

**7050.0275 EXEMPTIONS FROM PROCEDURES.**

Subpart 1. **Class 7 surface waters.** The procedures specified in parts 7050.0280 and 7050.0285 do not apply to proposed activities resulting in a net increase in loading or other causes of degradation to a class 7 surface water except when, in the commissioner's judgment, there is reasonable risk that the proposed activity would result in:

- A. the loss of existing uses and the level of water quality necessary to protect existing uses in the class 7 surface water and downstream surface waters;
- B. permanently precluding attainment of water quality standards;
- C. degradation of downstream existing high water quality; or
- D. degradation of downstream existing water quality essential to preserve the exceptional characteristics of outstanding resource value waters.

Subp. 2. **Temporary and limited degradation.** The procedures specified in parts 7050.0280 and 7050.0285 do not apply to proposed activities that result in temporary and limited degradation of high water quality when the requirements of items A to D are met.

A. The applicant must provide a request for an exemption, on forms developed by the commissioner, before submitting a control document application. The request must include:

- (1) identification of surface waters and associated beneficial uses that will be adversely impacted by the regulated activity;
- (2) parameters likely to cause degradation;
- (3) length of time during which the water quality will be impacted, which must not exceed 12 months from when water quality is initially impacted by the proposed activity;
- (4) a description of water quality at the time the exemption is requested using methods described in part 7050.0260 and anticipated net changes to water quality for parameters likely to cause adverse impacts over the time period the surface waters are impacted;
- (5) a description of prevention, treatment, or loading offset alternatives that were considered to avoid and minimize net increases in loading or other causes of degradation and the reasons why the selected alternative was chosen;
- (6) a description of how water quality will be returned to pre-activity conditions within 12 months from when water quality is initially impacted by the proposed activity; and
- (7) a description of any residual long-term impacts on existing uses.

B. The commissioner shall consider subitems (1) to (3) before deciding to approve or deny the requested exemption from antidegradation procedures for the proposed temporary and limited degradation:

- (1) information submitted by the applicant under item A;

(2) information on cumulative effects on water quality from multiple exemptions for temporary and limited degradation; and

(3) other reliable information available to the commissioner.

C. The commissioner shall approve a proposed temporary and limited degradation of high water quality only when:

(1) existing uses and the level of water quality necessary to protect the existing uses are maintained and protected;

(2) it would not cause exceedance of water quality standards; and

(3) a prudent and feasible alternative does not exist that would avoid or minimize the degradation.

D. If the temporary and limited degradation exemption is approved, the control document conditions must include an enforceable plan to ensure that water quality is returned to pre-activity conditions within 12 months from when water quality is initially impacted by the activity.

**Statutory Authority:** *MS s 115.03; 115.44*

**History:** *41 SR 545;*

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