



REGULATORY UPDATE: HOT TOPICS



The purpose of this correspondence is to provide the Minnesota Association of Watershed Districts, Minnesota Association of Watershed Administrators, and Red River Watershed Management Board (RRWMB) membership with some regulatory updates related to several state and federal rulemaking activities. Also included on Page 3 is a weblink to the most recent MPCA rulemaking docket for your interest. It is unknown how/if these rulemaking processes will affect our membership, farmers, and taxpayers at this time.

1. **Drainage Registry:** The Minnesota Drainage Work Group (DWG) is currently discussing the proposed Drainage Registry that was introduced during the 2022 Minnesota Legislative Session. The DWG met on August 11, 2022 to continue discussions and more information is forthcoming. Below is the link to House File 4274 regarding this matter.
[HF 4274 Status in the House for the 92nd Legislature \(2021 - 2022\) \(mn.gov\)](#)
2. **Ammonia Rulemaking:** On August 1, 2022, the Minnesota Pollution Control Agency (MPCA) published a Request for Comments (RFC) on planned amendments to the Class 2 aquatic life ammonia standards. This rulemaking focuses on Class 2 (surface) waters protected for aquatic life, and one pollutant – ammonia. This rulemaking proposes to revise an existing ammonia water quality standard to bring the protections of aquatic life up to date with current science. The expected rule revisions include:
 - An updated standard for ammonia to include EPA criteria — a final acute value, maximum standard, and final chronic value in Minn. R. 7050.
 - Possible additions or revisions to Minn. R. 7053 necessary to support implementation.

The MPCA published notice of this RFC in the August 1, 2022 [State Register](#). The public comment period for this notice closes at 4:30 pm on September 15, 2022. The RFC is also posted on the [MPCA's public notice webpage](#). Further information, including a technical support document and rulemaking documents, is available on the [rulemaking webpage](#). To access information about a particular rulemaking, visit the [Public Rulemaking Docket](#).

3. **Nitrate Aquatic Life Toxicity Water Quality Standard:** On July 20, 2022, the MPCA announced that the Agency was **postponing** moving forward with the proposal to adopt a new nitrate aquatic life toxicity water quality standard. In the interim, the MPCA will coordinate with partners to implement a stepwise approach to help reduce nitrogen levels statewide that includes:
 - a. Develop a detailed Wastewater Nitrogen Reduction Strategy with targeted actions to reduce nitrogen coming from wastewater treatment plants to protect drinking water, aquatic life, and meet the Nutrient Reduction Strategy's point source goals. These actions will:



- Include the development of Nitrogen Management Plans to ensure nitrogen is being reduced to the extent possible;
 - Utilize optimization and water quality trading to support cost effective solutions; and
 - Include permitting controls and/or the development of state discharge restriction(s) to ensure aquatic life is protected where and when wastewater contributions are significant, and to ensure attainment of Nutrient Reduction Strategy goals for the wastewater sector.
- b. Complete a 10-year revision of the Nutrient Reduction Strategy, updated with enhanced strategies and actions designed to achieve reductions in nonpoint and point sources of nitrogen. These strategies and actions:
- Enhance programs that are actively addressing the largest nonpoint sources of nitrogen to our surface and ground waters.
 - Enhance point source nitrogen management and reduction strategies, consistent with the Wastewater Nitrogen Reduction Strategy developed in action A.
4. **Water Quality Fee Rules:** On July 26, 2022, the MPCA announced that a third request for Comments (RFC) on possible amendments to rules governing water quality fees, *Minnesota Rules*, Chapter 7002 would be made on August 1, 2022. This category includes fees for municipal and industrial wastewater and stormwater permits, construction stormwater permits, feedlot permits, and wastewater variances. MPCA may make rule changes to some or all of these fees. This rulemaking proposal builds on information gathered from two previous RFCs in 2017 and 2020 as well as the 2019 recommendations report from the Water Fee Advisory Committee. For more information, visit the Water Quality Fee Rulemaking webpage: <https://www.pca.state.mn.us/water/amendments-water-quality-fee-rules>
5. **Waters of the United States (WOTUS):** Regarding WOTUS, an amendment ([untitled \(house.gov\)](#)) was introduced June 30, 2022 in the US House of Representatives to block the WOTUS rules. The US Supreme Court is set to hear arguments related to WOTUS in October 2022. Below are a couple of weblinks that you may find of interest regarding WOTUS:
- [Newhouse Introduces Amendment to Block Onerous WOTUS Rule | Northwest & National News | nbcrighnow.com](#)
 - [Ag WOTUS Roundtable Seeks Clear Definitions as Drought Continues to Grip West \(dtnpf.com\)](#)
 - [EPA Making a Mockery Out of WOTUS Roundtables | Hoosier Ag Today](#)



6. **Wetland Conservation Act (WCA):** The WCA Advisory Committee is slated to meet in August 2022 to provide input to and advise the Board of Water and Soil Resources as it develops amendments to MN Rules Chapter 8420 due to multiple statute changes that have occurred over the last several years. A request for comments was published in the state register this past January 2022 and closed March 19, 2022. More information is forthcoming.
7. **404 Assumption:** Regarding State of Minnesota Assumption of the federal 404 Program, there are no current updates to share at this time (<https://bwsr.state.mn.us/404-assumption>).

MPCA Rulemaking Docket (August 2022):

<https://www.pca.state.mn.us/sites/default/files/mm-rule1-00.pdf>

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