

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE POLLUTION CONTROL AGENCY

In the Matter of the Proposed
Rules of the Pollution Control
Agency Governing Subsurface
Sewage Treatment Systems,
Minnesota Rules Chapters
7080, 7081, 7082, and 7083

**CHIEF ADMINISTRATIVE LAW
JUDGE'S ORDER ON REVIEW
OF RULES UNDER MINN.
STAT. § 14.16, SUBD. 1 AND
MINN. R. 1400.2240, SUBP. 5.**

The Minnesota Pollution Control Agency (MPCA or Agency) proposes to adopt the above-entitled rules pursuant to Minn. Stat. § 14.16. The proposed rules came on for a public hearing on August 2 and August 3, 2010. The Administrative Law Judge approved the rules in a Report dated September 29, 2010. On October 8, 2010, the MPCA requested that the Chief Administrative Law Judge review modifications to the rules other than those approved by Judge Luis. The MPCA supplemented its request on October 19, 2010.

The Chief Administrative Law Judge finds that the final proposed rules are not substantially different from those published in the *State Register* on June 21, 2010, and proposed at the public hearing;

Based upon a review of the modifications made by the MPCA as presented in the October 8 and October 19, 2010, submissions and filings, Minnesota Statutes, Minnesota Rules, and the previous order issued in this matter,

IT IS HEREBY ORDERED: that the proposed rules, dated October 18, 2010, are approved as to legality.

Dated this 19th day of October, 2010.

/s/ Raymond R. Krause
RAYMOND R. KRAUSE
Chief Administrative Law Judge

October 20, 2010

Carol Nankivel
Rule Coordinator
Minnesota Pollution Control Agency
Policy, Local Government Assistance and Solid Waste Section
520 Lafayette Road North
St. Paul, MN 55155-4194

RE: In the Matter of the Proposed Rules of the Pollution Control Agency
Relating to Subsurface Sewage Treatment Systems,; Minnesota
Rules, Chapters 7080, 7081, 7082 and 7083;
OAH Docket No. 7-2200-21359-1
Governor's Tracking Number AR 450

Dear Ms. Nankivel:

Enclosed please find the Order of the Chief Administrative Law Judge in the above-entitled matter. The modified rules have been approved as to legality. With the approval of the proposed rules, our office has closed this file and is returning the remainder of the rule record to you so that your agency can maintain the official rulemaking record in this matter as required by Minnesota Statutes, section 14.365.

Please notify me at the telephone number listed below once the Board has executed its Order Adopting Rules. Our office will then file, via U.S. mail, four copies of the adopted rules with the Secretary of State, who will forward one copy to the Revisor of Statutes, one copy to the Governor, and one to the Board for its rulemaking record. You will then receive from the Revisor's Office three copies of the Notice of Adoption of your rule. Your next step is to arrange for publication of the Notice of Adoption in the State Register. You should submit two copies of the Notice that you receive from the Revisor's Office to the State Register for publication. In accordance with Minnesota Statutes, section 14.18, the rules will be effective five working days after the Notice of Adoption is published in the State Register.

If you have any questions regarding the remaining steps in the rulemaking process, please do not hesitate to contact me at (651) 361-7837

Sincerely,

Mary Beth Gossman
Staff Attorney

Enclosures

cc: Office of the Attorney General
Office of the Revisor of Statutes
Legislative Coordinating Commission
Office of the Governor

October 20, 2010

Nancy Breems
Secretary of State, Elections Division
180 State Office Building
100 Rev. Dr. Martin Luther King Jr. Blvd.
St. Paul, Minnesota 55155-1299

RE: Filing of the Adopted Rules of the Pollution Control Agency
Governing Subsurface Sewage Treatment Systems; Minnesota
Rules, Chapters 7080, 7081, 7082 and 7083;
OAH Docket No. 7-2200-21359-1
Governor's Tracking Number AR 450

Dear Ms. Breems:

Pursuant to Minnesota Statutes, section 14.16, subdivision 3, and Minnesota Rules, part 1400.2240, subpart 10, our office is filing with the Secretary of State four copies of the above-entitled adopted rules. The rules were approved for legality by our office on August 26, 2009.

Please send the agency copy of the rules to:

Carol Nankivel, Rule Coordinator
Minnesota Pollution Control Agency
Policy, Local Government Assistance and Solid Waste Section
520 Lafayette Road North
St. Paul, MN 55155-4194

Thank you. If you have any questions regarding this matter, please feel free to contact me at (651) 361-7837.

Sincerely,

Mary Beth Gossman
Staff Attorney