

March 8, 2023

The Honorable Judge Suzanne Todnem
Administrative Law Judge
Office of Administrative Hearings
600 North Robert Street
P.O. Box 64620
Saint Paul, Minnesota 55164-0620

RE: Post-hearing Response for Proposed Amendments to Rules of the Minnesota Pollution Control Agency Governing Water Quality Standards – Class 2 Use Designations; Minnesota Rules chapter 7050; OAH Docket No. 23-9003-37415; Revisor’s ID Number R-04692

Dear Judge Suzanne Todnem:

Please find attached the Minnesota Pollution Control Agency’s (MPCA) Post-Hearing Response to Comments for the proposed rule amendments referenced above. This Response to Comments was prepared for the post-hearing comment period that ends on March 8, 2023. It addresses the substantive issues that were raised in the comments filed during the Notice of Hearing public comment period, December 12, 2022, to February 3, 2023. The Response to Comments does not address the oral testimony and comments that were made during the February 16, 2023, public hearing because no oral testimony or comments were received at the hearing.

The Post-Hearing Response to Comments includes the following documents:

1. Attachment 1 – Spreadsheet of Comments.
2. Attachment 2 – MPCA Detailed Responses to Public Comments.
3. Attachment 3 – Summary Table Class 2 Proposed Use Designations.
4. Attachment 4 – Report of the Administrative Law Judge in the Matter of the Proposed Amendments to MPCA Water Quality Standards Relating to Tiered Aquatic Life Uses and Modification of Class 2 Beneficial Uses.
5. Attachment 5 – Report of the Administrative Law Judge in the Matter of the Proposed Amendments to Rules of the MPCA Governing Water Quality Standards – Class 2 and Class 7 Use Designations; Minnesota Rules Chapter 7050.
6. Attachment 6 – EPA’s Review of Revisions to Minnesota’s Water Quality Standards: Tiered Aquatic Life Uses and Biological Criteria (Minn. R. chs. 7050 and 7052).
7. Attachment 7 – EPA’s Review of Revisions to Minnesota’s Class 2 and Class 7 Beneficial Use Designations Minn. R. 7050.0420 and 7050.0470 Under Section 303(c) of the Clean Water Act.
8. Attachment 8 – The use of the Tiered Aquatic Life Use Framework to Designate Beneficial Life Uses for Drainage Ditches and Altered Watercourses.

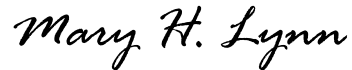
Suzanne Todnem

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The MPCA also plans to prepare a Rebuttal Response that will be submitted during the rebuttal comment period, which ends on March 15, 2023. If you have questions regarding the enclosed Post-Hearing Response to Comments or the content of the proposed rule amendments, please contact Will Bouchard at 651-757-2333 or will.bouchard@state.mn.us. If you have questions regarding the administrative procedures followed for this rulemaking, please contact me at 651-757-2439, or mary.lynn@state.mn.us.

Sincerely,



This document has been electronically signed.

Mary H. Lynn
Rule Coordinator
Agency Rules Unit
Resource Management and Assistance Division

ML:mb

Attachments