

Frequently Asked Questions about the Request for Comments

Q. What is a Request for Comments?

A. The Request for Comments (RFC) is the first “official” step for state rulemaking and is a legal requirement of the Administrative Procedures Act (*Minn. Stat.* ch. 14). Publishing an RFC is the first of several public notice steps every state agency must complete to adopt rules. An RFC asks the public for comments and information about the topic the agency is addressing through rulemaking. It also serves to give advance notice about what the agency is considering and encourages people to register with the agency to be kept informed of the next steps for rulemaking. (Register at https://public.govdelivery.com/accounts/MNPCA/subscriber/new?topic_id=MNPCA_56).

Q. What should I be commenting about?

A. The Minnesota Pollution Control Agency (MPCA) is seeking all comments and information that may be useful in the development of the sulfate standard to protect wild rice. Because the RFC is only the first step in the rulemaking process, rule language is not being proposed at this time. However, a “draft proposal” describing what the MPCA is currently considering is available for review (<http://www.pca.state.mn.us/r6wxpf9>). The MPCA is inviting comment about that draft proposal but is also gathering general input and comment relevant to the sulfate standard to protect wild rice.

The RFC also encourages comments and information relating to following specific aspects of the rulemaking:

- economic effect
- cumulative impact
- effect on local ordinances and regulations

Q. What will the MPCA do with the comments I submit in response to the RFC?

A. The comments received will be considered by the MPCA as it continues to develop a sulfate standard to protect wild rice. The MPCA will, to the extent possible, post the comments and information it receives on the rulemaking webpage ([Minnesota's sulfate standard to protect wild rice](#)) for public viewing.

The MPCA will not provide individual responses to comments received but may post additional information on the webpage in response to specific questions.

When the MPCA proposes rules they will be supported by an MPCA document called the Statement of Need and Reasonableness. The MPCA may refer to specific comments or information obtained from this RFC in that Statement.

Q. I've already made comments to the MPCA about this rulemaking; do I have to re-send my comments?

A. No. The MPCA has listened to comments from interested parties for the past several years. A Wild Rice Advisory Committee has provided comments since 2011 and the MPCA has also received comments from tribal representatives, industrial interests, members of the scientific community and the general public. All of those previously submitted comments are being considered and will continue to inform the MPCA's rule development. The RFC reaches out to a broad community of potentially interested parties, but the comments received in response to this RFC are not more important or considered any differently than previously submitted comments.

Q. Will a judge review my comments?

A. Maybe. The comments received before rules are proposed, including this RFC period, will not necessarily be submitted to the administrative law judge (judge) who will preside at the hearing and who will eventually disapprove or approve the rules for adoption. Some of the comments submitted in response to the RFC may be included, at the MPCA's discretion, in the MPCA's rule exhibits, or specifically discussed in the Statement of Need and Reasonableness, and those documents will be reviewed by the judge. However, the only comments the judge will definitely see are the comments submitted when the MPCA proposes actual rule language and conducts hearings. If you submit comments in response to this RFC and they still apply to the rules the MPCA eventually proposes, you must re-submit them to be sure they will be seen by the judge.