



*This document summarizes **some** of the information contained in the official State Register Request for Comments. For the full legal description of the notice, the State Register version can be viewed at: <http://www.comm.media.state.mn.us/bookstore/mnbookstore.asp?page=register>.*

What is this? The MPCA published a Request for Comments in the August 25, 2014 *State Register* that asks for comments about the MPCA's plan to amend the state water quality standards to add a new framework called Tiered Aquatic Life Uses (TALU). TALU will add a biologic component to the existing classification system for state waters.

What is this rule about? The state water quality standards currently classify all of Minnesota's waters according to their designated beneficial uses (e.g aquatic life, industrial use, etc.) and apply chemical, physical and biological criteria according to those uses. Most surface waters in Minnesota are classified as Class 2, which means the water quality standards protect aquatic life. Class 2 waters have traditionally been protected through the application of criteria based on water chemistry or physical properties (e.g., limits on the amount of chloride, atrazine, pH, etc.). However, the use of only chemical and physical criteria can miss conditions that are harmful to aquatic life. The MPCA is considering changes that would add a biologic component to the existing classification system for Class 2 waters. TALU will change the current aquatic life use standards from a "one-size-fits-all" approach to one that protects rivers and streams based on their biological potential. This means:

- High quality or "Exceptional Use" rivers and streams will be given additional protection to maintain the condition of these habitats.
- Categories of "Modified" and "Limited Use" will be added to address some waters that cannot meet aquatic life use goals, either as a result of past practices such as ditching or channelization or because of technological limits.
- Assessment and enforcement of water quality standards will be more effective and transparent.

No rule language has been drafted yet, but the MPCA has prepared a "concept document" that describes the changes being considered. The concept document and a more complete explanation of TALU are available on the rule website at [Tiered Aquatic Life Use \(TALU\) framework](#).

How do I submit comments?

- You are invited to provide comments, ask question or provide specific insight into areas that may be affected by the rule. Examples of the information being requested are: what will be the economic effects, information about the biology of rivers and streams, the effect of the changes on local ordinances, etc..
- Submit your comments in writing (either e-mail or mailed—see address below).
- **Your comments must be received no later than 4:30 p.m. on October 17, 2014**

Persons Affected: The TALU rulemaking potentially affects all persons working with or interested in the state Water Quality Standards, such as persons working in planning, natural resource management, soil and water conservation and environmental protection. Because the TALU system will also result in more accurate classification of waters and more effective assessment and implementation of Water Quality Standards, persons with a general interest in the quality of Minnesota's waters, such as fishing, tourism and agriculture, may also be affected. To receive future notice about the TALU rules, register for [GovDelivery at: https://public.govdelivery.com/accounts/MNPCA/subscriber/new](https://public.govdelivery.com/accounts/MNPCA/subscriber/new). The checkbox for the TALU rule is located under the Public Notices and Rulemaking topic heading.

Questions/Submittals: Carol Nankivel
MPCA/RMAD
520 Lafayette Road
St. Paul, MN 55155
carol.nankivel@state.mn.us
651-757-2597 or 800-657-3864