan</p> <p>Revisor No. R-04265</p>	<p>Amending MPCA rules to bring MN into compliance with USEPA's Clean Power Plan</p>	<p>Katie Izzo 651-757-2595 katie.izzo@state.mn.us</p>	<p>On 10/10/2017, USEPA proposed to repeal the Clean Power Plan. The MPCA expects to not proceed with this rulemaking.</p>			<p>RFC published in <i>SR</i> on 3 August 2015 (40 SR 124)</p>	
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Subject Matter <i>(Existing webpages are listed)</i>	Brief Rule Summary	Agency Contact Person <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 <i>(State Register citations)</i>	Public Hearing Schedule
<p>Exempt Source/Conditionally Insignificant Activities</p> <p>https://www.pca.state.mn.us/air/exempt-source-conditionally-insignificant-activities</p> <p><i>Minn. R. chs. 7005, 7007, 7008, 7011, and 7019</i></p> <p>Revisor No. R-04429</p>	<p>Amendments to air quality rules governing conditionally exempt stationary sources and conditionally insignificant activities to address several issues with the requirements for these activities and to meet federal requirements for affected sources.</p>	<p>Mary H. Lynn 651-757-2439 mary.lynn@state.mn.us</p>	<p>Public comment on proposed rules open April 23 - May 29, 2018.</p> <p>A public information meeting on the proposed rules was held May 10, 2018, at the MPCA St. Paul Office.</p> <p>The MPCA is reviewing and considering all comments submitted during the public comment period on the proposed rules.</p> <p>For more information, see the rule webpage: https://www.pca.state.mn.us/air/exempt-source-conditionally-insignificant-activities</p>	<p>Proposed rules published in the <i>SR</i> April 23, 2018; comment period ended May 29, 2018.</p>	<p>Goal: Complete fall 2018.</p>	<p>RFC published in <i>SR</i> on 9 January 2017 (41 SR 862).</p> <p>Proposed rules published in <i>SR</i> on 23 April 2018 (42 SR 1223).</p>	<p>To be determined.</p>
<p>Air Quality Incorporation by Reference</p> <p>https://www.pca.state.mn.us/air/rulemaking-incorporation-reference</p> <p>Revisor No. R-04452</p>	<p>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.</p>	<p>Carol Nankivel 651-757-2597 carol.nankivel@state.mn.us</p>	<p>Request for comment period closed April 6, 2018.</p>	<p>Plan to publish proposed rules in summer 2018.</p>	<p>Goal: Adopt rules by early 2019.</p>	<p>RFC published in <i>SR</i> on 20 February 2018 (42 SR 960)</p>	<p>To be determined.</p>

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<p>Silica Sand Projects</p> <p>https://www.pca.state.mn.us/quick-links/silica-sand-mining</p> <p><u><i>Minn. R. ch. 7007 and 7011</i></u></p> <p>Revisor No. R-04206</p>	<p>Provide rules governing the air emissions from silica sand mining, processing and transporting projects.</p>	<p>Nathan Cooley 651-757-2290 nathan.cooley@state.mn.us</p>	<p>Published 1st RFC on 7/22/13.</p> <p>Completed a joint agency silica sand rulemaking advisory panel. Information on the panel is available at: https://www.eqb.state.mn.us/silica-sand-rulemaking. Final meeting 2/11/15.</p> <p>Published 2nd RFC on 9/29/14.</p> <p>Shared preliminary draft rules with interested parties on 2/26/16; seeking input on approach and limits before proposing rules for formal public comment. . Shared comments received on preliminary draft rules (see silica sand webpage).</p> <p>2017 MN Legislature amended a prior directive to the MPCA. Rule work is ongoing as we assess the potential effects of statutory changes on the rule process. We are unlikely to make the timeline previously published in this rule docket.</p>	<p>Plan to propose rules for formal public comment; though do not currently have an updated timeline for publishing notice of proposed rules.</p>	<p>To be determined.</p>	<p>RFC published in <i>SR</i> on 22 July 2013 (38 SR 109)</p> <p>2nd RFC published in <i>SR</i> on 29 September 2014 (39 SR 421)</p> <p>Extension of 2nd RFC comment period published in <i>SR</i> on 27 October 2014 (39 SR 583)</p>	<p>To be determined.</p>

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WATER RULES – Be sure to check CROSS-MEDIA RULES							
<p>*Water Quality Standards: Class 3 and non-wild rice-related amendments to Class 4 waters</p> <p>https://www.pca.state.mn.us/water/amendments-water-quality-standards-%E2%80%94-use-classifications-3-and-4</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 651-757-2595 katie.izzo@state.mn.us</p>	<p>RFC published 2/8/16; new RFC planned in 2018.</p>	<p>Anticipate publishing a new RFC in 2018.</p>	<p>Goal: Complete in 2019.</p>	<p>RFC published in SR on 8 February 2016 (40 SR 965).</p>	<p>To be determined.</p>

Subject Matter <i>(Existing webpages are listed)</i>	Brief Rule Summary	Agency Contact Person <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 <i>(State Register citations)</i>	Public Hearing Schedule
<p>Water Quality Fee Rulemaking</p> <p>https://www.pca.state.mn.us/amendments-water-quality-fee-rules.</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.</p> <p>For more information, see the rule webpage: https://www.pca.state.mn.us/amendments-water-quality-fee-rules.</p>	<p>Mary H. Lynn 651-757-2439 mary.lynn@state.mn.us</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 has reviewed and considered all comments submitted during the RFC notice period.</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. The MPCA expects to share the report with the Advisory Committee members for feedback in August.</p>		<p>Goal: To be determined.</p>	<p>RFC published in <i>SR</i> on 26 June 2017 (41 SR 1504)</p>	<p>To be determined.</p>
<p>Subsurface Sewage Treatment System (SSTS) Inspections and Permit Requirements</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 651-757-2595 katie.izzo@state.mn.us</p>	<p>Compiling and considering comments submitted during the RFC notice period.</p>	<p>Anticipate publishing a Notice of Intent in summer 2018.</p>	<p>Goal: Complete in 2019.</p>	<p>RFC published in <i>SR</i> on 11 Dec 2017 (42 SR 672)</p>	<p>To be determined.</p>

Subject Matter <i>(Existing webpages are listed)</i>	Brief Rule Summary	Agency Contact Person <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 <i>(State Register citations)</i>	Public Hearing Schedule
<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>Adopt good cause exempt rules to allow municipal wastewater treatment facilities that construct and operate to comply with discharge standards to delay compliance with new or changed standards.</p> <p>This is a good cause exempt rule based on 2017 Minnesota Session Law, Chapter 93 (section 160): https://www.revisor.mn.gov/laws/?year=2017&type=0&doctype=Chapter&id=93</p>	<p>Nathan Cooley 651-757-2290 nathan.cooley@state.mn.us</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>10/17/2017, the MPCA submitted this rule to OAH and notified interested parties via its GovDelivery email system. MPCA and OAH both posted this rule on their respective "notice" webpages for a 5-day comment period and a 14-day OAH review period.</p> <p>10/31/2017, ALJ Oxley disapproved the rules.</p> <p>11/7/2017, MPCA sought and noticed a 5-day comment period and 14-day review by Chief ALJ Pust.</p> <p>11/21/2017, Chief ALJ Pust disapproved rule language provided by 2017 Minnesota Session Law.</p> <p>2/26/2018, MPCA filed a brief appealing the ALJ's disapproval of the good cause exempt rule. Anticipate appellate court decision in the summer of 2018.</p>	<p>5-day comment period ended 10/24/2017.</p> <p>5-day review comment period ended 11/16/2017.</p> <p>The MPCA anticipates no further public comment without appealing the OAH decision. The 2018 Legislature revisited its original directive. The MPCA had appealed the OAH determination and then withdrew its appeal based on the 2018 Legislative action making the appeal unnecessary.</p>	<p>With OAH disapproval of the rules, MPCA cannot proceed to adopt the proposed rules at this time.</p>		<p>The good cause exempt rulemaking process does not provide for public hearings.</p>

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WASTE RULES – Be sure to check CROSS-MEDIA RULES							
Petroleum Contaminated Soils https://www.pca.state.mn.us/waste/amending-minnesota-rules-governing-land-treatment-practices-petroleum-contaminated-soil <i>Minn. R ch. 7037</i> 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 651-757-2290 nathan.cooley@state.mn.us	RFC and preliminary draft of rules published 9/22/14.	Comments may be submitted until the MPCA drafts and publishes a proposed rule in the <i>SR</i> .	Goal: Propose draft rules fall 2018.	RFC published in <i>SR</i> on 22 September 2014 (39 SR 398) .	To be determined.
Underground Storage Tanks (UST) Update https://www.pca.state.mn.us/waste/underground-storage-tanks-ust-update-rulemaking <i>Minn. R. ch. 7150</i> 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 651-757-2527 yolanda.letnes@state.mn.us	RFC published 11/9/15. Comment period closed 12/11/15. Advisory committee meetings completed February - June 2016.	Anticipate publishing public notice of proposed rules September 2018 or sooner.	Goal: Publish notice of adoption in <i>SR</i> spring 2019.	RFC published in <i>SR</i> on 9 November 2015 (40 SR 548) .	Not anticipated.
Construction & Demolition Landfill Rules <i>Minn. R. ch. 7001 and 7035</i> Revisor No: R-04556	To be determined. MPCA report to MN Legislature March 2019	Nathan Cooley 651-757-2290 nathan.cooley@state.mn.us	The MPCA is working with stakeholder engagement and information gathering to inform rulemaking. Internal discussion and staff assignments.	To be determined.	To be determined.		To be determined.

COMPLETED RULEMAKING PROJECTS – ADOPTED WITHIN PAST YEAR

Subject Matter <i>(Existing webpages are listed)</i> *denotes 2008 Triennial Review related rules	Notices Published <i>(State Register citations listed in sequence by Notice of Adoption date)</i>	Date Rule Adopted by MPCA (i.e., Order to Adopt is signed)	Date Rule Filed with Secretary of State	Effective Date of Rule
Dry Cleaner Reimbursement Fund https://www.pca.state.mn.us/waste/drycleaner-fund-environmental-response-and-reimbursement-account Revisor No. R-04411	Notice of Intent to Adopt Expedited Rules published in <i>SR</i> on 20 November 2017 (42 SR 581) Notice of Extended Public Comment Period for Notice of Intent to Adopt Expedited Rules published in <i>SR</i> on 18 December 2017 (42 SR 685) Notice of Adopted Expedited Permanent Rules published in <i>SR</i> on 14 May 2018 (42 SR 1444)	4/11/18	4/16/18	5/14/18
Water Quality Standards Rulemaking. Sulfate Standard for the Protection of Wild Rice https://www.pca.state.mn.us/water/protecting-wild-rice-waters Revisor No. 04324	Notice of Hearing and Proposed Rules published in <i>SR</i> on 21 August 2017 (42 SR 171) Notice of an additional hearing published in <i>SR</i> on 18 September 2017 (42 SR 369) Notice of withdrawal published in <i>SR</i> on 7 May, 2018 (42 SR 1423)	n/a Rules will not be adopted; proposed rules withdrawn from the rulemaking process	n/a	n/a
Tiered Aquatic Life Uses (TALU) https://www.pca.state.mn.us/water/tiered-aquatic-life-uses-talu-framework Revisor No. R-04237	Notice of Intent to Adopt Rules published in <i>SR</i> on 19 December 2016 (41 SR 659) Notice of Adoption published in <i>SR</i> on 16 October 2017 (42 SR 441)	9/21/17	9/27/17	10/23/17

UNDER CONSIDERATION FOR POSSIBLE FUTURE RULEMAKING

Subject Matter (Existing webpages are listed) *	Brief Rule Summary	Agency Contact Person (Lead Staff)	Current Status of proposed rule and any agency determinations	Next Opportunity for Public Comment	Timetable for adoption and other agency determinations	Notices published (State Register citations)	Public Hearing Schedule
Landfill Rules <i>Minn. R. ch. 7035</i> Revisor No. unassigned	General update to capture industry operations not currently in rule and to move from guidance to rules.	To be determined	Technical staff are scoping and developing a concept plan or statement of needed changes.	To be determined	To be determined		To be determined