

2019 Legislative Recommendations
Legislative Water Commission
Peer Review of Wastewater Standards
October 2018

Recommendation #4
Not in priority order

Issue: MPCA Peer Review of New Wastewater Standards
Action: Sponsor legislation.

A6) Provide independent peer review of wastewater standards—memorialize, in statute, the current MPCA practice: Incorporate the exiting MPCA Commissioner’s order into statute. This recommendation would support MPCA efforts to provide additional scientific and public review of new and revised water-quality standards, and would ensure that the process continues on under future administrations .Background: A Minnesota Pollution Control (MPCA) Commissioner’s Order (Order) was issued in July 2017 to address ongoing confusion about MPCA’s reliance on independent, scientific peer review in the development of water quality standards. The Order establishes a transparent process for peer review of the scientific basis for proposed water quality standards, and allows for public comment on both the scientific information and the peer review. The order applies to only new, or revised, numeric water-quality standards that differ from U.S. Environmental Protection Agency’s (EPA) criteria that have been through peer review. The MPCA peer-review process identified in the order is based on the EPA’s Peer Review Handbook (4th Edition, 2015). A technical-support document (TSD) is developed to document the scientific basis for a proposed standard and under the Order each TSD must undergo external, scientific peer review. A draft TSD is released for public comment prior to peer review. The MPCA takes public comments on questions to pose to the peer reviewers. The TSD is then revised in response to public comments, and peer review, and becomes the basis for the water-quality standard rulemaking effort. The MPCA’s Web site identifies water-quality standards under development, the lead agency scientist for each development effort, and opportunities for public input. The full Commissioner’s Order: (115.035) is available from the MPCA.

Background: Minnesota’s Wastewater Infrastructure: Well-maintained and properly functioning waste water systems are important because they protect public health and encourage economic development. Many communities have difficulty keeping up with staffing, training, reporting, rule changes, required upgrades and new regulations. Most new or revised wastewater standards are given peer review through a process coordinated by the U. S. Environmental Protection Agency (EPA). However, some standards are promulgated by the MPCA. The review of these standards is similar to the process required by the EPA and now is coordinated using a MPCA Commissioner’s Order. This process works well at this time. **However, it should be memorialized in statute for consistency into the future.**

[LWC_2019_Recs_RankedandRevisedPost_OctLWC_WWPeerReview.docx](#)
jrs