

February 3, 2005

The Honorable Dennis Ozment  
Chair, House Committee on Agriculture, Environment  
and Natural Resources Finance  
479 State Office Building  
100 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

The Honorable Dallas Sams  
Chair, Senate Committee on Environment, Agriculture and  
Economic Development Budget Division  
328 Capitol  
75 Rev. Dr. Martin Luther King Jr. Blvd.  
St. Paul, MN 55155

RE: Reporting Requirement in 2003 Minn. Laws ch. 128, § 156, subd. 2

Dear Representative Ozment and Senator Sams:

This letter is to comply with the requirement in 2003 Minn. Laws ch. 128, § 156, subd. 2, that requires the Commissioner of the Minnesota Pollution Control Agency (MPCA) to report to the Minnesota House and Senate Environment and Natural Resources Finance Committees on the status of discussions with stakeholders, and on the development of rules as required under subdivision 1 of this act.

The act requires the MPCA to adopt the following items into Minnesota's Water Quality Rules, Minn. R. ch. 7050, and to complete the rulemaking by January 1, 2006:

1. Define seven terms used in the existing narrative water quality standards found in Minn. R. pt. 7050.0150, subp. 3;
2. Specify that waters determined to be impaired due to pollution of the waters has resulted in actual or potential loss of attainable or previously existing beneficial uses; and
3. Include an administrative process to initiate the reclassification of a waterbody if any person presents information adequately demonstrating that a beneficial use for the waterbody does not exist and is not attainable due to the natural condition of the waterbody.

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The MPCA is proposing to include the additions required by 2003 Minn. Laws ch. 128, § 156, as part of a larger set of proposed changes and additions to Minn. R. ch. 7050. The Clean Water Act (U.S. Code, title 33, chapter 26, section 1313(c)) requires the MPCA to review and revise as necessary the state's water quality standards every three years. The MPCA is on schedule to complete the rulemaking required by the act, and comply with the federal requirement, by January 1, 2006.

The MPCA staff has met with stakeholders or presented aspects of the proposed amendments to interested parties on numerous occasions. A second notice to request public comments was published in the *State Register* on May 17, 2004. Associated with the public comment period, the MPCA held informal public meetings at the five MPCA Regional Offices and in St. Paul in June. The MPCA staff presented the proposed amendments to the MPCA Citizens' Board at their regular meetings in August and September 2004. The MPCA will continue to involve stakeholders in all aspects of the proposed rulemaking.

Sincerely,

Sheryl A. Corrigan  
Commissioner

SAC:jae:mk