

# State



STATE OF  
MINNESOTA

# Register

## IN THIS ISSUE:

Regulation of Health Maintenance Organizations  
—Adopted Rules from the Department of Health

Standards, Grades and Price Differentials for Milk and Cream  
—Proposed Rules from the Department of Agriculture

Environmental Permit Coordination Procedures  
—Proposed Rules from the Environmental Quality Council

Application for Natural Resource Management and Development Permits  
—Notice of Receipt by Pollution Control Agency

*State Register* Printing Schedule for Volume 1, Numbers 23-52  
—Notice from the Office of the State Register

Meeting of Board of Governors of County Attorneys Council  
—Notice of Meeting from the County Attorneys Council

Discontinuance of Revenue Waybilling  
—Notice of Hearing from the Department of Transportation

## VOLUME 1, NUMBER 23

DECEMBER 13, 1976

## Subscribers Hotline

Phone inquiries regarding subscriptions should be directed to Marjorie Borchard at (612) 296-8239.

## How to Cite

Cite all material in the *State Register* by Volume number and page number.  
Example: Volume 2, *State Register*, page 94 (short form: 2 S.R. 94).



Individual copies of the *State Register* may be purchased at either the Office of the State Register or the Documents Section, for \$2.25.

Change of address notices, subscription or single-copy orders and undelivered copies should be sent to:

THE OFFICE OF THE STATE REGISTER  
95 Sherburne, Suite 203  
St. Paul, Minnesota 55103  
296-8239

Materials published in the *State Register* are public records under Minn. Stat. § 15.17. Individual documents may be freely copied from the *State Register*. However, the State of Minnesota has reserved a copyright to cross reference tables, tables of contents, indices, numerical lists and codification guides, as provided in RGSTR 7 of the rules of the Office of the State Register.

The *State Register* is the official publication of the State of Minnesota. It contains all executive orders, rules and notices filed with the Office of the State Register as of noon of the second Thursday preceding the Monday of publication. The text of documents published in the *State Register* is to be accorded the following presumptions:

- (1) The rule or order was duly adopted, issued or promulgated;
- (2) The rule or order was duly filed with the Secretary of State and available for public inspection at the day and hour endorsed thereon; and
- (3) The copy of the rule or order published in the *State Register* is a true copy of the original.

Judicial notice shall be taken of material published in the *State Register*.

The *State Register* is published weekly, on Monday, by the State of Minnesota, Department of Administration, Office of the State Register, Suite 203, 95 Sherburne Avenue, St. Paul, Minnesota 55103, pursuant to Minn. Stat. § 15.0411. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at \$110 per year, and \$85 per year for second and additional subscriptions, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota.

Copyright © 1976 State of Minnesota

Wendell R. Anderson,  
Governor

Richard L. Brubacher,  
Commissioner,  
Department of Administration

George T. Morrow, II,  
Director,  
Office of the State Register

# Contents

## Rules

**Department of Health**  
**Health Facilities Division**  
 Adopted Rules Regulating Health  
 Maintenance Organizations ..... 908

## Proposed Rules

**Department of Agriculture**  
**Planning and Research Division**  
 Proposed Rules on Standards, Grades and Price  
 Differentials for Milk and Cream ..... 911

**Environmental Quality Council**  
 Proposed Rules on Environmental Permit  
 Coordination Procedures ..... 914

## Official Notices

**EQC Monitor**  
**Pollution Control Agency**  
 Notice of Receipt of Application for Natural  
 Resource Management and Development  
 Permits ..... 923

**Department of Administration**  
**Office of the State Register**  
*State Register* Printing Schedule for Volume 1,  
 Numbers 23-52 ..... 923

**County Attorneys Council**  
 Notice of Meeting ..... 923

**Department of Transportation**  
 Notice of Hearing on Discontinuance of Revenue  
 Waybilling at Its Twin Cities Terminal by the  
 Minnesota Transfer Railway Company ..... 924

# List of MSAR Rules Affected\*

List of rules within the Manual of State Agency Rules affected by documents published in the State Register during the current quarter beginning October 1, 1976:

**Department of Administration**  
 MoH 103 (proposed) ..... 638

**Department of Agriculture**  
 Agr 165 and 169 (proposed) ..... 757  
 Agr 1188-1191 (proposed) ..... 911

**Board of Architecture, Engineering,  
 Land Surveying and Landscape  
 Architecture**  
 AE&LS 2, 3(a) and (c), 4(a), (f), (h) (3) and (4),  
 9(b) and (c) (uncodified) ..... 832  
 AE&LS 3(b), 4(c)-(e), 5, 7(b), (d)-(e), 8(b)-(e),  
 9(a), 11(a)-(d), 12 ..... 832

**Board of Dentistry**  
 DE 1-70 (uncodified) ..... 624

**Department of Education**  
 BT 2, 3, 106, 108, 109 (proposed) ..... 725  
 Edu 242-243 ..... 704

**Energy Agency**  
 EA 200-213 (proposed) ..... 880

**Department of Health**  
 MHD 370 (g) (proposed) ..... 889  
 MHD 369 (c) (3) and (g), 371, 372 (a) (1),  
 374, 375 ..... 908

**Pollution Control Agency**  
 NPC 4 (h) (proposed) ..... 815

**Department of Public Welfare**  
 DPW 44 D.13. and E.1. .... 693  
 DPW 7, 27, 29, 48, 50, 57 ..... 812

**Department of Revenue**  
 Tax Ad Val 3, 7 ..... 718

**Department of Transportation**  
 Hwy 32 (proposed) ..... 586

\*New rules, both proposed and adopted, and which have never been disseminated or published, are not included in the List of MSAR Rules Affected. Rules which are listed as "uncodified" have been disseminated, but have never been published in the MSAR.

# RULES

## Department of Health Health Facilities Division Regulation of Health Maintenance Organizations

### Chapter Twenty-Eight:

MHD 369 Operating requirements and requirements for issuance of a certificate of authority. Each health maintenance organization must submit the information required in Minn. Stat. ch. 62D and MHD 368 and the Board must find that each health maintenance organization meets the statutory requirements and the standards of these rules before it may issue a certificate of authority. The failure of an operating health maintenance organization to comply with the requirements is proper basis for disciplinary action under Minn. Stat. §§ 62D.15 — 62D.17.

(a)-(b) Remain unchanged.

C. Comprehensive health maintenance services. All health maintenance organizations shall provide comprehensive health maintenance services to enrollees.

(1)-(2) Remain unchanged.

3. Copayments, limitations, exclusions and restrictions on service. In addition to the limitations and exclusions allowed in MHD 369 C. (2), a health maintenance organization may impose copayments for services or goods provided and may impose certain restrictions on services[.], [such as on frequency or length of time a health maintenance service is provided. Provided, however that all copayments, limitations and exclusions must be reasonable. The express policy of the Board is to favor limitations rather than exclusions, and the Board may limit the extent of limitations and/or exclusions which may be included in any health care plan to ensure that comprehensive health care services are reasonably available to enrollees. The standard of reasonableness shall be applied in full consideration of the general concept that a health maintenance organization must provide comprehensive health maintenance services in exchange for a single, prepaid sum.] Any such provisions must clearly be stated in the evidence of coverage in compliance with Minn. Stat. § 62D.07, subd. 3(b) [.] and comply with the following standards:

a. Limitations and exclusions. There may be no limitations or exclusions other than those allowed by the statutes or in rules promulgated pursuant to Minn. Stat. § 62D.20. Where exclusions are allowed, it is the express policy of the Board to favor limitations rather than exclusions and the Board may limit the extent of limitations and/or exclusions which may be included in any

health care plan to ensure that comprehensive health care services are reasonably available to enrollees. The standard of reasonableness shall be applied in full consideration of the general concept that a health maintenance organization must provide comprehensive health maintenance services in exchange for a single prepaid sum.

b. Restrictions. Reasonable restrictions other than limitations, exclusions and copayments are permissible. These include, but are not limited to restrictions on the frequency or length of time a health maintenance service is provided (example: repeated, frequent physical exams), or the denial of a service that is not reasonably required to maintain the enrollees in good health (example: physical exams requested only for the protection or convenience of third parties). The standard of reasonableness shall be applied in full consideration of the general concept that a health maintenance organization must provide comprehensive health maintenance services in exchange for a single, prepaid sum.

c. Copayments. Reasonable copayments, as defined in Minn. Rule MHD 376(k), are allowed. Any amount or form of copayment shall be deemed reasonable when imposed on services which, pursuant to MHD 369, may be excluded completely, provided that the copayment is not greater than the cost or charge of that particular service. Furthermore, copayments, either on specific services or in the aggregate, may be imposed on out-of-area services and emergency care by providers who do not have arrangements with the health maintenance organization in the form of a reasonable "deductible," plus a twenty-five percent (25%) "coinsurance" feature, plus all charges which exceed a specified annual aggregate amount not less than \$25,000.00.

The standard of reasonableness, in all circumstances, shall be applied in full consideration of the general concept that a health maintenance organization must provide comprehensive health maintenance services in exchange for a single, prepaid sum.

No copayment may be imposed on preventive health care services as defined in MHD 367 (e) (5), including administration of immunization, well-baby care, periodic screening and prenatal care, provided that this prohibition shall not be construed to prevent a copayment on maternity services in general, which may include prenatal care.

Copayments may not exceed twenty-five percent (25%) of the costs or charges for a particular service, except those copayments imposed upon services which may be excluded completely, out-of-area and emergency

# RULES

care described previously in this section, preventive health care services, and prescription drug benefits.\*

(4) Remains unchanged.

(d)-(f) Remain unchanged.

**G.** Effective date of operating requirements. When changes are required in existing evidences of coverage or health maintenance contracts in order to implement the provisions of these rules, such changes shall be implemented upon the renewal date of such documents commencing with the first renewal after [60] 180 days after the effective date of these rules. New contracts or evidences of coverage to be implemented after [60] 180 days after the effective date of these rules must be in compliance with these rules upon implementation.

**MHD 371** Annual reports. In addition to all other information specified in the Act, every health maintenance organization shall include in its annual report to the Board the following:

**A.** The results of any and all elections conducted during the preceding calendar year relative to consumer representation on the health maintenance organization's governing body.

**B.** A copy of the health maintenance organization's most recent information summary provided to its enrollees in accordance with § 62D.09 of the Act.

**C.** A description of the method and results of the system to evaluate the quality of health services. Such evaluation shall include, but not necessarily be limited to, study of the quality of care for at least one disease condition or age group.

**D.** A schedule of prepayment charges made to enrollees during the preceding year and any changes which have been implemented or approved up to the reporting date.

**MHD 372** Other provisions.

**A.** Termination of coverage.

**1.** Justification. In addition to those reasons specified in § 62D.12, subd. 2 of the Act, a health maintenance

\*Copayments imposed upon prescription drug benefits shall be reasonable under the general provisions described in this section.

**KEY:** New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

organization may, upon thirty (30) days notice, cancel or fail to renew the coverage of an enrollee if such enrollee:

**a.** Knowingly gives false, material information at the time of enrollment relative to his health status, provided such cancellation or non-renewal is made six (6) months of the date of enrollment.

**b.** Moves out of the geographic service area filed with the Board, provided such cancellation or non-renewal is made within one (1) year following the date the health maintenance organization was provided written notification of the address change.

(2)-(3) Remain unchanged.

(b)-(f) Remain unchanged.

**MHD 374** Periodic filings.

[(a) Filing requirements. Any filings that are required by Minn. Stat. §§ 62D.07, and 62D.08, subd. 1, and this rule must be filed with the Department of Health no later than ten days prior to the second Thursday of each month, which is the regular meeting date of the Board, unless there is an important and unexpected circumstance which requires filing on a different date. If such circumstance exists, the filing must include a statement describing the circumstances and the urgency of the Board's attention to the filing.]

**A.** Filing requirements. Required filings will be acted upon at the next official meeting of the Board of Health following the filing date, provided the filing date is at least fifteen (15) days before said meeting. Exceptions to the requirement for filing fifteen (15) days in advance of a meeting will be made upon the filing of a statement of urgency and the circumstances involved.

**B.** Provider agreements. The provisions of Minn. Stat. § 62D.08, subd. 1 shall apply to any substantive modification in any agreement with providers as described and required for filing in MHD 368(e).

**C.** The filing of any contracts or evidences of coverage pursuant to Minn. Stat. § 62D.07 or § 62D.08, subd. 1, shall be accompanied by sufficient evidence on cost of services on which copayments are being imposed so as to allow the Board to determine the impact and reasonableness of the copayment provisions.

**D.** Service area. The filing of amendments to a health maintenance organization's geographic service area

## **RULES**

---

pursuant to Minn. Stat. § 62D.08, subd. 1, and § 62D.03, subd. 4(i) must contain sufficient supporting documentation of service area, facility and personnel availability and accessibility to allow a determination of compliance with MHD 369(d).

E. Upon receipt of any filing under Minn. Stat. §§ 62D.07, 62D.08, subd. 1 or MHD 374, the Board may request such additional data as is reasonably necessary to determine legal propriety of the filed material. Failure of a health maintenance organization to provide such data as required by MHD 374 or requested by the Board pursuant to this rule shall result in disapproval of the filing.

MHD 375 Improper practices.

A. It shall be an improper practice for a health maintenance organization to advertise or market its operation by making qualitative judgment or statements concerning any health professional who provides services for a health maintenance organization.

B. A health maintenance organization shall not enroll a person who resides outside the health maintenance organization's defined service area, unless the health maintenance organization provides the enrollee with written notice of the consequences of his special enrollment.

# PROPOSED RULES

## Department of Agriculture Planning and Research Division

### Standards, Grades and Price Differentials for Milk and Cream

#### Notice of Hearing

Notice is hereby given that a public hearing on the above-entitled matter will be held in Conference Room D, Veterans Services Building, 20 W. 12th Street and Columbus Avenue, Saint Paul, Minnesota on January 18, 1977, commencing at 10:00 a.m., or as soon thereafter as possible and continuing until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Myron Greenberg, Esq., Office of Hearing Examiners, 1745 University Avenue, Room 300, Saint Paul, Minnesota 55104, phone (612) 296-6910 either before the hearing or within 20 days after the close of the hearing.

The proposed rules, if adopted, would revise rules Agr. 1188 through Agr. 1191 regarding standards for milk for manufacturing purposes for milk quality testing, milk sediment testing, and new screening testing for abnormal milk, so as to be in uniformity with U.S.D.A. regulations. Copies of the proposed rules are now available and one free copy may be obtained by writing to the Minnesota Department of Agriculture, 420 State Office Building, Saint Paul, Minnesota 55155. Additional copies will be available at the door on the date of the hearing. The department's authority to promulgate the proposed rules is contained in Minn. Stat. § 32.401, subd. 1 (1974). A "statement of need" explaining why the department feels the proposed rules are necessary and a "statement of evidence" outlining the testimony they will be introducing will be filed with the Hearing Examiners Office at least 25 days prior to the hearing and will be available there for public inspection.

Please be advised that pursuant to Minn. Stat. § 10A.01, subd. 11 (1974), any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these rules, must register with

the Minnesota State Ethical Practices Board, 410 State Office Building, Saint Paul, Minnesota 55155, as a lobbyist within five days of the commencement of such activity by the individual.

Jon Wefald  
Commissioner of Agriculture

#### Rules as Proposed

Chapter Forty-Nine:

Agr 1188 Grading procedure for milk.

A. All milk offered for sale and purchased for manufacturing purposes shall be purchased and paid for on the grades adopted herein.

B. Grading procedures. **All of [T] the following tests shall be used in determining the grades for milk for manufacturing purposes at the frequencies established by these rules:**

1. **Bacterial Content Estimates Test;**
2. **Sediment Test;**
3. **Abnormalities Detectable by Sight and Odor Test;**
4. **Antibiotics and Bacterial Growth Inhibitors Test; and,**
5. **Abnormal Milk Test.**

C. [Methylene blue reduction] **Bacterial content estimates test.**

1. [The methylene blue reduction] **Either the Resazurin reduction test, the direct microscopic count test, the standard plate count test, or the plate loop count test, described in [the current edition of] "Standard Methods for the Examination of Dairy Products", published by the American Public Health Association and on file in the office of the commissioner, or other comparable tests approved by the commissioner, shall be used. The tests shall be made at least once during each calendar month.**

2. **The following grade classification, by bacterial content estimate, shall be used:**

**KEY:** New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

# PROPOSED RULES

Grade classification	Direct microscopic count, standard plate count or plate loop count	Resazurin reduction time to Munsell color standard 5 P 7/4
<b>Grade One (1)</b>		
Can	Not over 500,000 per milliliter.	Not less than 2¼ hours.
Bulk	do	Not less than 3¼ hours.
<b>Grade Two (2)</b>		
Can	Not over 3,000,000 per milliliter.	Not less than 1½ hours.
Bulk	do	Not less than 2½ hours.
<b>Undergrade</b>		
Can	Over 3,000,000 per milliliter.	Less than 1½ hours.
Bulk	do	Less than 2½ hours.

## D. Sediment test [;]. Methods [; Records].

1. **Methods.** The following shall be acceptable sediment test methods for the purpose of determining the grades of milk for manufacturing purposes:

a. **Off-the-bottom method.** The off-the-bottom sediment test, described in [the current edition of] "Standard Methods for the Examination of Dairy Products", published by the American Public Health Association and on file in the office of the commissioner [, or other comparable tests approved by the commissioner] shall be used for sediment testing milk delivered in cans. [Comparable tests approved by the commissioner shall be used for sediment testing milk handled in bulk farm tanks. A record

Pad No. 1	..... [clean	..... 0.0mg.]
Pad No. 2	.....	[0.5mg.]
Pad No. 3	.....	[2.5mg.]
Pad No. 4	.....	[5.0mg.]
[Pad No. 5	.....	10.0mg.]

of all sediment tests shall be retained by the person taking them for a period of at least one (1) year thereafter.]

[Sediment Test; Off-the-Bottom Method.] The sample of milk from which the sediment test is made [, using the off-the-bottom method,] shall consist of a pint of milk taken by drawing the sediment tester once across the bottom diameter of the original container of milk simultaneously with the upstroke of the plunger and **discharged through a disc with an exposed area of 1½ inch in diameter.**

b. [Sediment test;] Mixed sample method. [The commissioner shall approve a mixed sample method for sediment testing milk handled in bulk tanks. Such methods shall be devised so that the results may be classified according to the official chart adopted herein.] **The mixed sample sediment test of milk from bulk tanks shall be made by drawing one pint of milk from the thoroughly agitated tank of milk and filtering the milk through a lintine disc with an exposed area of .40 inch in diameter.**

c. **Other methods.** Other comparable methods of equal or greater reliability approved by the commissioner, may be used for sediment testing of milk delivered in cans and handled in bulk farm tanks.

d. [Sediment] Official sediment chart. The sediment test shall be **made no less frequently than once each month of a producer's milk deliveries and shall be classified according to the following standards [and according to the official chart adopted by the commissioner]:**

Not to exceed 0.50 mg sediment	.... (Acceptable)
Not to exceed 1.50 mg sediment	.... (Acceptable)
Not to exceed 2.50 mg sediment	... (Probational)
Excess of 2.50 mg sediment	..... (Illegal)

(1) Acceptable milk shall be milk yielding a sediment pad not to exceed Pad No. 2 (1.50 mg sediment).

(2) Probational milk shall be milk yielding a sediment Pad No. 3 (in excess of 1.50 mg sediment, but not to exceed 2.50 mg sediment) for a period not to exceed ten calendar days. After said period, such probational milk shall be classified as illegal milk.

(3) Illegal milk shall be all milk which contains visible foreign materials, is abnormal in any respect, or yields a sediment in excess of Pad No. 3 (2.5 mg sediment). Such milk shall be dealt with in accordance with Agr 1191.

## E. Abnormalities detectable by sight and odor test.

1. Each delivery or pick up of milk shall be examined by sight and odor to determine the acceptability of the milk. The milk shall look and smell fresh and sweet, and shall be free from objectionable odors that would adversely affect the finished product. It shall have no visible abnormal condition including, but not limited to, curdled, ropy, bloody, or mastitic condition, or visible foreign matter.

## F. Antibiotics and/or bacterial growth inhibitors test.

1. At least four times during each six month period, a separate or co-mingled sample of each producer's milk shall be tested for antibiotic residues and/or bacterial growth inhibitors. The test to be used shall be approved by the commissioner. When a producer's milk shows a positive test, the milk shall be

## PROPOSED RULES

immediately rejected from all markets and shall not be accepted until a subsequent test is negative.

### G. Abnormal milk test.

1. Examination shall be made of each producer's milk at least four times in each six month period for the presence of unwholesome mammary secretions, whether of an inflammatory, infectious, physiological, or environmental origin.

2. When a herd milk sample exceeds any one of the following screening test results, a somatic cell count using the Direct Microscopic Count Method or equivalent, or the Electronic Cell Count Method shall be made on that sample and the results of the confirmatory test shall be the official result.

a. California Mastitis Test — Weak Positive (CMT 1+)

b. Modified Whiteside Test — Positive (1+)

c. Wisconsin Mastitis Test — WMT value of 21 mm

3. Whenever any of the above confirmatory tests indicate the presence of more than 1,500,000 somatic cells per ml, the dairy plant shall send a notice to the producer informing him of the excessive somatic cell count. The producer's milk may continue to be accepted. However, effective July 1, 1980, whenever two of the last four consecutive somatic cell counts exceed 1,500,000 cells per ml, the dairy plant shall notify in writing both the commissioner and the producer that this has occurred and should the next test also exceed 1,500,000 cells per ml, the producer's milk shall be rejected until abnormal milk tests indicate to the commissioner that satisfactory compliance has been obtained. This notice provision shall remain in effect as long as two of the last four consecutive samples exceed 1,500,000 cells per ml. The next milk sample shall be taken no less than three days and no more than 14 days from the taking of the previous sample. Until July 1, 1980, this provision shall be used as an educational instrument.

### H. Records.

1. A record of all tests shall be retained by the person taking the tests for a period of at least one (1) year thereafter.

### I. Quality testing of milk from new producers.

1. Every purchaser of milk for manufacturing purposes or for resale to another for manufacturing purposes shall demand and receive with the first milk delivery received from a producer a copy of the record of quality tests of the producer's milk made by a former purchaser during three months immediately preceding such delivery, unless the producer has not delivered such products to any other purchaser during that period. If the previous purchaser, after receiving a written request for such record from the producers or from the new purchaser, refuses or is unable to comply with such request, the new purchaser shall immediately report such failure or refusal to the commissioner.

2. An examination shall be made on the first shipment of milk from all producers shipping milk to a plant for the first time or following an extended period of nonshipment. The milk shall meet all applicable standards for acceptable milk as defined in this rule. Thereafter, the milk shall be tested in accordance with procedures designated for regular producers.

[(3) Other examination procedures. In addition to the tests described above, each producer's milk shall be examined for visible foreign matter, abnormalities and for undesirable odors and flavors.]

Agr 1189 Grading of milk. Deleted.

[(a) All milk offered for sale and purchase for manufacturing purposes shall be purchased and paid for on the following grades which shall be determined at least semimonthly.]

[(1) Grade One (1) Milk. Grade One (1) milk shall not decolorize in 5½ hours by the methylene blue reduction test or shall be the same quality by comparable tests. It shall be clean and free from undesirable odors and flavors. The sediment of a can of milk selected at random shall not exceed 2.5 mg. as indicated by Pad No. 3.]

[(2) Grade Two (2) Milk. Grade Two (2) milk shall not decolorize in less than 2½ hours, but is decolorized in less than 5½ hours by the methylene blue reduction test or is the same quality by comparable tests. It shall be clean and may not contain undesirable odors or flavors beyond a moderate degree. The sediment of a can of milk selected at random shall not exceed 2.5 mg. as indicated by Pad No. 3.]

[(3) Undergrade Milk. Undergrade milk is milk which decolorizes in less than 2½ hours by the methylene blue

**KEY:** New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

## PROPOSED RULES

reduction test or is of the same quality by comparable tests. The sediment of a can of milk selected at random shall not exceed 2.5 mg. as indicated by Pad No. 3.]

(b) Undergrade Milk; Additional Tests. Whenever a producer's milk is found to be Undergrade by either the methylene blue reduction test or comparable tests, the test shall be repeated not less than once weekly on subsequent deliveries until the milk is found to be Grade Two (2) or better or is rejected as provided for in Regulation Agr 1190.]

Agr 1190 Rejected milk.

A. Whenever [four consecutive tests required] a sample of a producer's milk is classified as undergrade under [Regulation Agr 1189 (b) disclose the milk to be Undergrade, it becomes] **Agr 1188, milk from that producer may be accepted for a period not to exceed four weeks. The producer shall be notified immediately that his milk is classified "undergrade milk"**.

B. Additional samples shall be tested and classified at least weekly and the producer shall be notified of these test results. **If, at the end of the four week period, the producer's milk does not meet the bacterial standards provided for in Agr 1188, the milk shall be rejected for sale and no milk from such producer's premises shall be offered for sale thereafter for human consumption nor shall it be accepted by a dairy plant, until such sale or acceptance is authorized by the commissioner.**

C. **The commissioner may authorize such sale or acceptance of milk by a dairy plant only after the producer demonstrates that the conditions causing unsanitary milk have been corrected.**

Agr 1191 Illegal milk. [Illegal milk is milk which has visible foreign material, which is abnormal in any respect or which has a sediment test in excess of 2.5 mg. as indicated by Pad No. 3.]

A. [Illegal Milk;] Rejection. Purchases of milk for manufacturing purchasers shall reject all illegal milk immediately. They shall denature it by the addition of a harmless blue coal tar dye approved by the commissioner, shall affix to all cans or containers containing illegal milk a rejection tag provided by the commissioner and shall indicate on the tag the reason for rejection. Under no circumstances shall such tags be removed from the cans or containers by the trucker, handler or any other person while such illegal milk is contained therein. Such illegal milk shall not be sold for human consumption.

B. [Illegal Milk;] Sediment. If [the] a randomly selected can of milk yields sediment in excess of 2.5 mg., as indicated by Pad No. 3, the remaining cans of that delivery of

the producer's milk shall be tested and all cans yielding pads in excess of Pad No. 3 shall be declared illegal and shall be rejected, denatured, tagged and returned to the producer.

C. [Illegal Milk;] Sediment; subsequent deliveries. Thereafter, sediment tests shall be made of all the cans included in each subsequent delivery of said producer's milk until each can of milk in a delivery shows a sediment of 2.5 mg. or less, but such testing shall not be continued for more than [seven (7) such consecutive deliveries] **ten (10) calendar days**. If, [on the seventh such consecutive delivery] **after ten days**, any can of the producer's milk yields sediment in excess of 2.5 mg., as indicated by Pad No. 3, the producer becomes a rejected patron and no milk from such producer's premises shall be offered for sale thereafter for human consumption nor shall it be accepted by a dairy plant, until sale or acceptance is authorized by the commissioner.

## Environmental Quality Council Environmental Permit Coordination

### Notice of Hearing

Notice is hereby given that a public hearing in the above entitled matter will be held pursuant to Minn. Stat. § 15.0412 (1974) and Laws of Minnesota, Chapter 303, commencing at 9:00 a.m. in St. Paul in Conference Room A of the Capitol Square Building, 550 Cedar Street on January 20, 1977. The hearing will be continued to such time and place as the Hearing Officer may designate until all representatives of associations or other interested groups or persons have had an opportunity to participate and be heard concerning adoption of the proposed rules captioned above, by submitting either oral or written data, statements or arguments. In addition, written materials may be submitted by mail to the Office of Hearing Examiners, Howard Kaibel, Hearing Examiner, Room 300; 1745 University Avenue, St. Paul, Minnesota 55104, either before the hearing or within 20 calendar days after the close of the hearing.

The proposed Rules, if adopted, would provide an optional procedure to assist a person who, in the course of satisfying the requirements of state government, before undertaking a project which contemplates the use of the state's air, land, or water resources, must obtain more than one permit; assist in identifying all such permits needed for project implementation; provide for a single hearing on appropriate permit applications; provide time frames for agency decision making; provide the reasons for agency decisions in approving or denying permit applications; and

# PROPOSED RULES

---

establish permit information centers in St. Paul and in Regional Development Commission offices.

Copies of the proposed Rules may be obtained from the

Minnesota Environmental Quality Council  
100 Capitol Square Building  
550 Cedar Street  
St. Paul, MN 55101

and are now available for review at the following locations:

Offices of Regional Development Commissions

Minnesota Environmental Quality Council Designated  
Distribution Points:

## Region 1

Polk County-Crookston Library  
120 North Ash Street  
Crookston, MN 56716  
218/281-4522

## Region 2

Bemidji Public Library  
Sixth and Beltrami  
Bemidji, MN 56601  
218/751-3963

## Region 3

Duluth Public Library  
101 West Second  
Duluth, MN 55802  
218/722-5803

## Region 4

Fergus Falls Public Library  
125 North Union  
Fergus Falls, MN 56537  
218/739-9387

## Region 5

Kitchigami Regional Library  
Pine River, MN 56474  
218/587-2171

## Region 6E

Crow River Regional Library  
410 West Fifth  
Willmar, MN 56201  
Attn: Burt Sundberg  
612/235-3162

## Region 6W

Chippewa County Library  
224 South First Street  
Montevideo, MN 56265  
612/269-6501

## Region 7E

East Central Regional Library  
240 Third Avenue S.E.  
Cambridge, MN 55008  
612/689-1901

## Region 7W

Great River Regional Library  
124 South Fifth Avenue  
St. Cloud, MN 56301  
612/251-7282

## Region 8

Marshall-Lyon County Library  
301 West Lyon Street  
Marshall, MN 56258  
507/532-2849

## Region 9

Minnesota Valley Regional Library  
120 South Broad Street  
Mankato, MN 56001  
507/387-3431

## Region 10

Rochester Public Library  
Broadway at First Street, S.E.  
Rochester, MN 55901  
507/288-9070

**KEY:** New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

# PROPOSED RULES

## ECOL

Environmental Conservation Library  
(ECOL)  
300 Nicollet Mall  
Minneapolis, MN 55401  
612/372-6609

Notice is also given that under Minn. Stat. § 10A.01, subd. 11 (1974) any individual engaged for pay or other consideration for the purpose of representing persons or associations attempting to influence administrative action, such as the promulgation of these Rules, must register with the State Ethics Commission as a lobbyist within five (5) days of the commencement of such activity by the individual. The State Ethics Commission is located at 410 State Office Building, St. Paul, Minnesota 55155.

For further information concerning this hearing, contact the Environmental Permit Coordination Unit at (612) 296-8542.

Peter Vanderpoel  
Chairman

The following Rules replace the Rules which were published in the *State Register* on November 8, 1976 (1 S.R. 730-738)

## Rules as Proposed

**MEQC 101 Authority, purpose, exemptions, definitions.**

**A. Authority.** These Rules are prescribed by the Minnesota Environmental Quality Council under:

1. Minn. Stat. § 116C.23, establishing an environmental permits coordination unit. This unit will implement the provisions of Minn. Stat. §§ 116C.22 through 116C.34, herein titled the Environmental Coordination Procedures Act;

2. Minn. Stat. § 116C.32, to adopt rules, not inconsistent with rules of procedure established by the office of hearing examiner, implementing the Environmental Coordination Procedures Act.

**B. Purpose.** These Rules provide a procedure to assist a person who, before undertaking a project which would use the state's air, land, or water resources, must obtain more than one state permit as defined by these Rules when that person voluntarily decides to use this procedure. The assistance involves: identifying all such required permits before the project is implemented; pro-

viding a single hearing on appropriate permit applications; providing time frames for the making of agency decisions; and providing to the applicant statements of the reasons that agencies approve or deny the permit applications.

**C. Exemptions.** These Rules shall not apply to projects that:

1. Require permits issued under Minn. Stat. ch. 93, pertaining to reservations, permits and leases of state owned mineral lands; Minn. Stat. §§ 116C.51 to 116C.69, the Minnesota Power Plant Siting Act; or Minn. Stat. § 116H.13, pertaining to certificates of need for large energy facilities; or

2. Are initiated for taconite tailings disposal or mining, or producing or beneficiating copper, nickel or copper-nickel.

**D. Definitions.** The terms specified below shall have the following meanings for the purpose of these Rules:

1. "Agency" means a state department, commission, board or other instrumentality of the state, however titled, or a local government unit or instrumentality if that local unit is acting within existing legal authority to grant or deny a permit that otherwise would be granted or denied by a state agency.

2. "Coordination Unit" means the Environmental Permits Coordination Unit established pursuant to Minn. Stat. § 116C.25, to assist persons using the master application process.

3. "Council" means that agency established pursuant to Minn. Stat. § 116C.03, to coordinate interaction among the state agencies concerning solutions to the state's environmental problems.

4. "Days": In computing any period of time prescribed or allowed in these Rules, the day the designated period of time begins shall not be included. The last day of the period shall be included, unless it is a Saturday, Sunday, or a legal holiday, in which case the period will extend until the end of the next day that is not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is 15 days or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded.

5. "Environmental review process" means any procedure for review established by the Council pursuant to Minn. Stat. § 116D.04, subd. 2.

6. "Hearing examiner" means a hearing examiner

## PROPOSED RULES

regularly appointed or assigned by contract as provided for in Minn. Stat. § 15.052.

7. "Joint hearing" means the optional hearing at which one or more agencies participate as herein described as a replacement for individual state agency hearings that may be held following each agency's separate permit review procedures.

8. "Local government unit" means a county, city, town, or special district with legal authority to issue a permit.

9. "Master application" means an application requesting the issuance of all state permits necessary for construction or operation of a project requiring more than one permit.

10. "Participating agency" means an agency with one or more permit programs under its jurisdiction that are pertinent to a project for which a completed master application has been submitted to the coordination unit and which orders a hearing to be held pursuant to these Rules.

11. "Permit" means a license, permit, certificate, certification, approval, compliance schedule, or other similar document pertaining to a regulatory or management program related to the protection, conservation, or use of or interference with, the natural resources of land, air or water, which is required to be obtained from a state agency prior to constructing or operating a project in this state. Nothing in these Rules shall relate to the granting of a proprietary interest in publicly owned property through a sale, lease, easement, use permit, license or other conveyance.

12. "Permit Information Center" means an office established to provide information to the public about the requirements of state and local government regulations concerning the use of natural resources and protection of the environment.

13. "Person" means an individual, an association, partnership, or cooperative, or a municipal, public, or private corporation, including but not limited to a state agency and a county.

14. "Project" means a new activity or an expansion of or addition to an existing activity, which is fixed in location and which requires permits from an agency(ies) prior to construction or operation, including but

not limited to industrial and commercial operations and development.

15. "Regional Development Commission" means any Regional Development Commission created pursuant to Minn. Stat. §§ 462.381 to 462.396, and the Metropolitan Council created pursuant to Minn. Stat. ch. 473B.

MEQC 102 Master application.

A. Scope. A person proposing a project that might require more than one permit may, before the initial construction of the project or the initial operation of the project if construction of the project requires no permits, submit to the Coordination Unit a master application requesting the issuance of all permits necessary for construction and (or) operation of the project.

1. Other permits, in addition to those defined by these Rules, may be included in these permit coordination procedures if the applicant and state regulatory agency so agree and if such procedure is permissible under the statutes and regulations that apply to such nonincluded permits. A written agreement to such an arrangement shall be provided by the agency to the Coordination Unit within 30 days of receipt by the agency of the master application. If such other permit applications are included within the master application process, they shall remain with the process until final disposition of the master application and for purposes of the master application process shall be included as a permit as defined by these Rules.

2. If a permit is required for the operation of a project or if a state agency must approve the engineering design plans of a project, and if sufficient information needed by the agency to reach a decision would be unavailable through the master application process, then that permit or approval may be processed independently from the master application process provided both the applicant and the agency agree.

B. Master application form. The Coordination Unit shall provide a master application form which requests information necessary for agencies to determine permit applicability. Information required shall include but not be limited to:

1. The name and address of the applicant.
2. The location of the project.

**KEY:** New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

## PROPOSED RULES

3. A description of the project, including but not limited to possible discharges of waste; use of or interference with natural resources; the time for project completion; and, if the project is to be phased, the timing of such phases.

C. Signatories. Permit forms of agencies shall be signed as required by the rules of the respective agencies. Any form, exclusive of the agencies' permit forms, submitted to the Coordination Unit shall be signed as follows:

1. In the case of a corporation, by a principal executive officer or his duly authorized representative or agent, if such representative or agent is responsible for the project for which the permit is requested.

2. In the case of a partnership, by a general partner.

3. In the case of a sole proprietorship, by the proprietor.

4. In the case of a municipal, state or other public signatory, by either a principal executive officer, ranking elected official, or other duly authorized employee.

D. Certification. The Coordination Unit shall provide certification application forms which shall be submitted respectively by all applicants as follows:

1. Certification must be obtained from the local government unit(s) in which the proposed project will be located that the project complies with all local zoning ordinances, subdivision regulations, and environmental regulations administered by the local government unit. Certification under this paragraph must be issued not more than 120 days before the submission date of the master application. The local government unit(s) shall either issue a certification or deny that certification in accord with the following procedures.

a. Within 45 days after the applicant has submitted a certification application form to the local government unit, the unit shall return the completed form to the applicant or notify the applicant in writing that the certification is denied, including the reasons for the denial.

b. No local government unit shall rescind such a certification for a master application, even though the local government may have changed its zoning ordinances, subdivision regulations, or environmental regulations. A change of zoning ordinances, subdivision regulations, or environmental regulations shall not invalidate a previously given certification for the purpose of securing a state permit under MEQC 101 to 110. After

certification, the local government may change such zoning ordinances, subdivision regulations, or environmental regulations, but not so as to affect the proposed project until the procedures of MEQC 101 to 110, including any administrative or judicial reviews, are completed.

c. A local government unit denial of certification shall not be appealable under these Rules. Such denial shall not preclude the applicant from filing a permit application under any other available statute or procedure.

2. Certification must be obtained from the Council, that an environmental impact statement on the project either has been completed or is not required. Within five days after the first Council meeting following submission of a certification application form to the Council, the Council shall return the completed form or notify the applicant in writing that the proposed project is undergoing review under the environmental review process. If the project is undergoing review under the environmental review process, the Council shall return a completed form to the applicant within ten days after such process is completed. If an environmental impact statement was required on the project, a copy of the completed environmental impact statement shall be attached to the Council's certification.

E. Acceptance for processing. Upon receipt of a completed master application, including certifications required in MEQC 102 D., the Coordination Unit shall immediately notify the applicant that the application has been accepted and is ready for processing.

1. Upon acceptance, the Coordination Unit shall immediately notify in writing each agency having a possible permit interest in the project. The notice shall be accompanied by a copy of the master application.

2. Each notified agency shall respond in writing to the Coordination Unit within 20 days of receipt by the agency of the master application, advising whether the agency will or will not require a permit for the described project. If the agency responds affirmatively, it shall include application forms and information concerning the specific permit program(s) applicable to the project as described and state whether a public hearing is required or appropriate relating to permit requirements for the project; *provided*, that a statement whether a public hearing is required or appropriate relating to National Pollutant Discharge Elimination System (NPDES) permit requirements for the project shall not be required at this time. If an agency affirms that a public hearing is required or appropriate, it shall provide a brief statement identifying the reasons.

## PROPOSED RULES

3. If after all agency responses are received, only one permit is required, the master application procedure shall no longer be available to the applicant for that project. The applicant may then proceed to process the permit application using the normal procedures established by the agency requiring the permit. However, an agency(ies) shall not require an additional permit(s) of the applicant unless one of the conditions described in MEQC 102 E.4, arises.

4. A notified agency that makes a timely response indicating that a permit(s) is not required, or that fails to make a timely response concerning a permit program or programs, shall not require such a permit of the applicant for the described project unless:

a. The master application provided to the agency contained false, misleading, or deceptive information, or lacked information, that would reasonably lead the agency to misjudge the applicability of its permit(s) to the project; or

b. Subsequent laws or rules require additional permits; or

c. Unusual circumstances prevented the agency from notifying the Coordination Unit, and the agency can establish that failure to require a permit would result in substantial harm to the public health and welfare.

5. If one of the conditions listed in MEQC 102 E.4.a. through c. arise, the affected agency(ies) shall so notify the applicant, the Coordination Unit and the Council, and shall request a determination by the Council whether an order should be issued to require the relevant permit(s). Included with the agency's request shall be a statement justifying the need to require the additional permit(s). The Council at its first meeting held more than 15 days after being notified by the agency shall determine whether the permit(s) shall be required. If additional permit(s) are required because one of the conditions of MEQC 102 E.4.a. occurs necessitating a change in the notice required by MEQC 105 A., or a change in the joint hearing procedures under MEQC 106 A., or the holding of an additional hearing, the applicant shall pay the additional cost, if any, resulting from the requirement for the additional permit(s). If additional permit(s) are required because the conditions of MEQC 102 E.4.b. or c. occur, the agency requiring the additional permit(s) shall pay the additional cost, if any, resulting from the requirement for the additional permit(s).

F. Alteration of project. If the applicant without being required by a public agency alters the proposed project in a way that may affect the validity of the certifications required in MEQC 102 D. or an agency response required in MEQC 102 E.2., the applicant shall immediately notify the Coordination Unit of the proposed alteration. The Coordination Unit shall then immediately notify the Council, the local government units involved, and all agencies which may have a permit interest in the proposed project. Within ten days after notification by the Coordination Unit, the Council, the local government unit(s), and the agencies shall respond to the Coordination Unit and the applicant whether the previous certification is still valid or additional permits are required. If a new certification is needed or additional permits are required, the master application process shall be suspended. The period of suspension shall not exceed the time periods provided in MEQC 102 D.1.a., MEQC 102 D.2. and MEQC 102 E.2. If the joint hearing required in MEQC 105 has been held prior to notification of the proposed alteration of the project, the applicant shall be responsible for the costs of any additional hearing that may be required.

### MEQC 103 Permit applications.

Within five days after the deadline for agency responses, the Coordination Unit shall submit to the applicant all necessary application forms for the permits identified in the affirmative agency responses described in MEQC 102 E.2. The applicant shall complete and return these forms to the Coordination Unit, with any required individual permit fees, within 90 days.

A. Transmittal to agencies. Within ten days of receipt of the full set of completed forms the Coordination Unit shall send each application to the appropriate agency for its permit review in accord with the procedures of these Rules, provided, that a completed NPDES form shall be forwarded to the Minnesota Pollution Control Agency (MPCA) immediately upon receipt by the Coordination Unit.

B. Priorities. If an agency has a procedure for setting priorities in permit issuance according to the application date, the date used shall be the day the master application is received by the Coordination Unit.

MEQC 104 NPDES permit review. Whenever the MPCA responds under MEQC 102 E. that a NPDES permit is required for a master application, within 110 days after it has received a completed NPDES applica-

**KEY:** New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

## PROPOSED RULES

---

tion under MEQC 103 A. the MPCA shall complete all permit review procedures necessary to determine the necessity or appropriateness of a hearing on the NPDES requirements for the project, and shall within the 110 days notify the Coordination Unit whether a hearing is required or necessary.

### MEQC 105 Notice.

A. **Publication.** Immediately after transmittal of the completed permit applications and any required permit fees to the appropriate agency, the Coordination Unit shall publish notice, at the applicant's expense once each week on the same day of the week for three consecutive weeks, in a newspaper of general circulation in each county in which the project is proposed to be constructed or operated.

### B. Content. The notice shall contain:

1. A description of the proposed project.
2. The name and address of the applicant.
3. The location of the project.
4. The permits applied for and the agencies with permit jurisdiction.
5. The Coordination Unit telephone number to contact for more information about the project.
6. A statement that a copy of the master application and a copy of all permit applications for the project are available for public inspection during normal business hours in the office of the county auditor of each county in which the project is proposed to be constructed or operated, and in other locations the Coordination Unit may designate.
7. Except as provided in MEQC 104 or MEQC 105 C., the time and place of the joint hearing, to commence not less than 20 days or more than 45 days after publication of the last newspaper notice.

8. Additional information concerning the permit application or hearing, upon notification by an agency that such specified information is required to be provided in the notice.

C. **If joint hearing of no value.** If agency responses to the master application unanimously affirm that a public hearing concerning the master application is not required or is not in the public interest, the newspaper notice shall not refer to a joint hearing. The notice shall state that members of the public may present relevant views and supporting material concerning specified

permits in writing to the Coordination Unit within 30 days after the last notice has been published.

D. **Additional notice.** Persons wishing to receive notice by mail of master applications may do so upon written request. The request shall give the name and address of the person to receive notice and the counties for which master application notice is requested. The request shall be valid for one year and may be renewed upon notice of expiration by the Coordination Unit. Upon notification by an agency, the Coordination Unit shall also mail notices to any additional persons entitled to receive notice according to the requirements of individual permit programs.

E. **Confidentiality.** If the applicant requests that information contained on the application or in supplement to the application be certified as confidential, the information shall not be released unless the appropriate agency responds in writing that the information is not to be certified as confidential. If the agency so responds, the Coordination Unit shall immediately notify the applicant that the agency has failed to certify the information as confidential. Within ten days after such notification, the applicant may withdraw the subject information by giving written notice to the Coordination Unit. The information shall not be subsequently released if it is withdrawn by the applicant within the ten day period.

### MEQC 106 Joint hearing.

A. **Joint hearing procedure.** When one or more agencies affirm that a hearing is required or appropriate relating to its permit requirements for the project, the agency(ies) shall issue an order for a hearing. In preparing the order for hearing, the agency(ies) shall consult with the Coordination Unit in setting the time and place for the joint hearing. The Coordination Unit shall issue a notice that a joint hearing will be held pursuant to the contested case provisions of Minn. Stat. ch. 15, the Rules and Regulations of the Office of Hearing Examiners, and these Rules. Copies of the notice and order(s) shall be immediately forwarded to all agencies having a permit interest in the project and to the applicant by the Coordination Unit.

B. **State agency participation.** Each participating state agency shall be represented at the joint hearing by its chief administrative officer or his designee. The representative shall participate in the portion of the joint hearing pertaining to submission of information, views, and supporting materials that are relevant to the specific permit application(s) under the jurisdiction of that agency. The manner of agency participation shall be consistent with the contested case provisions of the Rules and Regulations of the Office of Hearing Examiners. The hearing examiner may, when appropriate, continue

## PROPOSED RULES

a joint hearing from time to time and place to place. The joint hearing shall be recorded in any manner suitable for transcription pursuant to Minn. Stat. ch. 15. The record of the joint hearing shall be made available for public inspection by the Coordination Unit.

C. Hearing examiner report. Upon termination of the joint hearing, the hearing examiner's report, containing recommendations on each permit, shall be forwarded to the Coordination Unit. The Coordination Unit shall forward copies of the report to the participating agencies and to the applicant.

D. Costs. Costs of the joint hearing shall be apportioned by the Coordination Unit to each participating agency. The hearing costs shall be apportioned based on the percentage of the hearing record that is pertinent to each participating agency.

E. Final agency decision. Within 60 days of receipt of the hearing examiner's report or notification by the Coordination Unit of its availability to those agencies not participating in the hearing, each agency shall notify the Coordination Unit of its final decision on the permit applications within its jurisdiction, provided that this date may be extended by the Chairman of the Council for reasonable cause. A request for such extension, setting forth specific reasons, shall be filed with the Coordination Unit, which shall immediately notify the Chairman of the Council and the applicant. Such extension shall be the minimum time needed by the agency to reach a final decision and shall be considered an exception to normal operating procedure. Each final decision shall set forth the reasons for the decision together with a final order denying or granting the permit, including any conditions under which the permit is issued. Each final decision of the participating agencies shall be consistent with the requirements of the Rules and Regulations of the Office of Hearing Examiners.

**MEQC 107 Non-hearing procedure.** If no joint hearing is conducted, pursuant to MEQC 105 C., the Coordination Unit shall, not less than 30 days after publication of the last newspaper notice, submit a copy of all views and supporting material it has received to the agencies. The agencies shall consider such information during review of permit applications. Concurrently, therewith, the Coordination Unit shall notify each agency, in writing of the date, 60 days after agency receipt of such notice, by which final decisions on applications shall be forwarded to the Coordination Unit, provided that this date may be extended by the Chairman of the Council for reasonable

cause. A request for such extension, setting forth specific reasons, shall be filed with the Coordination Unit, which shall immediately notify the Chairman of the Council and the applicant. Such extension shall be the minimum time needed by the agency to reach a final decision and shall be considered an exception to normal operating procedure. Every final decision shall set forth the information required by MEQC 106 E.

### MEQC 108 Agency decisions.

Upon receipt by the Coordination Unit of all final decisions of the agencies, the Coordination Unit shall immediately incorporate them, without modification, into one document and transmit the document to the applicant either personally or by registered mail.

1. A person aggrieved by a final decision of an agency in granting or denying a permit shall seek redress directly and individually from that agency in the manner provided by Minn. Stat. ch. 15, or any other statute authorizing either judicial or administrative review of an agency decision.

### MEQC 109 Withdrawal from the master application process.

A. Agency withdrawal. If an agency responds that it has one or more permit programs applicable to a project, it may at any time withdraw from further participation in procedures hereunder concerning such project by submitting written notification to the Coordination Unit and the applicant that the agency has subsequently determined that it has no permit programs under its jurisdiction that are applicable to the project. If such withdrawal necessitates a change or withdrawal of any notice required under these Rules, said agency shall pay the cost, if any, of such change or withdrawal of notice unless the agency's withdrawal resulted from an alteration in the project made by the applicant that was not required by a public agency or if the agency's initial determination that a permit was required was made on the basis of incorrect information supplied by the applicant in which case the applicant shall pay the cost, if any, of such change or withdrawal of notice.

B. Applicant withdrawal. If an applicant has initiated the master application process, the applicant may at any later time withdraw from further participation in the process by submitting written notification to the Coordination Unit. If such withdrawal necessitates a change or withdrawal of any notice required under these Rules,

**KEY:** New rules and material proposed to be added to an existing rule are printed in **boldface**. Material proposed to be deleted from an existing rule is printed in [single brackets]. Underlining indicates additions to proposed rules, while [[double brackets]] indicate matter stricken from proposed rules. Existing material is printed in standard type face.

## PROPOSED RULES

the applicant shall pay the cost, if any, of such change or withdrawal of notice.

### MEQC 110 Application.

A. Agency jurisdiction. Each agency having jurisdiction to issue or reject a permit shall retain this authority as vested in it before the effective date of these Rules. Nothing in these Rules shall lessen or reduce such authority and these Rules shall modify only the procedures followed in carrying out such authority.

1. A state agency may, in performing its responsibilities under these Rules, request or receive additional information from an applicant. A copy of that request or receipt shall be immediately forwarded to the Coordination Unit, which shall immediately notify all other agencies having a permit interest in the project.

2. Fee schedules authorized by statute or rules for an application or permit shall continue to be applicable even though the application or permit is processed according to these Rules. The Coordination Unit shall not charge the applicant or participating agencies a fee for services.

B. Post-Decision proceedings. These Rules shall have no applicability to an application for a permit renewal, amendment, extension, or other similar document required subsequent to the completion of decisions and proceedings under MEQC 101 to MEQC 110, or to a replacement thereof or to a quasi-judicial or judicial proceeding held pursuant to an order of remand or similar order by a court in relation to a final decision of an agency.

C. Nothing in these Rules shall modify in any manner whatsoever the applicability or inapplicability to the lands of any agency of any land use regulation, statute, or local government zoning ordinance.

D. The Council, to the limited extent necessary to comply with procedural requirements of federal statutes relating to permit systems operated by the state, may modify the notice, timing, hearing and related procedural matters provided in these Rules.

MEQC 111 - MEQC 114 Reserved for future use.

### MEQC 115 Permit information centers grant program.

A. Applicability. Funds appropriated for grants for the establishment of regional permit information centers by Minn. Stat. § 116C.34 (1976) and any future funding for such centers appropriated to the State Planning Agency shall be distributed to those public bodies au-

thorized by laws pursuant to the recommendation of the Director of the State Planning Agency and these Rules.

B. Eligibility. A Regional Development Commission may apply for a grant from the Director of the State Planning Agency for the establishment of a regional permit information center provided that the following conditions are met:

1. The grant application is submitted before May 1 of the fiscal year for which the legislative appropriation was made.

2. The amount of the grant application does not exceed the legislative appropriation.

3. The Regional Development Commission agrees to perform the following functions for at least one year following approval of the grant application.

a. Designate one person to act as liaison between the regional permit information center and the Environmental Permit Coordination Unit.

b. Provide an information and referral system to assist the public in understanding and complying with the requirements of state and local government regulations concerning the use of natural resources and protection of the environment.

c. Provide for the dissemination of printed materials concerning the requirements of state and local government regulations.

d. Publicize the availability and location of the permit information center.

e. Provide information to the public on the regulatory functions relating to the environment of the local government units in its region.

f. Establish and maintain a file for applicable state resource agency permits, including pertinent rules and regulations, criteria for permit issuance and use, and compliance with relevant statute requirements.

g. Maintain information on state environmental programs.

h. Maintain a list or directory of pertinent state agency contacts in each region and in St. Paul as well as a list of local government unit contacts for its region.

C. Grants. Within 30 days after receipt of a completed grant application, the Director of the State Planning Agency shall approve the grant or notify the Regional Development Commission in writing the reasons why the grant application was denied.

# OFFICIAL NOTICES

## EQC Monitor

### Pollution Control Agency

#### Natural Resource Management and Development Permits

#### Notice of Receipt of Application

**Name of Permit:** Installation Permit for Air Pollution Control Equipment

**Applicant:** Western Lake Superior Sanitary District

**Project Location:** Duluth, St. Louis County

**Project Description:** Construct new sludge disposal facility to incinerate sewage sludge and prepared refuse.

No state Environmental Assessment preparation is anticipated.

Comments and requests for additional information on this project should be submitted within 30 days to:

Frank L. Blackhall, P.E.  
Engineering Section, Division of Air Quality  
Minnesota Pollution Control Agency  
1935 West County Rd. B2  
Roseville, Minnesota 55113  
(612) 296-7275

## Department of Administration

### Office of the State Register State Register Printing Schedule

#### Volume 1, Numbers 23-52

Issue - Editor	Rules & Exec. Orders:		Offl. Notices Deadline	Publication (Mailing)
	Copy In	Deadline		
	(4:30 pm)	(12 noon)	(12 noon)	(10:00 am)
23 - JC	11/29 M	12/1 W	12/6 M	12/13 M
24 - LW	12/6 "	12/8 "	12/13 "	12/20 "
25 - JC	12/13 "	12/14 Tu	12/16 Th	12/27 "
26 - LW	12/20 "	12/21 "	12/28 Tu	1/5 W
27 - JC	12/27 "	12/28 "	1/3 M	1/10 M
28 - LW	1/3 "	1/5 W	1/10 "	1/17 "
29 - JC	1/10 "	1/12 "	1/17 "	1/24 "
30 - LW	1/17 "	1/19 "	1/24 "	1/31 "

31 - JC	1/24 "	1/26 "	1/31 "	2/7 "
32 - LW	1/31 "	2/2 "	2/7 "	2/14 "
33 - JC	2/7 "	2/9 "	2/14 "	2/22 Tu
34 - LW	2/14 "	2/16 "	2/22 Tu	2/28 M
35 - JC	2/22 Tu	2/23 "	2/28 M	3/7 "
36 - LW	2/28 M	3/2 "	3/7 "	3/14 "
37 - JC	3/7 "	3/9 "	3/14 "	3/21 "
38 - LW	3/14 "	3/16 "	3/21 "	3/28 "
39 - JC	3/21 "	3/23 "	3/28 "	4/4 "
40 - LW	3/28 "	3/29 Tu	4/1 F	4/11 "
41 - JC	4/4 "	4/5 "	4/11 M	4/18 "
42 - LW	4/11 "	4/13 W	4/18 "	4/25 "
43 - JC	4/18 "	4/20 "	4/25 "	5/2 "
44 - LW	4/25 "	4/27 "	5/2 "	5/9 "
45 - JC	5/2 "	5/4 "	5/9 "	5/16 "
46 - LW	5/9 "	5/11 "	5/16 "	5/23 "
47 - JC	5/16 "	5/18 "	5/23 "	5/31 Tu
48 - LW	5/23 "	5/24 Tu	5/27 F	6/6 M
49 - JC	5/31 Tu	6/1 W	6/6 M	6/13 "
50 - LW	6/6 M	6/8 "	6/13 "	6/20 "
51 - JC	6/13 "	6/15 "	6/20 "	6/27 "
52 - LW	6/20 "	6/22 "	6/27 "	7/5 Tu

**Issue — Editor:** The issue number and the initials of the editor of that issue. LW is Louann Wood, JC is Jim Clancy, both can be reached at 296-8239.

#### Rules & Executive Orders:

**Copy In:** The date for formal submission of rules or executive orders for publication. Copy delivered to the State Register office on this date will be published on the date which appears in the final column.

**Deadline:** Absolute final date and time for submission of rules or executive orders. Copy delivered to the office between the Copy In date and the Deadline will be accepted as time and quantity of material permit.

**Official Notices Deadline:** Absolute final date and time for submission of official notices only. Official notices may be submitted anytime before this date and time to be held by the State Register for publication.

**Publication:** The formal date of publication. This is the date the issue will be mailed.

## County Attorneys Council

### Meeting Notice

The Board of Governors of the County Attorneys Council will meet for their regular monthly meeting on Thursday, December 16, 1976 at 11:00 a.m. in the Walnut Room of the University Club, 420 Summit Avenue, St. Paul, Minnesota.

**Department of  
Transportation  
Discontinuance of Revenue  
Waybillings at Its Twin Cities  
Terminal by the Minnesota  
Transfer Railway Company**

**Notice of Hearing**

It is hereby ordered, and notice is hereby given that a contested case hearing concerning the above-entitled matter will be held on January 6, 1977, at 10:00 A.M., in the Offices of the Department of Transportation, Room B-9, Transportation Building, John Ireland Boulevard, Saint Paul, Minnesota 55155.

The hearing will be held before Mr. Richard DeLong, 1745 University Avenue, Saint Paul, Minnesota 55104, Telephone 612-296-3113, a Hearing Examiner appointed by the Chief Hearing Examiner of the State of Minnesota. All parties have the right to be represented by legal counsel or any other representative of their choice throughout the contested case proceeding. The hearing will be conducted pursuant to the contested case procedures set out in Minn. Stat. §§ 15.0411 through 15.052 (1974), as amended, and HE 201 through 222. Questions concerning the issues raised in this Order or concerning informal disposition or discovery may be directed to Mr. John R. Murphy, Assistant Attorney General, Office of the Attorney General, Room 420, Transportation Building, Saint Paul, Minnesota 55155, Telephone 612-296-3201.

The purpose of the hearing is to determine if by its orders to discontinue revenue waybillings at its Twin Cities terminal the Minnesota Transfer Railway Company will be reducing agency service without authority in violation of Minn. Stat. § 219.85 (1974), as amended.

All parties are advised that if a party intends to appear at the hearing scheduled for January 6, 1977, at 10:00 A.M., the Notice of Appearance form enclosed with this order

must be completed and returned to the Hearing Examiner at least 10 days before the hearing date. SHOULD A PARTY FAIL TO APPEAR AT THE HEARING, THE ALLEGATIONS MADE IN THIS ORDER MAY BE TAKEN AS TRUE.

The above cited procedural rules are available at the Office of Hearing Examiners or may be purchased from the Documents Section of the Department of Administration, 140 Centennial Building, Saint Paul, Minnesota 55155, Telephone 612-296-2874. They provide generally for the procedural rights of the parties including: rights to advance notice of witnesses and evidence, right to a prehearing conference, rights to present evidence and cross-examine witnesses, and right to purchase a record or transcript.

Persons attending the hearing should bring all evidence bearing on the case including any records or other documents.

If persons have good reason for requesting a delay of the hearing, the request must be made in writing to the Hearing Examiner at least 5 days prior to the hearing. A copy of the request must be served on the agency and any other parties.

Jim Harrington  
Commissioner of Transportation

**Errata**

1. 1 S.R. 783: change "sections I.2.e(1) and (2)" to "sections I.2.e. and f." at paragraph I.2.c.
2. 1 S.R. 783: change "recomemendation" to "recommendation" at paragraph I.2.f.
3. 1 S.R. 786: change "Avenues" to "Avenue" at column 2, paragraph 9.
4. 1 S.R. 789: change column 2, paragraph 3 to read: "Thence west along said center line to the intersection with the center line of Hall Street;"

STATE OF MINNESOTA  
OFFICE OF THE STATE REGISTER  
95 Sherburne, Suite 203  
St. Paul, Minnesota 55103

**SUBSCRIPTION ORDER FORM**

\$110.00—annual subscription to the *State Register* (53 issues)

**SAVE MONEY ON ADDITIONAL SUBSCRIPTIONS:**

\$85.00—second subscription and additional subscriptions (each)

I would like \_\_\_\_\_ subscriptions at a total cost of \$\_\_\_\_\_. I have enclosed that amount in a check or money order made out to: "Minnesota State Treasurer."

Name of Company or Organization \_\_\_\_\_

Attention to: \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

# NOW AVAILABLE: *STATE REGISTER* BINDERS

## 3½ Inch Durable Plastic Self-locking Binders

STATE OF MINNESOTA  
OFFICE OF THE STATE REGISTER  
95 Sherburne, Suite 203  
St. Paul, Minnesota 55103

**BINDER ORDER FORM**

\$5.20 *State Register* Binder (includes sales tax)

I would like \_\_\_\_\_ binder(s), at a total cost of \$\_\_\_\_\_. I have enclosed that amount in a check or money order made out to: "Minnesota State Treasurer."

Name of Company or Organization \_\_\_\_\_

Attention to: \_\_\_\_\_

Street \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Telephone \_\_\_\_\_

House of Representatives  
Attn: Edward Burdick, Chief Clerk  
Room 211 Capitol  
St. Paul, Minnesota 55155

I

---