

Minnesota Pollution Control Agency

Environmental Assessment and Outcomes Division

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendment of Rules Governing Water Quality Standards (Human Health Methods and BEACH Act) *Minnesota Rules*, 7050.0150, 7050.0217, 7050.0218, 7050.0219, 7050.0222, 7052.0005, 7052.0010, 7052.0100, 7052.0110, 7052.0220, and 7052.0230; Revisor's ID Number 4177.

Introduction. The Pollution Control Agency (MPCA) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, §§ 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until September 4, 2014. Because of the detailed materials available on this rulemaking, the MPCA is holding an extended, 80-day comment period to ensure ample time for interested parties to review the proposal and contact the MPCA with questions.

MPCA Contact Person. You must submit comments or questions on the rules and written requests for a public hearing to the MPCA contact person. The contact person is Katie Izzo, MPCA–RMAD, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194; Telephone: 651-757-2595 or 1-800-657-3864; e-mail minnrule7050.pca@state.mn.us. TTY users may call the MPCA at 651-282-5332.

Subject of Rules and Statutory Authority. The MPCA is proposing changes to rules governing the water quality standards (WQS) in Minn. R. chs. 7050 (Water Quality Standards for Protection of Waters of the State) and 7052 (Lake Superior Basin Water Standards). The proposed amendments will update the methods used for calculating the standards that specifically protect human health and will be used to make future revisions to the standards. The amendments will make the MPCA's methods more similar to the methods used by the Minnesota Department of Health and U.S. Environmental Protection Agency (EPA) guidance. The updates include:

- addition of more appropriate intake rates and early life-stage protections for infants and children
- evaluation of acute to long-term adverse effects and toxicological values
- inclusion of new approaches for assessing chemical break-down products and mixtures
- implementation of new methods for WQS applicable in fish tissue to better address bioaccumulative chemicals

The amendments also clarify how *E.coli* numeric WQS, already established under the federal Beaches Environmental Assessment and Coastal Health (BEACH) Act, apply in Lake Superior.

The statutory authority to adopt the rules is *Minnesota Statutes* §§ 115.03, subds. 1(b) and 1(c) and 115.44, subds 2 and 4. A copy of the proposed rules is published in the *State Register* and posted on the MPCA's website at <http://www.pca.state.mn.us/chdfaa8>.

Comments. You have until 4:30 p.m. on September 4, 2014, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and the contact person must receive it by the due date. The MPCA encourages your comment. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. You must also make any comment about the legality of the proposed rules during this comment period. All comments received will be part of the rulemaking record and will be reviewed by the Office of Administrative Hearings.

Request for a Hearing. In addition to submitting comments, you may also request that the MPCA hold a hearing on the rules. Your request must be in writing and the MPCA contact person must receive it by 4:30 p.m. on September 4, 2014. Your written request for a public hearing must:

- include your name and address
- identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules

Any request that does not comply with these requirements is not valid, and the MPCA cannot count it when determining whether the agency must hold a public hearing. You are encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more parties submit a valid written request for a hearing, the MPCA will choose to seek the withdrawal of those requests, hold a hearing, or withdraw the rulemaking. If a sufficient number withdraw their requests in writing to reduce the number below 25, the MPCA must give written notice of this to all parties who requested a hearing, explain the actions the MPCA took to effect the withdrawal, and ask for written comments on this action. If a public hearing is held the MPCA will follow the procedures in *Minnesota Statutes*, §§ 14.131 to 14.20.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the contact person at the address or telephone number listed above.

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. If the proposed rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is available for viewing at <http://www.pca.state.mn.us/chdfaa8>. You may obtain copies from the MPCA contact person.

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: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-296-5148 or 1-800-657-3889.

Adoption and Review of Rules. If no hearing is required, the MPCA may adopt the rules after the end of the comment period. The MPCA will then submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the MPCA submits the rules to the office. If you want to be so notified, or want to receive a copy of the adopted rule, submit your request to the MPCA contact person listed above. To register to receive notice of future rule proceedings, register at <http://public.govdelivery.com/accounts/MNPCA/subscriber/new>.

Date

John Linc Stine, Commissioner
Minnesota Pollution Control Agency