

- G. The Certificate of Mailing the Notice of Hearing and Certificate of Accuracy of the Mailing List.

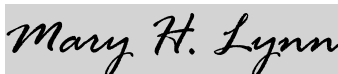
Minnesota Pollution Control Agency**CERTIFICATE OF MAILING THE NOTICE OF HEARING, AND CERTIFICATE OF ACCURACY OF THE MAILING LIST**

Proposed Amendments to Rules of the Minnesota Pollution Control Agency Governing Water Quality Standards – Class 2 Use Designations, *Minnesota Rules*, Chapter 7050 Waters of the State; Revisor's ID Number 4692

I certify that on December 12, 2022, at least 33 days before the end of the comment period, at the Minnesota Pollution Control Agency (MPCA), St. Paul, Minnesota, I mailed the Notice of Hearing to the list of persons and associations who have requested that their names be on the MPCA GovDelivery system for the purpose of receiving notice of rule proceedings as required by Minnesota Statutes, section 14.14, subdivision 1a. I accomplished this mailing by sending notification containing a hyperlink to the Notice of Hearing and the proposed rule amendments to all parties registered with the GovDelivery system to receive bulletins about activities related to this rulemaking. A copy of the GovDelivery Bulletin, and the GovDelivery Bulletin Address Report is attached to this Certificate. Notification was also sent via email or U.S. mail to the groups of persons identified in the Additional Notice Plan who may or may not have registered with GovDelivery to receive bulletins related to this rulemaking.

A copy of the Notice of Hearing as published in the State Register is attached to this Certificate.

I certify that the list of persons and associations who have requested that their names be on the MPCA GovDelivery system for the purpose of receiving notice of rule proceedings as required by Minnesota Statutes, section 14.14, subdivision 1a, and specifically for purposes of this rulemaking, is accurate, complete, and current as of December 12, 2022, for mailing the Notice of Hearing. Persons interested in this rulemaking registered with the GovDelivery subscription system to receive bulletins about activities related to this rulemaking.



This document has been electronically signed.

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

Lynn, Mary (MPCA)

From: Minnesota Pollution Control Agency <mpca@public.govdelivery.com>
Sent: Monday, December 12, 2022 11:33 AM
To: Lynn, Mary (MPCA)
Subject: Notice of Intent to Adopt Rules - Water Quality Standards Class 2 Use Designations

Having trouble viewing this email? [View it as a Web page.](#)



Notice of Intent to Adopt Rules - Water Quality Standards Class 2 Use Designations

NOTICE OF HEARING

Proposed Amendments to Rules Governing Water Quality Standards - Use Classification 2, *Minnesota Rules*, chapter 7050

The Minnesota Pollution Control Agency (MPCA) published the above notice in the December 12, 2022, [Minnesota State Register](#), and is requesting comment on the proposed amendments to rules governing water quality standards - Class 2 Use Designations. The notice and rule related documents are available by visiting the MPCA's [Class 2 Use Designation rulemaking website](#). The public comment period for the Notice of Hearing closes at **4:30 p.m. on Friday, February 3, 2023**.

The purpose of the rules is to update use designations for some state waters. The "designated use" is a component of water quality standards that defines how the water is used (e.g., drinking water, aquatic life, recreation). These amendments make updates and corrections to Class 2 (Aquatic Life) use designations or classifications for 232 stream reaches. The proposed changes to update these use designation tables, and a summary table of the Class 2 proposed use class changes for these stream reaches is available on the [Class 2 Use Designation rulemaking website](#).

You will have multiple opportunities to submit comments. This notice provides you the opportunity to submit your written comments on this rule during the public comment period for this notice. The administrative law judge will also accept your comments orally at the **hearing on February 16, 2023**, and in writing after the hearing and before the hearing record closes.

Information about this and other MPCA rulemaking projects is available at the [public rulemaking docket](#).

The mission of the MPCA is to protect and improve the environment and human health.

St. Paul • Brainerd • Detroit Lakes • Duluth • Mankato • Marshall • Rochester

www.pca.state.mn.us • Toll-free and TDD 800-657-3864

 Minnesota Pollution Control Agency [[Contact us](#)]

 SHARE

[Subscribe](#) • [Preferences](#) • [Help](#) • This email sent using GovDelivery (800-439-1420)

Email was sent to mary.lynn@state.mn.us using GovDelivery Communications Cloud on behalf of: Minnesota Pollution Control Agency
Lafayette Road North • Saint Paul, MN 55155 • 1-800-439-1420

Minnesota Pollution Control Agency - Bulletin Detail Rep... **govDELIVERY**

Subject: Notice of Intent to Adopt Rules - Water Quality Standards Class 2 Use Designations

Sent: 12/12/2022 11:32 AM CST

Sent By: mary.lynn@state.mn.us

Sent To: Subscribers of Rulemaking: 2021-2022 Use class changes - Class 2

992

 Recipients

✓  Email

✗  SMS

✗  Facebook

✗  Twitter

✓  RSS

96%

Delivered

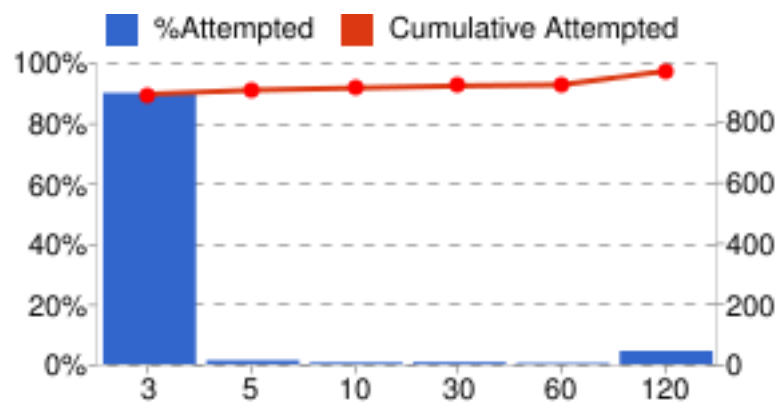
0% Pending

4% Bounced

25% Open Rate

6% Click Rate

Email Delivery Stats



Minutes	Cumulative Attempted
3	90%
5	91%
10	92%
30	93%
60	93%
120	97%

Delivery Metrics - Details

992 Total Sent

952 (96%) Delivered

0 (0%) Pending

40 (4%) Bounced

0 (0%) Unsubscribed

Bulletin Analytics

2,314 Total Opens

238 (25%) Unique Opens

328 Total Clicks

54 (6%) Unique Clicks

12 # of Links

Delivery and performance

These figures represent all data since the bulletin was first sent to present time.

	Progress	% Delivered	Recipients	# Delivered	Opened Unique	Bounced/Failed	Unsubscribes
Email Bulletin	Delivered	95.7%	927	887	224 / 25.3%	40	0
Digest	n/a	n/a	65	65	14 / 21.5%	0	0
SMS Message	Delivered	0.0%	0	0	n/a	0	n/a

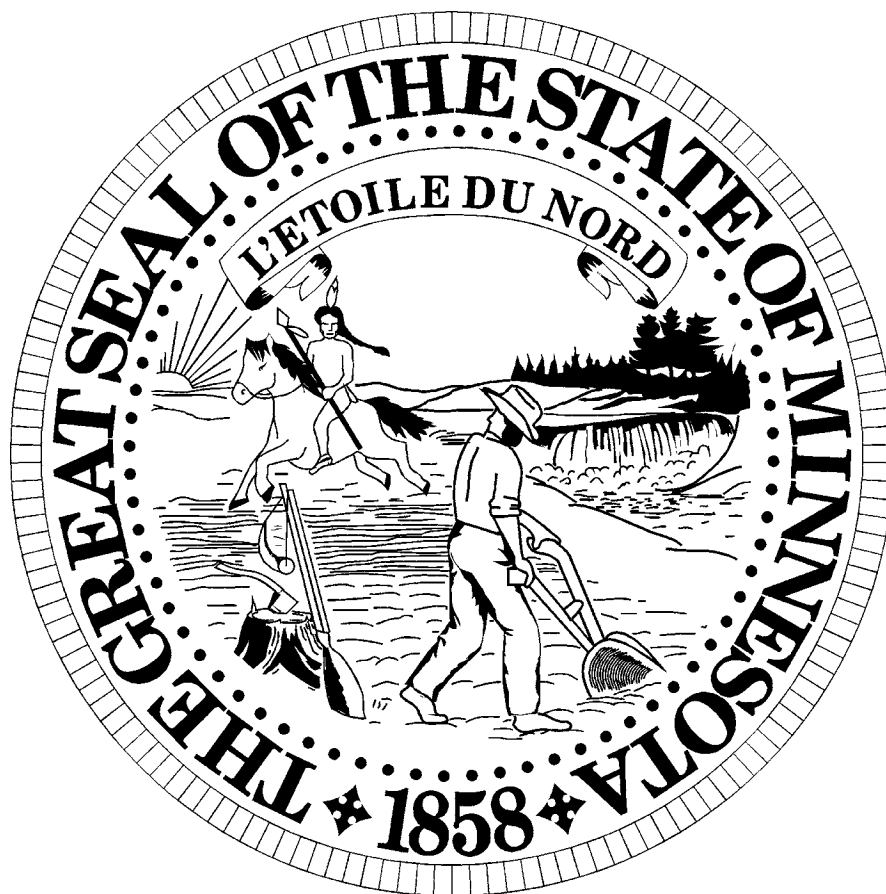
Link URL

Unique
ClicksTotal
Clicks

https://www.pca.state.mn.us/get-engaged/use-designations-f...	42	219
https://content.govdelivery.com/accounts/MNPCA/bulletins/3...	1	20
https://mn.gov/admin/bookstore/register.jsp	2	19
https://www.pca.state.mn.us/sites/default/files/mm-rule1-00....	2	12
https://public.govdelivery.com/accounts/MNPCA/subscriber/u...	1	9
http://www.pca.state.mn.us/	1	9
https://www.pca.state.mn.us/about-mpca/assistance	1	8
https://www.pca.state.mn.us	1	8
https://subscriberhelp.govdelivery.com/	1	8
https://public.govdelivery.com/accounts/MNPCA/subscriber/e...	1	8
https://content.govdelivery.com/accounts/MNPCA/bulletins/3...	1	8

Minnesota State Register

Published every Monday (Tuesday when Monday is a holiday)



**Proposed, Adopted, Emergency, Expedited, Withdrawn, Vetoed Rules;
Executive Orders; Appointments; Commissioners' Orders; Revenue Notices;
Official Notices; State Grants & Loans; State Contracts; Non-State Public Bids,
Contracts and Grants**

**Monday 12 December 2022
Volume 47, Number 24
Pages 521 - 550**

Minnesota Rules: Amendments and Additions.....524

Proposed Rules

Minnesota Pollution Control Agency
Environmental Analysis and Outcomes Division
Proposed Permanent Rules Relating to Class 2 Waters Beneficial Use Designations; Notice of Hearing 525

Expedited Emergency Rules

Department of Natural Resources
Adopted Expedited Emergency Game and Fish Rules: Additional Special Hunts for Managing Chronic Wasting Disease in Deer 532

Revenue Notices

Minnesota Department of Revenue
Revenue Notice # 22-03: Civil Procedures - Substantial Understatement Penalty – Definitions 533

Official Notices

Department of Agriculture
Rural Finance Authority
Notice of Meeting Schedule, Meeting Via Conference Call..... 536

Minnesota Department of Health

Notice of Reportable Data Items to Minnesota Cancer Reporting System 536

Board of Investment

Notice to Institutional Investment Management Firms for consideration to potentially Manage a Portion of the Pension Assets and Other Accounts 547

Department of Labor and Industry

Division of Labor Standards and Apprenticeship
Notice of Certification of Commercial Prevailing Wage Rates 548

State Grants & Loans

Department of Employment and Economic Development (DEED)
Notice of Grant Opportunity 548

Minnesota Department of Transportation (MnDOT)

Office of Civil Rights
Request for Proposal: SFY 2023 Certified Small Business Micro Grant Program 548

State Contracts

Department of Administration
Notice of Availability of Request for Proposal (RFP) for Designer Selection for: Normandale Community College Library Remodel (SDSB Project # 22-04) 549

Minnesota State Colleges and Universities (Minnesota State)

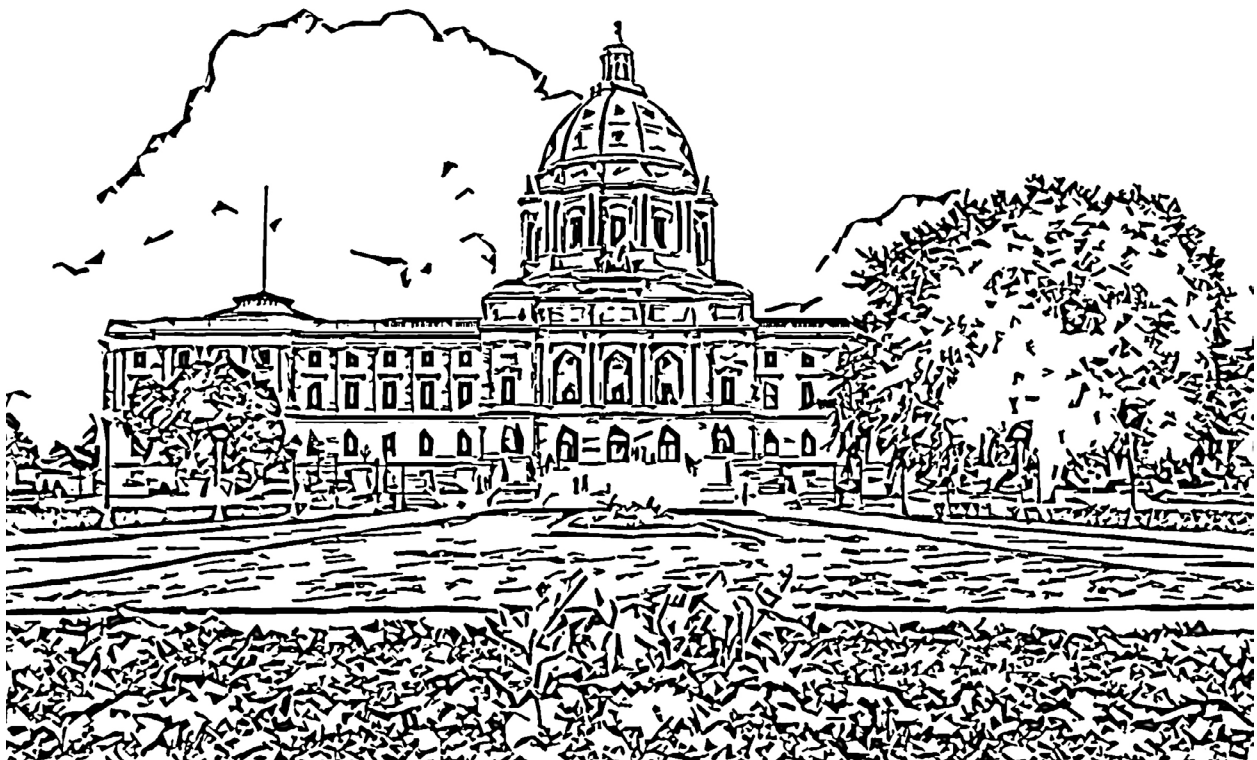
Notice of Bid and Contracting Opportunities 549

Department of Employment and Economic Development (DEED)

Notice of Request for Proposals (RFP) for the Small Business Loan Participation Program – State Small Business Credit Initiative (SSBCI 2.0)..... 550

Minnesota Department of Transportation (MnDOT)

Engineering Services Division
Notices Regarding Professional/Technical (P/T) Contracting 550



Minnesota Rules: Amendments and Additions

NOTICE: How to Follow State Agency Rulemaking in the State Register

The State Register is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the State Register. Published every Monday, the State Register makes it easy to follow and participate in the important rulemaking process. Approximately 80 state agencies have the authority to issue rules. Each agency is assigned specific Minnesota Rule chapter numbers. Every odd-numbered year the Minnesota Rules are published. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the State Register.

An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (Minnesota Statutes §§ 14.101). It does this by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as Proposed Rules, along with a notice of hearing, or a notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules, and withdrawn proposed rules, are also published in the State Register. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the State Register as Adopted Rules. These final adopted rules are not printed in their entirety, but only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the State Register, the issue the rule appeared in as proposed, and later as adopted.

The State Register features partial and cumulative listings of rules in this section on the following schedule: issues #1-26 inclusive (issue #26 cumulative for issues #1-26); issues #27-52 inclusive (issue #52, cumulative for issues #27-52 or #53 in some years). A subject matter index is updated weekly and is available upon request from the editor. For copies or subscriptions to the State Register, contact the editor at 651-201-3204 or email at sean.plemmons@state.mn.us

Volume 46 - Minnesota Rules

(Rules Appearing in Vol. 46 Issues #27-52 are
in Vol. 46, #52 - Monday 27 June 2022)

Volume 47, #24

Tuesday 5 July 2022 - Monday 12 December

Board of Behavioral Health and Therapy

2150 (proposed)..... 421

Capitol Area Architectural and Planning Board

2400.2040; .2703 (adopted)..... 453

Board of Cosmetologist Examiners

2110 (proposed)..... 285

Emergency Medical Services Regulatory Board

4690.7900 (exempt)..... 315

Department of Health

4761.2510 (proposed)..... 101

4764.0030; 4764.0070 (adopted)..... 338

Board of High Pressure Piping Systems

5230 (proposed)..... 385

Department of Human Services

3400.0020; .0110; .0170 (adopted)..... 391

Department of Labor and Industry

5205.0010 (adopted exempt)..... 121, 475

1323 (proposed)..... 249

5221.4020; .4033; .4035; .4050; .4060 (adopted exempt)..... 253

Department of Natural Resources

6232.2600; .2800; .3000; .3100; .3200; .3300 (expedited
emergency)..... 83

6234.0900; .1000; .2200; .2400 (expedited emergency)..... 139

6230; 6232 (expedited emergency)..... 141

6230; 6234; 6240 (expedited emergency)..... 187

6232.4300; .4400; .4500 (expedited emergency)..... 229

6230; 6234; 6236 (expedited emergency)..... 231

6234.0300; 6237.0400; .0550 (expedited emergency)..... 236

6232.2550 (expedited emergency)..... 237

6232 (expedited emergency repealer)..... 394

6216.0250 (proposed expedited)..... 405

6232.1600 (expedited emergency)..... 532

Pollution Control Agency

7050.0470 (proposed)..... 525

Professional Educator Licensing and Standards Board

8710.5500..... 491

Proposed Rules

Comments on Planned Rules or Rule Amendments. An agency must first solicit Comments on Planned Rules or Comments on Planned Rule Amendments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing. After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing. Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.1414.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

KEY: Proposed Rules - Underlining indicates additions to existing rule language. ~~Strikeouts~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated “all new material.” **Adopted Rules** - Underlining indicates additions to proposed rule language. ~~Strikeout~~ indicates deletions from proposed rule language.

Minnesota Pollution Control Agency

Environmental Analysis and Outcomes Division

Proposed Permanent Rules Relating to Class 2 Waters Beneficial Use Designations; Notice of Hearing

Proposed Amendments to Rules Governing Water Quality Standards – Use Classification 2, *Minnesota Rules*, chapter 7050; Revisor’s ID Number R-04692, OAH docket number 23-9003-37415

Overview. This notice is the Minnesota Pollution Control Agency’s (MPCA) legal notice of its intent to adopt amended water rules following a hearing. The purpose of these rules, known as the 2021-2022 Class 2 Use Designation Rule, is to update designated uses for some state waters to improve their restoration and protection. Assigning the appropriate beneficial use is an important first step in the process to assure the goals for each water body are attainable and can be protected.

This notice provides you the opportunity to submit your comments on this rule to the Administrative Law Judge (ALJ) **during the public comment period for this notice which ends at 4:30 p.m. on Friday, February 3, 2023**, orally at the hearing, and in writing after the hearing before the close of the hearing record. The **Subject of Rules** section provides further description of these proposed rules. If the proposed rules affect you in any way, the MPCA encourages you to participate in the rulemaking process.

Public Hearing. The MPCA intends to adopt rules after a public hearing following the procedures in the rules of

Proposed Rules

the Office of Administrative Hearings (OAH), *Minnesota Rules* parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The MPCA will hold a virtual public hearing on the above-named rules, with the login and call-in information listed below. The hearing will be held on **Thursday, February 16, 2023, starting at 2:00 p.m.** The hearing continues until all parties present are heard. At the beginning of the hearing, the ALJ will give a presentation on the rulemaking process and the MPCA will give a presentation on the proposed rule amendments. Combined, these presentations are expected to take up to one hour, before the ALJ begins taking oral comment at the hearing.

For video and audio connection to the virtual hearing, join through an internet connection, such as with a computer or tablet:

Enter: **Webex Meeting Link**
 Meeting number: 2496 793 9480
 Meeting password: XGmgAYFJ522

For audio connection, join the hearing by phone:

Call: 1-415-655-0003 (US Toll)
 Access code: 2496 793 9480

Additional information regarding the hearings and the rules being proposed is provided at <https://www.pca.state.mn.us/get-engaged/use-designations-for-some-stream-reaches>. Hearing exhibits will also be posted to this website before the hearing.

All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. You may submit a statement without appearing at the hearing. Refer to the **Comments** section for information on submitting statements.

Administrative Law Judge. ALJ Suzanne Todnem will conduct the hearing. Judge Todnem's Legal Assistant, Michelle Severson, can be reached at the OAH, 600 North Robert Street, P.O. Box 64620, St. Paul, Minnesota 55164-0620, telephone 651-361-7874, and fax 651-539-0310. The rule hearing procedure is governed by *Minnesota Statutes*, sections 14.131 to 14.20, and by the rules of the OAH, *Minnesota Rules*, parts 1400.2000 to 1400.2240. You should direct questions about the rule hearing procedure to the ALJ.

Subject of Rules. Minnesota's surface waters are currently assigned, or designated, a number of possible beneficial uses (e.g., drinking water, aquatic life, and recreation such as fishing and swimming) based on which beneficial uses are or should be attained in those waters. Different physical and chemical criteria apply depending on the beneficial uses that need to be protected in each water. The MPCA routinely reviews use designations to ensure that assigned beneficial uses are protective and attainable as defined by the Clean Water Act and Minnesota Rule. As the result of routine monitoring and data generated by the Minnesota Department of Natural Resources trout waters rulemaking, the MPCA has identified waterbodies where the currently designated beneficial use does not accurately reflect an attainable use. The designated beneficial use for each water body must be correct and appropriate because the designated use affects many water quality protection and restoration efforts (e.g., assessment, stressor identification, National Pollutant Discharge Elimination System permitting, and Watershed Restoration and Protection Strategies). The proposed rules update designated uses for some state waters to improve their restoration and protection. Assigning the appropriate beneficial use is an important first step in the process to assure the goals for each water body are attainable and can be protected.

The proposed rules do not change numeric or narrative water quality standards. The proposed rules make updates and corrections to Class 2 (Aquatic Life) beneficial use designations or classifications for streams. These updates fall into two groups: 1) reviewing streams for appropriate classification as cold or warm water habitats; and 2) reviewing streams under the tiered aquatic life use (TALU) framework. The TALU rules are a framework for classifying streams based on the aquatic life each supports or has the potential to support; it assigns streams to one of three tiers: Exceptional Use, General Use, and Modified Use; and builds upon existing water quality standards. Described below are the main parts of the rule amendments the MPCA is proposing. For more information about the proposed rules, please refer to the

Proposed Rules

statement of need and reasonableness (SONAR) which is available as stated below.

1. Minn. R. 7050.0470. The proposed rules update the use designations for 232 stream reaches. The MPCA is updating the use designation tables incorporated by reference in Minn. R. 7050.0470 that list the specific use designations. The proposed changes to update these use designation tables, and a summary table of the Class 2 proposed use designations is available on the MPCA website for this rulemaking at <https://www.pca.state.mn.us/get-engaged/use-designations-for-some-stream-reaches>.
2. Minn. R. 7050.0470. The proposed rules will result in minor revisions to rule language in Minn. R. 7050.0470 and identify the estimated date for adoption of these proposed rules.

Public Comments. You and all interested or affected persons, including representatives of associations and other interested groups, will have multiple opportunities to submit comments. **Under this notice, you have until 4:30 p.m. on Friday, February 3, 2023,** to submit written comment in support of or in opposition to the proposed rules. The ALJ will then also accept your comments orally at the hearing on Thursday, February 16, 2023, and in writing after the hearing before the hearing record closes.

Please submit written comments **to the ALJ via the OAH Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>**. If it is not possible for you to use the eComments website, you may submit your written comments in person, by U.S. mail, or by fax to the ALJ using the contact information provided in the ALJ section of this notice. Any comments or materials that you present or submit must relate to the proposed rules.

Post-hearing Comments. After the hearing, you may submit written comments to the ALJ using the eComments website (the preferred method) or by U.S. mail, fax, or personal delivery. These comments must be submitted within five working days after the hearing date. At the hearing, the ALJ may order this five-day comment period extended for no more than 20 calendar days.

After the comment period, there is an additional five-working-day rebuttal period during which the MPCA and any interested person may respond in writing to any new information submitted. No one may submit additional evidence during the five-day rebuttal period.

All comments and responses must be submitted to the ALJ no later than 4:30 p.m. on the due date. All comments or responses received are public and will be available for review at <https://minnesotaoah.granicusideas.com/discussions>

You may learn more about the OAH Rulemaking eComments website, including step-by-step instructions and frequently asked questions at <https://mn.gov/oah/forms-and-filing/eComments/>. Questions about submitting comments via the OAH Rulemaking eComments website should be directed to the OAH at 651-361-7900.

Please note that comments regarding the MPCA's proposal must be sent to the ALJ. Comments sent to the MPCA alone will not be part of the rulemaking record. Comments submitted after the close of the comment period will not be accepted or considered part of the record.

Modifications. The MPCA may modify the proposed rules as a result of the rule hearing process. It must support modifications by data and views presented during the rule hearing process. The adopted rules may not be substantially different than these proposed rules, unless the MPCA follows the procedure under *Minnesota Rules*, part 1400.2110. The public is also advised that depending upon the comments received the MPCA may withdraw the proposed changes.

MPCA Contact Person. The MPCA contact person is: Mary H. Lynn at the MPCA, 520 Lafayette Road North, St. Paul, Minnesota 55155-4194; telephone 651-757-2439, and mary.lynn@state.mn.us. You may also call the MPCA at 651-296-6300 or 1-800-657-3864; use your preferred relay service.

Availability of Rules. A copy of the proposed rules is published in the *State Register* after this notice, or they can be viewed on the MPCA website for this rulemaking at <https://www.pca.state.mn.us/get-engaged/use-designations-for-some-stream-reaches>. A free copy of the proposed rules is also available upon request by contacting the **MPCA contact person**. One copy per request will be sent.

Proposed Rules

Availability of Statement of Need and Reasonableness. The statement of need and reasonableness (SONAR) summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. The SONAR can be viewed at the MPCA's website for this rulemaking at <https://www.pca.state.mn.us/get-engaged/use-designations-for-some-stream-reaches>. A print copy is available for the cost of reproduction by contacting the MPCA contact person.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the **MPCA contact person**.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. You should direct questions regarding this requirement to the Campaign Finance and Public Disclosure Board at Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone 651-539-1180 or 1-800-657-3889.

Statutory Authority. The proposed rules are authorized by *Minnesota Statutes*, sections 115.03 and 115.44.

Adoption Procedure after the Hearing. After the close of the hearing record, the ALJ will issue a report on the proposed rules. You may ask to be notified of the date when the ALJ's report will become available and can make this request at the hearing or in writing to the ALJ. You may also ask to be notified of the date that the MPCA adopts the rules and files them with the Secretary of State, or ask to register with the MPCA to receive notice of future rule proceedings. You may make these requests at the hearing or in writing to the **MPCA contact person**.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

Date: November 29, 2022

Katrina Kessler, Commissioner
Minnesota Pollution Control Agency

7050.0470 CLASSIFICATIONS FOR SURFACE WATERS IN MAJOR DRAINAGE BASINS.

Subpart 1. **Lake Superior basin.** The water-use classifications for the stream reaches within each of the major watersheds in the Lake Superior basin listed in item A are found in tables entitled "Beneficial Use Designations for Stream Reaches" published on the website of the Minnesota Pollution Control Agency at www.pca.state.mn.us/regulations/incorporations-reference. The tables are incorporated by reference and are not subject to frequent change. The date after each watershed listed in item A is the publication date of the applicable table. The water-use classifications for the other listed waters in the Lake Superior basin are as identified in items B to D. See part 7050.0415 for the classifications of waters not listed. Designated use information for water bodies can also be accessed through the agency's Environmental Data Access (<http://www.pca.state.mn.us/quick-links/eda-surface-water-data>).

A. Streams (by eight-digit hydrologic unit code):

- (1) 04010101 Lake Superior - North (~~August 9, 2016~~ March 2023);
 - (2) 04010102 Lake Superior - South (~~August 9, 2016~~ March 2023);
 - (3) 04010201 St. Louis River (~~August 9, 2016~~ March 2023);
 - (4) 04010202 Cloquet River (~~August 9, 2016~~ March 2023); and
 - (5) 04010301 Nemadji River (~~August 9, 2016~~ March 2023).
- [For text of items B to D, see Minnesota Rules]*

Subp. 2. **Lake of the Woods basin.** The water-use classifications for the stream reaches within each of the major

Proposed Rules

watersheds in the Lake of the Woods basin listed in item A are found in tables entitled “Beneficial Use Designations for Stream Reaches” published on the website of the Minnesota Pollution Control Agency at www.pca.state.mn.us/regulations/incorporations-reference. The tables are incorporated by reference and are not subject to frequent change. The date after each watershed listed in item A is the publication date of the applicable table. The water-use classifications for the other listed waters in the Lake of the Woods basin are as identified in items B to D. See part 7050.0415 for the classifications of waters not listed. Designated use information for water bodies can also be accessed through the agency’s Environmental Data Access (<http://www.pca.state.mn.us/quick-links/eda-surface-water-data>).

A. Streams (by eight-digit hydrologic unit code):

(1) 09030001 Rainy River - Headwaters (~~August 9, 2016~~ March 2023);

(2) 09030002 Vermilion River (~~August 9, 2016~~ March 2023);
[For text of subitem (3), see Minnesota Rules]

(4) 09030005 Little Fork River (~~August 9, 2016~~ March 2023);
[For text of subitems (5) to (8), see Minnesota Rules]
[For text of items B to D, see Minnesota Rules]

Subp. 3. **Red River of the North basin.** The water-use classifications for the stream reaches within each of the major watersheds in the Red River of the North basin listed in item A are found in tables entitled “Beneficial Use Designations for Stream Reaches” published on the website of the Minnesota Pollution Control Agency at www.pca.state.mn.us/regulations/incorporations-reference. The tables are incorporated by reference and are not subject to frequent change. The date after each watershed listed in item A is the publication date of the applicable table. The water-use classifications for the other listed waters in the Red River of the North basin are as identified in items B to D. See part 7050.0415 for the classifications of waters not listed. Designated use information for water bodies can also be accessed through the agency’s Environmental Data Access (<http://www.pca.state.mn.us/quick-links/eda-surface-water-data>).

A. Streams (by eight-digit hydrologic unit code):

[For text of subitems (1) and (2), see Minnesota Rules]

(3) 09020103 Otter Tail River (~~August 9, 2016~~ March 2023);
[For text of subitems (4) to (6), see Minnesota Rules]

(7) 09020108 Wild Rice River (~~August 9, 2016~~ March 2023);
[For text of subitem (8), see Minnesota Rules]

(9) 09020302 Upper/Lower Red Lake (~~August 9, 2016~~ March 2023);
[For text of subitems (10) and (11), see Minnesota Rules]

(12) 09020305 Clearwater River (~~August 9, 2016~~ March 2023);
[For text of subitems (13) to (17), see Minnesota Rules]
[For text of items B to D, see Minnesota Rules]

Subp. 4. **Upper Mississippi River basin (headwaters to the confluence with the St. Croix River).** The water-use classifications for the stream reaches within each of the major watersheds in the upper Mississippi River basin from the headwaters to the confluence with the St. Croix River listed in item A are found in tables entitled “Beneficial Use Designations for Stream Reaches” published on the website of the Minnesota Pollution Control Agency at www.pca.state.mn.us/regulations/incorporations-reference. The tables are incorporated by reference and are not subject to frequent change. The date after each watershed listed in item A is the publication date of the applicable table. The water-use classifications for the other listed waters in the upper Mississippi River basin from the headwaters to the confluence with the St. Croix River are as identified in items B to D. See part 7050.0415 for the classifications of waters not listed. Designated use information for water bodies can also be accessed through the agency’s Environmental Data Access (<http://www.pca.state.mn.us/quick-links/eda-surface-water-data>).

Proposed Rules

A. Streams (by eight-digit hydrologic unit code):

[For text of subitem (1), see Minnesota Rules]

(2) 07010102 Leech Lake River (~~August 9, 2016~~ March 2023);

(3) 07010103 Mississippi River - Grand Rapids (~~August 9, 2016~~ March 2023);

(4) 07010104 Mississippi River - Brainerd (~~August 9, 2016~~ March 2023);

(5) 07010105 Pine River (~~August 9, 2016~~ March 2023);

[For text of subitems (6) to (8), see Minnesota Rules]

(9) 07010201 Mississippi River - Sartell (~~August 9, 2016~~ March 2023);

(10) 07010202 Sauk River (~~August 9, 2016~~ March 2023);

[For text of subitem (11), see Minnesota Rules]

(12) 07010204 North Fork Crow River (~~August 9, 2016~~ March 2023);

[For text of subitems (13) to (15), see Minnesota Rules]

[For text of items B to D, see Minnesota Rules]

Subp. 5. **Minnesota River basin.** The water-use classifications for the stream reaches within each of the major watersheds in the Minnesota River basin listed in item A are found in tables entitled “Beneficial Use Designations for Stream Reaches” published on the website of the Minnesota Pollution Control Agency at www.pca.state.mn.us/regulations/incorporations-reference. The tables are incorporated by reference and are not subject to frequent change. The date after each watershed listed in item A is the publication date of the applicable table. The water-use classifications for the other listed waters in the Minnesota River basin are as identified in items B to D. See part 7050.0415 for the classifications of waters not listed. Designated use information for water bodies can also be accessed through the agency’s Environmental Data Access (<http://www.pca.state.mn.us/quick-links/eda-surface-water-data>).

A. Streams (by eight-digit hydrologic unit code):

[For text of subitem (1), see Minnesota Rules]

(2) 07020002 Pomme de Terre River (~~August 9, 2016~~ March 2023);

[For text of subitems (3) to (5), see Minnesota Rules]

(6) 07020006 Redwood River (~~August 9, 2016~~ March 2023);

(7) 07020007 Minnesota River - Mankato (~~August 9, 2016~~ March 2023);

(8) 07020008 Cottonwood River (~~August 9, 2016~~ March 2023);

(9) 07020009 Blue Earth River (~~August 9, 2016~~ March 2023);

[For text of subitems (10) and (11), see Minnesota Rules]

(12) 07020012 Lower Minnesota River (~~August 9, 2016~~ March 2023).

[For text of items B to D, see Minnesota Rules]

Subp. 6. **Saint Croix River basin.** The water-use classifications for the stream reaches within each of the major watersheds in the Saint Croix River basin listed in item A are found in tables entitled “Beneficial Use Designations for Stream Reaches” published on the website of the Minnesota Pollution Control Agency at www.pca.state.mn.us/regulations/incorporations-reference. The tables are incorporated by reference and are not subject to frequent change. The date after each watershed listed in item A is the publication date of the applicable table. The water-use classifications

Proposed Rules

for the other listed waters in the Saint Croix River basin are as identified in items B to D. See part 7050.0415 for the classifications of waters not listed. Designated use information for water bodies can also be accessed through the agency's Environmental Data Access (<http://www.pca.state.mn.us/quick-links/eda-surface-water-data>).

A. Streams (by eight-digit hydrologic unit code):

- (1) 07030001 Upper St. Croix River (~~August 9, 2016~~ March 2023);
- (2) 07030003 Kettle River (~~August 9, 2016~~ March 2023);
- (3) 07030004 Snake River (~~August 9, 2016~~ March 2023); and
[For text of subitem (4), see Minnesota Rules]
[For text of items B to D, see Minnesota Rules]

Subp. 7. **Lower Mississippi River basin (from the confluence with the St. Croix River to the Iowa border).** The water-use classifications for the stream reaches within each of the major watersheds in the lower Mississippi River basin from the confluence with the Saint Croix River to the Iowa border listed in item A are found in tables entitled "Beneficial Use Designations for Stream Reaches" published on the website of the Minnesota Pollution Control Agency at www.pca.state.mn.us/regulations/incorporations-reference. The tables are incorporated by reference and are not subject to frequent change. The date after each watershed listed in item A is the publication date of the applicable table. The water-use classifications for the other listed waters in the lower Mississippi River basin from the confluence with the St. Croix River to the Iowa border are as identified in items B to D. See part 7050.0415 for the classifications of waters not listed. Designated use information for water bodies can also be accessed through the agency's Environmental Data Access (<http://www.pca.state.mn.us/quick-links/eda-surface-water-data>).

A. Streams (by eight-digit hydrologic unit code):

- [For text of subitems (1) to (3), see Minnesota Rules]
- (4) 07040004 Zumbro River (~~August 9, 2016~~ March 2023);
- (5) 07040006 Mississippi River - La Crescent (~~August 9, 2016~~ March 2023);
[For text of subitem (6), see Minnesota Rules]
- (7) 07060001 Mississippi River - Reno (~~August 9, 2016~~ March 2023); and
- (8) 07060002 Upper Iowa River (~~August 9, 2016~~ March 2023).
[For text of items B to D, see Minnesota Rules]
[For text of subparts 8 and 9, see Minnesota Rules]