

Exhibit J. Authorization to Omit Rule Text

January 20, 2023

VIA EMAIL ONLY

Josh Skaar
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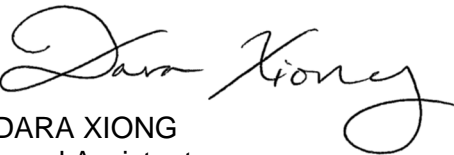
Re: *In the Matter of the Proposed Amendments to Rules Governing Health Risk Limits for Groundwater, Minn R. 4717, Revisor's ID No. 4587*
OAH 5-9000-38941; Revisor R-4587

Dear Mr. Skaar:

Enclosed and served upon you please find the **ORDER ON REQUEST TO OMIT FROM THE NOTICE THE TEXT OF PROPOSED RULES** in the above-entitled matter.

If you have any questions regarding this matter, please contact William Moore at (651) 361-7893, william.t.moore@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,



DARA XIONG
Legal Assistant

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Proposed
Rules of the Department of Health
for Health Risk Limits for Groundwater

**ORDER ON REQUEST TO OMIT
FROM THE NOTICE THE TEXT OF
PROPOSED RULES**

This matter comes before Chief Administrative Law Judge Jenny L. Starr on a request by the Minnesota Department of Health (Department) filed on January 12, 2023. The request seeks authorization for the Department to omit the text of the proposed rules from the Notice of Hearing (Notice), pursuant to Minn. Stat. § 14.14, subd. 1a(b) (2022).

The Department asserts that publishing the rule language in the *State Register* would be cumbersome, expensive, and inexpedient. The rulemaking concerns revisions to Health Risk Limits (HRLs) for contaminants in groundwater used for drinking water. The Department revises HRLs on a periodic cycle. The Department maintains that, while HRLs play an important role in protecting the health of nearly all Minnesotans, the proposed rule revisions are important to only a relatively small class of persons within the state who engage with HRLs. Those groups include non-government organizations, industrial companies, trade groups, chemical manufacturers, and staff at other state agencies, such as the Department of Natural Resources (DNR) and the Minnesota Pollution Control Agency (MPCA), who apply HRLs when setting their own standards for protecting Minnesota's environment and water resources.

According to the Department, the cost of publishing the rule text in the *State Register* is estimated to be more than \$3,200. The Department asserts that such expenses are unnecessary when it will provide copies of the proposed rule revisions to the identified groups as part of its Additional Notice Plan. The Department states that it will also post a draft of the proposed rules and the Statement of Need and Reasonableness (SONAR) on its dedicated HRL rulemaking webpage. Finally, the Notice describes the subject matter of the proposed rule revisions, includes an electronic link to the Department's website where the rule draft is posted, and states that a free copy of the proposed rules is available upon request.

IT IS HEREBY ORDERED THAT:

The Department's request to omit the text of the proposed rules for publication in the *State Register* is **GRANTED**.

Dated: January 20, 2023



JENNY L. STARR
Chief Administrative Law Judge