

## Minnesota Department of Health

### Division of Environmental Health

#### NOTICE OF HEARING

#### **Proposed Amendments to Rules Governing Health Risk Limits for Groundwater, Minnesota Rules, Chapter 4717, Part 7500, Part 7850, and Part 7860; Revisor's ID Number RD4587, OAH Docket No. 5-9000-38941**

**Public Hearing.** The Department of Health intends to adopt rules after a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2200 to 1400.2240, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.131 to 14.20. The agency will hold a public hearing virtually via WebEx. An Administrative Law Judge will conduct the hearing beginning at 9:30 AM and ending at 4:00 PM each day on Wednesday, April 5, and Thursday, April 6, 2023. The agency will schedule additional days of hearing if necessary. All interested or affected persons will have an opportunity to participate by submitting either oral or written data, statements, or arguments. Statements may be submitted without appearing at the hearing.

You can register to join with video and audio through an internet connection with a computer or tablet. You also may participate by telephone as follows:

Call: 1-415-655-0003 (US Toll) or 1-855-282-6330 (US Toll Free)

Access code: 2481 243 3847

All of the information about how to attend the hearing by either WebEx or telephone will also be posted here:

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

**Administrative Law Judge.** Administrative Law Judge James Mortenson will conduct the hearing. The judge can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7900, and fax (651) 539-0310. You should direct questions about the rule hearing procedure to the administrative law judge's legal assistant, Michelle Severson. You can contact her at [michelle.severson@state.mn.us](mailto:michelle.severson@state.mn.us) or (651) 361-7874.

**Subject of Rules, Statutory Authority, and Agency Contact Person.** The proposed rule revision is about water guidance values called "Health Risk Limits" (HRLs) for contaminants in groundwater used for drinking water as found in Minnesota Rules, Chapter 4717, parts 7500, 7850, and 7860. The Groundwater Protection Act of 1989 (Minnesota Statutes, section 103H.201), authorizes MDH to review, revise, and adopt HRLs for substances degrading groundwater in Minnesota. The HRLs provide a water concentration believed to pose little risk to human health when consumed for a given period of time.

The proposed amendments to the Health Risk Limit Rules for Groundwater will add or replace HRL values developed by MDH between 2018 and early 2022. The amendments will add (to *Minnesota Rules*, part 4717.7860) health-based guidance values for 17 chemicals that have not been in Health Risk Limit Rules for Groundwater previously. In addition, outdated

HRL values (adopted in 1993, 1994, 2009, 2011, or 2013) for 19 chemicals will be repealed (in part 4717.7500 or part 4717.7860) and replaced (in part 4717.7860) by new HRL values. One value for n-hexane will be repealed and not replaced in rule. Risk assessment advice has already been published on MDH's website for n-hexane. Further, 1,1,2,2-Tetrachloroethylene will be repealed from 4717.7850, subpart 2, item E, because MDH has developed a new water guidance value for this chemical. A copy of the proposed rules is available at: [Health Risk Limits: Draft Rules](https://www.health.state.mn.us/communities/environment/risk/rules/water/drafrule.html) (<https://www.health.state.mn.us/communities/environment/risk/rules/water/drafrule.html>). You may request a free copy of the proposed rule amendments from the agency contact person.

The agency contact person is:

Nancy Rice  
Minnesota Department of Health  
625 Robert Street North  
P.O. Box 64975  
St. Paul, MN 55164-0975  
Phone: (651) 201-4923  
Email: [nancy.rice@state.mn.us](mailto:nancy.rice@state.mn.us)

You may also review the proposed rule and submit written comments via the Office of Administrative Hearings Rulemaking e-comments website at [Open Discussions](https://minnesotaoah.granicusideas.com/discussions) (<https://minnesotaoah.granicusideas.com/discussions>).

**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. It is now available from the agency contact person or it can be downloaded at [Health Risk Limits Rules for Groundwater: Rules Amendments – Overview and Links](https://www.health.state.mn.us/communities/environment/risk/rules/water/overview.html) (<https://www.health.state.mn.us/communities/environment/risk/rules/water/overview.html>). You may review or obtain copies for the cost of reproduction by contacting the agency contact person.

**Public Comment.** You and all interested or affected persons, including representatives of associations and other interested groups, will have an opportunity to participate. The administrative law judge will accept your views either orally at the hearing or in writing at any time before the close of the hearing record, as provided below. You must submit your comments in writing **via the [Office of Administrative Hearings Rulemaking eComments website](https://minnesotaoah.granicusideas.com/discussions)** (<https://minnesotaoah.granicusideas.com/discussions>). If you have any issues or questions regarding the eComments website, please contact OAH.

All evidence that you present should relate to the proposed rules. **Under this notice, you have until 4:30 p.m. on Wednesday, March 8, 2023, to submit written comment in support of or in opposition to the proposed rules prior to the hearing.** The ALJ will then also accept your comments orally at the hearing on Wednesday, April 5, and Thursday, April 6, 2023, and in writing after the hearing record closes. You may also submit written material *to the administrative law judge* to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the administrative law judge may order this five-day comment period extended for a longer period but for no more than 20 calendar days. Following

the comment period, there is a five-working-day rebuttal period during which the agency 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. The Office of Administrative Hearings must receive all comments and responses submitted to the administrative law judge 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 the Office of Administrative Hearings.

The agency requests that any person submitting written views or data to the administrative law judge before the hearing or during the comment or rebuttal period also submit a copy of the written views or data to the agency contact person at the address stated above.

**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 agency contact person at the address or telephone number listed above. If you require accommodations, such as CART services or an American Sign Language translator, please notify Minnesota Department of Health using the contact information above as soon before the hearing as possible to allow the department adequate time to make any necessary arrangements.

**Modifications.** The agency 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 agency follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the agency encourages you to participate.

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

**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.

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

1/26/2023  
Date

/s/ Daniel Huff  
Daniel Huff  
Assistant Commissioner  
Minnesota Department of Health