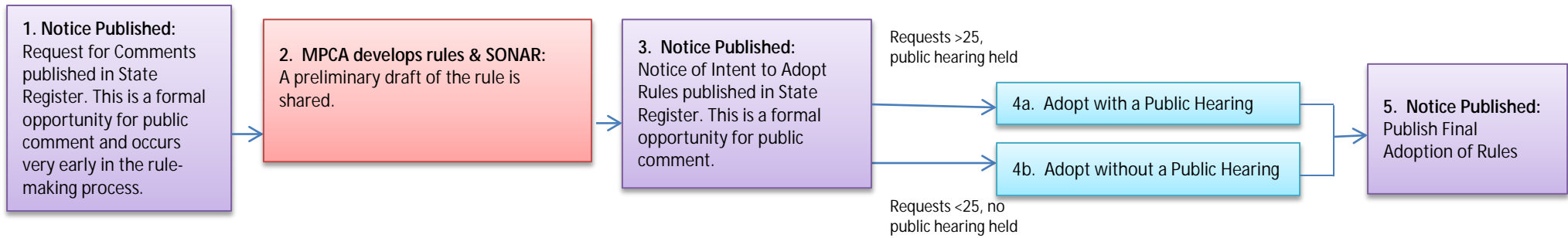


## \*Overview of the Opportunities for Public Involvement in MPCA Rules



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.
4. 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.
5. 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      OAH – Office of Administrative Hearings      SONAR – Statement of Need and Reasonableness  
 MMB – Minnesota Management and Budget      RFC – Request for Comments      SR – Minnesota State Register

Contact 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 (Existing webpages are listed)	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	Date Rule Adopted by MPCA	Date Rule Filed with Secretary of State	Effective Date of Rule
Animal Feedlots Rule Amendments <a href="http://www.pca.state.mn.us/tchyffd">http://www.pca.state.mn.us/tchyffd</a>	Kevin Molloy 651-757-2577 <a href="mailto:kevin.molloy@state.mn.us">kevin.molloy@state.mn.us</a>	Published RFC in the SR 12/19/11. A preliminary draft of the rule was made available during stakeholder meetings held on 9/4/12 and 9/7/12. The team is currently drafting Rule language and the SONAR.	Targeted for 2/13, with Notice of Intent to Adopt Rules	Goal to complete by 5/13 (if no public hearing required)	RFC published in SR on <a href="#">19 December 2011 (36 SR 685)</a>				
Antidegradation <a href="http://www.pca.state.mn.us/oxpg919">http://www.pca.state.mn.us/oxpg919</a>	Carol Nankivel 651-757-2597 <a href="mailto:carol.nankivel@state.mn.us">carol.nankivel@state.mn.us</a>	Stakeholder meetings – 9/12 – shared a preliminary draft of rule language.	Notice of Hearing to be published Summer 2013	2013	RFC published in SR on <a href="#">29 January 2007 (31 SR 960)</a> and <a href="#">29 May 2007 (31 SR 1733)</a>				
Clean Water Partnership <a href="http://www.pca.state.mn.us/oxpgf5f">http://www.pca.state.mn.us/oxpgf5f</a>	Yolanda Letnes 651-757-2527 <a href="mailto:yolanda.letnes@state.mn.us">yolanda.letnes@state.mn.us</a>	Released Preliminary draft #2 and received zero comments; Public Noticed on 11/19/12. Comment period closed 12/20/2012 and no comments/requests were submitted.	Tentatively, 1/11/13, unless the hearing is cancelled	Goal to finalize: With hearing - 7/13 Without hearing - 4/13	RFC published in SR on <a href="#">27, December 2012 (35 SR 745)</a>	1/11/13 9:00am-noon video-conference hearing (cancelled)			
Compost <a href="http://www.pca.state.mn.us/jsri8b0">http://www.pca.state.mn.us/jsri8b0</a>	Yolanda Letnes 651-757-2527 <a href="mailto:yolanda.letnes@state.mn.us">yolanda.letnes@state.mn.us</a>	Preliminary Draft #2 posted on web on 10/29/12 and informal comments were due 11/16/12. The next phase will be drafting the SONAR and readying for formal public noticing.	Formal public comment period – tentatively 7/13.	Goals: Notice -7/13 Complete - 1/14	RFC published in SR on <a href="#">26 July 2010 (35 SR 106)</a> and <a href="#">17 October 2011 (36 SR 441)</a>	Unknown			
Federal Air Permit Thresholds for Greenhouse Gases <a href="http://www.pca.state.mn.us/yhiz49d">http://www.pca.state.mn.us/yhiz49d</a>	Nathan Cooley 651-757-2290 <a href="mailto:nathan.cooley@state.mn.us">nathan.cooley@state.mn.us</a>	Temporary rule expires 1/24/13. Dual Notice 7/09/12 to 8/10/12. Public Hearing 8/30/12. OAH report 11/09/12 recommended adopting rules.	No further opportunities available.	Notice Adopting Rules scheduled for SR publication 12/24/12, to take effect 1/24/13	RFC published in SR on <a href="#">29 August 2011 (36 SR 177)</a> Dual Notice in SR on <a href="#">(9 July 2012 (37 SR 47))</a> for public comment 7/9/12 to 8/10/12 Notice of Adoption scheduled for <a href="#">24 December 2012 (37 SR 991)</a>	Held 2:00 PM on 8/30/12 at MPCA. MPCA Board authorized adopting rules 11/27/12.	11/27/12	12/06/12	1/24/13 when temporary rules expire

<b>Subject Matter</b> <i>(Existing webpages are listed)</i>	<b>Agency Contact Person</b> <i>(Lead Staff)</i>	<b>Current Status of proposed rule and any agency determinations</b>	<b>Next Opportunity for Public Comment</b>	<b>Timetable for adoption and other agency determinations</b>	<b>Notices published</b> <i>(State Register citations)</i>	<b>Public Hearing Schedule</b>	<b>Date Rule Adopted by MPCA</b>	<b>Date Rule Filed with Secretary of State</b>	<b>Effective Date of Rule</b>
Mercury Emission Inventory Reporting and Reduction Requirements <a href="http://www.pca.state.mn.us/iryp4a1">http://www.pca.state.mn.us/iryp4a1</a>	Yolanda Letnes 651-757-2527 <a href="mailto:yolanda.letnes@state.mn.us">yolanda.letnes@state.mn.us</a>	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.	Formal public comment period – tentatively 3/13	Goals: Notice - 3/13 Complete Rulemaking - 11/13	RFC published in SR on <a href="#">27 July 2009 (34 SR 122)</a>	Unknown			
Omnibus Air <a href="http://www.pca.state.mn.us/oxpg1413">http://www.pca.state.mn.us/oxpg1413</a>	Mary H. Lynn 651-757-2439 <a href="mailto:mary.lynn@state.mn.us">mary.lynn@state.mn.us</a>	RFC prepared; expect to publish in SR by mid-September 2012	Pending – stakeholder meetings to be determined	Goals: RFC - 9/12 Notice - 12/13	RFC published in SR on <a href="#">17 September 2012 (37 SR 409)</a>				
Petroleum Contaminated Soils	Nathan Cooley 651-757-2290 <a href="mailto:nathan.cooley@state.mn.us">nathan.cooley@state.mn.us</a>	Working on RFC	Likely Summer 2013 with RFC	Under development; Summer 2013	None				
Wastewater and Stormwater Treatment Assistance Rule <a href="http://www.pca.state.mn.us/aj0rffe">http://www.pca.state.mn.us/aj0rffe</a>	Nathan Cooley 651-757-2290 <a href="mailto:nathan.cooley@state.mn.us">nathan.cooley@state.mn.us</a>	The rule is currently with the Revisor. Staff finalizing SONAR.	Likely Spring 2013 with Notice of Intent to Adopt Rules	Complete by 7/1/13	RFC published in SR on <a href="#">2 August 2010 (35 SR 143)</a>				

Subject Matter (Existing webpages are listed)	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	Date Rule Adopted by MPCA	Date Rule Filed with Secretary of State	Effective Date of Rule
Water Quality Standards for river eutrophication (new); aquatic life toxicity for chloride (revised); turbidity to TSS (replacement); Human health-based methods; Use Classification Changes to Class 1 (Domestic Consumption), Class 3 (Industrial Consumption), Class 2A (cold-water communities), and Class 7 (Limited Resource Value Waters); and revisions to Minn. R. ch. 7053 <a href="http://www.pca.state.mn.us/bkzq114f">http://www.pca.state.mn.us/bkzq114f</a>	Carol Nankivel 651-757-2597 <a href="mailto:carol.nankivel@state.mn.us">carol.nankivel@state.mn.us</a>	Both rules and SONAR in draft stages. Public meetings will be held in 2013.	Informational meeting to be held Winter 2013	Complete by Winter 2014	RFC published in SR on <a href="#">28 July 2008 (33 SR 223)</a> ; <a href="#">2 March 2009 (33 SR 1493)</a> ; <a href="#">11 June 2012 (36 SR 1511)</a>	Tentatively scheduled for Summer 2013			
Water Quality Standards (WQS) Rulemaking for Minn. R. chs. 7050 and 7052. (Aquatic life WQS for nitrate, nonylphenol, Cadmium, Copper, and Human health based standards, non-wild rice related amendments to Class 4 waters)	Carol Nankivel 651-757-2597 <a href="mailto:carol.nankivel@state.mn.us">carol.nankivel@state.mn.us</a>	The MPCA is researching and compiling information about these possible rule changes and no rulemaking schedule has been developed at this time.	None scheduled						

<b>Subject Matter</b> <i>(Existing webpages are listed)</i>	<b>Agency Contact Person</b> <i>(Lead Staff)</i>	<b>Current Status of proposed rule and any agency determinations</b>	<b>Next Opportunity for Public Comment</b>	<b>Timetable for adoption and other agency determinations</b>	<b>Notices published</b> <i>(State Register citations)</i>	<b>Public Hearing Schedule</b>	<b>Date Rule Adopted by MPCA</b>	<b>Date Rule Filed with Secretary of State</b>	<b>Effective Date of Rule</b>
Water Quality Standards Rulemaking. Minn. R. ch. 7050. Waters used for production of wild rice	Carol Nankivel 651-757-2597 <a href="mailto:carol.nankivel@state.mn.us">carol.nankivel@state.mn.us</a>	The MPCA is researching and compiling information about these possible rule changes and no rulemaking schedule has been developed at this time. Refer also to the MPCA wild rice webpage for periodic status updates: <a href="http://www.pca.state.mn.us/ktghd17">http://www.pca.state.mn.us/ktghd17</a>	None scheduled						
Water Quality Trading Rule <a href="http://www.pca.state.mn.us/sbiz91d">http://www.pca.state.mn.us/sbiz91d</a>	Kevin Molloy 651-757-2577 <a href="mailto:kevin.molloy@state.mn.us">kevin.molloy@state.mn.us</a>	Drafting rule language and SONAR.	Targeted for Summer 2013, with Notice of Intent to Adopt Rules	Complete in 2013	RFC published in SR on <a href="#">23 July, 2007 (32 SR 87)</a> .	Targeting Summer 2013			
Water Quality Variance Rule <a href="http://www.pca.state.mn.us/zihy1479">http://www.pca.state.mn.us/zihy1479</a>	Mary H. Lynn 651-757-2439 <a href="mailto:mary.lynn@state.mn.us">mary.lynn@state.mn.us</a>	RFC prepared; expect to publish in SR 10/01/12.	Pending – stakeholder meetings to be determined	Goals: RFC - 10/12 Notice - 9/13	RFC published in SR on <a href="#">1 October 2012 (37 SR 492)</a>				

COMPLETED RULEMAKING PROJECTS – ADOPTED WITHIN PAST YEAR

Subject Matter <i>(Existing webpages are listed)</i>	Notices Published <i>(State Register citations)</i>	Effective Date of Rule
Amendments to Environmental Quality Board Rules	Notice of Adoption of Exempt Permanent Rules published in SR on <a href="#">26 November 2012 (37 SR 820)</a>	11/26/12
Subsurface Sewage Treatment System – Alternative Local Standards Rule	Notice of Adoption of Exempt Permanent Rules published in SR on <a href="#">1, October 2012 (37 SR 483)</a>	10/01/12
Water and Wastewater Treatment Operators Certification	RFC published in SR on <a href="#">17 August 2009 (34 SR 232)</a> ; Dual Notice published in SR on <a href="#">23 January 2012 (36 SR 835)</a> Notice of Adoption published in SR on <a href="#">04 September 2012 (37 SR 327)</a>	9/11/12
Landfill 10-yr permit	Notice of Adoption published in SR on <a href="#">30 July 2012 (37 SR 171)</a>	7/30/12
Financial Assurance for Certain New Landfills <a href="http://www.pca.state.mn.us/aj0r8af">http://www.pca.state.mn.us/aj0r8af</a>	RFC published in SR on <a href="#">7 July 2008 (33 SR 17)</a> and <a href="#">3 January 2011 (35 SR 993)</a> Notice of Intent to adopt rules w/o a Public Hearing published in SR on <a href="#">3 October 2011 (36 SR 373)</a> Notice of Adoption published in SR on <a href="#">7 May 2012 (36 SR 1352)</a>	5/14/12
Siting Certain New Landfills <a href="http://www.pca.state.mn.us/aj0r8af">http://www.pca.state.mn.us/aj0r8af</a>	RFC published in SR on <a href="#">7 July 2008 (33 SR 17)</a> and <a href="#">3 January 2011 (35 SR 993)</a> . Notice of Intent to Adopt w/o Hearing published in SR on <a href="#">23 May 2011 (35 SR 1809)</a> and reissued <a href="#">8 August 2011(36 SR 71)</a> . Notice of Adoption published in SR on <a href="#">12 March 2012 36 SR 1047</a> .	3/19/12

**UNDER CONSTRUCTION** – UNDER CONSIDERATION FOR POSSIBLE FUTURE RULEMAKING – INQUIRIES SHOULD BE DIRECTED TO DAVID RICHFIELD AT 651-757-2668 – **UNDER CONSTRUCTION**

Subject Matter	Current Status of Proposal	Timetable for Agency Determination
<i>Future rule</i>	<i>Under consideration</i>	<i>Decision as to whether to pursue anticipated</i>