

Minnesota Department of Health

Division of Environmental Health, Drinking Water Protection Section

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Governing Drinking Water Protection Public Health Priority Points, *Minnesota Rules*, 4720.9020; Revisor's ID Number R-04693 Docket No. 23-9000- 39191

Introduction. The Department of Health intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules (as provided below) until June 21, 2023.

Comments. You must submit written comments via the [Office of Administrative Hearings Rulemaking eComments website *https://minnesotaoah.granicusideas.com/discussions*](https://minnesotaoah.granicusideas.com/discussions). You can also use this page to review the proposed rule language and Statement of Need and Reasonableness.

You have until 4:30 p.m. on June 21, 2023, to submit written comment in support of or in opposition to the proposed rules and any part or subpart of the rules. Your comment must be in writing and submitted via the OAH eComments website by this due date. The Department encourages comment. Your comment should identify the portion of the proposed rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Agency Contact Person. You may submit questions on the rules, and you must submit written requests for a public hearing to the agency contact person. The agency contact person is: Anna Schliep at phone: 651-201-4700; fax: 651-201-4701; email: anna.schliep@state.mn.us or by mail: Drinking Water Protection, Minnesota Department of Health P.O. Box 64975 St. Paul, MN 55164-0975.

Subject of Rules and Statutory Authority. The proposed rules are about the Drinking Water Revolving Fund's Public Health Priority Points. Projects submitted to Drinking Water Revolving Fund (DWRP) are prioritized utilizing Public Health Priority Points in order to ensure that funding priority goes to projects that:

- protect public health,
- provide adequate water supply, and
- assist communities with financial needs.

The proposed revisions would allow Public Health Priority Points to be assigned for projects relating to the removal of lead service lines and addressing contaminants of emerging concern when concentrations exceed a health advisory level. The proposed changes would

protect public health by reducing the public's exposure to harmful contaminants and assist communities with financial needs to remove or provide treatment to reduce contaminants.

The statutory authority for the Minnesota Department of Health to adopt the rules is *Minnesota Statutes*, section 446A.081, subdivision 12.

A copy of the proposed rules is published in the *State Register* and attached to this Notice as mailed. Additional information about this rulemaking is available on the Minnesota Department of Health website at:

<https://www.health.state.mn.us/communities/environment/water/rules/prioritypoints.html>

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. Your request must be in writing and the agency contact person must receive it by 4:30 p.m. on June 21, 2023. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Department will hold a public hearing unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Department may modify the proposed rules as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Statement of Need and Reasonableness. The statement of need and reasonableness contains a summary of 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 Statement of Need and Reasonableness is also available for free download at: <https://www.health.state.mn.us/communities/environment/water/rules/prioritypoints.html>. You may review it or obtain copies for the cost of reproduction by contacting the agency 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 about 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.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The agency will then submit the rules and supporting documents to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the Department submits the rules to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

May 11, 2023

Date

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