

**7050.0295 PROCEDURES FOR GENERAL NPDES PERMITS.**

Subpart 1. **Antidegradation procedures required.** The antidegradation procedures in this part apply to new, reissued, or modified general NPDES permits that the commissioner anticipates will result in net increases in loading or other causes of degradation to surface waters.

Subp. 2. **Antidegradation review.** The commissioner shall conduct an antidegradation review during the development of general NPDES permits. The purpose of the antidegradation review is to develop permit conditions that will ensure that the antidegradation standards in part 7050.0270 are satisfied.

Subp. 3. **Preliminary antidegradation determination.** Based upon the review described in subpart 2, the commissioner shall prepare a written preliminary antidegradation determination as to whether the permit conditions will satisfy the antidegradation standards described in part 7050.0270. The preliminary antidegradation determination must be included with the commissioner's fact sheet according to part 7001.0100, subpart 3.

Subp. 4. **Opportunity for comment.** The commissioner shall:

- A. include the preliminary antidegradation determination with the public notice of intent to issue a general permit according to part 7001.0210, subpart 4;
- B. distribute the public notice according to part 7001.0100, subpart 5; and
- C. provide opportunity for comment on the preliminary antidegradation determination according to part 7001.0110.

Subp. 5. **Final antidegradation determination.** The commissioner shall consider comments received under subpart 4 before preparing a written final antidegradation determination. The final antidegradation determination must include a statement that issuing the general NPDES permit achieves or fails to achieve the antidegradation standards specified in part 7050.0270. The final antidegradation determination must be included with the commissioner's final determination according to part 7001.0140.

Subp. 6. **Further antidegradation procedures not required.** Except as provided in part 7050.0325, if the commissioner's final antidegradation determination states that issuing a general NPDES permit will achieve the antidegradation standards specified in part 7050.0270, further antidegradation procedures are not required when a person seeking coverage under the general NPDES permit certifies that the permit conditions can and will be met.

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

**History:** *41 SR 545*

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