

Minnesota Pollution Control Agency

Remediation Division

NOTICE OF INTENT TO ADOPT EXPEDITED RULES WITHOUT A PUBLIC HEARING

Proposed Amendments to Rules Governing Dry Cleaner Environmental Response and Reimbursement, Minnesota Rules Chapter 7152, Revisor's ID Number R-4774

Introduction. The Minnesota Pollution Control Agency (MPCA) intends to adopt rules under the expedited rulemaking process following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, part 1400.2410, and the Administrative Procedure Act, *Minnesota Statutes*, section 14.389. You may submit written comments on the proposed expedited rules until **Tuesday, January 31, 2023**.

Plain English Summary. This notice is the MPCA's legal notice of its intent to adopt amended Dry Cleaner Environmental Response and Reimbursement rules. The proposed rule amendments update the reimbursement rates for consultant and contractor services.

This notice provides an opportunity for the public to comment on the proposed rules. Anyone who would like to comment on the proposed rule language must submit written comment on the proposed rules by the deadline identified below. The Subject of Rules section provides additional information about the proposed rules. If the proposed rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

Availability of Rules. The proposed rule amendments are published in the *State Register* after this notice and are available on the rulemaking website at [Expedited Dry Cleaner Reimbursement Account rule amendments | Minnesota Pollution Control Agency \(state.mn.us\)](https://www.mn.gov/ExpeditdDryCleanerReimbursementAccountRuleAmendments). One free copy of the proposed rules is also available upon request by contacting the MPCA contact person identified below.

Subject of Rules. The proposed rule amendments update the reimbursement rates in the Dry Cleaner Reimbursement Account rules. The chapter 7152 rules require that when the Petroleum Tank Release Compensation Board (Board) makes adjustments to maximum charge dollar amounts under chapter 2890, the MPCA must use the expedited rulemaking process as authorized under Minnesota Statutes, section 115B.50, subdivision 4 to reflect the same adjustments in dollar amounts in *Minnesota Rules*, parts 7152.0500 and 7152.0600. The rates are applied when the MPCA processes invoices submitted by owners and operators of Minnesota dry cleaning facilities. The Board increased these costs by 10 percent, effective July 1, 2022, for all work performed after that date. The rule memorandum provides background information and context for the proposed rule amendments. The rule memorandum is available on the rulemaking website at [Expedited Dry Cleaner Reimbursement Account rule amendments | Minnesota Pollution Control Agency \(state.mn.us\)](https://www.mn.gov/ExpeditdDryCleanerReimbursementAccountRuleAmendments).

Modifications. The MPCA may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the MPCA, and the adopted rules may not be substantially different than these proposed rules, unless the MPCA follows the procedure under *Minnesota Rules*, part 1400.2110.

Statutory Authority. The statutory authority for rulemaking under the expedited rules process for reimbursement adjustment is provided under *Minnesota Statutes*, section 115B.50, subdivision 4; and Minnesota Session Law – 2016, chapter 123, section 5.

Public Comment. You have until **4:30 p.m. on Tuesday, January 31, 2023**, to submit written comment in support of or in opposition to the proposed rule amendments and any part or subpart of the rules. Your comment must be in writing and received by the deadline. Submit written comments to the Office of Administrative Hearings, Rulemaking eComments website at <https://minnesotaoah.granicusideas.com>. If it is not possible to use the eComments website, comments may be submitted in person, via United States mail, or by facsimile addressed to Administrative Law Judge Christa Moseng at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620 or at 651-539-0310 (fax). Any questions about submitting comments via the eComments website should be directed to Denise Collins, Office of Administrative Hearings; telephone 651-361-7875 and denise.collins@state.mn.us. All comments received are public and will be available for review at the Office of Administrative Hearings, and on the rulemaking webpage.

Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You must make any comments that you have about the legality of the proposed rules during this comment period.

MPCA Contact Person. The MPCA contact person is Mary H. Lynn at the MPCA, 520 Lafayette Road North, Saint Paul, MN 55155-4194; telephone 651-757-2439; and mary.lynn@state.mn.us. You may also call the MPCA at 651-296-6300 or 800-657-3864 or use your preferred relay service info.pca@state.mn.us.

Alternative Format. Upon request, the information in this notice can be made 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 identified above.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions about this requirement to the Campaign Finance and Public Disclosure Board at 190 Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-539-1180 or 1-800-657-3889.

Adoption and Review of Rules. The MPCA may adopt the rules after the end of the comment period. The MPCA will submit the rules and supporting documents to the Office of Administrative Hearings for legal review. You may ask to be notified of the date the MPCA submits the rules to the Office of Administrative Hearings. If you want to be so notified or want to receive a copy of the adopted rules, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA contact person identified above.



Katrina Kessler, Commissioner
Minnesota Pollution Control Agency

December 16, 2022

Date