

# MINNESOTA POLLUTION CONTROL AGENCY

## Municipal Division

### Notice of Intent to Adopt Rules under the Good Cause Exemption, *Minnesota Statutes* Section 14.388, Subdivision 1, Clause 3

### Proposed Exempt Rules Relating to the Adoption of Alternative Local Standards for Subsurface Sewage Treatment Systems, *Minnesota Rules*, Chapter 7082

**Introduction:** The Minnesota Pollution Control Agency (MPCA) intends to adopt amendments to rules under the good cause exemption rulemaking process in the Administrative Procedure Act, *Minnesota Statute* § 14.388, subdivision 1, clause 3, and the rules of the Office of Administrative Hearings, *Minnesota Rule*, part 1400.2400. This rule amendment will incorporate statutory amendments to *Minnesota Statute* § 115.55, subd.7 as specified in *Minnesota Laws* 2012, chapter 272, section 62.

Interested parties have five business days after the date of this notice to submit comment to the Office of Administrative Hearings. You may submit comment until 4:30 p.m. on August 28, 2012. The MPCA requests that any person submitting comment to the Office of Administrative Hearings also submit a copy of the comment to the MPCA's contact person identified below.

**Contact Persons:** The Office of Administrative Hearings contact person is: Denise Collins, Office of Administrative Hearings, at PO Box 64620, St. Paul, MN 55164-0620, phone 651-361-7875, Fax 651-361-7936, and e-mail [rulecomments@state.mn.us](mailto:rulecomments@state.mn.us).

The MPCA's contact person is Carol Nankivel, MPCA, 520 Lafayette Road North, St. Paul, MN 55155-4194, phone 651-757-2597, Fax: 651-297-8676, and e-mail [carol.nankivel@state.mn.us](mailto:carol.nankivel@state.mn.us). TTY users may call the MPCA at 651-292-7553 or 800-657-3867.

**Subject of the Exempt Rules and Statutory Authority:** The proposed exempt rule will amend *Minnesota Rule*, part 7082.0050 to add provisions enacted by the 2012 Legislature. The proposed amendments will provide flexibility for counties that adopt alternative local standards in their subsurface sewage treatment system ordinances. The proposed amendments will address county concerns about the standards that can be applied to subsurface sewage treatment systems used by food, beverage and lodging establishments and that are located in shoreland areas.

**Good Cause Exempt Rulemaking Process:** The MPCA intends to use the good cause exempt rulemaking process provided in *Minnesota Statute*, section 14.388, subdivision 1, clause (3) to amend *Minnesota Rule*, part 7082.0050. The good cause rulemaking process is authorized by the 2012 amendments to *Minnesota Statute* § 115.55, subd.7 and allows an agency to incorporate specific changes set forth in applicable statutes when no interpretation of law is required. The MPCA finds that the use of the good cause rulemaking process is an effective use of resources to implement the changes in as expedient and cost-effective manner as possible.

A copy of the proposed amendments are attached to this notice. In accordance with *Minnesota Statute* § 16E.07, the proposed amendments may also be viewed at:  
<http://www.pca.state.mn.us/iryp3c9>

**Comments:** You have until 4:30 p.m. on August 28, 2012, to submit comment to the Office of Administrative Hearings in support of or in opposition to the proposed good cause exempt rule, or to address the legality of the proposed amendments. Comments are encouraged. Your comment must be in writing and received by the Office of Administrative Hearings contact person by the deadline. The MPCA requests that any person submitting written comments to the Office of Administrative Hearings also submit a copy of the comments to the MPCA's contact person.

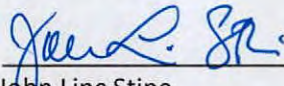
**Alternative Format:** Upon request, the MPCA can make this notice available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the MPCA's contact person at the address or telephone number above.

**Lobbyist Registration:** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You may direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at: Suite 190, Centennial Building, 658 Cedar Street, St. Paul, MN 55155, telephone 651-296-5148 or 1-800-657-3889.

**Review and Adoption of Exempt Rules:** The rule and supporting documents have been submitted to the Office of Administrative Hearings for a review of its legality. The Administrative Law Judge has 14 days to approve or disapprove the rule. If the rule is approved the MPCA will adopt the rule and publish notice of its adoption in the *State Register*. The rule will take effect on the date the rule is published in the *State Register*.

If you want to receive a copy of the adopted rule, or want to register with the MPCA to receive notice of future rule proceedings, submit your request to the MPCA's contact person listed above.

August 21, 2012

  
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John Linc Stine  
Commissioner