

38941 Minnesota Department of Health Notice of Hearing (Initial Comment Period)

Closed Mar 08, 2023 · Discussion · 5 Participants · 1 Topics · 6 Answers · 0 Replies · 1 Votes

“Other programs within MDH or other agencies may independently adopt these health-based values and incorporate them within enforceable requirements related to permitting or remediation activities.” SONAR p. 81-82.

MHD argues that no law tells it how to enforce HRL rules so it has no enforcement responsibility. But the law tells the commissioner to enforce standards. In this case, the standards the commissioner must enforce are HRLs that have been adopted into rule and new proposed HRLs once they have been adopted in this rulemaking. Minn. Stat. 144.0751 Health Standards does not provide for any exceptions that would give the commissioner discretion. Nor does the law give the commissioner the authority to tell other state agencies and others responsible for safe drinking water that they don't have to follow rules that have the force and effect of law.

The OAH must determine, whether, given MDH's stated intention to not enforce rules, this rulemaking should proceed.

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- (1) https://www.ewg.org/interactive-maps/2020_nitrate_in_minnesota_drinking_water_from_groundwater_sources/
- (2) <https://minnesotareformer.com/2023/01/17/agriculture-pollutes-underground-drinking-water-in-minnesota-well-owners-pay-the-price/>
- (3) <https://www.pca.state.mn.us/sites/default/files/wq-rule4-24c3.pdf>

Jean Wagenius · Citizen · (Postal Code: unknown) · Mar 06, 2023 7:35 pm

👍 0 Votes

The comments that I submitted on March 4 need a correction. With the obvious exception of MDH, state agencies and others referred to in the SONAR that are not providing drinking water are not required to use or enforce HRLs. Other state agencies may adopt HRLs by reference but are not required to.

Steve Risotto · Citizen · (Postal Code: unknown) · Mar 08, 2023 2:22 pm

👍 0 Votes

The comments of the American Chemistry Council on the proposed amendments to the rules governing health risk limits for groundwater are attached.

Barbara Losey · Citizen · (Postal Code: unknown) · Mar 08, 2023 2:25 pm

👍 0 Votes

The Alkylphenols & Ethoxylates Research Council opposes the subchronic and chronic noncancer Health Risk Limits (HRL) for p-Nonylphenol (pNP) currently proposed under Ch. 4717.7860 Subpart 13a for the reasons explained in the attached comments.