

7050.0405 PETITION BY OUTSIDE PARTY TO CONSIDER ATTAINABILITY OF USE.

Subpart 1. **Petition.** Any person may present evidence to the agency that a beneficial use assigned to a water body in this chapter does not exist or is not attainable and petition the agency to consider a reclassification of that water body under Minnesota Statutes, section 14.09. Outside parties must submit written evidence in support of the petition to the commissioner that includes:

- A. the name and address of the petitioner;
- B. the name, location, and description of the water body;
- C. the specific designated use or uses that do not exist or are unattainable in the water body and the reasons they do not exist or are unattainable;
- D. the reasons the current use classification is causing harm, unnecessary expense, or other hardship to the petitioner; and
- E. any additional supporting evidence including, but not limited to, water quality, hydrological, and other relevant data; pictures; testimony of local residents; survey results; and resolutions or actions by local organizations or governmental entities.

Subp. 2. **Disposition of petition.** Upon receiving a petition, the commissioner has 60 days to reply in writing and indicate a plan for disposition of the petition. The commissioner may request additional information from the petitioner if the request is considered incomplete, in which case the commissioner has 60 days to reply after the additional information is received and the petition is complete. If the commissioner finds that the evidence submitted supports a review of the designated uses, a use attainability analysis must be commenced within six months of the commissioner's reply to the complete petition. The petition becomes part of the use attainability analysis. If the commissioner finds that the use attainability analysis supports a change in use classification, the commissioner shall propose the change through rulemaking.

Statutory Authority: *MS s 115.03; 115.44; L 2005 1Sp1 art 2 s 151*

History: *31 SR 1168*

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