



Minnesota Pollution Control Agency

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14 - 0110

January 13, 2014

The Honorable Jean Wagenius
Minnesota State Representative
449 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

The Honorable Tom Hackbarth
Minnesota State Representative
309 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

The Honorable David Dill
Minnesota State Representative
423 Bear Island
Crane Lake, MN 55725

The Honorable Denny McNamara
Minnesota State Representative
1368 Featherstone Court
Hastings, MN 55033

The Honorable John Marty
Minnesota State Senator
Capitol, Room 323
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155-1606

The Honorable David M. Brown
Minnesota State Senator
109 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155-1206

The Honorable David J. Tomassoni
Minnesota State Senator
Capitol, Room 317
75 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155-1606

The Honorable Bill Ingebrigtsen
Minnesota State Senator
143 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155-1206

Greg Hubinger, Director
Legislative Coordinating Commission
72 State Office Building 100
Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, MN 55155

RE: Rulemaking Docket and Record Pursuant to Minn. Stat. § 14.116, paragraph (a)

Dear Committee Chairs, Minority Leads and Legislative Coordinating Commission:

The Minnesota Pollution Control Agency (MPCA) is pleased to deliver a copy of the MPCA Rulemaking Docket and a hyperlink to the official rulemaking records, pursuant to Minn. Stat § 14.116, subd. (a) for the following rules that were completed in 2013:

- Adopted Permanent Rules Relating to Clean Water Partnership, [Revisor's File No. R-04080](#), effective 3/18/13

January 13, 2014

- Adopted Permanent Rules Relating to the Wastewater and Stormwater Treatment Assistance Rule, [Revisor's File No. R-04068](#), effective 7/1/14

The records are housed in the Office of the Revisor of Statutes new database. The database can be accessed at: https://www.revisor.mn.gov/rules/rule_search.php. To view the records, simply insert the Revisor's File Number identified above for either rule. Should you require additional records, please contact Yolanda Letnes at 651-757-2527. For future reference, a copy of the most updated MPCA Rulemaking Docket can be accessed at: <http://www.pca.state.mn.us/index.php/view-document.html?gid=16321>

Sincerely,

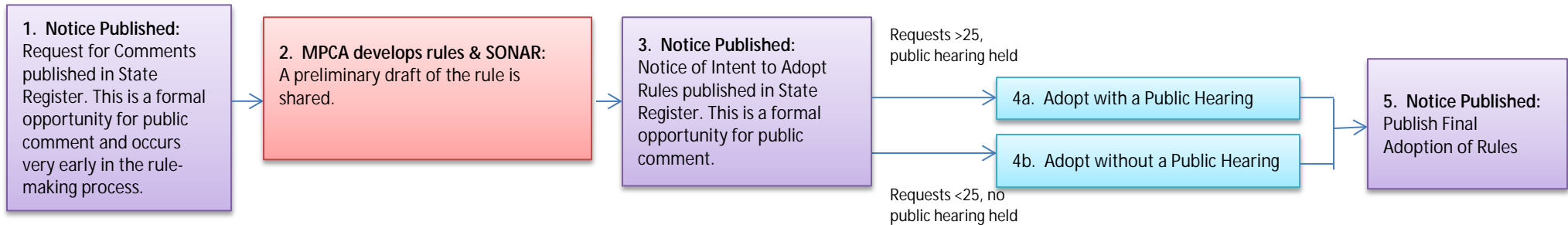


Kirk Koudelka
Assistant Commissioner
Commissioner's Office

KK/YL:jl

Enclosure

*Opportunities for Public Involvement in MPCA Rules



The rulemaking process utilized by the Minnesota Pollution Control Agency (MPCA) provides three opportunities for public involvement:

1. When the Request for Comments (RFC) is published in the *State Register*, it communicates general ideas for the rulemaking. This is an opportunity for stakeholders to provide formal comments and input on the rulemaking ideas that may narrow or broaden the scope of the project. Stakeholder data or other relevant information can be submitted at this time. An example of information submitted could be relevant cost information for implementing the general ideas announced in the RFC. MPCA encourages stakeholder participation at this early stage of the process so that relevant information can be considered as decisions that shape the rule are made.
2. During this phase of the rulemaking, MPCA generally develops a preliminary draft of rule language and makes it available for at least one informal public comment period. Throughout this phase, stakeholder meetings may be held and informal comments may be submitted.
3. When a Notice of Intent to Adopt Rules is published, it signals the final opportunity for stakeholder input, unless a hearing is held. The published notice will indicate the relevant submittal deadlines. At this stage, a complete Statement of Need and Reasonableness (SONAR) and draft rule are made available for formal public comment.

The Agency can proceed with a public hearing or without one. If held, the public hearing provides an additional formal opportunity for stakeholders to testify or submit written testimony in front of an Administrative Law Judge who presides over the hearing.

On completion, MPCA will publish final adoption of rules. Most rules become effective five working days after they appear in the *State Register*.

***Note that the above schematic simply highlights the opportunity for public participation within the rulemaking process.**

Acronyms: GO – Governor’s Office
MMB – Minnesota Management and Budget

OAH – Office of Administrative Hearings
RFC – Request for Comments

SONAR – Statement of Need and Reasonableness
SR – Minnesota State Register

Check with the agency contact person to inspect written comments, written requests for a public hearing, and names of parties who requested a public hearing.

| Subject Matter <i>(Existing webpages are listed)</i> | Brief Rule Summary | Agency Contact Person <i>(Lead Staff)</i> | Current Status of proposed rule and any agency determinations | Next Opportunity for Public Comment | Timetable for adoption and other agency determinations | Notices published <i>(State Register citations)</i> | Public Hearing Schedule |
|--|--|---|---|---|--|---|------------------------------------|
| AIR RULES | | | | | | | |
| Mercury Emission Inventory Reporting and Reduction Requirements http://www.pca.state.mn.us/iryp4a1 | Implements the air emission reduction activities called for in the Statewide Mercury Total Maximum Daily Load Study. | Mary H. Lynn 651-757-2439 mary.lynn@state.mn.us | Shared Preliminary Draft #2 language with stakeholders 7/31/12. Informal comments will be considered and appropriate changes made to rule language. Will continue with SONAR drafting. | Dual Notice has been published in the 12/2/13 SR seeking public comment on the proposed Mercury Rules. The comment period expires on 1/17/14. | Goal: Complete by Spring 2014 | RFC published in SR on 27 July 2009 (34 SR 122) Dual Notice published on 2 December 2013 (38 SR 756) | Unknown |
| Revisor No. R-04109 | | | | | | | |
| Omnibus Air http://www.pca.state.mn.us/enzq146d | Minor corrections and clarifications to miscellaneous rules relating to air quality (e.g. performance standards, administrative permit amendments, permit applications, national ambient air quality standards, QA/QC for continuous emission monitoring systems). | Mary H. Lynn 651-757-2439 mary.lynn@state.mn.us | Currently drafting rule language and SONAR. | Stakeholder meeting on preliminary draft rules targeted for February 2014 | Goal: Complete by early 2015 | RFC published in SR on 17 September 2012 (37 SR 409) | Unknown |
| Revisor No. R-04097 | | | | | | | |
| Silica Sand Projects http://www.pca.state.mn.us/6xqx9wh | Provide rules governing the emission of pollutants from silica sand mining, processing and transportation projects. | Nathan Cooley 651-757-2290 nathan.cooley@state.mn.us | Published advance notice of proposed rulemaking (request for comments or RFC) on 7/22/13. Comment period closed 9/30/13. Posted compiled comments to http://www.pca.state.mn.us/6xqx9wh on 10/28/13. Sought applicants thru 11/29/13 to participate in joint silica sand advisory committee (representing concerned citizen, industry, and local government interests). | 7/22/13 RFC open to comments thru 9/30/13. Next public comment period likely when I have draft rules to propose or new RFC. Also likely to seek public input. | Possible adoption around Spring 2015 | RFC published in SR on 22 July 2013 (38 SR 109) | Possible hearing date around 11/14 |
| Revisor No. R-04206 | | | | | | | |

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|--|--|--|--|---|--|---|--------------------------------|
| WATER RULES | | | | | | | |
| Animal Feedlots Rule Amendments (Minn. R. chs. 7020, 7001 and 7002) http://www.pca.state.mn.us/tchyffd Revisor No. R-04109 | The proposed amendments address law changes made by the Legislature in the 2011 Special Session. They also remove obsolete rule requirements, address other law changes adopted since Chapter 7020 was last amended (in 2000), and provide clarification to certain provision in Chapters 7020, 7001 and 7002. | Kevin Molloy 651-757-2577 kevin.molloy@state.mn.us | Dual Notice of Intent to Adopt Proposed Rule Amendments published in 7/22/13 SR; Public Hearing held on 9/9/13; and Administrative Law Judge Report Issued 12/3/13. Final rule revisions are currently being prepared (to address ALJ recommendations); targeting having Order Adopting Rules ready for MPCA Citizens' Board decision during their Feb 25, 2014 meeting. | All formal rulemaking comment periods have concluded; targeting having Order Adopting Rules ready for MPCA Citizens' Board decision during their 2/25/14. | Goal: Adopt rules in Spring 2014 | RFC published in SR on 19 December 2011 (36 SR 685) Dual Notice published in SR on 22 July 2013 (38 SR 79) | Public hearing held on 9/9/13. |
| Water-Related Housekeeping Amendments (Minn. R. chs. 7041, 7053, 7076, 7080, 7081, 7082, and 7083) http://www.pca.state.mn.us/gxc9y89 Revisor No. R-04161 | Minor corrections and clarifications to miscellaneous rules relating to water quality (Clean Water Partnership grants, aquaculture variances, subsurface sewage treatment systems and sewage sludge management). | Carol Nankivel 651-757-2597 carol.nankivel@state.mn.us | SONAR and proposed rule language available for viewing on web page. | Comment period closed 10/31/13 | Expect to complete by January 2014 | RFC published in SR on 29 April 2013 (37 SR 1602) Notice of Intent to Adopt w/o Hearing published in SR on 30 September 2013 (38 SR 435) | No hearing requested |
| Water Quality Trading Rule http://www.pca.state.mn.us/sbiz91d Revisor No. R-04000 | Developing rules pertinent to water quality trading between point sources, between point and non-point sources, and potentially between non-point sources. | Kevin Molloy 651-757-2577 kevin.molloy@state.mn.us | Drafting rule language and SONAR. | | Goal: Public Notice Intent to Adopt Rules in Spring 2014 | RFC published in SR on 23 July, 2007 (32 SR 87) . | |

| Subject Matter (Existing webpages are listed) | Brief Rule Summary | Agency Contact Person (Lead Staff) | Current Status of proposed rule and any agency determinations | Next Opportunity for Public Comment | Timetable for adoption and other agency determinations | Notices published (State Register citations) | Public Hearing Schedule |
|---|---|---|---|--|--|---|-------------------------|
| <p>Water Quality Variance Rule</p> <p>http://www.pca.state.mn.us/zihy1479</p> | <p>Align state water quality variance rules with federal guidance and provide consistency statewide between the different state water variance rules.</p> | <p>Mary H. Lynn 651-757-2439 mary.lynn@state.mn.us</p> | <p>Held stakeholder meeting 7/22/13, on preliminary draft rules.</p> <p>Informal comments will be considered and appropriate changes made to rule language. Will continue with SONAR drafting.</p> <p>Draft rule and more information at: http://www.pca.state.mn.us/zihy1479</p> | <p>Publish proposed rules with formal public comment period – targeted for Spring 2014</p> | <p>Goal: Complete by Fall 2014</p> | <p>RFC published in SR on 1 October 2012 (37 SR 492); 2nd RFC published in SR on 4 March 2013 (37 SR 36)</p> | |
| <p>Revisor No. R-04136</p> | | | | | | | |

*denotes 2008 Triennial Review related rules

Water Quality Standards

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|--|---|---|--|--|--------------------------------|--|---|
| <p>*Water Quality Standards: TSS/River Eutrophication Minn. R. chs. 7050 and 7053</p> <p>http://www.pca.state.mn.us/6paqdkc</p> | <p>Addition of nutrient standards that apply to rivers, streams, Lake Pepin and Mississippi River navigational pools; revision of the turbidity standard to a standard of Total Suspended Solids, and minor clarifying changes and corrections.</p> | <p>Carol Nankivel 651-757-2597 carol.nankivel@state.mn.us</p> | <p>Rules on public notice starting on November 18, 2013 through the Hearing on January 8, 2014</p> | <p>Pre-proposal draft rules posted on webpage on 6/7/13</p> <p>Comment period open from 11/18/13 through 1/13/14, unless extended by the ALJ during the hearing.</p> | <p>Complete by Summer 2014</p> | <p>RFC published in SR on 28 July 2008 (33 SR 223); 2 March 2009 (33 SR 1493); and 11 June 2012 (36 SR 1511)</p> <p>Notice of Hearing published in SR on 18, November 2013 (38 SR 637)</p> | <p>Hearing scheduled for January 8, 2014, 9:00 am, and 6:00 pm. See webpage Rulemaking Documents tab for hearing details.</p> |
| <p>Revisor No. R-04104</p> | | | | | | | |
| <p>*Water Quality Standards: Amendments to methods to establish human health standards</p> <p>Minn. R. chs. 7050 and 7052</p> <p>http://www.pca.state.mn.us/chdfaa8</p> | <p>Revisions to the methods used to establish the standards that protect human health and the clarification of federal BEACH Act standards for E. coli</p> | <p>Carol Nankivel 651-757-2597 carol.nankivel@state.mn.us</p> | <p>Rules and SONAR in draft stages.</p> | <p>Pre-proposal draft rules and Technical Support Document will be posted on web page in early 2014</p> | | <p>RFC published in SR on 28 July 2008 (33 SR 223); 2 March 2009 (33 SR 1493).</p> | |
| <p>Revisor No. R-04177</p> | | | | | | | |

| Subject Matter <i>(Existing webpages are listed)</i> | Brief Rule Summary | Agency Contact Person <i>(Lead Staff)</i> | Current Status of proposed rule and any agency determinations | Next Opportunity for Public Comment | Timetable for adoption and other agency determinations | Notices published <i>(State Register citations)</i> | Public Hearing Schedule |
|---|--|---|--|--|--|--|-------------------------|
| <p>*Water Quality Standards: Amendments to Use Classification for Class 1, 2A/2B and 7 Waters Minn. R. ch. 7050</p> <p>http://www.pca.state.mn.us/9fukp6y</p> <p>Revisor No. R-04176</p> | <p>Use Classification Changes for Class 1 (domestic consumption) Class 2A/2B (cold /cool waters) and Class 7 (limited resource value) waters and changes to the process for listing cold waters.</p> | <p>Carol Nankivel 651-757-2597 carol.nankivel@state.mn.us</p> | <p>Rules and SONAR in draft stages.</p> | | | <p>RFC published in SR on 28 July 2008 (33 SR 223); 2 March 2009 (33 SR 1493); and 11 June 2012 (36 SR 1511)</p> | |
| <p>*Water Quality Standards: Class 3 and non-wild rice related amendments to Class 4 waters</p> <p>Minn. R. ch. 7050</p> <p>Revisor No. unassigned</p> | <p>Use classification changes for Class 3 (industrial consumption) waters and non-wild rice related use classification changes for Class 4 (agriculture and wildlife) waters.</p> | <p>Carol Nankivel 651-757-2597 carol.nankivel@state.mn.us</p> | <p>The MPCA is researching and compiling information about these possible rule changes and no rulemaking schedule has been developed at this time.</p> | | | <p>RFC published in SR on 28 July 2008 (33 SR 223); 2 March 2009 (33 SR 1493).</p> | |
| <p>*Water Quality Standards: nonylphenol, Cadmium, Chloride and Copper, Minn. R. ch. 7050</p> <p>Revisor No. unassigned</p> | <p>New or updated standards that protect aquatic life.</p> | <p>Carol Nankivel 651-757-2597 carol.nankivel@state.mn.us</p> | <p>The MPCA is researching and compiling information about these possible rule changes and no rulemaking schedule has been developed at this time.</p> | <p>A Notice has been published in the November 12, 2013 State Register seeking public input on the re-prioritization of these amendments. The comment period expires on January 15, 2014</p> | | <p>RFC published in SR on 28 July 2008 (33 SR 223); 2 March 2009 (33 SR 1493);</p> | |

| Subject Matter <i>(Existing webpages are listed)</i> | Brief Rule Summary | Agency Contact Person <i>(Lead Staff)</i> | Current Status of proposed rule and any agency determinations | Next Opportunity for Public Comment | Timetable for adoption and other agency determinations | Notices published <i>(State Register citations)</i> | Public Hearing Schedule |
|--|--|---|--|--|--|--|-------------------------|
| <p>*Water Quality Standards: Nitrate.</p> <p>Minn. R. ch. 7050</p> <p>Revisor No. unassigned</p> | <p>Addition of new standards to protect aquatic life for nitrate.</p> | <p>Carol Nankivel 651-757-2597 carol.nankivel@state.mn.us</p> | <p>The MPCA is researching and compiling information about these possible rule changes and no rulemaking schedule has been developed at this time.</p> | <p>A Notice has been published in the November 12, 2013 State Register seeking public input on the re-prioritization of these amendments. The comment period expires on January 15, 2014</p> | | <p>RFC published in SR on 28 July 2008 (33 SR 223); 2 March 2009 (33 SR 1493);</p> | |
| <p>Water Quality Standards Rulemaking. Waters used for production of wild rice and (pending research outcome) wild rice sulfate-based standard</p> <p>Minn. R. ch. 7050.</p> <p>Revisor No. unassigned</p> | <p>Pending research outcome, the MPCA may update the definition of a "wild rice production water" and may change the standard for sulfate in wild rice waters. Refer also to the MPCA wild rice webpage for periodic status updates: http://www.pca.state.mn.us/ktqh1083</p> | <p>Carol Nankivel 651-757-2597 carol.nankivel@state.mn.us</p> | <p>The MPCA is researching and compiling information about these possible rule changes and no rulemaking schedule has been developed at this time.</p> | | | <p>RFC published in SR on 28 July 2008 (33 SR 223); 2 March 2009 (33 SR 1493);</p> | |

| Subject Matter <i>(Existing webpages are listed)</i> | Brief Rule Summary | Agency Contact Person <i>(Lead Staff)</i> | Current Status of proposed rule and any agency determinations | Next Opportunity for Public Comment | Timetable for adoption and other agency determinations | Notices published <i>(State Register citations)</i> | Public Hearing Schedule |
|--|---|---|---|---|--|---|-------------------------|
| <p>Water Quality Standards Antidegradation/Nondegradation on</p> <p>Minn. R. ch. 7050 and 7001</p> <p>http://www.pca.state.mn.us/oxpg919</p> <p>Revisor No. R-04030</p> | <p>Existing nondegradation rules are being replaced with antidegradation rules which will provide better alignment with federal regulatory requirements and EPA guidance. Antidegradation provisions provide for the maintenance of existing uses, protection against unnecessary degradation of high water quality and the protection of water quality needed to maintain outstanding resource value waters.</p> | <p>Carol Nankivel 651-757-2597 carol.nankivel@state.mn.us</p> | <p>Stakeholder meetings – 9/12 – shared a preliminary draft of rule language. Pre-proposal draft rules posted</p> | <p>Notice of Hearing to be published 2014</p> | <p>2014</p> | <p>RFC published in SR on 29 January 2007 (31 SR 960); 29 May 2007 (31 SR 1733); and 25 February 2013 (37 SR 1255).</p> | |

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|---|--------------------|------------------------------------|---|-------------------------------------|--|--|-------------------------|
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LAND AND SOLID WASTE RULES

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| <p>Compost</p> <p>Minn. R. 7035 and 7001</p> <p>http://www.pca.state.mn.us/jsri8b0</p> <p>Revisor No. R-04110</p> | <p>Amendments will address an extended permit process; expand the backyard compost site exemption; establish design, siting and operating requirements appropriate to source-separated organic material.</p> | <p>Yolanda Letnes 651-757-2527 yolanda.letnes@state.mn.us</p> | <p>Dual Notice planned for 1/6/14</p> | <p>Public comment period associated with the 1/6/14 Dual Notice. Comments due 4:30pm on Friday, 3/7/14</p> | <p>Goals: Notice -1/6/14 Complete - Summer/Fall 2014</p> | <p>RFC published in SR on 26 July 2010 (35 SR 106) and 17 October 2011 (36 SR 441)</p> | <p>03/24/14 hearing will be held, if 25 or more requests for a hearing received</p> |
| <p>Land-Related Housekeeping Amendments</p> <p>http://www.pca.state.mn.us/qxc9y89</p> <p>Revisor No. R-04155</p> | <p>Will address housekeeping edits (i.e., incorrect cross-references, updates to methods, remove obsolete requirements, etc.); incorporate federal requirements into rule; and incorporate approved variances to MMSW ash testing into the existing rule.</p> | <p>Yolanda Letnes 651-757-2527 yolanda.letnes@state.mn.us</p> | <p>RFC published 10/21/13 and no comments were received. The Agency is currently working on a preliminary draft.</p> <p>Nature of rule changes will be minor edits correcting cross-references, obsolete language, etc.</p> | <p>Notice anticipated Spring 2014</p> | <p>Complete Fall 2014</p> | <p>RFC published in SR on 21 October 2013 (38 SR 534)</p> | <p>Unknown</p> |
| <p>Petroleum Contaminated Soils</p> <p>Revisor No. R-04079</p> | <p>Amending MPCA rules governing the evaluation and the land application of petroleum contaminated soils as a means of treatment</p> | <p>Nathan Cooley 651-757-2290 nathan.cooley@state.mn.us</p> | <p>Working on preliminary draft of rules and advance notice of proposed rulemaking (request for comments or RFC)</p> | <p>Likely to publish RFC in Winter 2014</p> | <p>Under development; late 2014</p> | <p>None</p> | <p>Unknown</p> |

CROSS-MEDIA RULES

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|------|--|--|--|--|--|--|--|
| None | | | | | | | |
|------|--|--|--|--|--|--|--|

COMPLETED RULEMAKING PROJECTS – ADOPTED WITHIN PAST YEAR

| Subject Matter <i>(Existing webpages are listed)</i> | Notices Published <i>(State Register citations listed in sequence by Notice of Adoption date)</i> | Date Rule Adopted by MPCA (i.e., Order to Adopt is signed) | Date Rule Filed with Secretary of State | Effective Date of Rule |
|---|---|--|---|------------------------|
| Clean Water Partnership Revisor No. R-04080 | RFC published in SR on 27, December 2011 (35 SR 745) Dual Notice published in FR on 19, November 2012 (37 SR 773) Notice of Adoption published in SR on 18 March 2013 (37 SR 1334) | 2/13/13 | 02/13/13 | 03/18/13 |
| Wastewater and Stormwater Treatment Assistance Rule http://www.pca.state.mn.us/aj0rffe Revisor No. R-04068 | RFC published in SR on 2 August 2010 (35 SR 143) Notice of Intent to Adopt Rules published in SR on 24 June 2013 (37 SR 1838) Notice of Adoption published in SR on 30 September 2013 (39 SR 444) | 08/23/13 | 09/16/13 | 7/01/14 |

UNDER CONSIDERATION FOR POSSIBLE FUTURE RULEMAKING

| Subject Matter | Current Status of Proposal | Timetable for Agency Determination |
|---|---|--|
| <i>Fugitive Emissions Rule - Change to calculation of fugitive emissions in determining potential to emit</i> | <i>Awaiting resources</i> | <i>To be determined. Legislative Mandate</i> |
| <i>Tiered Aquatic Life Use (TALU) – Description pending</i> <i>Revisor No. R-04237</i> | <i>Under development/technical assessment</i> | <i>To be determined</i> |
| <i>Prevention of Significant Deterioration – Description pending</i> | <i>Awaiting Resources</i> | <i>To be determined</i> |