

Exhibit K. Other Documents

- K1. Certificate of Notice to Minnesota Legislators and the Legislative Coordinating Commission
- K2. Consultation with Minnesota Budget and Management (MMB)
(See also Appendix F of the Statement of Need and Reasonableness)
- K3. Minnesota Department of Health Presentation for the Health Risk Limits Rules Amendments Hearing (April 5, 2023)

**K1. Certificate of Sending Notice to the Minnesota Legislators and
the Legislative Coordinating Commission**

Minnesota Department of Health

CERTIFICATE OF SENDING THE NOTICE AND THE STATEMENT OF NEED AND REASONABLENESS TO LEGISLATORS AND THE LEGISLATIVE COORDINATING COMMISSION

Proposed Rules Governing Health Risk Limits for Groundwater, Minnesota Rules, Chapter 4717, Parts 7500, 7850, and 7860; Revisor's ID Number 4587

I certify that on February 1, 2023, when the Department mailed Notice of Intent to Adopt Rules under Minnesota Statutes, section 14.14 or 14.22, I sent a copy of the Notice and the Statement of Need and Reasonableness to certain Legislators and the Legislative Coordinating Commission by sending an electronic copy via email. I emailed these documents to comply with Minnesota Statutes, section 14.116. A copy of the cover letter is attached to this Certificate.

Nancy Rice

Digitally signed by Nancy
Rice
Date: 2023.02.01
14:24:39 -06'00'

Nancy Rice
Research Scientist

From: [Rice, Nancy \(MDH\)](#)
To: rep.tina.liebling@house.mn.gov; rep.joe.schomacker@house.mn.gov; rep.rick.hansen@house.mn.gov; rep.josh.heintzeman@house.mn.gov; rep.leon.lillie@house.mn.gov; rep.jeff.backer@house.mn.gov; [Melissa Wiklund](#); sen.paul.utke@senate.mn; sen.foung.hawj@senate.mn; sen.justin.eichorn@senate.mn; lcc@lcc.mn.gov; michelle.weber@lcc.mn.gov
Cc: Josh.Sande@house.mn.gov; Peter.Strohmeier@house.mn.gov; Mike.Molzahn@house.mn.gov; anna.burke@senate.mn; kara.josephson@senate.mn
Subject: Notice of Hearing, Health Risk Limits Rules, Minnesota Department of Health
Date: Wednesday, February 1, 2023 1:28:00 PM
Attachments: [20230201_Legislators_NoticeofRulesHearing.pdf](#)
[20230126_HRL_SONAR.pdf](#)
[20230126_Notice_of_Hearing.pdf](#)
[RD4587.pdf](#)

Dear Legislators,

The Minnesota Department of Health (MDH) intends to amend the existing rules on Health Risk Limits for Groundwater (Minnesota Rules, Chapter 4717). MDH develops health-based guidance called "Health Risk Limits" or HRLs for contaminants found in groundwater that may be used for drinking purposes. Risk managers at partner state agencies such as the Minnesota Department of Agriculture and the Minnesota Pollution Control Agency use HRL values as one set of criteria in managing risks from exposure to drinking water contaminants.

We plan to publish a Notice of Hearing in the February 6, 2023, edition of the *State Register* and are now mailing the Notice under Minnesota Statutes, section 14.14 or 14.22.

More information is attached or available at [Health Risk Limits Rules for Groundwater Rules Amendments - Overview and Links](#).

Please contact me at nancy.rice@state.mn.us or 651-201-4923 with questions.

Sincerely,

Nancy Rice

Nancy Rice

Research Scientist | Health Risk Assessment Unit

Minnesota Department of Health

Office: 651-201-4923



K2. Consultation with Minnesota Management and Budget (MMB)



Date: March 20, 2023

To: Josh Skaar
Attorney, Legal Unit
Minnesota Department of Health

From: Hannah Millang
Executive Budget Officer
Minnesota Management and Budget

Subject: M.S. 14.131 Review of Proposed Amendment to Rules Governing Health Risk Limits for Groundwater, Minnesota Rules Chapter 4717, Parts 7500, 7850, and 7860

RE: Health Risk Limit (HRL) Rules

Background

The Minnesota Department of Health (MDH) proposes to amend Minnesota Rules, Chapter 4717, by revising or adding Health Risk Limits (HRLs) for 37 groundwater contaminants. Specifically, the proposed amendments add new HRL values for 17 contaminants to part 4717.7860, repeals 20 outdated HRL values in parts 4717.7500 or 4717.7860, updates the list in part 4717.7850, and adds 19 updated HRL values to 4717.7860 to replace the repealed values. Pursuant to Minnesota Statutes 14.131, MDH has requested Minnesota Management and Budget evaluate the proposed amendments for fiscal impact and/or benefits on units of local government.

Evaluation

On behalf of the Commissioner of Minnesota Management and Budget, I have reviewed the proposed changes and the draft of the Statement of Need and Reasonableness (SONAR) to evaluate the fiscal impact these changes may have on local governments.

HRL values serve as a type of health-protective guidance MDH uses for groundwater contaminants that pose a potential threat to human health if consumed in drinking water, and is defined in the 1989 Groundwater Protection Act in Minnesota Statutes, section [103H.005, subdivision 3](#), as:

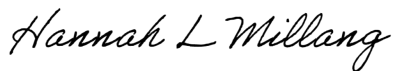
a concentration of a substance or chemical adopted by rule of the commissioner of health that is a potential drinking water contaminant because of a systemic or carcinogenic toxicological result from consumption.

The proposed amendments establish limits for the contaminants and do not apply nor enforce the limits. Due to the lack of enforcement by this agency and the lack of fees associated with these rules, the proposed amendments should have no direct fiscal impact to local units of government as a result. Fiscal costs that may

occur would be due to the enforcement of the health risk limits by other state agencies, such as the Department of Natural Resources, the Minnesota Pollution Control Agency, and the Board of Water and Soil Resources if a community would need to use public funds to remediate contaminated water. Costs associated by another agency's implementation of the health risk limits are indeterminate and would not have a direct impact on state revenues. Local governments do not develop or enforce groundwater quality standards through ordinances or regulations and have consulted with MDH on the use of HRL values for interpreting the results of well monitoring. This rule will not require local governments to adopt or amend ordinance to comply.

This rule change would not have a material impact on any body in Minnesota, nor on local units of government, and will update MDH's human health-based guidance to protect groundwater and public health.

Sincerely,

A handwritten signature in cursive script that reads "Hannah L Millang".

Hannah Millang
Executive Budget Officer (MMB)

Cc: Rena LeCompte, Executive Budget Coordinator (MMB)

**K3. Minnesota Department of Health Presentation at Health Risk
Limits Rules Amendments Hearing
April 5, 2023**



**The public hearing presentation
will begin shortly.**

Thank you for your patience.

To join the hearing by WebEx (video):

Enter meeting number: 2481 243 3847
Password: Mx5ep2RGBM8

To join the hearing by telephone (audio only):

Call 1-855-282-6330
Enter Access Code: 2481 243 3847

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Public Hearing

In the Matter of the Proposed Amendments to Rules
Governing Health Risk Limits for Groundwater,
Minnesota Rules 4717

OAH Docket No. 5-9000-38941

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Introduction

- **OAH** renders justice through fair, timely, and impartial hearings and high-quality dispute resolution services.
- **OAH** is independent from the Department and all other parties to this proceeding.
- **Hearing Purpose:** to allow the agency to present its case and to receive public comments

Administrative Law Judge
Jim Mortenson



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Your Participation Matters

- Public participation in the rulemaking process is **essential** to the development of **fair** and **thoughtful** public policy.
- Pursuant to Minn. Stat. Ch. 14, this hearing is being conducted so that the public can **participate** and **be heard**.
- **Thank you** for contributing your thoughts, experience, and expertise.



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Key Issues

1. Does the Agency have legal authority to adopt the rules?
2. Has the Agency fulfilled all relevant legal and procedural requirements to promulgate the rules?
3. Has the Agency demonstrated the need and reasonableness of each portion of the proposed rules?



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Roadmap for Today



- My remarks
- Introduce agency staff
- Agency exhibits and presentation
- Public questions and comments
- Hearing will adjourn when the last speaker present is heard

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Hearing Procedure



- Everyone is treated **fairly** and **impartially**
- The agency **submits documents into the record**, including the statement of need and reasonableness, and any written exhibits in support of the proposed rule
- The agency **may also** present additional oral evidence
- Interested people **may comment** orally or in writing
- Commenters **may question** agency representatives or witnesses in order to explain the purpose or intended operation of the proposed rule, explain a suggested modification, or for other purposes if relevant to the evaluation or formulation of the proposed rule
- The judge **may limit repetitive or immaterial** oral statements and questioning

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Agency Panel

- Tom Hogan, Environmental Health Division Director
(Present for opening remarks only)
- Josh Skaar, JD, MDH Legal Counsel
- Sarah Fossen Johnson, PhD, Supervisor and Manager,
Environmental Surveillance and Assessment Section

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Agency Exhibits



Agency documents related to this rulemaking are available to view at:
www.health.state.mn.us/hrlrules.html

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Ways to Comment

(1) Offer **oral comments** at this hearing

(2) Offer **written comments** electronically, by mail, or by fax

Electronically at: www.minnesotaoah.granicusideas.com/discussions

By **U.S. mail** to:

Office of Administrative Hearings

Attn: William Moore

P.O. Box 64620

St. Paul, MN 55164-0620

By **Fax** to 651-539-0310

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Preferred Method for Written Comments

- **eComments** is the preferred method for submitting written comments
- Review OAH's website:
<https://mn.gov/oah/media/rulemaking.jsp>
 for step-by-step instructions on submitting eComments



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Presenting Oral Comments

In WebEx

- On your computer screen, click the **Chat** icon
- Send a message that you would like to speak
- You will be put in the queue in the order received
- Do not post questions or comments in the **Chat**

By Telephone

- Press ***3** on your telephone to add yourself to the queue
- Press ***3** again to remove yourself from the queue

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Process for Presenting Oral Comments

- For those attending by WebEx, **turn on your video** by clicking the video icon
- To ensure everyone is heard, the judge may limit your initial comments to 5 minutes
- You may return to the queue to speak again, time permitting (Preference will be given to those who have not spoken yet)
- Our objective during the hearing process is to hear from as many different people, and on a wide a range of topics, as our time together permits

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Tips for Oral Comments

- State and spell your first and last name
- If you are commenting on behalf of an organization, identify the organization
- Speak slowly, clearly, and loudly - only audible statements will be recorded
- Technical difficulties: Raise hand
- Introducing an acronym? Be sure to state the full phrase



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Importance of Courtesy and Respect

- This is a legal proceeding
- Respect other speakers and the time limits, if any
- Do not interrupt other commenters
- The court reporter may interject if something is not clear



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Recordkeeping

- The court reporter's transcript is the official record of the hearing
- The judge and the agency will cite to the transcript
- The transcript will include your comments, and the judge may quote you in the report



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Remember – Other Ways to Comment

- You may also submit written comments by **eComments**, **mail**, or **fax**
- If you are unable to comment today, please know that all comments are considered in the same way regardless of the way they are submitted



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Commenting on Key Issues

- Focus your comments on the three key issues for this hearing:
 1. The Agency's legal **authority** to adopt the rules
 2. The Agency's **compliance** with legal and procedural requirements
 3. The **need for** and **reasonableness** of the rules
- If you are commenting on a particular part of the proposed rule, identify it



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Time for Comments



Initial comment period closes

April 26, 2023

Comments must be received by
4:30 p.m. on
April 26, 2023

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Time for Rebuttal



Rebuttal is a reply to
something someone else
said - not a new comment.

5 business days from close
of comment period

**Rebuttals must be
received by
4:30 p.m. on
May 3, 2023**

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Judge's Report



- Judge will issue a report
- Within 30 days of the close of the record, unless extension is granted
- You can view the report at <https://mn.gov/oah/media/opinion-archive.jsp>
OR <https://tinyurl.com/OAH-Archive>
- Report will be posted on the day it is issued

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Required Reminder for Lobbyists



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- Lobbyists must register with the Campaign Finance and Public Disclosure Board
- Questions about registration should be directed to that Board
- www.cfb.mn.gov

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Agency Panel

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Public Questions and Comments

Administrative Law Judge
Jim Mortenson



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- In **WebEx**, put your name in the **Chat** box to request to speak and be placed in the queue
- To comment by **phone**, press ***3** to be placed in the queue
 - Press ***3** again to remove yourself from the queue
- Repeat if you want to speak again

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Comment Deadline Reminder



Initial comments must be received by

4:30 p.m. on

April 26, 2023

Rebuttals must be received by

4:30 p.m. on

May 3, 2023

Docket No. 5-9000-38941

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Thank you!

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Brief Intermission

Our Hearing Will Resume Soon

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Health Risk Limits Rules Amendments

Sarah Fossen Johnson | Health Risk Assessment Supervisor and Manager, Environmental Surveillance and Assessment Section

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Where to find Health Risk Limits rulemaking documents

- Health Risk Limits rulemaking materials
 - <https://www.health.state.mn.us/hrlrules.html>
 - Or search "Health Risk Limits Rules Minnesota" from a search engine
 - List of all 37 contaminants with links for more information
 - The Statement of Need and Reasonableness (SONAR)
 - The proposed rules
 - The comments received to date and MDH's preliminary responses

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Minnesota Department of Health

Protect, maintain, and improve the health of all Minnesotans.

Access to clean, high-quality groundwater as a source of drinking water is one factor that contributes to and maintains good health.

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Groundwater Protection Act of 1989

- Acknowledges concerns about groundwater contamination
- Provides Minnesota Department of Health with authority to adopt Health Risk Limits when the quality of groundwater has been degraded (*Minnesota Statutes*, 103H.201)
- Health Risk Limits are based on health risk considerations only
- First Health Risk Limits Rules were promulgated in 1993

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Health Standards Statute 2001

- 2001 Health Standards Statute
 - Safe drinking water standards must include a margin of safety to adequately protect all life stages and must consider a variety of health outcomes (e.g., reproductive and developmental function, immunological function, endocrine function) (*Minnesota Statutes*, 144.0751)
- Major Health Risk Limits Rules amendment 2009 (Minnesota Rules, Chapter 4717, parts 7830 and 7840)
 - Consider susceptibility of all life-stages (i.e., timing of exposure)
 - Consider magnitude and duration of exposure (i.e., high short-term exposure during infancy as well as lower long-term lifetime exposure)

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What is a Health Risk Limit (HRL)?

- The concentration of a water contaminant or a mixture of contaminants that people, including sensitive and highly exposed subpopulations, can consume with little to no risk to health.
- Health risk limits are important tools for state agencies to protect human health
 - Not regulatory
 - 100% health-based
 - Focus on sensitive individuals, especially infants, children, pregnant women, and their fetuses
 - More nimble than the federal government
 - Under continual review

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Health Risk Limits are Protective

- Equity is built into the values through our methodology in the 2009 HRL SONAR
 - Use the 95th percentile for intake rates
 - Sensitive populations and highly exposed populations
 - Exposures from other sources
 - Cumulative health risk

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Current Health Risk Limits Rulemaking

- Thirty-seven (37) contaminants
- Seventeen (17) contaminants without a previous Health Risk Limit (HRL)
- Twenty (20) contaminants with proposed updates to a previous HRL (repeal old HRL and replace with an updated HRL)
- One contaminant (n-hexane) will be repealed and not replaced

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Example of a Proposed Health Risk Limit

Health-Based Value Proposed for Adoption as a Health Risk Limit

Chemical CAS Number	Value Type	Duration	Value (µg/L)	Health Endpoint
Acetone 67-64-1 Toxicological Summary for Acetone (HBV 2020) (PDF)	HBV ₂₀	Acute	ND	--
		Short-Term	5,000	Kidney system
		Subchronic	5,000	Kidney system
		Chronic	3,000	Blood system; Liver system; Kidney system
		Cancer	NA	--

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Health Risk Limits Timeline

Rules Phase	Date
Rules Hearing	April 5, 2023, 9:30 a.m. April 6, 2023, 9:30 a.m.
Post Hearing Comment Period	April 6, 2023, to April 26, 2023
Rebuttal Period	April 27, 2023, to May 3, 2023, at 4:30 p.m.
Administrative Law Judge report	Within 30 days of the close of the record, unless extension is granted

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Thank You

For questions: Nancy Rice

nancy.rice@state.mn.us

651-201-4923

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