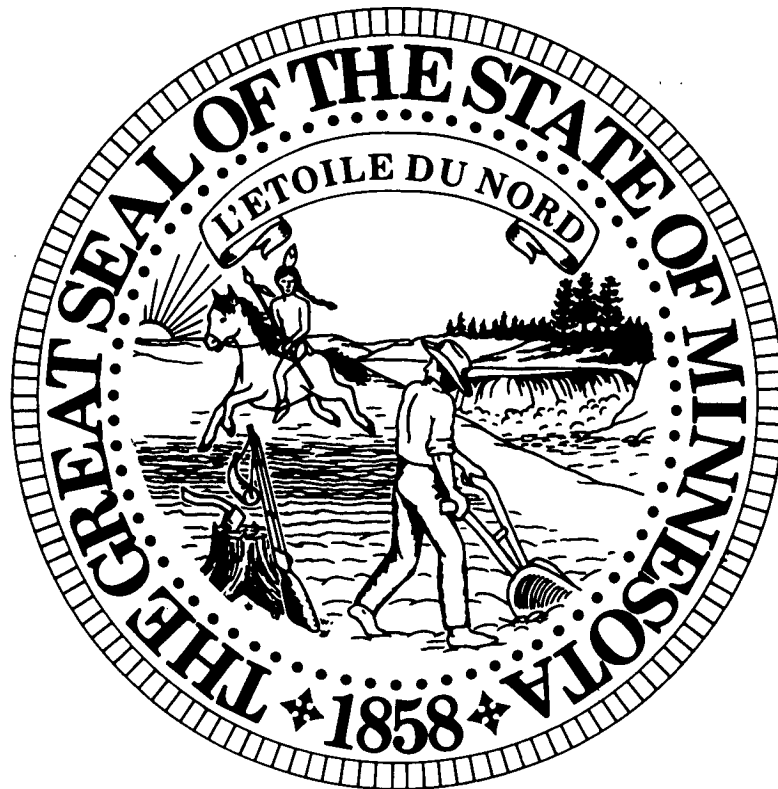


The Minnesota
**State
Register**

Department of Administration—Print Communications Division



Rules edition
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State Register

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive and commissioners' orders, proposed and adopted rules, official and revenue notices, state and non-state contracts, contract awards, grants, a monthly calendar of cases to be heard by the state supreme court, and announcements.

A *Contracts Supplement* is published every Thursday and contains additional state contracts and advertised bids, and the most complete source of state contract awards available in one source.

Printing Schedule and Submission Deadlines

Vol. 17 Issue Number	*Submission deadline for Adopted and Proposed Rules, Commissioners' Orders**	*Submission deadline for Executive Orders, Contracts, and Official Notices**	Issue Date
20	Monday 2 November	Monday 9 November	Monday 16 November
21	Monday 9 November	Monday 16 November	Monday 23 November
22	Monday 16 November	Friday 20 November	Monday 30 November
23	Monday 23 November	Monday 30 November	Monday 7 December

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the *State Register* editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-0929.

The *State Register* is published every Monday (Tuesday when Monday is a holiday) by the State of Minnesota, Department of Administration, Print Communications Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to *Minnesota Statutes* § 14.46. A *State Register Contracts Supplement* is published every Tuesday, Wednesday and Friday. The Monday edition is the vehicle for conveying all information about state agency rulemaking, including official notices; hearing notices; proposed, adopted and emergency rules. It also contains executive orders of the governor; commissioners' orders; state contracts and advertised bids; professional, technical and consulting contracts; non-state public contracts; state grants; decisions of the supreme court; a monthly calendar of scheduled cases before the supreme court; and other announcements. The *State Register Contracts Supplement* contains additional state contracts and advertised bids.

In accordance with expressed legislative intent that the *State Register* be self-supporting, the following subscription rates have been established: the Monday edition costs \$150.00 per year and includes an index issue published in August (single issues are available at the address listed above for \$3.50 per copy); the combined four editions cost \$195.00 (subscriptions are not available for just the *Contracts Supplement*); trial subscriptions are available for \$60.00, includes four editions, last for 13 weeks, and may be converted to a full subscription anytime by making up the price difference. No refunds will be made in the event of subscription cancellation.

Both editions are delivered postpaid to points in the United States, second class postage paid for the Monday edition at St. Paul, MN, first class for the Thursday edition. Publication Number 326630 (ISSN 0146-7751).

Subscribers who do not receive a copy of an issue should notify the *State Register* circulation manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

Arne H. Carlson, Governor

Dana B. Badgerow, Commissioner
Department of Administration

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FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

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Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

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NOTICE: How to Follow State Agency Rulemaking in the State Register

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 75 state agencies have the authority to issue rules. Each agency is assigned specific *Minnesota Rule* chapter numbers. Every odd-numbered year the *Minnesota Rules* are published. This is a ten-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Proposed and adopted emergency rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

If an agency seeks outside opinion before issuing new rules or rule amendments, it must publish a NOTICE OF INTENT TO SOLICIT OUTSIDE OPINION in the *Official Notices* section of the *State Register*. When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or notice of intent to adopt rules without a hearing in the case of noncontroversial rules. This notice asks for comment on the rules as proposed. Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*. After proposed rules have gone through the comment period, and have been rewritten into their final form, they again appear in the *State Register* as **Adopted Rules**. These final adopted rules are not printed in their entirety in the *State Register*, only the changes made since their publication as Proposed Rules. To see the full rule, as adopted and in effect, a person simply needs two issues of the *State Register*, the issue the rule appeared in as proposed, and later as adopted. For a more detailed description of the rulemaking process, see the *Minnesota Guidebook to State Agency Services*.

The *State Register* features partial and cumulative listings of rules in this section on the following schedule: issues 1-13 inclusive; issues 14-25 inclusive; issue 26, cumulative for issues 1-26; issues 27-38 inclusive; issue 39, cumulative for 1-39; issues 40-51 inclusive; and issue 52, cumulative for 1-52. An annual subject matter index for rules appears in August. For copies of the *State Register*, a subscription, the annual index, the *Minnesota Rules* or the *Minnesota Guidebook to State Agency Services*, contact the Print Communications Division, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000 or toll-free in Minnesota 1-800-9747.

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Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register*.

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Department of Jobs and Training

Proposed Permanent Rules Relating to Community Investment Programs

Notice of Intent to Adopt a Rule Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Department of Jobs and Training proposes to adopt the above-entitled rules without a public hearing following the procedures set forth in *Minnesota Statutes*, sections 14.22 to 14.28.

These rules have been developed as required by *Minnesota Statutes*, section 268.90 Subdivision 2(f) and *Minnesota Statutes*, 268.0122, subdivision 5, and 268.021 which permit the Commissioner of the Department of Jobs and Training to adopt rules governing programs the Commissioner administers under *Minnesota Statutes*, chapter 268.

Persons interested in these rules have 30 days, until 4:30 p.m., December 16, 1992 in which to submit comments in support of or in opposition to the rules in their entirety or any part or subpart of the rules. Comments are encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing.

Any person requesting a public hearing must state his or her name and address, and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any change proposed. If a public hearing is required, the agency will proceed pursuant to *Minnesota Statutes*, sections 14.131 to 14.20.

Persons who wish to submit comments or a written request for a public hearing must submit such comments or requests to:

Mamie Wertz
Community Based Services
Minnesota Department of Jobs and Training
390 North Robert Street
St. Paul, MN 55101
(612) 297-1373

The proposed rules may be modified if the modifications are supported by data and views submitted to the department and do not result in a substantial change in the proposed rules as noticed.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be delivered to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General and a copy of the Attorney General's decision.

Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit a written request to:

Michael Fratto
Rules Coordinator
Department of Jobs and Training
390 North Robert Street
St. Paul, MN 55101

A copy of the proposed changes to the subject rules are enclosed with this notice. A Statement of Need and Reasonableness that

describes the need and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available on request from Ms. Wertz at the above address and telephone number.

R. Jane Brown
Commissioner

Rules as Proposed (all new material)

3301.0180 PURPOSE AND APPLICABILITY.

Subpart 1. **Scope.** The purpose of parts 3301.0180 to 3301.0230 is to establish administrative standards and the terms and conditions of participation for the community investment program authorized by *Minnesota Statutes*, section 268.90.

Subp. 2. **Applicability.** Parts 3301.0180 to 3301.0230 apply to participants in community investment programs, county boards authorized to establish these programs, and participating employers.

3301.0190 DEFINITION.

Subpart 1. **Scope.** For purposes of parts 3301.0180 to 3301.0230, the following term has the meaning given it.

Subp. 2. **Participant.** "Participant" means a person who is temporarily employed in a community investment program and who is:

- A. a recipient of general assistance, work readiness, or aid for families with dependent children;
- B. eligible to receive a general assistance grant but has not applied for the grant;
- C. unemployed, is not receiving and is not qualified to receive unemployment compensation or workers' compensation, and is determined to be likely to be available for employment by an eligible employer for the duration of the job; or
- D. enrolled in an employment and training program which includes Minnesota conservation corps, Minnesota summer youth program, county emergency jobs program, job training partnership act, and work readiness grant diversion.

3301.0200 PROGRAM STANDARDS.

Subpart 1. **Establishment of community investment programs.** A county board may establish a community investment program which includes one or more projects and which may incorporate funding and terms and conditions of other employment and training programs. A community investment program must:

- A. provide temporary employment to people who are experiencing prolonged unemployment and economic hardship;
- B. provide participants with training and work experience that will enhance their employability;
- C. benefit the state and community and include activities described in *Minnesota Statutes*, section 268.90, subdivision 1;
- D. not include work that replaces part or all of the work of a public employee position established as of July 1, 1992; and
- E. provide employment for participants according to the terms and conditions of the programs used to fund the community investment program. These programs include job training partnership act, Minnesota conservation corps, general assistance or work readiness grant diversion, and Minnesota summer youth.

3301.0210 PROGRAM ADMINISTRATION.

Subpart 1. **County board authority.** The county board is responsible for planning, implementing, and operating a community investment program according to parts 3301.0180 to 3301.0230. The county board may contract the delivery of services to a service provider certified according to *Minnesota Statutes*, section 268.871.

Subp. 2. **Requirements of community investment program employers.** The county board or service provider shall ensure by written contract that community investment program project employers meet the conditions of employment identified in *Minnesota Statutes*, section 268.90, subdivision 2, paragraphs (a) to (d), and provide verification, if applicable, of compliance with workers' compensation laws; affirmative action; and fair labor, health, safety, and environmental standards.

Subp. 3. **Monitoring.** The county board or service provider shall establish regular, on-site monitoring as necessary to ensure that all employment conditions are met and that participants are progressing toward work adjustment and self-sufficiency.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Subp. 4. **Record access.** The county board or service provider shall permit access to and the right to examine for audit and monitoring purposes any books, documents, papers or records, and accounting procedures of the service provider relevant to the community investment program. Access to participant records shall be subject to the Minnesota government data practices act, *Minnesota Statutes*, chapter 13.

Subp. 5. **Support services.** The county board shall:

- A. arrange for or provide child care, transportation, and other necessary services to participants;
- B. arrange for payment of support services directly to the vendor or reimbursement to the participant or service provider; and
- C. maximize available resources from other programs including work readiness service funds, sliding fee child care, and job training partnership act to provide or arrange for support services.

Subp. 6. **Length of participation.** The county board or its service provider shall set the length of community investment program employment according to the terms and conditions of other programs which fund community investment program employment.

3301.0220 PROGRAM PLAN.

Subpart 1. **Community investment program plans.** County boards electing to establish a community investment program shall submit a plan for approval to the commissioner by April 15, 1993. The county board must submit an annual update thereafter.

Subp. 2. **Community investment program plan content.** Community investment program plans shall cover a two-year fiscal period and shall include:

- A. a designation and description of the administering entity, which may be:
 - (1) the county board;
 - (2) a regional joint powers board;
 - (3) a joint human services board; or
 - (4) a contract service provider;
- B. identification of any other governmental unit or private organization with which the county agency will jointly fund and administer a community investment program project and a statement of benefit resulting from the joint effort;
- C. a list of other consulted and involved employee representatives, nonprofit organizations, governmental units, community action agencies, community-based organizations, local union representatives, and client group representatives;
- D. a description of the projects, including geographical areas of the county or counties served;
- E. program objectives for the participants and the community;
- F. the estimated number of participants;
- G. the arrangement of payment for participant support services costs; and
- H. the sources of funding to be used by the county or its service provider to subsidize participant wages and support services.

Subp. 3. **Community investment program plan approval criteria.** The commissioner shall approve or disapprove county plans or the plan's annual update on the basis of:

- A. inclusion of all items in subpart 2;
- B. demonstration and documentation of the county's or the service provider's ability to:
 - (1) deliver the programs and services to be provided; and
 - (2) ensure that clients receive appropriate employment and training services in a fair and expeditious manner;
- C. coordination of community investment program activities with other agencies or programs providing employment and training activities to minimize duplication of efforts, including job service, job training partnership act, private industry councils, and vocational education;
- D. provision of required support services, such as child care, transportation, and work-related expenses as necessary for clients;
- E. responsiveness of community investment program work experience or training to the local labor market conditions and the employment outlook in the area; and
- F. inclusion of available monitoring and evaluation information and the county's or local agency's response to corrective actions.

3301.0230 CONDITIONS OF EMPLOYMENT.

Subpart 1. **Mandatory participation.** The county board may mandate participation of work readiness registrants in a community investment program. Aid for families with dependent children or general assistance recipients, with the exception of general assistance

family members who are required to participate in work readiness, may not be mandated to participate in community investment programs. Work readiness registrants who are required to participate in a community investment program must accept and complete community investment program placements or be terminated from work readiness services and payments.

Subp. 2. **Referral conditions.** The county board or its service provider may offer community investment program employment to participants only after the following employment and training service priorities have been determined unavailable due to lack of funds or local labor market conditions:

- A. permanent, unsubsidized, full-time private, public, or nonprofit sector employment;
- B. permanent, subsidized full-time private, public, or nonprofit sector employment;
- C. permanent, subsidized part-time nonprofit sector employment;
- D. training;
- E. relocation; and
- F. part-time subsidized, nonprofit, or public employment with continued assistance to obtain full-time permanent employment.

Subp. 3. **Work hours.** The standards in items A and B shall be used to determine the minimum and maximum number of hours community investment program participants will be required to work.

A. No participant shall be required to work less than eight hours or allowed to work more than 32 hours of a 40-hour work week. The remaining eight hours must be available to the participant for individual voluntary job search.

B. Subject to item A, the number of hours a participant will work shall be the number:

- (1) required by a community investment program employer for successful project operation;
- (2) necessary to achieve the employment and training objectives identified in the participant's employability development plan; or
- (3) established by the requirements of the program funding the community investment program.

Subp. 4. **Wages.** Community investment program participants shall be paid the state minimum wage, the wage paid at the work site for similar work, or the wage paid to employees doing comparable work in that locality, whichever is greater.

Subp. 5. **Travel distance.** A participant shall not be required to travel more than two hours round trip between home and the work site, excluding time required to take children to and from a child care facility.

Subp. 6. **Support services.** A participant shall not be required to participate in community investment program employment unless necessary support services are arranged for or provided.

Board of Medical Practice

Proposed Permanent Rules Relating to Fees

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Medical Practice (hereinafter "Board") intends to adopt the above-entitled rule without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* 14.22 to 14.28 (1990). The statutory authority to adopt the rule is *Minnesota Statutes* 16a.128, 147.01, Chap. 292, Art. 1, Sec. 10, Subd. 4, and 214.06 (1991).

Pursuant to *Laws of Minnesota for 1991*, Chapter 292, Article 1, Section 10, Subd. 4, no public hearing will be held concerning the proposed rule.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

Comments should be submitted to:

H. Leonard Boche, Executive Director
Minnesota Board of Medical Practice
2700 University Avenue West, Suite 106
St. Paul, MN 55114
(612) 642-0528

The proposed rule may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed rule as noticed.

A copy of the proposed rule is attached to this notice.

A **STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rule has been prepared and is available from H. Leonard Boche upon request.

Pursuant to *Minnesota Statutes* 14.115, the Board's Statement of Need and Reasonableness addresses the effect this rule may have on small businesses.

Since no hearing is required, upon adoption of the rule, the rule and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rule must submit the written request to H. Leonard Boche.

Dated: 2 November 1992

H. Leonard Boche
Executive Director

Rules as Proposed

5600.2500 ANNUAL FEES.

The fees charged by the board are fixed at the following rates:

[For text of items A to D, see M.R.]

E. physician annual license, ~~\$144~~ \$168;

[For text of items F to U, see M.R.]

Pollution Control Agency

Proposed Permanent Rules Relating to Petroleum Contaminated Soil Management

Notice of Intent to Adopt a Rule Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing are Received

Introduction. The Minnesota Pollution Control Agency intends to adopt a permanent rule without a public hearing following the procedures set forth in the Administrative Procedures Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rule by December 18th, 1992, a public hearing will be held on January 13, 1993, in St. Cloud, Minnesota. To find out whether the rule will be adopted without a public hearing or if the hearing will be held, you should contact the agency contact person after December 18th, 1992 and before January 13, 1993.

Agency Contact Person. Comments or questions on the rule and written requests for a public hearing on the rule must be submitted to:

Mr. Chris Zadak
Minnesota Pollution Control Agency
Tanks and Spills Section
520 Lafayette Road North
St. Paul, MN 55155-4194
(612) 297-8318
(612) 297-8676 FAX

Subject of Rule and Statutory Authority. The proposed rule governs the management of petroleum contaminated soil generated from leaking petroleum storage tanks or other sources. The proposed rule establishes procedures for obtaining approval for land treatment of petroleum contaminated soil, and standards and operating requirements for sites used for the land treatment of petroleum

contaminated soil. The statutory authority to adopt the rule is *Minnesota Statutes*, section 116.07, subd. 4 (1990). A copy of the proposed rule is published in the *State Register*. A free copy of the rule is available upon request from the Agency contact person at the address or telephone number listed above.

Comments. You have until 4:30 p.m. on December 18, 1992 to submit written comment in support of or in opposition to the proposed rule or any part or subpart of the rule. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rule. Your request for a public hearing must be in writing and must be received by the agency by 4:30 p.m. on December 18, 1992. Your written request for a public hearing must include your name, address, and telephone number. You are encouraged to identify the portion of the proposed rule which caused your request, the reason for the request, and any changes you want made to the proposed rule. If 25 or more persons submit a written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing.

Modifications. The proposed rule may be modified, either as a result of public comment or as a result of the rule hearing process. Modifications must not result in a substantial change in the proposed rule as printed in the *State Register* and must be supported by data and views submitted to the agency or presented at the hearing. If the proposed rule affects you in any way, you are encouraged to participate in the rulemaking process.

Cancellation of Hearing. The hearing scheduled for January 13, 1993, will be cancelled if the agency does not receive requests from 25 or more persons that a hearing be held on this rule. If you requested a public hearing, the agency will notify you before the scheduled hearing whether or not the hearing will be held. You may also call Chris Zadak at (612) 297-8318 after December 18, 1992 to find out whether the hearing will be held.

Notice of Hearing. If 25 or more persons submit written requests for a public hearing on the rule, a hearing will be held following the procedures in *Minnesota Statutes*, sections 14.14 to 14.20. The hearing will be held on January 13, 1993 at the Stearns County Courthouse, 705 Courthouse Square, St. Cloud, Minnesota, beginning at 1:00 p.m. and will continue until all interested persons have been heard. The hearing will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The administrative law judge assigned to conduct the hearing is Allan Klein. Judge Klein can be reached at the Office of Administrative Hearings, 100 Washington Avenue South, suite 1700, Minneapolis, Minnesota 55401, (612) 341-7609.

Hearing Procedure. If a hearing is held, you and all interested or affected persons including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should relate to the proposed rule. You may also mail written material to the administrative law judge to be recorded in the hearing record for five working days after the public hearing ends. This five-day comment period may be extended for a longer period not to exceed 20 calendar days if ordered by the administrative law judge at the hearing. Comments received during this period will be available for review at the Office of Administrative Hearings. You and the agency may respond in writing within five business days after the submission period ends to any new information submitted. All written materials and responses submitted to the administrative law judge must be received at the Office of Administrative Hearings no later than 4:30 p.m. on the due date. No additional evidence may be submitted during the five-day period. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.0200 to 1400.1200 and *Minnesota Statutes*, sections 14.14 to 14.20. Questions about procedure may be directed to the administrative law judge.

Statement of Need and Reasonableness. A statement of need and reasonableness is now available from the agency contact person. This statement describes the need for and reasonableness of each provision of the proposed rule. It also includes a summary of all the evidence and argument which the agency anticipates presenting at the hearing, if one is held. The Statement may also be reviewed and copies obtained at the cost of reproduction from the Office of Administrative Hearings.

Small Business Considerations. The Minnesota Pollution Control Agency is subject to *Minnesota Statutes*, section 14.115, subdivision 4, regarding small business considerations in rulemaking. The Minnesota Pollution Control Agency anticipates that the proposed rules will have little, if any, negative effect on small businesses. This issue is discussed further in the statement of need and reasonableness.

Impact on Agriculture Lands. The Minnesota Pollution Control Agency has determined that the proposed rules will not have a direct and substantial adverse impact on agricultural land in the state. This issue is discussed further in the statement of need and reasonableness.

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Proposed Rules

Expenditure of Public Money by Local Public Bodies. The Minnesota Pollution Control Agency has determined that the proposed rules will not require the expenditure of public money by local public bodies.

Lobbyist Registration. *Minnesota Statutes*, chapter 10A requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at First Floor South, Centennial Building, 658 Cedar Street, St. Paul, Minnesota, 55155, (612) 296-5148.

Adoption Procedure if No Hearing. If no hearing is required, after the end of the comment period the agency may adopt the rule. The rule and supporting documents will then be submitted to the attorney general for review as to legality and form to the extent form relates to legality. You may request to be notified of the date the rule is submitted to the attorney general or to be notified of the attorney general's decision on the rule. If you want to be so notified, or wish to receive a copy of the adopted rule, submit your request to the agency contact person at the address and number listed above.

Adoption Procedure After the Hearing. If a hearing is held, after the close of the hearing record, the administrative law judge will issue a report on the proposed rule. You may request to be notified of the date on which the administrative law judge's report will be available, after which date the agency may not take any final action on the rule for a period of five working days. If you want to be notified about the report, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. You may also request notification of the date on which the rule is adopted and filed with the Secretary of State. The agency's notice of adoption must be mailed on the same day that the rule is filed. If you want to be so notified of the adoption, you may so indicate at the hearing or send a request in writing to the agency at any time prior to the filing of the rule with the Secretary of State.

Dated: 2 November 1992

Charles W. Williams
Commissioner

Rules as Proposed

7035.0300 DEFINITIONS.

Subp. 79a. Petroleum contaminated soil. "Petroleum contaminated soil" has the meaning given it in part 7037.0100, subpart 15.

Subp. 79b. Petroleum contaminated soil land treatment site. "Petroleum contaminated soil land treatment site" has the meaning given the term "land treatment site" in part 7037.0100, subpart 8.

[For text of subps 80 to 99, see M.R.]

Subp. 100. Solid waste. "Solid waste" means garbage, refuse, sludge from a water supply treatment plant or air contaminant treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid, or contained gaseous form, resulting from industrial, commercial, mining and agricultural operations, and from community activities, but does not include hazardous waste; animal waste used as fertilizer; earthen fill, boulders, rock; sewage sludge; solid or dissolved material in domestic sewage or other common pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents or discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act, as amended, dissolved materials in irrigation return flows; or source, special nuclear, or by-product material as defined by The Atomic Energy Act of 1954, as amended; or petroleum contaminated soil that is stored or land treated at a petroleum contaminated soil land treatment site.

[For text of subps 101 to 121, see M.R.]

PETROLEUM CONTAMINATED SOIL MANAGEMENT

7037.0100 DEFINITIONS.

Subpart 1. Scope. For the purposes of this chapter, the terms in this part have the meanings given them.

Subp. 2. Agency. "Agency" means the Minnesota Pollution Control Agency.

Subp. 3. Batch of petroleum contaminated soil. "Batch of petroleum contaminated soil" means the entire volume of soil removed or planned to be removed from a property which has been contaminated by one or more releases of petroleum.

Subp. 4. Commissioner. "Commissioner" means the commissioner of the Minnesota Pollution Control Agency.

Subp. 5. Generator. "Generator" means a person who is responsible or assumes responsibility for the removal of petroleum contaminated soil.

Subp. 6. Land treatment. "Land treatment" means the placement and incorporation of petroleum contaminated soil into the native soil surface for the purpose of biodegradation of organic waste components.

Subp. 7. Land treatment facility. "Land treatment facility" means a facility for the land treatment of petroleum contaminated soil that is permitted under chapter 7035.

Subp. 8. Land treatment site. “Land treatment site” means a parcel of land which is used for land treatment of petroleum contaminated soil and which operates or is proposed to operate within the limits in part 7037.1000. Land treatment site includes the storage areas associated with the site.

Subp. 9. Native soil. “Native soil” means the soil of a land treatment site prior to the spreading of petroleum contaminated soil.

Subp. 10. Operator. “Operator” means the person responsible for the overall management of the land treatment site.

Subp. 11. Ordinary high water level. “Ordinary high water level” has the meaning given it in part 6120.2500, subpart 11.

Subp. 12. Owner. “Owner” means a person who is the fee owner of real property where a land treatment site is proposed or operated.

Subp. 13. Person. “Person” means an individual, partnership, association, public or private corporation, or other legal entity, including the United States government, an interstate commission or other body, the state, or any agency, board, bureau, office, department, or political subdivision of the state, but does not include the agency.

Subp. 14. Petroleum. “Petroleum” has the meaning given it in part 7150.0030, subpart 36. Petroleum does not include a fraction of crude oil or constituents of gasoline if they were used or were intended for use in virgin or pure form including but not limited to benzene, toluene, and xylene.

Subp. 15. Petroleum contaminated soil. “Petroleum contaminated soil” means mineral or organic soil or unconsolidated earthen material into which petroleum has been released.

Subp. 16. Place of habitation. “Place of habitation” means a house, apartment, manufactured home, dwelling, residence, or other structure, occupied or intended to be occupied on a day-to-day basis by an individual or group of individuals, a family unit, or group of family units.

Subp. 17. Plot. “Plot” means a subdivided area of an approved land treatment site designated for a single batch of petroleum contaminated soil.

Subp. 18. Recreational area. “Recreational area” means a public park, trail, campground, playground, athletic field, picnic ground, botanical or zoological garden, swimming beach or pool, fairground, or wayside and any commercial campground, resort, tourist court, amusement park, riding stable, or golf course.

Subp. 19. Release. “Release” means the spilling, leaking, emitting, discharging, escaping, leaching, or disposing of petroleum into the environment but does not include discharges, designed venting, or land treatment at an approved land treatment site allowed under agency rules.

Subp. 20. Residential development. “Residential development” means ten or more places of habitation concentrated within ten acres of land. Residential development includes schools, churches, hospitals, nursing homes, businesses, offices, and apartment buildings or complexes having ten or more living units.

Subp. 21. Rivers and streams. “Rivers and streams” means a watercourse defined as natural watercourses, altered natural watercourses, or public waters in *Minnesota Statutes*, section 103G.005, subdivisions 3, 13, and 15.

Subp. 22. Run-off. “Run-off” means a liquid that drains over land from any part of an approved land treatment site or area for storage of petroleum contaminated soil.

Subp. 23. Run-on. “Run-on” means a liquid that drains over land onto any part of an approved land treatment site or area for storage of petroleum contaminated soil.

Subp. 24. Seasonal high water table. “Seasonal high water table” means the highest level the water table reaches during a given year or the highest level it has reached in the recent past as indicated by soil mottling or color changes. Methods for determining the seasonal high water table are given in part 7037.3300, subpart 6.

Subp. 25. Soil texture. “Soil texture” means the relative portion of sand, silt, and clay in a soil, as determined using the methods given in part 7037.3300, subpart 4. The soil textural classifications of the United States Department of Agriculture are used for this chapter. These soil textural classifications are provided in the publication entitled “Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys,” written and published by the United States Department of Agriculture, USDA-SCS Agricultural Handbook No. 436, 1975.

Subp. 26. Tank. “Tank” has the meaning given it in *Minnesota Statutes*, section 115C.02, subdivision 14.

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Proposed Rules

Subp. 27. Ten-year floodplain. “Ten-year floodplain” means land that is subject to a ten percent or greater chance of flooding in any given year from any source.

Subp. 28. Treatment zone. “Treatment zone” means the total thickness of native soil above the seasonal high water table or bedrock, whichever is closest to the surface of the native soil. If the thickness of native soil existing above both of these features exceeds five feet, then the treatment zone is established as five feet.

Subp. 29. Used oil. “Used oil” has the meaning given it in part 7045.0020, subpart 100a.

Subp. 30. Waste. “Waste” has the meaning given it in Minnesota Statutes, section 115A.03, subdivision 34.

Subp. 31. Water table. “Water table” means the surface of the groundwater at which the pressure is atmospheric. Generally this is at the top of the saturated zone.

Subp. 32. Wetland. “Wetland” means a surface water feature classified as a wetland in the publication entitled “Classification of Wetlands and Deep Water Habitats of the United States,” written and published by the United States Department of the Interior, Fish and Wildlife Service, FWS/OBS-79/31, December 1979.

7037.0200 PURPOSE AND SCOPE.

In accordance with the authority granted in Minnesota Statutes, section 116.07, subdivision 4, the purpose of this chapter is to provide for the protection of the public health and the environment by establishing minimum standards for the management and treatment of petroleum contaminated soil removed from locations where a release of petroleum occurs.

7037.0300 VARIANCES.

Any person may apply for a variance from any requirement of this chapter. Variances must be applied for and acted upon by the agency in accordance with part 7000.0700 and Minnesota Statutes, section 116.07, subdivision 5, and other applicable standards and rules. However, no variance may be granted that would result in noncompliance with applicable federal rules and regulations.

7037.0400 PETROLEUM CONTAMINATED SOIL TREATMENT OPTIONS.

Subpart 1. Treatment and disposal options. A generator shall treat or dispose of petroleum contaminated soil in accordance with one of the methods in items A to D:

A. land treatment at an approved land treatment site, as provided in this chapter;

B. land treatment at a land treatment facility which has received a solid waste management permit in accordance with parts 7001.0010 to 7001.0210 and chapter 7035;

C. thermal treatment by a soil roaster which has received an agency air emission permit in accordance with parts 7001.0010 to 7001.0210 and chapters 7005, 7010, and 7035; or

D. an alternative type of treatment or disposal allowed by agency rules.

Subp. 2. Generator responsibility. Nothing in this chapter relieves the generator from responsibility under Minnesota Statutes, section 115.061, to ensure the proper treatment or disposal of petroleum contaminated soil.

7037.0500 SAMPLING AND ANALYSIS OF PETROLEUM CONTAMINATED SOIL.

Subpart 1. Sampling procedures. To characterize the type and level of contamination of soil that has been or will be excavated, a generator shall take soil samples from a stockpile generated during a cleanup of a release or from subsurface soil borings conducted in locations which are representative of soil contaminated by the release. Petroleum contaminated soil samples collected for analysis for the parameters with codes A to F under subpart 2 must be grab samples. Analysis for the parameters with codes G to I under subpart 2 requires separate composite samples. Samples must be collected in accordance with parts 7037.2900 and 7037.3000.

Subp. 2. General analysis requirements. A generator shall analyze petroleum contaminated soil for the parameters in the following table based on the contaminant or contaminants actually or potentially present in the soil using the required laboratory analysis methods given in part 7037.3100.

Contaminant

Leaded gasoline, aviation gasoline

Unleaded gasoline

Fuel oil, motor oil, diesel fuel, kerosene, jet fuels, mineral oil or spirits, hydraulic fluids

Crude oil

Used Oil

Parameter codes

B, C, D, G

B, C, D

B, E

B, F

A, E, H, I

The parameter codes listed above correspond to the parameters as follows:

Code A - volatile organic compounds listed in Minnesota Department of Health method 465, revision D;

Code B - benzene, toluene, ethyl benzene, and xylenes;

Code C - methyl tertiary butyl ether;

Code D - total petroleum hydrocarbons as gasoline;

Code E - total petroleum hydrocarbons as fuel oil;

Code F - total petroleum hydrocarbons as the specific crude oil released to the soil;

Code G - total lead;

Code H - constituents with waste codes D004 to D017 in part 7045.0131, subpart 8, unless the generator has personal knowledge that those constituents are not present and prepares a document containing the information in subpart 4; and

Code I - polychlorinated biphenyls (PCBs).

Subp. 3. Additional evaluation of soil contaminated with leaded petroleum products. A generator shall perform a complete toxicity characteristic leaching procedure (TCLP) on soil that is contaminated with leaded gasoline and aviation gasoline if total lead is present at a level equal to or greater than 20 times its toxicity characteristic regulatory concentration level as given in part 7045.0131, subpart 8.

Subp. 4. Additional evaluation of soil contaminated with used oil. A generator shall evaluate soil that is actually or potentially contaminated with used oil to determine whether it contains a hazardous waste in compliance with items A to C. If personal knowledge is used to make a determination on the presence of hazardous waste in the soil, the generator shall prepare a written document that sets forth the reasons supporting the generator's conclusion that hazardous waste is not present and that states that the information included in the document is true to the best of the generator's knowledge. The generator must sign and notarize this document.

A. A generator shall determine through chemical analysis or personal knowledge whether the soil is contaminated with any hazardous waste listed in part 7045.0135.

B. A generator shall determine the total halogen level of the soil by summing the halogenated compounds included in the parameters of code A in subpart 2. If the halogen level is equal to or greater than 1,000 parts per million, the soil is presumed to contain a hazardous waste, unless the generator rebuts this presumption through personal knowledge or chemical analysis.

C. A generator shall determine whether the soil exhibits the toxicity characteristic of part 7045.0131, subpart 7, for the constituents included in code H in subpart 2. If the total analysis for these constituents demonstrates that individual constituents are present in the soil at levels equal to or greater than 20 times the toxicity characteristic regulatory concentration levels as given in part 7045.0131, subpart 8, the generator shall perform a complete TCLP.

7037.0600 MANAGEMENT OF PETROLEUM CONTAMINATED SOIL CONTAINING HAZARDOUS WASTE.

A generator shall manage petroleum contaminated soil as a hazardous waste in accordance with chapter 7045 if:

A. the soil contaminated with a leaded petroleum product displays the toxicity characteristic for lead;

B. the soil is contaminated with any hazardous waste listed in part 7045.0135, including PCBs at a concentration equal to or greater than 50 parts per million;

C. the total halogen level is equal to or greater than 1,000 parts per million, unless the generator rebuts the presumption that the soil contains a hazardous waste, as given in part 7037.0500, subpart 4, item B; or

D. the complete TCLP of the soil displays the toxicity characteristic of part 7045.0131 for any of the constituents included in code H in part 7037.0500, subpart 2.

7037.0700 EXEMPTIONS.

Subpart 1. Small quantities of petroleum contaminated soil. For petroleum contaminated soil in volumes less than ten cubic yards, the commissioner shall exempt generators and owners and operators from the requirement to comply with parts of this chapter if the commissioner finds that compliance with the part is not needed to protect human health and the environment. In determining whether to grant the exemption, the commissioner shall consider the actual or potential level of contamination; soil volume; proposed

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treatment; proposed treatment location; and the potential for presence of PCBs, halogens, metals, and other contaminants in the petroleum contaminated soil.

Subp. 2. Emergency actions. The commissioner shall grant an exemption to this chapter for the storage, transportation, and treatment or disposal of petroleum contaminated soil if the commissioner determines that such an exemption is necessary to expedite the proper management of the soil or spilled material and to prevent, abate, or control pollution as a response to an emergency, provided the requirements of parts 7037.2400, 7037.2500, and 7037.2700 are met.

7037.0800 OVERVIEW OF STANDARDS AND APPROVAL PROCEDURES FOR LAND TREATMENT SITES.

The commissioner shall approve only those sites that meet the standards and limitations established in parts 7037.0900 and 7037.1000. Parts 7037.1100 and 7037.1200 establish the procedures for obtaining approval of a land treatment site from the commissioner. The approval provided in part 7037.1100 constitutes a preliminary finding by the commissioner that the site is suitable for the treatment of petroleum contaminated soil. No person shall store or spread petroleum contaminated soil at a land treatment site that has received preliminary approval under part 7037.1100 until information regarding the specific batch of petroleum contaminated soil has been submitted to and approved by the commissioner as provided under parts 7037.1300 and 7037.1400.

7037.0900 PROHIBITED AREAS FOR LAND TREATMENT SITES.

Land treatment sites are prohibited in the following areas:

- A. a ten-year floodplain;
- B. within 200 feet of an intermittent stream, drainage ditch, or tile drain inlet or the ordinary high water level of a stream, river, lake, pond, wetland, or flowage;
- C. within 200 feet from a sinkhole, exposed bedrock, or known underground cave;
- D. within 200 feet from any private water supply well or 1,000 feet from any public water supply well;
- E. within 200 feet from a place of habitation, unless written permission to spread soil closer is obtained from the owner of the place of habitation, or 500 feet from a residential development or recreational area; and
- F. within 200 feet from property lines, unless written permission to spread soil closer is obtained from the adjacent land owner.

7037.1000 CRITERIA FOR LAND TREATMENT SITES.

Subpart 1. Operational limits. To be operated as a land treatment site under this chapter, a site must operate within the following criteria:

- A. no more than 1,500 cubic yards of petroleum contaminated soil may be accepted for treatment;
- B. no other land treatment site currently in operation or that has been operated within the past five years may be located within a radius of one-quarter mile, unless the total volume of the proposed land treatment site and any land treatment site within a one-quarter mile radius is less than 1,500 cubic yards; and
- C. spreading or storage of petroleum contaminated soil may only occur until November 1 of the year following the date of the first letter of approval issued under part 7037.1300.

Subp. 2. Filter strips. A land treatment site must have a downgradient filter strip with a minimum width of 50 feet if the land treatment site is within 500 feet of any of the following:

- A. the ordinary high water level of either a trout stream designated by the Department of Natural Resources Commissioner's Order No. 2294 or a trout lake designated by the Department of Natural Resources Commissioner's Order No. 2443;
- B. the ordinary high water level of any outstanding resource value water as defined in part 7050.0180, subpart 2, item A; and
- C. any intermittent stream, drainage ditch, or tile drainage inlet which outlets to a trout stream, trout lake, or outstanding resource value water, as referenced in this subpart.

The filter strip must otherwise be designed according to, or equivalent to, Soil Conservation Service standard 393 (USDA-SCS-MN, April 1986).

Subp. 3. Run-on prevention. A land treatment site must have adequate controls to minimize run-on. If necessary, the owner or operator shall take measures to minimize run-on, including construction of a diversion upgradient of the land treatment site that is designed according to, or equivalent to, Soil Conservation Service standard 362 (USDA-SCS-MN, July 1989) or cropping of the land upgradient of the treatment site prior to spreading and incorporation of petroleum contaminated soil.

Subp. 4. Slope. No portion of a land treatment site may have a slope greater than six percent.

Subp. 5. Treatment zone characteristics. The treatment zone at a proposed land treatment site must meet the technical criteria of items A and B.

A. The native soil must meet the criteria in the following table for minimum organic matter concentration in the upper eight inches of native soil, the soil permeability in the treatment zone, and the minimum thickness of the treatment zone.

<u>Minimum organic matter (percentage)</u>	<u>Permeability (inches per hour)</u>	<u>Minimum thickness of treatment zone (feet)</u>
<u>2</u>	<u>0.6 to 6</u>	<u>4</u>
<u>2</u>	<u>less than 0.6</u>	<u>3</u>
<u>4</u>	<u>0.6 to 6</u>	<u>3</u>
<u>4</u>	<u>less than 0.6</u>	<u>2</u>

The native soil characteristics must be determined using the method given in parts 7037.3200 and 7037.3300. To meet the requirements of a given permeability category, as listed in this table, 75 percent of the treatment zone must have a permeability no greater than the listed permeability, as calculated according to the method described in part 7037.3300, subpart 5. The requirement for the thickness of the treatment zone is subject to the following exceptions:

(1) for sites in which a subsurface tile drainage system is present which is designed according to or equivalent to Soil Conservation Service engineering standards and criteria, the depth of the treatment zone is established as the depth of the tile drainage system; and

(2) for sites in which the appearance of a seasonal high water table is caused by a zone of saturated soil that exists between zones of unsaturated soil in the upper five feet of the native soil, the depth of the treatment zone is established as the depth of bedrock or five feet, whichever is less.

B. The land must be capable of being tilled.

Subp. 6. Storage areas. A storage area at a proposed land treatment site must not be located in the area prohibited for land treatment sites as provided in part 7037.0900 and native soil and site conditions for the storage area must be the same as those for land treatment sites in subparts 2 to 5, except subpart 5, item B.

7037.1100 APPROVAL PROCEDURES FOR LAND TREATMENT SITES.

Subpart 1. Application for approval of a land treatment site. An applicant who seeks approval of a land treatment site must furnish the information specified in part 7037.1200 on a form prescribed by the commissioner. The application must be signed by the owner and operator of the proposed land treatment site.

Subp. 2. Incomplete applications. The commissioner shall review all applications for completeness. If the application is incomplete, the commissioner shall promptly inform the applicant of the deficiency or deficiencies. The commissioner shall suspend further processing of the application until the applicant has provided the required information.

Subp. 3. Approval. The commissioner shall issue letters of approval for sites that are found to meet the criteria established in parts 7037.0900 and 7037.1000. A letter of approval constitutes a finding by the commissioner that the site can be operated in compliance with this chapter. Approval by the commissioner does not release the applicant from any duty to comply with applicable federal, state, or local government statutes, rules, or ordinances, including the requirements established in this chapter.

Subp. 4. Denial of approval. The commissioner shall deny letters of approval for sites that do not meet the criteria established in parts 7037.0900 and 7037.1000. If the commissioner denies a letter of approval but finds that the site could be operated in compliance with chapters 7035, 7050, and 7060 if enforceable conditions were established in a permit, the commissioner shall inform the applicant that the applicant may apply for a solid waste management permit under parts 7001.0010 to 7001.0210 and chapter 7035. If the commissioner finds that no conditions could be established that would enable the site to operate in compliance with chapters 7035, 7050, and 7060, the commissioner shall notify the applicant of the commissioner's intent to deny the application and afford the applicant the opportunity to request a contested case hearing as provided in part 7000.1000.

7037.1200 APPLICATION REQUIREMENTS FOR LAND TREATMENT SITES.

Subpart 1. Land treatment site background information. The application must contain the following information:

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language.

Proposed Rules

A. name, business name, address, and telephone number for the following persons:

(1) the owner;

(2) any person who is in possession of, has the right of control, or controls the use of real property, including without limitation a person who may be a lessee, renter, tenant, contract for deed vendee, licensee, or occupant, where the land treatment site is proposed;

(3) the operator; and

B. legal description of the real property where land treatment site is proposed, including quarter section, section, township, range, town or city name, and county; and

C. area of land proposed for land treatment in square feet or in acres to the nearest one-tenth acre.

Subp. 2. Land treatment site and native soil characterization. The applicant shall demonstrate that the land treatment site meets the requirements of parts 7037.0900 and 7037.1000 and that the petroleum contaminated soil storage area meets the requirements of part 7037.1000, subpart 6. The application must include the information in items A to I.

A. A Soil Conservation Service soil survey map if the real property where land treatment site is proposed is located within a county where a soil survey has been conducted. If the property containing the proposed land treatment site has not been mapped by the Soil Conservation Service, an applicant shall submit a comparable map prepared by a soil scientist with mapping experience based on an on-site investigation. The map must show the borders of the land treatment site and the storage areas for petroleum contaminated soil.

B. Information pertaining to the land treatment site and petroleum contaminated soil storage areas obtained from a Soil Conservation Service soil survey report or on-site investigation by a soil scientist, including:

(1) thickness of each soil horizon within the treatment zone;

(2) permeability of each soil horizon within the treatment zone;

(3) percentage of organic matter in the upper eight inches of native soil;

(4) depth to seasonal high water table;

(5) depth to bedrock; and

(6) slope of the land surface.

Subitem (4) need not be included if the land treatment site is drained with a subsurface tile drainage system which is designed according to or equivalent to Soil Conservation Service engineering standards and criteria and is installed at a minimum depth equal to the minimum thickness of the treatment zone as given in part 7037.1000, subpart 5.

When requested by the commissioner, the applicant shall perform an on-site investigation. The commissioner shall require an on-site investigation if the Soil Conservation Service soil survey lacks adequate detail, is out of date, or has historically been inaccurate.

The results of any on-site investigations must be submitted. This information must clearly indicate the methodology used to evaluate the native soil and the results. For sites that are not underlain with tile drainage, this documentation must include the existence, depth, and Munsell color of soil mottles and Munsell color of the soil matrix.

C. A map of the land treatment site, petroleum contaminated soil storage areas, and surrounding area within one-quarter mile of the site. The map must be drawn to a scale not greater than 200 feet per inch and must show the general topography with contours and drainage patterns and the following features, if present:

(1) lakes and ponds;

(2) rivers and streams;

(3) wetlands;

(4) intermittent streams and drainage ways;

(5) tile drainage inlets;

(6) sinkholes, caves, and exposed bedrock;

(7) potable water supply wells;

(8) places of habitation;

(9) recreational areas;

(10) property lines; and

(11) any other land treatment site used within the previous five years.

D. A map of the tile drainage system, if present, showing the borders of the land treatment site and storage areas for petroleum contaminated soil.

E. A list of the land treatment sites under item C, subitem (11), with corresponding volumes of petroleum contaminated soil treated at each land treatment site.

F. Information pertaining to the existence of filter strips, if required under part 7037.1000, subpart 2.

G. Information pertaining to run-on prevention, as described in part 7037.1000, subpart 3.

H. A description of any previous use of the land treatment site for treatment or disposal of wastes.

I. A copy of a county plat map or comparable map which provides clear road directions to the land treatment site.

Subp. 3. Local government notification. An applicant shall furnish a copy of the application to the county auditor or other person designated by the county board to receive notifications; the city clerk or other person designated by the city council to receive notifications; and in the case of towns, the town clerk or town chair as determined by resolution of the town board. An applicant shall provide the commissioner with documentation that the appropriate local government officials have been notified that an application will be submitted to the commissioner for approval of the proposed land treatment site in accordance with the following:

A. signatures of the appropriate local government officials on the application form acknowledging notification; or

B. submittal of a copy of the certified mail return receipt that was sent to the applicant by the appropriate local government officials in response to receiving the application by certified mail.

Subp. 4. Border marking. At the time an application to land treat petroleum contaminated soil is submitted to the commissioner, the borders of the proposed land treatment site must be marked on all corners and midway between all corners using conspicuous stakes or flags.

7037.1300 APPROVAL PROCEDURES FOR LAND TREATMENT OF BATCHES OF PETROLEUM CONTAMINATED SOIL AT APPROVED LAND TREATMENT SITES AND FACILITIES.

Subpart 1. In general. Subparts 2 to 4 address the process for obtaining a letter of approval to land treat a batch of petroleum contaminated soil at approved land treatment sites and permitted land treatment facilities. An applicant who seeks approval to land treat a batch of petroleum contaminated soil at an approved land treatment site or a permitted land treatment facility shall furnish the information specified in part 7037.1400 on a form prescribed by the commissioner. The application must be signed by the generator and the owner and operator of the approved land treatment site or facility where the petroleum contaminated soil is proposed to be land treated. No person shall land treat petroleum contaminated soil without obtaining the letter of approval required by this part.

Subp. 2. Incomplete applications. The commissioner shall review all applications for completeness. If the application is incomplete, the commissioner shall promptly inform the applicant of the deficiency or deficiencies. The commissioner shall suspend further processing of the application until the applicant has provided the required information.

Subp. 3. Approval. The commissioner shall issue letters of approval for treatment of batches of petroleum contaminated soil. A letter of approval for land treatment of a batch of petroleum contaminated soil at a land treatment site constitutes a finding by the commissioner that the batch can be treated in compliance with this chapter at the proposed site. A letter of approval for land treatment of a batch of petroleum contaminated soil at a land treatment facility constitutes a finding by the commissioner that the batch can be treated in compliance with the solid waste management facility permit for the facility. Approval by the commissioner does not release the applicant from any duty to comply with applicable federal, state, or local government statutes, rules, or ordinances, including the requirements established under this chapter or a solid waste management permit issued under chapter 7035.

Subp. 4. Denial of approval. The commissioner shall deny approval of an application for a letter of approval if acceptance of the batch of petroleum contaminated soil would cause a land treatment site to operate in violation of the limitations established in part 7037.1000 or other operating requirement established in parts 7037.1500 to 7037.2700, or cause a land treatment facility to violate a condition established in its solid waste management facility permit. The commissioner shall notify the applicant of the commissioner's intent to deny the application and afford the applicant the opportunity to request a contested case hearing as provided in part 7000.1000.

7037.1400 APPLICATION REQUIREMENTS TO LAND TREAT A BATCH OF PETROLEUM CONTAMINATED SOIL.

Subpart 1. Land treatment site information. The application to land treat a batch of petroleum contaminated soil at an approved land treatment site or permitted facility must include the following information:

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Proposed Rules

A. name, business name, address, and telephone number for the following persons:

- (1) the owner of the land treatment site or facility;
- (2) the operator of the approved land treatment site or facility; and
- (3) the person or persons who completed the submitted application;

B. legal description of the approved land treatment site or facility, including quarter section, section, township, range, town or city name, and county;

C. total volume of all petroleum contaminated soil, in cubic yards, from other releases currently stored or previously spread at the land treatment site or facility;

D. area of the plot proposed for the batch of petroleum contaminated soil, in square feet or in acres to the nearest one-tenth acre; and

E. a map of the land treatment site, drawn to a scale not greater than 50 feet per inch, which shows the following:

- (1) plot proposed in the application for land treatment; and
- (2) all plots previously used for land treatment.

Subp. 2. Petroleum contaminated soil information. The application to land treat a batch of petroleum contaminated soil at an approved land treatment site or permitted facility must include the following information:

A. the name of the generator, business name, address, and county for the release site from which the petroleum contaminated soil originated;

B. agency release site identification number, if the release is from a petroleum storage tank;

C. volume of petroleum contaminated soil, in cubic yards, to be land treated;

D. proposed spreading thickness, in inches;

E. projected dates of spreading and incorporating the petroleum contaminated soil; and

F. analytical results for samples of the petroleum contaminated soil taken and analyzed required in part 7037.0500, including copies of laboratory reports and chain of custody forms.

Subp. 3. Soil nutrient information. An applicant shall furnish a description of the nutrient status of the land treatment plot. This description must contain the information required under part 7037.3600.

Subp. 4. Local government notification. An applicant shall furnish a copy of the information required in subparts 2 to 4 to the appropriate county, city, and town officials listed under part 7037.1200, subpart 3, at the same time or prior to submittal of the information to the commissioner.

Subp. 5. Border marking. At the time an application to land treat a batch of petroleum contaminated soil is submitted to the commissioner, the borders of the proposed plot must be marked on all corners and midway between all corners using conspicuous stakes or flags.

7037.1500 OPERATIONAL REQUIREMENTS FOR APPROVED LAND TREATMENT SITES; SCOPE.

Following issuance of the approval required under part 7037.1300, the owner and operator of a land treatment site shall comply with the operational requirements established in parts 7037.1600 to 7037.2700.

7037.1600 STORAGE OF PETROLEUM CONTAMINATED SOIL.

Subpart 1. Storage on a plot. An owner or operator may store petroleum contaminated soil for up to ten days without run-off controls within an approved land treatment plot. After ten days an owner or operator shall spread the batch of petroleum contaminated soil in accordance with part 7037.2300 or take measures to control run-off as provided in items A and B:

A. covering with a tarpaulin, reinforced plastic which is at least six mils thick, or unreinforced plastic which is at least ten mils thick; or

B. placing silt dams on the perimeter of the stockpile which are made of a geotextile material and are secured with stakes.

Subp. 2. Storage at a storage area. An owner or operator may store petroleum contaminated soil at a storage area that meets the criteria of part 7037.1000, subpart 6, if run-off is controlled as described in subpart 1, item A.

7037.1700 DATES AND CLIMATIC CONDITIONS FOR SOIL SPREADING.

Petroleum contaminated soil may be spread only when the surface soil is not frozen, is free of snow and ponded water, and is otherwise capable of being tilled. Spreading must not be done before April 1 or after November 1.

7037.1800 PETROLEUM LOADING LIMITATIONS.

Subpart 1. In general. The loading of petroleum contaminated soil on a native soil may not exceed a spreading thickness of four inches, or 540 cubic yards per acre. Subparts 2 to 5 provide the maximum amounts of petroleum contaminated soil that may be spread based on the following factors: the type of petroleum released; the contaminant level of the petroleum contaminated soil; and the treatment zone characteristics under part 7037.1000, subpart 5, item A. If a batch of petroleum contaminated soil contains gasoline and a petroleum type other than gasoline then the more stringent of the requirements of subpart 2 or 3 must be followed.

Subp. 2. Gasoline contaminated soil. The following table lists the maximum allowable levels of gasoline contamination in petroleum contaminated soil which may be spread at a land treatment site at a spreading thickness of four inches.

<u>Minimum organic matter (percentage)</u>	<u>Permeability (inches per hour)</u>	<u>Average total petroleum hydrocarbons as gasoline (parts per million)</u>		
		<u>Minimum thickness of treatment zone (feet)</u>		
		<u>2</u>	<u>3</u>	<u>4</u>
<u>2</u>	<u>0.6 to 6</u>	<u>NA</u>	<u>NA</u>	<u>1,000</u>
	<u>less than 0.6</u>	<u>NA</u>	<u>1,000</u>	<u>2,500</u>
<u>4</u>	<u>0.6 to 6</u>	<u>NA</u>	<u>1,000</u>	<u>2,500</u>
	<u>less than 0.6</u>	<u>1,000</u>	<u>2,500</u>	<u>5,000</u>

In this table "NA" means that petroleum contaminated soil may not be spread under the specified conditions. Petroleum concentrations are based on average total petroleum hydrocarbon concentration in the soil determined by the sampling and analysis procedures of part 7037.0500, subparts 1 and 2.

Subp. 3. Fuel oil and crude oil contaminated soil. Where the contamination is characterized as total petroleum hydrocarbons as fuel oil or crude oil, the following table lists the maximum allowable levels of contamination in petroleum contaminated soil which may be spread at a land treatment site at a spreading thickness of four inches.

<u>Minimum organic matter (percentage)</u>	<u>Permeability (inches per hour)</u>	<u>Average total petroleum hydrocarbons as gasoline (parts per million)</u>		
		<u>Minimum thickness of treatment zone (feet)</u>		
		<u>2</u>	<u>3</u>	<u>4</u>
<u>2</u>	<u>0.6 to 6</u>	<u>NA</u>	<u>NA</u>	<u>2,000</u>
	<u>less than 0.6</u>	<u>NA</u>	<u>2,000</u>	<u>5,000</u>
<u>4</u>	<u>0.6 to 6</u>	<u>NA</u>	<u>2,000</u>	<u>5,000</u>
	<u>less than 0.6</u>	<u>2,000</u>	<u>5,000</u>	<u>10,000</u>

In this table "NA" means that petroleum contaminated soil may not spread under the specified conditions. Petroleum concentrations are based on average total petroleum hydrocarbon concentration in the soil determined by the sampling and analysis procedures of part 7037.0500, subparts 1 and 2.

Subp. 4. Spreading thickness adjustments. Petroleum contaminated soil with contaminant levels that exceed the listed levels in subparts 2 and 3 may be spread if done at thinner spreading thicknesses which result in an equivalent or a lower petroleum loading level than those listed in the table. To determine the acceptable spreading thicknesses for petroleum contaminated soil that exceeds the listed levels in subparts 2 and 3, part 7037.3500 must be used.

Subp. 5. Petroleum contaminated soil containing lead. Petroleum contaminated soil with a total lead level greater than 300 parts per million must be spread at a thickness that assures lead levels in the mixture of petroleum contaminated soil and native soil after incorporation to be below 300 parts per million. To determine final projected lead levels in the mixture of soil, prior to soil spreading the owner or operator shall collect a composite soil sample of the upper eight inches of the native soil as described in part 7037.3200, subpart 1, and analyze the sample for total lead as described in part 7037.3100, subpart 1.

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Proposed Rules

7037.1900 PROHIBITION OF MIXING OR REPEATED USE.

Petroleum contaminated soil originating from separate releases must not be combined or spread on the same plot. Plots within an approved land treatment site previously used for land treatment of petroleum contaminated soil may not receive repeat applications of petroleum contaminated soil. Individual plots within an approved land treatment site must be separated by a minimum of two feet to prevent mixing of separate batches of spread petroleum contaminated soil.

7037.2000 MAINTENANCE OF BORDER MARKING.

The border markings established at the land treatment site under parts 7037.1200, subpart 4, and 7037.1400, subpart 5, must remain in place during spreading of the contaminated soil and until all follow-up monitoring requirements are fulfilled under part 7037.2700.

7037.2100 REMOVAL OF LARGE ROCKS AND DEBRIS.

Rocks larger than four inches in diameter and debris must be removed from petroleum contaminated soil prior to incorporation into the native soil. Debris includes pieces of plastic, bricks, metal, and wood.

7037.2200 FERTILIZER APPLICATION.

Subpart 1. Conditions. A native soil must be evaluated to determine if nutrient addition is required if the petroleum loading level exceeds the loading level resulting from the application of petroleum contaminated soil with an average total petroleum hydrocarbon concentration of 2,000 parts per million to be spread at a thickness of four inches, or an equivalent petroleum loading level at a thinner spreading thickness. To make the required evaluation, the owner or operator shall follow the method established in part 7037.3600. If part 7037.3600 specifies that fertilizer is required, the owner or operator shall add fertilizer at the rate specified in part 7037.3600. The commissioner shall grant an exemption to the maximum fertilizer rates under part 7037.3600 if the owner or operator submits documentation which indicates that lack of nutrients may be limiting petroleum biodegradation. This documentation must include the results of a nutrient evaluation as given in subpart 2 and soil monitoring results as given in part 7037.2700.

Subp. 2. Application methods and timing. If fertilizer is to be applied to the land treatment site for the purpose of biodegradation of added petroleum contaminated soil, it must be broadcast to assure as uniform an application as possible. Fertilizers may be applied in a single application or in smaller, multiple applications during the required dates and conditions given for soil spreading under part 7037.1700. Fertilizers must be incorporated into the native soil within ten days of application.

7037.2300 SPREADING AND INCORPORATION OF PETROLEUM CONTAMINATED SOIL.

Petroleum contaminated soil must be spread uniformly over the entire designated plot. Petroleum contaminated soil must be incorporated into the upper four to six inches of native soil as soon as feasible but no longer than 48 hours after spreading. In order to minimize soil moisture loss and volatile loss of the petroleum contaminants, initial incorporation must be conducted only to the degree that most soil clods are broken up and petroleum contaminated soil and native soil mixing occurs. For most land treatment applications, one or two passes with a tillage implement will result in adequate incorporation during a single tillage cycle.

7037.2400 TILLAGE.

Unless the plot has been seeded to a crop, tillage of the soil following the initial incorporation must be done in monthly cycles, excluding the period from November 1 to April 1, until all soil monitoring samples taken under part 7037.2700 are less than ten parts per million total petroleum hydrocarbons or until a minimum of four tillage cycles have been done, whichever is first. Tillage of the soil must be delayed until the soil moisture is increased if the soil lacks moisture such that tillage would cause wind erosion or decreased microbial activity.

7037.2500 CROPPING.

Following the initial incorporation of petroleum contaminated soil into the native soil under part 7037.2300, the plot may be seeded to a crop. No root crops or crops for direct human consumption may be grown during the period of time when soil monitoring under part 7037.2700 is performed. If seeding is delayed, the tillage schedule given in part 7037.2400 must be followed until seeding can be done.

7037.2600 NOTIFICATION OF SOIL SPREADING.

Subpart 1. In general. An owner or operator shall furnish the information specified in subpart 2 to the commissioner on a form prescribed by the commissioner, within ten days after spreading a batch of petroleum contaminated soil.

Subp. 2. Notification information. The following information must be submitted:

A. name, business name, address, and telephone number for the following persons:

(1) the owner;

(2) the operator; and

(3) the person or persons who completed the submitted information;

B. legal description of the approved land treatment site, including quarter section, section, township, range, town or city name, and county;

C. the generator, business name, address, and county for the release site from which the petroleum contaminated soil originated;

D. agency release site identification number, if the release is from a petroleum storage tank;

E. area of land used for land treatment of the batch of petroleum contaminated soil, in square feet or in acres to the nearest one-tenth acre;

F. volume of the batch of petroleum contaminated soil spread at the land treatment site, in cubic yards;

G. average spreading thickness, in inches;

H. dates of spreading and incorporating the petroleum contaminated soil; and

I. a land treatment site map as described in part 7037.1400, subpart 1, item E, showing the actual plot area used for the batch of petroleum contaminated soil.

Subp. 3. Local government notification. An applicant shall furnish a copy of the information required in subpart 2 to the appropriate county, city, and town officials listed under part 7037.1200, subpart 3, at the same time or prior to submittal of the information to the commissioner.

7037.2700 MONITORING AND REPORTING REQUIREMENTS.

Subpart 1. In general. An owner or operator shall sample the soil following the spreading and incorporation of a batch of petroleum contaminated soil in accordance with the practices of subparts 2 to 4. The monitoring information that must be submitted to the commissioner is given in subpart 5.

Subp. 2. Sampling procedures. Soil samples must be composite samples collected within a plot from the surface to a depth of eight inches using the procedures described in part 7037.3400. The minimum number of composite samples collected from the upper eight inches is based on the volume of the batch of petroleum contaminated soil actually spread and must follow the table in part 7037.2900, subpart 1, item A.

Subp. 3. Frequency of sampling. Monitoring of a plot in the year of spreading must be done at the times specified in the following table, until all soil analytical results in a single sampling round are ten parts per million total petroleum hydrocarbons or less.

<u>Soil Spreading Date</u>	<u>Soil Sampling in First Calendar Year</u>
<u>Before July 1</u>	<u>Once in August and once in October</u>
<u>July 1 to September 15</u>	<u>Once in October</u>
<u>After September 15</u>	<u>None</u>

Monitoring in subsequent years must continue for those plots in which all soil analytical results are not ten parts per million total petroleum hydrocarbons or less. These sampling events must be done in June, August, and October.

Subp. 4. Analysis. Soil samples must be analyzed for total petroleum hydrocarbons, according to the methods under part 7037.3100, subpart 2, item C or D. The owner or operator shall analyze for additional compounds if requested by the commissioner. The commissioner shall request analysis for additional compounds if the commissioner determines that additional analysis is necessary to protect the public health and environment.

Subp. 5. Submittal of monitoring information. Within 30 days of receipt of laboratory results for the soil samples, the owner or operator shall submit the information specified in items A to F to the commissioner on a form prescribed by the commissioner:

A. name, business name, address, and telephone number for the following persons:

(1) the owner;

(2) the operator; and

(3) the person or persons who completed the submitted information;

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Proposed Rules

B. legal description of the approved land treatment site, including quarter section, section, township, range, town or city name, and county;

C. the generator, business name, address, and county for the release site from which the petroleum contaminated soil originated;

D. agency release site identification number, if the release is from a petroleum storage tank;

E. soil management practices since the spreading of the soil or the most recent monitoring event. This includes either documentation of the crops that were planted and the seeding date or a list of the dates that tillage was done; and

F. analytical results for soil samples taken, including copies of laboratory reports and chain of custody forms.

Subp. 6. Local government notification. An applicant shall furnish a copy of the information required in subpart 5 to the appropriate county, city, and town officials listed under part 7037.1200, subpart 3, at the same time or prior to submittal of the information to the commissioner.

7037.2800 METHODOLOGY AND REFERENCES; SCOPE.

Parts 7037.2900 to 7037.3600 establish the methodologies that must be used when making the determinations required under this chapter, including methods of sampling and analysis. Part 7037.3700 incorporates by reference the documents referenced in this chapter.

7037.2900 COLLECTION OF GRAB SAMPLES OF PETROLEUM CONTAMINATED SOIL.

Subpart 1. Soil samples collected from stockpiles. Grab soil samples collected from a batch of stockpiled petroleum contaminated soil must be collected as described in items A and B.

A. The number of grab samples from a batch of stockpiled petroleum contaminated soil that must be collected is based on the volume of petroleum contaminated soil, as follows:

<u>Volume of Soil (cubic yards)</u>	<u>Number of Samples</u>
<u>Less than 50</u>	<u>1</u>
<u>51 - 500</u>	<u>2</u>
<u>501 - 1,000</u>	<u>3</u>
<u>1,001 - 2,000</u>	<u>4</u>
<u>2,001 - 4,000</u>	<u>5</u>
<u>Each additional 2,000 yards</u>	<u>one additional sample</u>

B. Each soil sample must be collected from a freshly exposed portion of the interior of the stockpile, taken no closer than one foot from the exterior surface of the stockpile. Cross-contamination of soil samples must be prevented by using clean disposable gloves and other clean sampling utensils at each point that a sample is collected. Soil samples must be preserved prior to analysis using either chemical preservation, if required for the particular laboratory method as described in the laboratory methods referenced in part 7037.3100, or storage at a temperature of four degrees Celsius or colder.

Subp. 2. Soil samples collected from borings. Grab soil samples collected from borings must be collected as described in items A and B.

A. A minimum of two grab samples must be collected from a minimum of two different soil borings. If the estimated volume of soil to be excavated exceeds 500 cubic yards, then the number of samples must follow the table under subpart 1, item A.

B. Samples must be collected from portions of the borings that represent soil that will be excavated or proposed to be excavated. The methods given in subpart 1, item B, for preventing cross-contamination and for preserving samples must be followed.

7037.3000 COLLECTION OF COMPOSITE SAMPLES OF PETROLEUM CONTAMINATED SOIL.

Subpart 1. Soil samples collected from stockpiles. For contaminant parameters for which a composite sample is required, a single composite sample is required. To take a composite sample, 15 samples must be collected from randomly selected locations within the stockpile and placed in a clean container, mixed thoroughly, and a single subsample removed of sufficient quantity for analysis for the required parameter or parameters.

Subp. 2. Soil samples collected from borings. For contaminant parameters for which a composite sample is required, a single composite sample is required. To take a composite sample, 15 samples must be collected from randomly selected locations from portions of the borings that represent soil that will be excavated or proposed to be excavated and placed in a clean container, mixed thoroughly, and a single subsample removed of sufficient quantity for analysis for the required parameter or parameters.

7037.3100 ANALYSIS OF PETROLEUM CONTAMINATED SOIL SAMPLES.

Subpart 1. General requirements. All petroleum contaminated soil samples must be analyzed using a United States Environmental Protection Agency approved laboratory method or equivalent, unless an alternative method is specified in subpart 2.

Subp. 2. Specific analysis requirements. Specific laboratory analysis requirements are given in items A to E for selected parameters.

A. Analysis for the parameters of parameter code A in part 7037.0500, subpart 2, must be done using purge-and-trap laboratory methodology in conjunction with EPA method 8010, Minnesota Department of Health method 466A, or an equivalent gas chromatography method.

B. Analysis for the parameters of parameter code B in part 7037.0500, subpart 2, must be done using purge-and-trap laboratory methodology in conjunction with EPA method 8020 or an equivalent gas chromatography method.

C. Total petroleum hydrocarbons as gasoline, code D in part 7037.0500, subpart 2, must be done using the Wisconsin Department of Natural Resources Modified Gasoline Range Organics (GRO) method.

D. Total petroleum hydrocarbons as fuel oil, code E in part 7037.0500, subpart 2, must be done using the Wisconsin Department of Natural Resources Modified Diesel Range Organics (DRO) method.

E. PCBs, code I in part 7037.0500, subpart 2, must be done using EPA method 8080 or an equivalent gas chromatography method.

7037.3200 COLLECTION OF NATIVE SOIL SAMPLES.

Subpart 1. Native soil samples. Samples collected from the native soil for determining the concentration of organic matter, extractable phosphorus, and lead must be composite samples. A minimum of one composite sample is necessary for a three-acre area. To take a composite sample, all surface litter must be scraped off and cores of the surface soil must be taken to a depth of eight inches at 15 randomly selected locations within the proposed land treatment site area. The cores must be placed in a clean container, mixed thoroughly, and a single subsample removed of sufficient quantity for analysis of the required parameter or parameters. The samples must be handled and prepared for analysis in accordance with the procedures recommended by the soil testing laboratory to be used.

Subp. 2. Samples for determining native soil permeability.

A. Each soil horizon within the treatment zone must be characterized for soil permeability.

B. Determination of permeability of the native soil must be done at a minimum of one representative location of the land treatment site.

7037.3300 CHARACTERIZATION OF NATIVE SOIL.

Subpart 1. Organic matter concentration. Organic matter concentration in a native soil must be determined using a method in one of the following references:

A. Recommended Chemical Soil Test Procedures for the North Central Region, Bulletin No. 499, October 1988, issued by the North Dakota State University Agricultural Experiment Station, Fargo, North Dakota.

B. Methods of Soil Analysis, Part 2—Chemical and Microbiological Properties (Second edition), edited by A.L. Page, et al., issued by the American Society of Agronomy as Agronomy Monograph Number 9, Madison, Wisconsin, 1982.

Subp. 2. Extractable phosphorus concentration. If the extractable phosphorus concentration of a native soil is to be determined, this must be determined as given in the references in subpart 1.

Subp. 3. Soil permeability. Soil permeability must be reported as one of the following ranges in units of inches per hour: more than 6, 2.0 to 6, 0.6 to 2.0, or less than 0.6. If the native soil at the land treatment site is mapped in a Soil Conservation Service soil survey, the soil permeability information in the soil survey may be used. If the information is not available, then the soil permeability must be determined using one of the methods in items A to C.

A. Soil texture, as obtained or determined under subpart 4, may be used to estimate the soil permeability as given in the following table for United States Department of Agriculture textural classifications and permeabilities:

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<u>Soil texture classification</u>	<u>Permeability (inches per hour)</u>
<u>Gravel, sand, fine sand, loamy sand, loamy fine sand</u>	<u>more than 6</u>
<u>Sandy loam, fine sandy loam</u>	<u>2.0 to 6</u>
<u>Loam, silt loam, sandy clay loam</u>	<u>0.6 to 2.0</u>
<u>Clay loam, silty clay loam, sandy clay, silty clay, clay.</u>	<u>less than 0.6</u>

B. Determination in a laboratory using undisturbed soil samples as outlined in chapter 28, Hydraulic Conductivity and Diffusivity: Laboratory Methods, in Methods of Soil Analysis, Part 1—Physical and Mineralogical Methods (Second edition), edited by Arnold Klute, issued by the American Society of Agronomy as Agronomy Monograph Number 9, Madison, Wisconsin, 1986.

C. Determination by direct measurement in the field as outlined in chapter 29, Hydraulic Conductivity of Saturated Soils: Field Methods, in Methods of Soil Analysis, Part 1—Physical and Mineralogical Methods (Second edition), edited by Arnold Klute, issued by the American Society of Agronomy as Agronomy Monograph Number 9, Madison, Wisconsin, 1986.

Subp. 4. Soil texture. If the native soil at the land treatment site is mapped in a Soil Conservation Service soil survey, the United States Department of Agriculture soil textural information in the soil survey may be used. If such information is not available, then the soil texture must be determined using one of the following references:

A. Chapter 15, Particle-size Analysis, in Methods of Soil Analysis, Part 1—Physical and Mineralogical Methods (Second edition), edited by Arnold Klute, issued by the American Society of Agronomy as Agronomy Monograph Number 9, Madison, Wisconsin, 1986.

B. Soil Survey Laboratory Methods and Procedures for Collecting Soil Samples, issued by the Soil Conservation Service as Soil Survey Investigations Report 1 (revised), Washington, D.C., United States Government Printing Office, 1972.

Subp. 5. Calculation of percent permeability in a treatment zone. The percentage of a treatment zone having an acceptable permeability must be calculated as follows:

A. Determine the thickness of each individual native soil layer or horizon within the treatment zone that has a characteristic permeability.

B. Sum the thicknesses of those layers or horizons that have permeabilities less than 0.6 inches per hour, then use the sum in the following calculation:

$$\frac{[\text{Sum determined in item B, inches}] \times 100}{[\text{Thickness of treatment zone, inches}]} = \frac{\text{Percent permeability}}{\text{less than 0.6 inches per hour}}$$

C. Sum the thicknesses of those layers or horizons that have permeabilities less than six inches per hour, then use the sum in the following calculation:

$$\frac{[\text{Sum determined in item C, inches}] \times 100}{[\text{Thickness of treatment zone, inches}]} = \frac{\text{Percent permeability}}{\text{less than 6 inches per hour}}$$

Subp. 6. Seasonal high water table. The depth to the seasonal high water table must be obtained or determined as described in items A and B:

A. The depth to the seasonal high water table for many specific soil series in Minnesota can be found in Soil Conservation Service soil surveys.

Where the depth to the seasonal high water table is given as a range, the actual depth shall be considered as the average of the range.

B. Determination of the depth at which any one of the following is present:

(1) soil having a matrix or mottles with a chroma of two or less using the Munsell color system;

(2) olive-colored soil as indicated by the matrix having a hue of 5Y or yellower and a chroma of three using the Munsell color system; or

(3) soil with distinct mottles.

7037.3400 COLLECTION OF SOIL MONITORING SAMPLES.

Prior to sample collection, the plot must be divided up into separate equal-sized subplots. The number of subplots is the total

number of composite samples required, as given in part 7037.2700, subpart 2. A composite sample must be collected from each subplot as follows: all surface litter must be scraped off, cores of the surface soil must be taken to a depth of eight inches at 15 randomly selected locations within the subplot and placed in a clean plastic bag, mixed thoroughly, and a single subsample removed of sufficient quantity for analysis of the required parameter or parameters. This plastic bag must be kept sealed when samples are not added to it. Once the composite sample is collected, the sample must be preserved for laboratory analysis as described in part 7037.2900, subpart 1, item B.

7037.3500 SPREADING THICKNESS AND LAND AREA CALCULATIONS.

Subpart 1. Spreading thicknesses. The formula for determining the acceptable spreading thicknesses for petroleum contaminated soil that exceeds the contaminant levels in part 7037.1800, subparts 2 and 3, is as follows:

$$\frac{4 \times [\text{allowable TPH, ppm}]}{\text{average TPH in batch of soil, ppm}} = \text{Acceptable spreading thickness, inches}$$

In this formula "allowable TPH" refers to the maximum total petroleum hydrocarbon levels listed in part 7037.1800, subparts 2 and 3, and "average TPH in batch of soil" refers to the average total petroleum hydrocarbon level of the batch of petroleum contaminated soil. Both are expressed in parts per million (ppm).

Subp. 2. Land area. The formula for determining the amount of acreage required for land treatment of a known volume of petroleum contaminated soil is as follows:

$$\frac{[\text{Soil volume, cubic yards}] \times 0.00744}{[\text{Spreading thickness, inches}]} = \text{Acres required}$$

7037.3600 DETERMINATION OF NUTRIENT ADDITION FOR PETROLEUM HYDROCARBON BIODEGRADATION.

Subpart 1. Nutrient evaluation and addition. Nutrient requirements are determined as described in items A and B:

A. Minimum nitrogen addition to a land treatment plot must be based on the calculations and table in this item and is subject to the maximum nitrogen application rates and management requirements under subparts 3 and 4:

$$[(\text{average TPH in batch of soil, ppm}) \times (\text{spreading thickness, inches}) \times 0.0128] - [\text{organic matter, percent} \times 50] = \text{pounds of nitrogen per acre required}$$

In this formula "average TPH in batch of soil" refers to the average total petroleum hydrocarbon level of the batch of petroleum contaminated soil, expressed as parts per million (ppm); "organic matter, percent" refers to the value obtained or determined as given in part 7037.3300, subpart 1.

Nitrogen application rates determined by the above calculation may be reduced depending on the crop grown within the previous year and whether nitrogen fertilizer was added within the previous year, as given in the following table:

<u>Condition</u>	<u>Nitrogen Rate Reduction, pounds of nitrogen per acre</u>
<u>Previous crop—alfalfa</u>	<u>100</u>
<u>Previous crop—soybeans, clover, or other legume</u>	<u>40</u>
<u>Nitrogen applied within last year</u>	<u>1/3 of a pound for each pound of nitrogen applied</u>

If the nitrogen application rate as determined under this item is less than 25 pounds of nitrogen per acre, then nitrogen need not be applied.

B. Minimum phosphorus addition to a land treatment plot must be based on the calculation below and previous phosphorous fertilizer additions as given in this item and is subject to the maximum phosphorus application rates and management requirements under subparts 3 and 4:

$$[(\text{average TPH in batch of soil, ppm}) \times (\text{spreading thickness, inches}) \times 0.0027] - [\text{phosphorus concentration, ppm} \times 2] = \text{pounds of phosphorus per acre required}$$

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In this formula "average TPH in batch of soil" refers to the average total petroleum hydrocarbon level of the batch of petroleum contaminated soil, expressed as parts per million (ppm); "phosphorus concentration" refers to the extractable phosphorus concentration of the native soil as determined under part 7037.3300, subpart 2, and expressed as ppm. If the land treatment site has been soil tested within the last three years for phosphorus, results from the last soil analysis may be used. If the extractable phosphorus concentration is not or has not been conducted, a value of five parts per million shall be used in the above calculation.

Phosphorus application rates determined by the above calculation may be reduced by one-half pound for each pound of phosphorus applied within the previous three years.

If the phosphorus application rate as determined under this item is less than ten pounds of phosphorus per acre, then phosphorus need not be applied.

Phosphorus content of commercial fertilizer is typically listed as phosphate (P₂O₅). One pound of P₂O₅ equals 0.44 pounds of phosphorus.

Subp. 2. Maximum nutrient application rates. The maximum rates of nitrogen and phosphorus to be applied in a one-year period are as follows:

<u>Condition</u>	<u>Maximum nitrogen application rate, pounds per acre</u>	<u>Maximum phosphorus application rate, pounds per acre</u>
<u>Land treatment plot cropped after spreading</u>	<u>200</u>	<u>120</u>
<u>Land treatment plot not cropped after spreading</u>	<u>100</u>	<u>60</u>

The cropping conditions in the above table refer to part 7037.2400.

Nutrient application in subsequent years is not required.

Subp. 3. Other fertilizer management considerations. Additional fertilizer management considerations are as described in items A and B:

A. Timing and methods for fertilizer application are given in part 7037.2200, subpart 2. If fertilizer is applied in separate multiple applications and the monitoring requirements of part 7037.2700 have been met prior to application of the required amount of fertilizer, then the remainder of the fertilizer need not be applied.

B. Acceptable nutrient sources for application include compost, manure, other organic fertilizers, or inorganic fertilizers.

7037.3700 INCORPORATIONS BY REFERENCE.

Subpart 1. In general. For purposes of this chapter, the documents in subpart 2 are incorporated by reference. They can be found at the Minnesota State Law Library, Minnesota Judicial Center, 25 Constitution Avenue, Saint Paul, Minnesota 55155, or at the addresses indicated. These documents are not subject to frequent change.

Subp. 2. Referenced standards. The documents incorporated by reference in this chapter are listed in items A to H:

A. American Society of Agronomy, 677 South Segoe Road, Madison, Wisconsin 53711.

(1) Methods of Soil Analysis, Part 1—Physical and Mineralogical Methods (Second Edition), Agronomy Monograph No. 9 (1986); and

(2) Methods of Soil Analysis, Part 2—Chemical and Microbiological Properties (Second Edition), Agronomy Monograph No. 9 (1982).

B. Minnesota Department of Health, Public Health Laboratory Division, 717 Delaware Street Southeast, Minneapolis, Minnesota 55440.

(1) EPA Method 8010, Halogenated Volatile Organics (1986);

(2) EPA Method 8020, Aromatic Volatile Organics (1986);

(3) EPA Method 8080, Organochlorine Pesticides and PCBs (1986);

(4) Minnesota Department of Health method 465, revision D, Determination of Volatile Organics in Water by Purge-and-Trap Method (1989); and

(5) Minnesota Department of Health method 466A, Determination of Volatile Organics in Liquids and Solids by Purge-and-Trap Method (1984).

C. Minnesota Department of Natural Resources, 500 Lafayette Road, Saint Paul, Minnesota 55155.

(1) Regulations Designating Trout Lakes, Superseding Commissioner's Order No. 2230 (Commissioner's Order No. 2443; May 12, 1992); and

(2) Regulations Designating Trout Streams and Regulating the Taking of Fish Therein, Superseding Commissioner's Order No. 2089 (Commissioner's Order No. 2294; March 18, 1988).

D. North Dakota State University Agricultural Experiment Station, Fargo, North Dakota 58105. Recommended Chemical Soil Test Procedures for the North Central Region Bulletin No. 499 (October 1988).

E. Wisconsin Department of Natural Resources, Box 7921, Madison, Wisconsin 53707.

(1) Method for Determining Gasoline Range Organics (Modified GRO Method) PUBL-SW-140 (undated); and

(2) Method for Determining Diesel Range Organics (Modified DRO Method) PUBL-SW-141 (undated).

F. United States Department of Agriculture, Soil Conservation Service, 600 Farm Credit Building, 375 Jackson Street, Saint Paul, Minnesota 55101.

(1) Diversion (Standard 362, July 1989); and

(2) Filter strip (Standard 393, April 1986).

G. United States Department of the Interior, Fish and Wildlife Service, Printing and Publications Branch, 1849 C Street N.W., Room 2543, Washington, D.C. 20240. Classification of Wetlands and Deep Water Habitats of the United States, FWS/OBS-79/31 (December 1979).

H. United States Government Printing Office, Washington, D.C. 20401.

(1) Soil Survey Laboratory Methods and Procedures for Collecting Soil Samples, Soil Survey Investigations Report 1 (revised) (1972); and

(2) Soil taxonomy: A basic system of soil classification for making and interpreting soil surveys, USDA-SCS Agricultural Handbook No. 436 (1975).

Board of Psychology

Proposed Permanent Rules Relating to Continuing Education Requirements

Alternative Notices: Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing

I.

NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board proposes to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* §§ 14.22 to 14.28 (1990).

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rules. The 30 days will expire at 4:30 p.m. on December 16, 1992. Comment is encouraged. Each comment should identify the portion of the proposed rules being addressed, the reason for the comment, and any change proposed to the rules by the comment. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rules. Any person requesting a hearing should state their name, address, and telephone number and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes they want made to the proposed rules. If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Board be informed of

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the specific amendments on which a hearing is being requested at the time that the hearing request is made. This will enable the Board to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rules or a portion thereof by 4:30 p.m. on December 16, 1992. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* §§ 14.131 to 14.20 (1990) and the hearing notice provided below.

Comments or written requests should be submitted to:

Lois E. Mizuno
Minnesota Board of Psychology
Suite 101
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0587

The statutory authority of the Board to adopt the proposed rules is contained in *Minnesota Statutes* §§ 148.905 and 148.911 (1990).

If adopted, the proposed rules would establish continuing education requirements for psychologists. The proposed rules will be published in the *State Register* issue of November 16, 1992, and a free copy of the rules may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address or telephone number listed above.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address or telephone number listed above.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land, therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1990).

It is the position of the Board that it is not subject to *Minnesota Statutes* § 14.115 (1990) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1990), for reducing the impact of the proposed rules, should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

Upon completion of the proposed rules without a public hearing, the rules as proposed, this notice, the statement of need and reasonableness, all written comments received, the rules as adopted, and a statement explaining any differences between the rules as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the amendments as adopted should submit a written request to Lois E. Mizuno at the address listed above.

II.

NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE-CAPTIONED RULES WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART I ABOVE, A HEARING WILL BE HELD ON JANUARY 22, 1993, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990), in Conference Room A, 2700 University Avenue West, on January 22, 1993, commencing at 9:00 a.m.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Howard Kaibel, Administrative Law Judge, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7608. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131 to 14.20 (1990) and by *Minnesota Rules* pts. 1400.0200 to 1400.1200 (1991). Questions about procedure may be directed to the administrative law judge.

If adopted, the rules would amend current continuing education requirements. The proposed rules will be published in the *State Register* issue of November 16, 1992, and a free copy of the rules may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address and telephone number listed above in Part I of this notice.

The statutory authority of the Board to adopt the proposed rules is contained in *Minnesota Statutes* §§ 148.905 and 148.91 (1990).

The proposed rules may be modified if the modifications are supported by data and views submitted to the Board or as a result of the rule hearing process if they do not result in a substantial change to the proposed rules as noticed. You are therefore advised to participate in the process.

Minnesota Statutes ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone: (612) 296-5615.

NOTICE IS HEREBY GIVEN that a statement of need and reasonableness is now available for review at the Board and the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the Board or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Any person may request notification of the date on which the administrative law judge's report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rules with the Secretary of State.

Promulgation of these proposed rules will not result in the expenditure of public monies by local public bodies nor have any impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1990).

It is the position of the Board that it is not subject to *Minnesota Statutes* § 14.115 (1990) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1990) for reducing the impact of the proposed rules should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

III.

NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART I ABOVE. ALSO, THE HEARING WILL BE CANCELLED IF A SUFFICIENT NUMBER OF PEOPLE WITHDRAW THEIR REQUEST FOR A HEARING IN RESPONSE TO PROPOSED REVISIONS OF THE PROPOSED RULES BY THE BOARD

The hearing scheduled for January 22, 1993 will be cancelled if the Board does not receive requests from 25 or more persons that a hearing be held on these rules. You may call Lois Mizuno at (612) 642-0587 after December 16, 1992 to find out whether a hearing will be held.

Dated: 2 November 1992

Lois E. Mizuno
Interim Executive Director

Rules as Proposed

7200.0100 DEFINITIONS.

[For text of subs 1 to 4, see M.R.]

Subp. 4a. Continuing education. "Continuing education" means a wide range of education and training activities designed to contribute to the development and enhancement of skills associated with professional practice in psychology. These skills include

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assessment, intervention, consultation, supervision, teaching, scholarly activity, and the application of ethical, legal, and quality assurance standards of professional practice. Unless otherwise stated, one continuing education hour equals 60 minutes. Credit is given in one-half hour increments to the nearest one-half or full hour.

[For text of subs 5 to 9, see M.R.]

Subp. 9a. Sponsor. "Sponsor" means a person or entity who organizes a continuing education activity. A sponsor may charge a fee for attendance at an activity and may be a licensee.

Subp. 9b. Sponsored continuing education activity or sponsored activity. "Sponsored continuing education activity" or "sponsored activity" means a continuing education activity organized for presentation to others.

[For text of subs 10 to 13, see M.R.]

7200.3400 RENEWAL DEADLINE.

Subpart 1. Renewal date, information required. The biennial renewal fee shall be remitted to the board postmarked on or before the last day of the last month during which the license is valid. The renewal fee shall accompany a completed notarized renewal application including a list of the continuing education activities since initial licensure or the preceding renewal, whichever applies, and an affirmation that the statements on the renewal application are true and correct to the best knowledge and belief of the licensee. The continuing education list must include the names of the sponsors, the dates and title of the activity, and the number of hours credited. The license renewal certificate shall not be issued unless the licensee has demonstrated that the requirements of parts 7200.3820 to 7200.3840 have been met. Each licensee is responsible for keeping documentation of the licensee's attendance at sponsored continuing education activities or completion of individually designed activities for two years after the renewal date.

Subp. 2. Temporary renewal certificate. If the licensee is unable to meet the continuing education requirement by the renewal date, the licensee may request a time-limited variance to fulfill the requirement after the renewal date. The variance request must meet the requirements of part 7200.6000, subpart 1, and include a written plan listing the activities, including the dates and the number of hours for each, offered to meet the requirement. Hours completed after the renewal date pursuant to the written plan shall count toward meeting only the requirements of the previous renewal period. A variance granted under this subpart expires six months after the renewal date. Upon board approval of the variance, and completion of all other requirements of subpart 1, the board shall issue a temporary renewal certificate that expires upon verification of completion of requirements or the end of the variance period, whichever comes first.

7200.3610 RELICENSURE FOLLOWING TERMINATION.

Subpart 1. Relicensure requirements. A former licensee whose license has been voluntarily terminated or terminated as provided in part 7200.3605 may be relicensed after complying with all laws and rules required of applicants for examination and licensure and verifying that the former licensee has not engaged in the private practice of psychology in this state since the date of termination. The verification must be accompanied by a notarized affirmation that the statement is true and correct to the best knowledge and belief of the former licensee. The fee for relicensure following termination is the licensure fee in effect at the time of application for relicensure, and rules governing relicensure are the rules in effect at the time the initial license was granted.

Subp. 2. Continuing education requirements for relicensure. A former licensee seeking relicensure who holds a license to practice in another state must provide verification from the other state that the licensee has met the continuing education requirements of the other state since termination of the Minnesota license. A former licensee seeking relicensure after license termination who has not held a license to practice in any state since termination of the Minnesota license must provide evidence of having completed at least 40 hours of continuing education activities that meet the requirements of parts 7200.3810 to 7200.3840.

7200.3810 PURPOSE OF CONTINUING EDUCATION.

The purpose of mandatory continuing education is to:

- A. promote the health and well being of the residents of Minnesota who receive services from licensees; and
- B. promote the professional development of providers of these services.

The continued professional growth and maintenance of competence in providing psychological services are the ethical responsibilities of each licensee.

7200.3820 CONTINUING EDUCATION REQUIREMENTS.

Except as provided in part 7200.3840, as a requirement for license renewal, each licensee must have completed during the preceding renewal period a minimum of 40 hours of continuing education activities approved by the board according to part 7200.3830.

7200.3830 APPROVAL OF CONTINUING EDUCATION PROGRAMS.

Subpart 1. Continuing education activities eligible for approval. The activities in items A to G are designated as sponsored

activities that may be used to meet continuing education requirements, provided they meet the definition of continuing education in part 7200.0100, subpart 4a, and pertain to psychology or enhance psychological skills.

A. Developing and teaching an academic course in psychology in an institution accredited by a regional accrediting association. Continuing education hours may be earned only for the first time the licensee teaches the course. One academic credit, unit, or hour equals ten continuing education hours. Acceptable documentation is verification from the dean or head of the department of the institution that the licensee taught the course for the first time and of the number of credits, units, or hours assigned by the institution.

B. Completing satisfactorily a graduate level course in psychology offered by an institution accredited by a regional accrediting association. The course need not be submitted for prior approval by either the sponsor or the individual licensee. Acceptable documentation is an academic transcript showing graduate credits earned. One academic credit, unit, or hour equals 20 continuing education hours.

C. Developing a presentation for workshops, seminars, symposia, colloquia, invited speaker sessions, meetings of professional or scientific organizations, or postdoctoral institutes. Acceptable documentation is a printed program or agenda. One hour of development equals one continuing education hour and up to three hours of development time may be claimed for each hour of presentation. Continuing education hours may be earned only for development for the licensee's first presentation on the subject developed.

D. Authoring, editing, or reviewing a psychological publication. Continuing education hours may be earned only in the year of publication or first distribution. Acceptable documentation includes a publication cover sheet, masthead, table of contents, or marketing materials. The maximum hours earned are as follows:

- (1) author of a professional or scientific book, 40 hours;
- (2) author of a professional or scientific book chapter or journal article, 20 hours;
- (3) editor of a professional or scientific book, 30 hours;
- (4) editor of a professional or scientific journal, 30 hours;
- (5) journal article review, one hour per manuscript; and

(6) other professional or scientific activities not covered in subitems (1) to (5), including preparation of products such as tests, videotaped materials, and computer programs. Up to 40 hours may be credited, the amount to be determined by the board using the amounts in subitems (1) to (4) as guidelines.

E. Attendance at workshops, seminars, symposia, colloquia, invited speaker sessions, postdoctoral institutes, or scientific or professional programs offered at meetings of local, state, regional, national, or international professional or scientific organizations, or audited graduate courses at an institution accredited by a regional accrediting association. Acceptable documentation includes a certificate of attendance or a transcript. For activities which do not provide a certificate of attendance or transcript, documentation includes a registration receipt with a printed program.

F. Completion of audio-visual or other home study courses. Acceptable documentation includes transcripts, personal notes, or posttests. Three hours of activity equals one continuing education hour.

G. Service on board oral examination panels. One day of service equals eight continuing education hours. Continuing education hours may be credited once per renewal period.

Subp. 2. Sponsor request for approval. A sponsor may request in writing board approval at any time for activities intended to meet continuing education requirements. The sponsor shall be notified within 45 days after receipt of a request that includes the information required in subpart 4 whether the activity has been approved or denied. Materials advertising approved activities may include the statement: "THIS PROGRAM HAS BEEN APPROVED BY THE MINNESOTA BOARD OF PSYCHOLOGY FOR (NUMBER) CONTINUING EDUCATION HOURS." Materials advertising nonapproved activities may not include such a statement or otherwise imply board approval. Violation of this subpart by a sponsor who is a licensee is grounds for disciplinary action.

Subp. 3. Licensee request for approval. A licensee may at any time request in writing the approval of activities sponsored by other entities to meet the licensee's continuing education requirements. The licensee shall be notified within 45 days after receipt of a request that includes the information required in subpart 4 whether the activity has been approved or denied.

Subp. 4. Information required for approval. A request for approval under subpart 2 or 3 must include the following information:

- A. the name and address of sponsor;

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

- B. the names and credentials of instructors;
- C. an outline of topics to be covered;
- D. the number of hours of actual instruction;
- E. the mechanism for monitoring and certifying attendance;
- F. the location at which the activity will be conducted;
- G. the date of the activity; and
- H. a statement of the educational objectives, expected outcomes, and targeted participants.

Materials advertising the activity must include the information provided under this subpart exactly as stated in the request for approval.

Subp. 5. Approval of individually designed continuing education activities. A licensee may obtain a maximum of 15 of the required 40 hours through individually designed continuing education activities which do not include sponsored activities. A licensee may submit a written proposal at any time. The licensee shall be notified within 45 days after receipt of a proposal that includes the information required in this subpart whether the proposal has been approved or denied. The request must include the following:

- A. the rationale for pursuing an individually designed activity;
- B. specific goals and objectives, and an explanation of how the goals and objectives are related to the enhancement of the psychologist's professional skills;
- C. an outline of the topics to be covered;
- D. a description of resources and activities;
- E. the proposed documentation of completion of activity, to be kept by the licensee through the following renewal period for random verification by the board; and
- F. an estimate of time to be expended in the activity, and the number of continuing education hours requested, using the following guidelines: three hours of reading/study equals one continuing education hour; one hour of tutoring, consultation, or supervision received equals one continuing education hour.

Subp. 6. Criteria for approval. Approval of continuing education activities shall be based on the following criteria:

- A. for sponsored activities, submission of the information required in subpart 4;
- B. for individually designed activities, submission of the information required in subpart 5;
- C. relevance to the practice of psychology or to the development of new professional skills of licensees;
- D. relation of the proposed topics to the body of psychological knowledge; and
- E. the qualifications of consultants, tutors, supervisors, instructors, and other individuals used as resources, and the relevancy of those qualifications to the topics presented.

7200.3840 CONTINUING EDUCATION HOURS FOR FIRST RENEWAL AFTER BEGINNING DATE.

Parts 7200.0100 to 7200.3840 are effective on the first day of the month following publication of their notice of adoption in the State Register. Continuing education requirements for the first renewal following the effective date are as follows:

- A. for licensees whose renewal dates occur less than six months after the effective date, no continuing education hours;
- B. for licensees whose renewal dates occur at least six months but less than one year after the effective date, ten continuing education hours;
- C. for licensees whose renewal dates occur at least one year but less than 18 months after the effective date, 20 continuing education hours; and
- D. for licensees whose renewal dates occur at least 18 months but less than two years after the effective date, 30 continuing education hours.

Board of Psychology

Proposed Permanent Rules Relating to Licensure of Psychological Practitioners

Alternative Notices: Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing

I.
NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board proposes to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* §§ 14.22 to 14.28 (1990).

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rules. The 30 days will expire at 4:30 p.m. on December 16, 1992. Comment is encouraged. Each comment should identify the portion of the proposed rules being addressed, the reason for the comment, and any change proposed to the rules by the comment. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rules. Any person requesting a hearing should state their name, address, and telephone number and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes they want made to the proposed rules. If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Board be informed of the specific amendments on which a hearing is being requested at the time that the hearing request is made. This will enable the Board to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rules or a portion thereof by 4:30 p.m. on December 16, 1992. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* §§ 14.131 to 14.20 (1990) and the hearing notice provided below.

Comments or written requests should be submitted to:

Lois E. Mizuno
Minnesota Board of Psychology
Suite 101
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0587

The statutory authority of the Board to adopt the proposed rules is contained in *Minnesota Statutes* §§ 148.905 and 148.91 (1990).

If adopted, the proposed rules would define the requirements for licensure as a psychological practitioner, including setting fees for licensure and renewal, providing for licensure examinations and satisfactory performance on them, and providing requirements for reporting or verifying that their employment has been supervised. The proposed rules will be published in the *State Register* issue of November 16, 1992, and a free copy of the rules may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address or telephone number listed above.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address or telephone number listed above.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land, therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1990).

It is the position of the Board that it is not subject to *Minnesota Statutes* § 14.115 (1990) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1990), for reducing the impact of the proposed rules, should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

Upon completion of the proposed rules without a public hearing, the rules as proposed, this notice, the statement of need and reasonableness, all written comments received, the rules as adopted, and a statement explaining any differences between the rules as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the amendments as adopted should submit a written request to Lois E. Mizuno at the address listed above.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

II.

NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE-CAPTIONED RULES WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART I ABOVE, A HEARING WILL BE HELD ON JANUARY 22, 1993, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990), in Conference Room A, 2700 University Avenue West, on January 22, 1993, commencing at 9:00 a.m.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Howard Kaibel, Administrative Law Judge, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7608. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131 to 14.20 (1990) and by *Minnesota Rules* pts. 1400.0200 to 1400.1200 (1991). Questions about procedure may be directed to the administrative law judge.

If adopted, the rules would define the requirements for licensure as a psychological practitioner, including setting fees for licensure and renewal, providing for licensure examinations and satisfactory performance on them, and providing requirements for reporting or verifying that their employment has been supervised. The proposed rules will be published in the *State Register* issue of November 16, 1992, and a free copy of the rules may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address and telephone number listed above in Part I of this notice.

The statutory authority of the Board to adopt the proposed rules is contained in *Minnesota Statutes* §§ 148.905 and 148.91 (1990).

The proposed rules may be modified if the modifications are supported by data and views submitted to the Board or as a result of the rule hearing process if they do not result in a substantial change to the proposed rule as noticed. You are therefore advised to participate in the rulemaking process.

Minnesota Statutes ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than \$250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone: (612) 296-5615.

NOTICE IS HEREBY GIVEN that a statement of need and reasonableness is now available for review at the Board and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the Board or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Any person may request notification of the date on which the administrative law judge's report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rules with the Secretary of State.

Promulgation of these proposed rules will not result in the expenditure of public monies by local bodies nor have any impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1990).

It is the position of the Board that it is not subject to *Minnesota Statutes* § 14.115 (1990) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1990) for reducing the impact of the proposed rules should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

III.

NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART I ABOVE. ALSO, THE HEARING WILL BE CANCELLED IF A SUFFICIENT NUMBER OF PEOPLE WITHDRAW THEIR REQUEST FOR A HEARING IN RESPONSE TO PROPOSED REVISIONS OF THE PROPOSED RULES BY THE BOARD

The hearing scheduled for January 22, 1993 will be cancelled if the Board does not receive requests from 25 or more persons that a hearing be held on these rules. You may call Lois Mizuno at (612) 642-0587 after December 16, 1992 to find out whether a hearing will be held.

Dated: 2 November 1992

Lois E. Mizuno
Interim Executive Director

Rules as Proposed

7200.0650 REQUIREMENTS FOR LICENSURE AS PSYCHOLOGICAL PRACTITIONER.

To be eligible for licensure as a psychological practitioner an applicant must meet the requirements of part 7200.0600, items A, B, E, and F.

7200.1200 DENIAL OF LICENSURE.

An applicant who fails to meet all the requirements in parts 7200.0300 and 7200.0600 or 7200.0650 shall be denied licensure and informed in writing of the denial and the reason for it. An application submitted following denial is a new application which must be accompanied by the current licensure application fee.

7200.1300 EDUCATIONAL REQUIREMENT FOR LICENSURE.

[For text of subps 1 and 2, see M.R.]

Subp. 2a. Psychological practitioner. The educational requirement for licensure as a psychological practitioner is the same as for licensure as a licensed psychologist by waiver as provided in subpart 2.

[For text of subps 3 and 4, see M.R.]

7200.3000 EXAMINATIONS.

[For text of subpart 1, see M.R.]

Subp. 1a. Passing scores. The passing score for each part of the examination is the same for both levels of licensure.

[For text of subps 2 to 5, see M.R.]

7200.3400 RENEWAL DEADLINE.

Subpart 1. Renewal date, information required. The biennial renewal fee shall be remitted to the board postmarked on or before the last day of the last month during which the license is valid. The renewal fee shall accompany a completed notarized renewal application including an affirmation that the statements on the renewal application are true and correct to the best knowledge and belief of the licensee.

Subp. 2. Psychological practitioner requirements. The renewal application of a psychological practitioner must include the beginning and ending dates and hours worked per month for each position held during the preceding two years, the name of the supervising licensee and number of hourly one-to-one supervisory consultation contacts per month for each position held, and verification by each supervising licensee that the supervisory consultation met the requirements of *Minnesota Statutes*, section 148.925, subdivision 2, paragraph (a). If the supervising licensee is deceased or otherwise not available, verification may be provided by an agency director or clinical director who has knowledge of the supervisory consultations, or by affidavit or other acceptable documentation, such as a log.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. **Strike outs** indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. **Strike outs** indicate deletions from proposed rule language.

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Subp. 3. Content of supervisory consultation. The supervisory consultations between the supervising licensee and the psychological practitioner who is preparing for licensure as a licensed psychologist must meet the requirements of Minnesota Statutes, section 148.925, subdivision 2, paragraph (b), and be verified as provided in subpart 2 at the time of license renewal.

7200.6100 FEES.

Fees for licensure of psychologists payable to the board are as follows:

- A. application for admission to examination, \$25;
- B. application for licensure, \$250;
- C. renewal of license, \$250; and
- D. late renewal of license, \$160;
- E. application for licensure as a psychological practitioner, \$180;
- F. renewal of license for a psychological practitioner, \$180; and
- G. late renewal of license for a psychological practitioner, \$120.

Board of Psychology

Proposed Permanent Rules Relating to Housekeeping Changes

Alternative Notices: Notice of Intent to Adopt Rules Without a Public Hearing, Notice of Intent to Adopt Rules With a Public Hearing if 25 or More Persons Request a Hearing, and Notice of Intent to Cancel Hearing if Fewer than 25 Persons Request a Hearing

I.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Board proposes to adopt the above-captioned rules without a public hearing unless 25 or more persons submit written requests for a public hearing. The Board has determined that the proposed changes will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* §§ 14.22 to 14.28 (1990).

Interested persons shall have 30 days from the date this notice is published in the *State Register* to submit comments in support of or in opposition to the proposed rules. The 30 days will expire at 4:30 p.m. on December 16, 1992. Comment is encouraged. Each comment should identify the portion of the proposed rules being addressed, the reason for the comment, and any change proposed to the rules by the comment. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Board and do not result in a substantial change in the proposed language.

In addition to submitting comments, interested persons may request in writing during the 30-day comment period that a hearing be held on the proposed rules. Any person requesting a hearing should state their name, address, and telephone number and is encouraged to identify the portion of the proposed rules addressed, the reason for the request, and any changes they want made to the proposed rules. If a person desires that a hearing be held on only a portion of the proposed rules, it is requested that the Board be informed of the specific amendments on which a hearing is being requested at the time that the hearing request is made. This will enable the Board to limit the hearing, if one is held, to the specific issues of concern. A public hearing will be held only if 25 or more persons submit in writing requests for a hearing on the proposed rules or a portion thereof at 4:30 p.m. on December 16, 1992. If a hearing is required, it will be held in accordance with the provisions of *Minnesota Statutes* §§ 14.131 to 14.20 (1990) and the hearing notice provided below.

Comments or written requests should be submitted to:

Lois E. Mizuno
Minnesota Board of Psychology
Suite 101
2700 University Avenue West
St. Paul, Minnesota 55114
Telephone: (612) 642-0587

The statutory authority of the Board to adopt the proposed rules is contained in *Minnesota Statutes* §§ 148.905 (1990).

If adopted, the proposed rules would correct rules rendered obsolete or contradictory due to passage of the new Psychology Practice Act. The proposed rules will be published in the *State Register* issue of November 16, 1992, and a free copy of the rules may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address or telephone number listed above.

A **STATEMENT OF NEED AND REASONABLENESS** that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed changes has been prepared and may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address or telephone number listed above.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land, therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1990).

It is the position of the Board that it is not subject to *Minnesota Statutes* § 14.115 (1990) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1990), for reducing the impact of the proposed rules, should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

Upon completion of the proposed rules without a public hearing, the rules as proposed, this notice, the statement of need and reasonableness, all written comments received, the rules as adopted, and a statement explaining any differences between the rules as proposed and as adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the amendments as adopted should submit a written request to Lois E. Mizuno at the address listed above.

II.

NOTICE OF INTENT TO ADOPT RULES WITH A PUBLIC HEARING IF 25 OR MORE PERSONS REQUEST A HEARING

PLEASE NOTE THAT IF 25 OR MORE PERSONS SUBMIT WRITTEN REQUESTS FOR A PUBLIC HEARING WITH RESPECT TO THE ABOVE-CAPTIONED RULES WITHIN THE 30-DAY COMMENT PERIOD PURSUANT TO THE NOTICE GIVEN IN PART I ABOVE, A HEARING WILL BE HELD ON JANUARY 22, 1993, IN ACCORDANCE WITH THE FOLLOWING NOTICE OF PUBLIC HEARING.

NOTICE IS HEREBY GIVEN that a public hearing in the above-captioned matter will be held pursuant to *Minnesota Statutes* §§ 14.131 to 14.20 (1990), in Conference Room A, 2700 University Avenue West, on January 22, 1993, commencing at 9:00 a.m.

All interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. Such persons may present their views either orally at the hearing or in writing at any time prior to the close of the hearing record. All evidence presented should be pertinent to the matter at hand. Written material not submitted at the time of hearing which is to be included in the hearing record may be mailed to Howard Kaibel, Administrative Law Judge, Office of Administrative Hearings, 100 Washington Square, Suite 1700, Minneapolis, Minnesota 55401-2138, telephone (612) 341-7608. Unless a longer period not to exceed 20 calendar days is ordered by the administrative law judge at the hearing, the hearing record will remain open for the inclusion of written material for five working days after the hearing ends. Written material received during this period will be available for review at the Office of Administrative Hearings. The Board and interested persons may respond in writing within three business days after the submission period ends to any new information submitted. No additional evidence may be submitted during the three-day period. This rule hearing procedure is governed by *Minnesota Statutes* §§ 14.131 to 14.20 (1990) and by *Minnesota Rules* pts. 1400.0200 to 1400.1200 (1991). Questions about procedure may be directed to the administrative law judge.

If adopted, the rules would correct rules rendered obsolete or contradictory due to passage of the New Psychology Practice Act. The proposed rules will be published in the *State Register* issue of November 16, 1992, and a free copy of the rules may be obtained from the Board by writing or telephoning Lois E. Mizuno at the address and telephone number listed above in Part I of this notice.

The statutory authority of the Board to adopt the proposed rules is contained in *Minnesota Statutes* §§ 148.905 (1990).

The proposed rules may be modified if the modifications are supported by data and views submitted to the Board or as a result of the rule hearing process if they do not result in a substantial change to the proposed rules as noticed. You are therefore advised to participate in the process.

Minnesota Statutes ch. 10A requires each lobbyist to register with the Ethical Practices Board within five days after he or she commences lobbying. A lobbyist is defined in *Minnesota Statutes* § 10A.01, subd. 11 as any individual:

(a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than \$250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." **ADOPTED RULES SECTION** — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

Proposed Rules

(b) Who spends more than \$250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 625 North Robert Street, St. Paul, Minnesota 55101, telephone: (612) 296-5615.

NOTICE IS HEREBY GIVEN that a statement of need and reasonableness is now available for review at the Board and the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all the evidence which the Board anticipates presenting at the hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the Board or the Office of Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

Any person may request notification of the date on which the administrative law judge's report will be available, after which date the Board may not take any final action on the rules for a period of five working days. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the administrative law judge. Any person may request notification of the date on which the rules were adopted and filed with the Secretary of State. The notice must be mailed on the same day that the rules are filed. If you want to be so notified, you may so indicate at the hearing or send a request in writing to the Board at any time prior to the filing of the rules with the Secretary of State.

Promulgation of these proposed rules will not result in the expenditure of public monies by local bodies nor have any impact on agricultural land; therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1990).

It is the position of the Board that it is not subject to *Minnesota Statutes* § 14.115 (1990) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1990) for reducing the impact of the proposed rules should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

III.

NOTICE OF INTENT TO CANCEL HEARING IF FEWER THAN 25 PERSONS REQUEST A HEARING IN RESPONSE TO THE NOTICE GIVEN IN PART I ABOVE. ALSO, THE HEARING WILL BE CANCELLED IF A SUFFICIENT NUMBER OF PEOPLE WITHDRAW THEIR REQUEST FOR A HEARING IN RESPONSE TO PROPOSED REVISIONS OF THE PROPOSED RULES BY THE BOARD

The hearing scheduled for January 22, 1993 will be cancelled if the Board does not receive requests from 25 or more persons that a hearing be held on these rules. You may call Lois Mizuno at (612) 642-0587 after December 16, 1992 to find out whether a hearing will be held.

Dated: 2 November 1992

Lois E. Mizuno
Interim Executive Director

Rules as Proposed

7200.0100 DEFINITIONS.

[For text of subps 1 to 3, see M.R.]

Subp. 3a. **Client.** "Client" means an individual or entity who is the recipient of any of the psychological services described in *Minnesota Statutes*, section 148.89, subdivision 4 5.

Subp. 4. [See repealer.]

[For text of subps 5 to 5d, see M.R.]

Subp. 6. **Licensee of the board or licensee.** "Licensee of the board" or "licensee" means either a licensed psychologist or a ~~licensed consulting psychologist~~ psychological practitioner.

[For text of subps 7 to 9, see M.R.]

Subp. 10. [See repealer.]

[For text of subps 11 to 13, see M.R.]

7200.0600 REQUIREMENTS FOR LICENSURE.

To be eligible for licensure an applicant must:

[For text of items A and B, see M.R.]

C. for licensure as a licensed psychologist only, have completed two years of postdegree supervised employment as stated in parts 7200.0800 and 7200.2000 to 7200.2600;

D. for licensure as a licensed psychologist only, provide evidence of having met the supervision requirements of parts 7200.0800

and 7200.2000 to 7200.2600 and Minnesota Statutes, section 148.925, subdivisions 1 and 2, paragraph (b), by means of a signed, notarized statement from the supervisor of each employment that includes the time period during which the applicant was supervised, the number of hours of face-to-face supervision per week, and verification that the supervision meets the requirements of parts 7200.0800 and 7200.2000 to 7200.2600;

E. have performed satisfactorily on all parts of the examination listed in part 7200.3000; and

F. provide evidence of having met the requirements of Minnesota Statutes, section 148.91, subdivision 4, clause (2) and of not having engaged in conduct prohibited by parts 7200.4500 to 7200.5700, by means of endorsements from at least two individuals with the qualifications stated in part 7200.0900; and

G. for an application for licensure as a licensed psychologist, file an agreement to collaborate signed by a licensed consulting psychologist.

7200.0700 CONCURRENT APPLICATIONS.

An applicant may file both the application for admission to examination and the application for licensure at the same time if the employment requirements in parts 7200.0800 and 7200.2000 to 7200.2600 if all requirements for licensure other than passing the three parts of the examination have been met.

7200.0800 SUPERVISED EMPLOYMENT; AREAS OF COMPETENCE.

The application for licensure as a licensed psychologist must include for each postdegree supervised employment the setting, nature, and extent, the time period involved, the number of hours per week engaged in professional duties, the number of hours of face-to-face supervision per week, and the name, address, and qualifications of the supervisor, and the areas of competence in which proficiency has been gained. The application may include areas of competence in which proficiency has been gained through experience, such as internships or practica, which is not counted toward the employment requirement of Minnesota Statutes, section 148.91, subdivisions 4 and 5.

7200.0810 FIELD OF PRACTICE, AREAS OF COMPETENCE.

The application for licensure as a licensed psychologist or a psychological practitioner must include the field of practice and the areas of competence in which proficiency has been gained. The application may include areas of competence in which proficiency has been gained through experience, such as internships or practica, which is not counted toward the employment requirement of Minnesota Statutes, section 148.91, subdivision 5. The application must include at least one field of practice.

7200.1300 EDUCATIONAL REQUIREMENT FOR LICENSURE.

Subpart 1. **Licensed consulting psychologist.** The educational requirement for licensure as a licensed ~~consulting~~ psychologist is a doctoral degree with a major in psychology obtained in an institution accredited by a regional accrediting association to grant doctoral degrees.

Subp. 2. **Licensed psychologist by waiver.** Notwithstanding the provisions of subpart 1, the educational requirement for licensure as a licensed psychologist for any person who has met the requirements of Minnesota Statutes, section 148.921, subdivision 2, is a master of arts or science degree, including a master equivalent in a doctoral program, with a major in psychology obtained in an institution accredited by a regional accrediting association.

[For text of subp 3, see M.R.]

Subp. 4. **Degrees earned after June 30, 1991.** For both types of licensure based on degrees earned after June 30, 1991, the major must meet the following requirements:

[For text of item A, see M.R.]

B. The transcript of the applicant must indicate:

[For text of subitems (1) to (4), see M.R.]

(5) A course offered as meeting any one requirement listed under subitems (1) to (4) may not be offered to meet any other requirement, except as provided in subitem (6).

(6) If the head of a department providing a graduate program submits to the board a list of courses in the program by title and number, which in the opinion of the department head meet one or more of the requirements of this subpart, the list will be used

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as an aid in determining whether the courses offered by the applicant meet the requirements of this subpart. The department head's list may subdivide courses by core area listed in item B, subitem (1), provided that courses so subdivided collectively provide a minimum of three quarter credits or their equivalent in each core area addressed.

(7) An applicant for licensure as a licensed psychologist on the basis of a master's degree is considered as having met the requirements of Minnesota Statutes, section 148.921, subdivision 2, clause (1), if the applicant had been accepted into the program by November 1, 1991, whether the applicant had enrolled in a class by that date. An applicant who entered the program by November 1, 1991, and who later transferred to another program is considered as having met the requirements of Minnesota Statutes, section 148.921, subdivision 2, clause (1).

7200.1900 EMPLOYMENT REQUIREMENTS FOR LICENSURE AS LICENSED PSYCHOLOGIST.

Parts 7200.2000 to 7200.2600 apply to applicants for licensure as licensed psychologists.

7200.2000 PROFESSIONAL EMPLOYMENT REQUIREMENTS.

To meet the requirements for professional employment, the employment of the applicant, which may include voluntary service, must:

A. Involve the application of psychological principles in the description, prediction, and modification of human behavior and emotional adjustment, including but not restricted to such practices as: psychological assessment, including such functions as intelligence, personality, aptitude, and attitude appraisal; psychological treatment of persons who have adjustment problems; psychological counseling and guidance; conducting behavioral research; and teaching of psychology as stated in the definition of "practice of psychology" in Minnesota Statutes, section 148.89, subdivision 5.

B. Be under the supervision of a licensee of the board or an individual whose education and experience meet the standards for licensure imposed by Minnesota Statutes, section 148.91 and parts 7200.0100 to 7200.6000, who is competent in the areas of practice in which supervision is provided, and who is as provided in Minnesota Statutes, section 148.925, subdivisions 1, 2, paragraph (b), and 3. The supervisor must not be an employee or a member of the family of the applicant. The private independent practice of psychology for a fee in this state is not allowed before licensure and shall not be credited, except that a licensed psychologist seeking licensure as a licensed consulting psychologist may engage in the private practice of psychology for a fee and need not require supervision toward the employment requirement for licensure.

C. Include at least four hours of regularly scheduled, formal face-to-face supervision for each two-week period at work, two hours of which must be with the supervisor as defined in part 7200.0100, subpart 10. The remaining two hours may be with other mental health professionals designated by the supervisor. Hours spent in supervision, research, charting, report writing, staff meetings, patient care conferences, and required training sessions, as well as hours spent in direct client contact, count as hours of employment for the purposes of part 7200.0600, item C.

D. Be performed competently as judged by the supervisor.

7200.2300 EXPERIENCES REQUIRED FOR A DEGREE.

Experiences which are required as preparation for the master or doctoral degree, such as internships, assistantships, associateships, clerkships, and practica, may not be offered to satisfy the employment requirement for either level of licensure.

7200.2500 TIME REQUIREMENT.

To meet employment requirements, the applicant shall have completed 24 months of full-time employment, or their equivalent in part-time employment, under supervision as described in part 7200.2000 and Minnesota Statutes, section 148.925, subdivisions 1 and 2, paragraph (b), with regularly scheduled vacation periods and holidays considered as days worked. Full-time employment consists of at least 1,800 hours during a 12-month period.

7200.3000 EXAMINATIONS.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Satisfactory performance on examination.** In order to qualify for licensure, the applicant must perform satisfactorily on all parts of the examination.

An applicant who has performed satisfactorily on the national standardized test, either in another state or for another level of licensure, shall be considered as having met the requirements of this rule with respect to that part of the examination.

An applicant for licensure who has performed satisfactorily on the other parts any part of the examination in another state or for another level type of licensure shall be considered as having met the requirements of this rule with respect to those parts that part of the examination.

[For text of subp 5, see M.R.]

7200.3620 PRACTICING WITHOUT A LICENSE.

A former licensee seeking relicensure following termination as provided in part 7200.3605 who has engaged in the private independent practice of psychology in this state since the date of termination is subject to ~~denial of licensure or~~ disciplinary action at the time the new license is granted or to denial of licensure.

7200.4500 RULES OF CONDUCT.

[For text of subs 1 to 3, see M.R.]

Subp. 4. **Aid to interpretation.** The ~~1981 revision of the~~ Ethical Principles of Psychologists ~~published by the American Psychological Association and~~ Code of Conduct shall be used as an aid in resolving any ambiguity which may arise in the interpretation of the rules of conduct. However, in a conflict between the rules of conduct and the ethical principles, the rules of conduct shall prevail. The Ethical Principles of Psychologists and Code of Conduct, published in American Psychologist by the American Psychological Association, December 1992, is incorporated by reference and is available at the state law library. It is not subject to frequent change.

7200.4900 CLIENT WELFARE.

[For text of subs 1 and 1a, see M.R.]

Subp. 2. **Statement of competence; clients' rights.** A psychologist shall display prominently on the premises of the professional practice or make available as a handout the statement of areas of competence submitted to the board and the bill of rights of clients, including a statement that consumers of psychological services offered by psychologists licensed by the state of Minnesota have the right:

[For text of items A to C, see M.R.]

D. to report complaints to the Board of Psychology, ~~717 Delaware Street, S.E., Room 343, Minneapolis, MN 55414~~ 2700 University Avenue, West, Suite 101, Saint Paul, MN 55114;

[For text of items E to I, see M.R.]

[For text of subs 3 to 12, see M.R.]

7200.5100 PUBLIC STATEMENTS.

[For text of subs 1 and 2, see M.R.]

Subp. 3. **Limit on use of degree.** A psychologist licensed by virtue of a master's degree who has a doctorate from an institution that is not accredited by a regional accrediting association or whose doctoral major does not meet the education requirements for licensure may not use the term "Doctor," "Ph.D.," "Psy.D.," or "Ed.D." with the psychologist's name in any situation or circumstance related to the practice of psychology.

7200.5300 PRACTICING WITHOUT A LICENSE AIDING AND ABETTING UNLICENSED PRACTICE.

A psychologist shall not aid or abet an unlicensed individual or a psychological practitioner in engaging in the ~~private independent~~ practice of psychology. A psychologist who supervises a psychological practitioner or an individual preparing for the ~~professional practice of psychology~~ licensure as a licensed psychologist according to *Minnesota Statutes*, section 148.97, subdivision 3, clause (2), is not in violation of this part if the supervised individual is not engaging in the private independent practice of psychology and, if preparing for licensure as a licensed psychologist, is salaried or offering services pro bono.

7200.6000 WAIVERS AND VARIANCES.

Subpart 1. ~~Waivers; Application.~~ A licensee or applicant for licensure may petition the board for a time-limited waiver or variance of any rule except for any part of a rule which incorporates a statutory requirement. The waiver or variance shall be granted if:

A. ~~the rule in question does not address a problem of significance to the public in relation to the practice or application of the petitioner;~~

~~B. adherence to the rule would impose an undue burden on the petitioner; and~~

~~C. B. the granting of a waiver or variance will not adversely affect the public welfare; and~~

C. in the case of a variance, the rationale for the rule in question can be met by alternative practices or measures specified by the petitioner.

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Proposed Rules

Subp. 2. ~~Waivers, Renewal, reporting, and revocation.~~ A waiver or variance shall be renewed upon reapplication according to the procedure described in subpart 1 if the circumstances justifying its granting continue to exist. Any petitioner who is granted a waiver or variance shall immediately notify the board in writing of any material change in the circumstances which justify its granting. A waiver or variance shall be revoked if a material change in the circumstances which justify its granting occurs or, in the case of a variance, if the petitioner has not complied with the alternative practices or measures specified in the petition.

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. [See repealer.]

Subp. 6. **Burden of proof.** The burden of proof is upon the petitioner to demonstrate to the board that the requirements in ~~subparts subpart 1 and 3~~ have been met.

[For text of subp 7, see M.R.]

REPEALER. Minnesota Rules, parts 7200.0100, subparts 4 and 10; 7200.3900; and 7200.6000, subparts 3, 4, and 5, are repealed.

Board of Psychology

Proposed Permanent Rules Relating to One-time Fee for Licensing Laws Changes

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the Minnesota Board of Psychology (hereinafter "Board") intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes* §§ 14.22 to 14.28 (1990). The statutory authority to adopt the rules is *Minnesota Statutes* §§ 148.905.

All persons have 30 days in which to submit comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Comment is encouraged. Each comment should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed.

Any person may make a written request for a public hearing on the rules within the 30-day comment period. If 25 or more persons submit a written request for a public hearing within the 30-day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a public hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the Board will proceed pursuant to *Minnesota Statutes*, §§ 14.131 to 14.20 (1990).

Comments or written requests for a public hearing must be submitted to:

Lois E. Mizuno
Minnesota Board of Psychology
Suite 101
2700 University Avenue West
St. Paul, Minnesota 55114
(612) 642-0587

The proposed rules may be modified if the modifications are supported by data and views submitted to the Board and do not result in a substantial change in the proposed rules as noticed.

The rules proposed for adoption relate to an assessment of a special fee to cover anticipated costs in implementation of the revisions to the Minnesota licensing law for psychologist. A free copy of the rules is available upon request from Lois E. Mizuno.

A STATEMENT OF NEED AND REASONABLENESS that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules has been prepared and is available from Lois E. Mizuno upon request.

Promulgation of the proposed rules will not result in the expenditure of public monies by local public bodies nor have an impact on agricultural land, therefore, no further information need be provided under *Minnesota Statutes* § 14.11 (1990).

It is the position of the Board that it is not subject to *Minnesota Statutes* § 14.115 (1990) regarding small business considerations in rulemaking. The basis for this position, and the Board's evaluation of the applicability of the methods contained in *Minnesota Statutes* § 14.115, subd. 2 (1990), for reducing the impact of the proposed rules, should it be determined that the Board is governed by section 14.115, are addressed in the statement of need and reasonableness.

Adopted Rules

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission to the Attorney General. Persons who wish to be advised of the submission of this material to the Attorney General or who wish to receive a copy of the adopted rules must submit the written request to Lois E. Mizuno.

Dated: 2 November 1992

Lois E. Mizuno
Interim Executive Director

Rules as Proposed (all new material)

7200.6160 SPECIAL FEE.

Each licensee licensed before the effective date of this part shall be assessed a one-time fee in the amount of \$35, to be remitted to the board on or before March 1, 1993, for the purpose of covering the board's nonrecurring expenses in implementing changes to the licensing law for psychologists. The board shall withhold the renewal certificate of any licensee who fails to remit the fee by March 1, 1993, until the fee is paid.

Adopted Rules

The adoption of a rule becomes effective after the requirements of Minn. Stat. §14.14-14.28 have been met and five working days after the rule is published in *State Register*, unless a later date is required by statutes or specified in the rule.

If an adopted rule is identical to its proposed form as previously published, a notice of adoption and a citation to its previous *State Register* publication will be printed.

If an adopted rule differs from its proposed form, language which has been deleted will be printed with strikeouts and new language will be underlined. The rule's previous *State Register* publication will be cited.

An emergency rule becomes effective five working days after the approval of the Attorney General as specified in Minn. Stat. §14.33 and upon the approval of the Revisor of Statutes as specified in §14.36. Notice of approval by the Attorney General will be published as soon as practicable, and the adopted emergency rule will be published in the manner provided for adopted rules under §14.18.

Center for Arts Education

Adopted Permanent Rules Relating to Admissions Process

The rules proposed and published at *State Register*, Volume 17, Number 6, pages 262-264, August 10, 1992 (17 SR 262), are adopted as proposed.

Department of Revenue

Adopted Permanent Rules Relating to Revenue Recapture; Identifying Information

The rules proposed and published at *State Register*, Volume 17, Number 9, pages 434-435, August 31, 1992 (17 SR 434), are adopted as proposed.

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Emergency Rules

Proposed Emergency Rules

According to Minn. Stat. of 1984, §§14.29-14.30, state agencies may propose adoption of emergency rules if: 1) expressly required; 2) authorized by statute; or 3) if the manner permitted by a directive (given by statute, federal law or court order) does not allow for compliance with sections 14.14-14.28. The agency must, however, publish a notice of intent to adopt emergency rules, along with the rules themselves, in the *State Register*. The notice must advise the public:

- 1) that a free copy of the proposed emergency rule is available upon request from the agency;
- 2) that notice of the date that the rule is submitted to the attorney general will be mailed to persons requesting notification;
- 3) that the public has at least 25 days after publication of the proposed emergency rule to submit data and views in writing; and
- 4) that the emergency rule may be modified if the data and views submitted support such modification.

Adopted Emergency Rules

Emergency rules take effect five working days after approval by the attorney general, and after compliance with Minn. Stat. §§14.29-14.365. As soon as possible, emergency rules are published in the *State Register* in the manner provided for in section 14.18.

Emergency rules are effective for the period stated in the notice of intent to adopt emergency rules. This may not exceed 180 days.

Continued/Extended Emergency Rules

Adopted emergency rules may be continued in effect (extended) for an additional 180 days. To do this, the agency must give notice by: 1) publishing notice in the *State Register*; and 2) mailing the same notice to all persons who requested notification on rulemaking. No emergency rule may remain in effect 361 days after its original effective date. At that point, permanent rules adopted according to Minn. Stat. 14.14-14.28 supercede emergency rules.

Department of Agriculture

Adopted Emergency Rules Relating to Class I Milk

Rules as Adopted

1535.4000 [Emergency] DEFINITIONS.

Subpart 1. **Scope.** The definitions in this part apply to parts 1535.4000 to 1535.4560 [Emergency]. Terms used in parts 1535.4000 to 1535.4560 [Emergency] that are not otherwise defined in this part have the meanings given in the federal milk marketing order.

Subp. 2. **Applicable Class I milk.** "Applicable Class I milk" means milk that is processed into Class I products at plants in Minnesota.

Subp. 3. **Class I milk.** "Class I milk" means all skim milk and butterfat classified as Class I by section 1068.40(a) and other applicable sections of the federal milk marketing order.

Subp. 4. **Class I Minnesota premium.** "Class I Minnesota premium" means the amount the Class I Minnesota minimum price of \$13.20 per hundredweight exceeds the order Class I price announced for Zone 1, at 3.5 percent butterfat in the month.

Subp. 5. **Class I products.** "Class I products" means fluid milk products as defined in section 1068.15 of the federal milk marketing order, except when moved in bulk, tanker form.

Subp. 6. **Commissioner.** "Commissioner" means the Minnesota commissioner of agriculture or the commissioner's designee.

Subp. 7. **Cooperative association.** "Cooperative association" means an organization recognized as a cooperative association by the United States Department of Agriculture that causes milk belonging to its members to be utilized by the cooperative association directly or delivered to other handlers and collects payment on behalf of its members.

Subp. 8. **Eligible producer.** "Eligible producer" means a person who possesses a grade A permit issued by the Minnesota Department of Agriculture and produces grade A milk on a farm located in Minnesota.

Subp. 9. **Eligible producer milk.** "Eligible producer milk" means grade A milk produced by an eligible producer in Minnesota.

Subp. 10. **Equalization fund.** "Equalization fund" means the Minnesota Class I premium equalization fund created under part 1535.4260 [Emergency].

Subp. 11. **Exempt milk.** "Exempt milk" means milk that was produced, processed, packaged, and sold at the farm where produced, directly to consumers or which was used on the farm.

Subp. 12. **Federal milk marketing order.** "Federal milk marketing order" means the Upper Midwest Federal Milk Marketing Order, Code of Federal Regulations, title 7, section 1068, or any successor order regulating milk produced and marketed in Minnesota, issued by the United States Secretary of Agriculture under the authority of the Agricultural Marketing Agreement Act of 1937, United States Code, title 7, section 601, et seq.

Subp. 13. **Handler.** "Handler" means a person acting as the operator of a Minnesota pool plant or a cooperative association who qualifies and acts as a regulated handler under section 1068.9(b) or 1068.9(c) of the federal milk marketing order.

Subp. 14. **Member cooperative association.** "Member cooperative association" means a cooperative organization that does not act as a handler under the Minnesota producer premium program, but instead authorizes another handler to market its milk. A member cooperative association may not draw from the equalization fund directly, but may collect payment in aggregate for members from its designated handler, who will act as its agent and receive and distribute the Minnesota producer premium payment rate to the member cooperative association as directed by the program.

Subp. 15. **Minnesota pool plant.** "Minnesota pools plant" means:

- A. a pool distributing plant or pool unregulated plant that processes Class I products in Minnesota; or
- B. a handler or cooperative association that buys milk from eligible producers.

Subp. 16. **Minnesota producer premium payment rate.** "Minnesota producer premium payment rate" means the rate per hundred-weight of milk to be paid to eligible producers resulting from the Class I Minnesota premium.

Subp. 17. **Plant.** "Plant" means the land, buildings, surroundings, facilities, and equipment constituting a single operating unit or establishment at which milk or milk products, including filled milk, are received, processed, or packaged. Plant does not include separate facilities used only as a distribution point for storing packaged fluid milk products in transit for route disposition or separate facilities used only as a reload point for transferring bulk milk from one tank truck to another.

Subp. 18. **Pool distributing plant.** "Pool distributing plant" means a plant located in Minnesota where milk is received from producers or other plants for processing into Class I products.

Subp. 19. **Pool unregulated plant.** "Pool unregulated plant" means a plant or cooperative association that processes milk into Class I products in Minnesota but is not regulated under section 1068.7 of the federal milk marketing order. This definition encompasses the plant definitions for nonpool and producer-handler plants under sections 1068.8 and 1068.10 of the federal milk marketing order.

Subp. 20. **Processed.** "Processed," in reference to milk, means converted by a handler from raw, unprocessed milk from any source, regardless of the state of origin, into Class I products at a plant in Minnesota.

Subp. 21. **Program.** "Program" means the Minnesota producer premium program under parts 1535.4000 to ~~1535.4540~~ 1535.4560 [Emergency] and *Minnesota Statutes*, section 32A.071.

Subp. 22. **Purchased.** "Purchased," in reference to milk, means delivery to a Minnesota pool plant that processes milk into Class I products.

EXAMPLE: A North Dakota grade A dairy farmer sells milk to a Minnesota processor of Class I dairy products. The milk is considered milk purchased in Minnesota for Class I use.

1535.4020 [Emergency] REPORTS OF RECEIPTS AND UTILIZATION; POOL DISTRIBUTING AND POOL UNREGULATED PLANTS THAT PROCESS CLASS I MILK.

Subpart 1. **Monthly reports.** On or before the 15th day of any month, each handler that operates a pool distributing plant or a pool unregulated plant in Minnesota during the preceding month shall report the following information for that month to the commissioner in the detail and on forms prescribed by the commissioner:

- A. total Class I milk disposed as fluid products on routes;
- B. total Class I packaged sales to other plants, listed by plant, specifying:
 - (1) sales to handlers inside Minnesota; and
 - (2) sales to handlers outside Minnesota;
- C. total Class I packaged receipts from other plants, listed by plant, specifying:
 - (1) receipts from handlers inside Minnesota; and
 - (2) receipts from handlers outside Minnesota;
- D. total receipts of milk from all sources;
- E. total receipts of milk from Minnesota eligible producers for which the handler made payment to the producers or the member cooperative association;
- F. receipts of milk from other Minnesota pool plants listed by handler, cooperative association, and plant; and
- G. receipts from other sources or handlers, listed by plant.

Handlers regulated under the federal milk marketing order may satisfy part or all of this reporting requirement by submitting to the commissioner a complete copy of the report ~~entitled "Report of receipts and utilization."~~ The handler shall submit the copy that has been accepted and verified for accuracy by the market administrator of the federal milk marketing order.

Subp. 2. **Handler report of eligible receipts.** The total receipts under subpart 1, item E, must include receipts from member

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cooperative associations on whose behalf the handler markets milk and issues ~~payment~~ payments. ~~These Receipts must be listed by member cooperative association~~ associations.

1535.4030 [Emergency] REPORT OF RECEIPTS OF MINNESOTA ELIGIBLE MILK.

Subpart 1. **Monthly report of receipts.** A handler not covered under the reporting requirements in part 1535.4020 [Emergency] who purchased milk from Minnesota eligible producers in the preceding month shall complete a report of receipts. The report must be delivered to the commissioner no later than the close of business on the 15th day of the month, for the preceding month, in the manner and on the form prescribed by the commissioner with respect to each Minnesota pool plant operated by the handler. The handler shall also list the member cooperative associations and the respective pounds of eligible producer milk the handler markets for the member cooperative associations. The report must include the following information:

- A. total receipts of milk from all sources;
- B. total receipts of milk from Minnesota eligible producers, for which the handler made payment to the producers or the member cooperative association;
- C. receipts of milk from other Minnesota pool plants, listed by handler, cooperative association, and plant; and
- D. receipts from other sources or handlers, listed by plant.

Subp. 2. **Handler Report of eligible receipts.** The total receipts of milk in subpart 1, item B, must include receipts from member cooperative associations on whose behalf the handler markets milk and issues payments. Receipts must be listed by member cooperative associations.

1535.4040 [Emergency] PRODUCER PAYROLL REPORTS.

Each handler, cooperative association, and member cooperative association shall report with respect to producers on or before the 22nd day of the month the handler's or association's producer payroll for the preceding month. The payroll must show for each eligible producer the Minnesota producer premium payment rate, the total amount, in hundredweight, of milk to which the Minnesota producer premium payment rate applied, the dates of delivery of each amount of milk, and the amount paid to each eligible producer calculated by multiplying the Minnesota producer premium payment rate by the amount of milk delivered by the eligible producer. All producer payroll information required by state or federal milk marketing orders must accompany the report under this part.

1535.4050 [Emergency] OTHER REPORTS.

A handler shall report to the commissioner, in the manner and on forms prescribed by the commissioner, additional information necessary to administer this program.

1535.4060 [Emergency] RECORDS AND FACILITIES.

A handler shall maintain and make available to the commissioner during the usual hours of business all records and facilities necessary to verify the data reported under parts 1535.4020 to 1535.4040 [Emergency].

1535.4100 [Emergency] BASIS OF CLASSIFICATION.

Milk required to be reported by a handler under part 1535.4020 [Emergency] must be classified each month under part 1535.4110 [Emergency]. If any of the water contained in the milk from which a product is made is removed before the product is used or disposed of by a handler, the pounds of skim milk used or disposed of in the product must be considered to be an amount equivalent to the nonfat milk solids contained in the products plus all the water originally associated with the solids.

1535.4110 [Emergency] CLASSES OF UTILIZATION.

Milk subject to classification by part 1535.4100 [Emergency] must be classified as Class I, Class II, or Class III according to the classification rules of the federal milk marketing order as interpreted by the market administrator of the federal milk marketing order.

1535.4120 [Emergency] APPLICABLE CLASS I MILK.

Applicable Class I milk must be calculated from the report filed by a handler under part 1535.4020 [Emergency] for a pool distributing or pool unregulated plant that processed Class I milk in the preceding month. Applicable Class I milk at a pool distributing plant or pool unregulated plant must be calculated by the commissioner under items A to C.

- A. Add the total under part 1535.4020 [Emergency], subpart 1, items A and B.
- B. Subtract the total Class I packaged receipts from other plants under part 1535.4020 [Emergency], subpart 1, item C.
- C. The resulting difference represents the total amount of Class I applicable milk at the individual plant by hundredweight.

1535.4130 [Emergency] RESPONSIBILITIES OF HANDLERS AND RECLASSIFICATION OF MILK.

All milk received at a pool distributing plant or pool unregulated plant must be applicable Class I milk unless the handler satisfies the commissioner that the milk should be classified otherwise.

1535.4200 [Emergency] CLASS I MINNESOTA MINIMUM PRICE.

The Class I Minnesota minimum price is \$13.20 per hundredweight, as required by Minnesota Statutes, section 32A.071.

1535.4210 [Emergency] CALCULATING THE CLASS I MINNESOTA PREMIUM.

The Class I Minnesota premium each month is the amount, if any, by which the Class I Minnesota minimum price exceeds the announced Class I price for the month in the federal milk marketing order. The Class I Minnesota premium must not be adjusted for location, butterfat, or any other component or service provided by the handler or cooperative association.

1535.4220 [Emergency] ANNOUNCEMENT OF CLASS I MINNESOTA PREMIUM.

On or before the fifth day of each month, the commissioner shall publicly announce the Class I Minnesota premium calculated under part 1535.4210 [Emergency] for the following month and notify Class I processors by telephone, facsimile, or first class mail of that premium.

1535.4230 [Emergency] CALCULATING MINNESOTA PRODUCER PREMIUM PAYMENT RATE.

The commissioner shall calculate the Minnesota producer premium payment rate each month according to items A to E.

A. Multiply the total hundredweight of applicable Class I milk reported to the commissioner, by the Class I Minnesota premium for the month.

B. Add an amount equal to not less than one-half of the unobligated balance of the equalization fund.

C. Divide the resulting amount by the total hundredweight of Minnesota eligible producer milk reported to the commissioner.

D. Subtract not less than ~~one half~~ 1/100 of a cent nor more than ~~4 1/2 cents per hundredweight~~ 99/100 of a cent.

E. The resulting price per hundredweight, in whole cents, is the Minnesota producer premium payment rate for the month.

1535.4240 [Emergency] ANNOUNCEMENT OF MINNESOTA PRODUCER PREMIUM PAYMENT RATE.

The commissioner shall publicly announce the Minnesota producer premium payment rate on or before the ~~46th~~ 18th day after the end of each month to which the Minnesota producer premium payment rate applies, and notify affected handlers by telephone, facsimile, or first class mail.

1535.4250 [Emergency] ADJUSTMENTS TO MINNESOTA PRODUCER PREMIUM PAYMENT RATE.

Adjustments for butterfat or other milk components to the Minnesota producer premium payment rate announced under part 1535.4240 [Emergency] are not allowed.

1535.4260 [Emergency] EQUALIZATION FUND; FISCAL AGENT.

The commissioner shall designate a fiscal agent to create and maintain a separate account known as the "Minnesota Class I premium equalization fund," into which the fiscal agent shall deposit all payments made by handlers under parts 1535.4310 [Emergency], 1535.4320 [Emergency], and 1535.4370 [Emergency], and out of which, at the direction of the commissioner, the fiscal agent shall make all payments under part 1535.4330 [Emergency].

1535.4270 [Emergency] CARRYOVER OF MINNESOTA PRODUCER PREMIUM PAYMENT RATE.

The commissioner shall direct the fiscal agent to withhold payments from the equalization fund if the Minnesota producer premium payment rate is less than ~~five cents~~ one cent per hundredweight. The commissioner shall direct the fiscal agent to hold the money in the equalization fund until the sum of the Minnesota producer premium payment rate from two or more months equals or exceeds ~~five cents~~ one cent per hundredweight. If the sum of two or more months of the Minnesota producer premium payment rate equals or exceeds ~~five cents~~ one cent per hundredweight, the commissioner shall direct the fiscal agent to pay out the total. The commissioner shall direct the fiscal agent to pay out the Minnesota producer premium payment rate for the month of June of each fiscal year and any accumulated money from previous months even if the accumulated Minnesota producer premium payment rate is less than ~~five cents~~ one cent per hundredweight.

1535.4300 [Emergency] NET POOL OBLIGATION OF HANDLER THAT OPERATES POOL DISTRIBUTING PLANT OR POOL UNREGULATED PLANT.

The net pool obligation of a handler that operates a pool distributing plant or pool unregulated plant having applicable Class I pounds in the preceding month, must be computed according to items A to F.

A. Multiply the total hundredweights of applicable Class I milk ~~by~~ processed by the handler times the Class I Minnesota premium established for the month by the commissioner.

B. Multiply the total hundredweights of eligible producer milk purchased by the handler times the Minnesota producer premium payment rate.

C. Deduct the total calculated in item B from the total calculated in item A.

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D. If the total in item A exceeds the total in item B, the handler shall pay that amount into the equalization fund under part 1535.4310 [Emergency]. The commissioner shall direct the fiscal agent to issue invoices for payments from handlers.

E. If the total in item B exceeds the total in item A, the handler is due that amount from the equalization fund under part 1535.4330 [Emergency] subject to the limitations of part 1535.4270 [Emergency].

F. If a handler that operates a pool distributing plant or pool unregulated plant fails to file the report required under part 1535.4020 [Emergency], the commissioner shall estimate that handler's applicable Class I milk to calculate the handler's net pool obligation to the equalization fund. The commissioner shall direct the fiscal agent to issue a payment invoice based on this estimate.

1535.4310 [Emergency] PAYMENTS TO EQUALIZATION FUND.

A handler with an obligation to the equalization fund as calculated in part 1535.4300 [Emergency] shall, on or before the ~~47th~~ 20th day of each month, pay to the fiscal agent for payment to the equalization fund the amount of its net pool obligation for the preceding month.

1535.4320 [Emergency] PENALTY FOR LATE PAYMENT TO EQUALIZATION FUND.

A handler or cooperative association that has not made remittance for an obligation, calculated pursuant to part 1535.4300 [Emergency], by the close of business on the next business day following the date specified for the payment, is subject to a late payment penalty. The unpaid obligation must be increased one percent for each month and any remaining amount due must be increased at a similar rate on the corresponding day of each succeeding month until paid. The amounts payable under this part must be computed monthly on each unpaid obligation, which must include any unpaid charges previously made under this part. Any obligation that was determined at a date later than prescribed by the program because of a handler's failure to submit a report to the commissioner when due must be considered to have been payable by the date it would have been due if the report had been filed when due. Amounts received by the commissioner under this part must be deposited with the fiscal agent in the separate account established in part 1535.4260 [Emergency].

1535.4330 [Emergency] PAYMENTS OUT OF EQUALIZATION FUND.

On or before the ~~8th~~ 25th day of each month, the commissioner shall direct the fiscal agent to make payment out of the equalization fund to each handler who has purchased milk from eligible producers. If the 25th falls on a weekend or holiday, the commissioner shall direct this payment be made on the following regular workday.

Prior to directing the issuance of payments from the equalization fund, the commissioner shall determine the total payments due under items A and B. If the balance in the equalization fund is insufficient to make the payments, the commissioner shall uniformly reduce the payments and direct the completion of the payments as soon as the necessary funds are available. Payments from the equalization fund must be directed by the commissioner according to items A and B.

A. For handlers that operate a pool distributing plant or pool unregulated plant and that are due payment, the commissioner shall direct the fiscal agent to make payment in the amount calculated in part 1535.4300 [Emergency], item E.

B. For handlers that purchased milk from Minnesota eligible producers during the preceding month and filed the report under part 1535.4030 [Emergency], the commissioner shall direct the fiscal agent to make payment in the amount calculated by multiplying the total hundredweights in part 1535.4030 [Emergency], subpart 1, item B, times the Minnesota producers premium payment rate per hundredweight.

1535.4340 [Emergency] PAYMENTS TO ELIGIBLE PRODUCERS AND MEMBER COOPERATIVE ASSOCIATIONS BY HANDLERS AND COOPERATIVE ASSOCIATIONS.

A handler or cooperative association shall make payment to each eligible producer or member cooperative association on or before the ~~20th~~ 4th day of each month following the month in which the commissioner has announced the producer premium payment rate for the preceding month at not less than the applicable Minnesota producer premium payment rate established under part 1535.4240 [Emergency]. Payments to an eligible producer or member cooperative association must be accompanied by a document specifying the Minnesota producer premium payment rate, the total hundredweights of milk to which the Minnesota producer premium payment rate applies, the dates of delivery to which the payments pertain, and the amount paid to each eligible producer calculated by multiplying the Minnesota producer premium payment rate by the total hundredweights of milk delivered by the eligible producer.

1535.4350 [Emergency] PAYMENTS TO ELIGIBLE PRODUCERS BY MEMBER COOPERATIVE ASSOCIATIONS.

A member cooperative association that receives payment of the Minnesota producer premium from a handler shall distribute the payment to eligible producers on or before the ~~22nd~~ 5th day of each month following the month in which the commissioner has announced the producer premium payment rate for the preceding month at not less than the applicable Minnesota producer premium payment rate established under part 1535.4240 [Emergency]. Payments to an eligible producer must be accompanied by a document specifying the Minnesota producer premium payment rate, the total hundredweights of milk to which the Minnesota producer premium payment rate applies, the dates of delivery to which the payments pertain, and the amount paid to each eligible producer calculated by multiplying the Minnesota producer premium payment rate by the total hundredweights of milk delivered by the eligible producer.

1535.4360 [Emergency] ADJUSTMENTS FOR OVERCHARGES OF HANDLER OBLIGATIONS.

A. If a handler has reason to believe there has been an overcharge in the handler's obligation to the equalization fund, the handler shall submit documentation including, but not limited to, federal milk marketing order audit adjustment reports, original production invoices, and other documents required by the commissioner to verify the overcharge. The handler shall reimburse the commissioner for the additional audit expense to verify the overcharge. If verification discloses payment is due from the equalization fund to a handler, the commissioner shall direct the fiscal agent to make the payment to the handler.

B. If the commissioner is required to make payments to a handler according to the program, and an amount is due from the handler to the equalization fund, the commissioner may direct the fiscal agent to issue a credit to the handler for the amount of the payment instead of the payment.

1535.4370 [Emergency] ADJUSTMENTS FOR UNDERCHARGES ON HANDLER OBLIGATIONS.

If verification of reports or payments of a handler or cooperative association by the commissioner discloses an undercharge in the obligation of a handler or cooperative association to the equalization fund, the commissioner shall promptly bill the handler or cooperative association for any unpaid amount. The handler or cooperative association shall, within five days, make payment to the fiscal agent of the amount billed.

1535.4380 [Emergency] UNDERPAYMENT OF MINNESOTA PRODUCER PREMIUM PAYMENT RATE.

The commissioner shall verify that handlers, cooperative associations, and member cooperative associations correctly paid eligible producers or member cooperative associations for milk delivered that is entitled to receive the Minnesota producer premium payment rate. If the commissioner determines that the handler, cooperative association, or member cooperative association underpaid the Minnesota producer premium payment rate as required under part 1535.4340 [Emergency] or 1535.4350 [Emergency], it shall make up the payment to the eligible producer, cooperative association, or member cooperative association by the date of the next payment following disclosure of underpayment.

1535.4390 [Emergency] EVIDENCE OF REDUCTION IN OTHER PRODUCER PREMIUMS.

The commissioner shall monitor and review the level of other producer premiums paid by handlers, cooperative associations, and member cooperative associations to assure Minnesota eligible producers that the level of other producer premiums has not been lowered by the handler, cooperative association, or member cooperative association to offset the Minnesota producer premium payment rate. If the commissioner finds evidence of a reduction, the commissioner shall immediately direct the fiscal agent to suspend payments of the Minnesota producer premium payment rate to the handler, cooperative association, or member cooperative association.

1535.4395 [Emergency] EVIDENCE OF INCREASE IN HAULING RATE FROM FARM TO PLANT.

The commissioner shall monitor and review the rates charged to eligible producers for hauling their milk from farm to plant after the effective date of this program. If the commissioner finds a substantial increase or raising of rates without good cause shown, the commissioner shall immediately direct the fiscal agent to suspend payments of the Minnesota producer premium payment rate to the handler until the handler demonstrates good cause for the increase or reduces the hauling rate back to the rate charged prior to the increase.

1535.4396 [Emergency] HANDLER RESPONSIBILITY FOR RECORDS AND FACILITIES.

Subpart 1. **Requirement.** A handler shall maintain and retain records of the handler's operations and make the records available to the commissioner. If adequate records of a handler, or records of another person that are relevant to the obligation of the handler, are not maintained and made available, skim milk and butterfat required to be reported by the handler for which adequate records are not available must be considered accounted for or established as used in Class I.

Subp. 2. **Kinds of records.** A handler shall maintain the records in items A and B.

A. A handler shall maintain the records of the handler's operations, including, but not limited to, records of purchases, sales, processing, packaging, and disposition, that are necessary to verify whether the handler has an obligation under this program, and, if so, the amount of the obligation. The records must establish for each plant or other receiving point for each month:

(1) the quantities of skim milk and butterfat contained in or represented by products received in any form, including inventories on hand at the beginning of the month according to form, time, and source of each receipt;

(2) the use of all skim milk and butterfat showing the respective quantities of the skim milk and butterfat in each form disposed of or on hand at the end of the month; and

(3) payments to eligible producers, cooperative associations, and member cooperative associations, including:

(a) the amount and nature of any deductions and the disbursement of money deducted; and

(b) the amount of the Minnesota producer premium payment rate disbursed to each eligible producer for each month along with the total amount of milk by hundredweight, and the dates of delivery for the volume of milk to which the Minnesota producer premium payment rate applies.

Emergency Rules

B. A member cooperative association and a producer shall keep other specific records necessary to verify or establish the handler's obligation under the program.

Subp. 3. **Availability of records.** A handler shall make available to the commissioner all records pertaining to the handler's operations and allow access to all facilities during regular working hours or at other reasonable times to permit verification of the information required to be reported by the program or to ascertain the handler's reporting, monetary, or other obligation under the program.

Subp. 4. **Records retention.** Records reported to the commissioner must be retained by the handler for three years.

1535.4400 [Emergency] GENERAL AUTHORITY.

For purposes of the administration and enforcement of this program, the commissioner may examine the books and records of a regulated person, and for that purpose, the commissioner's properly designated employees or agents must be granted full access to the premises and records of all regulated persons.

1535.4520 [Emergency] LIQUIDATION.

If this program ends, the commissioner shall dispose of all funds received under this program, except funds collected to reimburse the department for handler audit as prescribed in part 1535.4360 [Emergency], in an equitable manner, together with claims for any funds unpaid and owing at the time of suspension of the program.

1535.4530 [Emergency] SEVERABILITY OF PROVISIONS.

If a part of this program is held invalid, the remaining parts of the program remain valid and in force and effect. If the application of a part of the program to a person or circumstance is held invalid, the application of that part and of the remaining parts of the program to other persons or circumstances is not affected.

1535.4540 [Emergency] AUTHORITY TO ENTER INTO AGREEMENTS TO REDUCE COSTS AND DUPLICATION.

The commissioner may enter into agreements with other state or federal agencies in the manner provided in the Agricultural Marketing Agreement Act of 1937, United States Code, title 7, section 610(i), as amended, to exchange information or services for the purposes of reducing regulatory burden and the cost of administration. The commissioner may reimburse other agencies for the reasonable cost of providing these services.

1535.4550 [Emergency] IMPACT OF CLASS I MINNESOTA MINIMUM.

The commissioner may hold a public meeting of the dairy industry to discuss the impact of the program on existing trade practices and commercial transactions. The commissioner shall report to the Minnesota house committee on agriculture and the senate committee on agriculture and rural affairs by summarizing, in writing, the information given by the dairy industry during the meeting.

1535.4560 [Emergency] INVESTIGATION.

Subpart 1. **Authority.** To carry out the commissioner's enforcement duties and parts 1535.4000 to 1535.4560 [Emergency], the commissioner may, upon presenting appropriate credentials, during regular working hours or at other reasonable times, inspect premises subject to the commissioner's enforcement for reasons related to the commissioner's enforcement authority and conduct routine or special audits of relevant papers and records, including business records.

Subp. 2. **Failure to comply.** The commissioner may administer oaths, take and cause to be taken depositions of witnesses, and issue subpoenas, and may petition the district court in the county in which a premises is located to compel compliance with subpoenas or to permit routine or special audits.

Dated 29 October 1992

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Office of the Attorney General

Notice to the Public: Americans with Disabilities Act

It is the policy of the Office of the Attorney General ("Office") to comply with the provisions of the Americans with Disabilities Act, 42 U.S.C.A. Section 12101, et seq. ("ADA"). The ADA prohibits discrimination against qualified individuals with disabilities

on the basis of their disability. The ADA provides, in part, that qualified individuals with disabilities shall not be excluded from participating in or be denied the benefits of any program, service or activity offered by this Agency.

The ADA requires that all programs, services and activities, when viewed in their entirety, are readily accessible to and usable by qualified individuals with disabilities. This Office must communicate effectively with individuals with speech, visual, and hearing impairments and provide auxiliary communication aids to qualified individuals with disabilities participating in or benefitting from this Office's programs, services or activities to afford equal opportunity.

Should you wish to review the ADA or its interpretive regulations, ask questions about your rights and remedies under the ADA, request a reasonable modification to this Office's policies, practices or procedures, or file a written review with this Office alleging noncompliance with the ADA, please contact the Office's Designated Coordinator for the ADA listed below.

Rebecca Spartz
Office of the Attorney General
Suite 212
525 Park Street
St. Paul, MN 55103
Voice: (612) 297-5969
TDD: (612) 297-7206

Department of Labor and Industry

Labor Standards Division

Notice of Prevailing Wage Certifications for Construction Projects

Effective November 16, 1992 prevailing wage rates are certified for commercial construction projects in: Aitkin county: Glen Community Center/Town Hall.

Copies of the certified wage rates for this project may be obtained by writing the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306. The charge for the cost of copying and mailing are \$1.36 per project. Make check or money order payable to the State of Minnesota.

John B. Lennes Jr
Commissioner

Minnesota Comprehensive Health Association

Notice of Meeting of the Ad Hoc Work Group on MCHA Premiums

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association (MCHA), Ad Hoc Work Group on MCHA Premiums will be held at 3:00 p.m. on Thursday, November 19, 1992 at Prudential Insurance Company of America, 3701 South Wayzata Boulevard, Minneapolis, Minnesota, in the 8th floor small conference room next to the board room.

For additional information please call Lynn Gruber at (612) 593-9609.

Minnesota State Retirement System

Board of Directors, Regular Meeting

The regular meeting of the Board of Directors, Minnesota State Retirement System, will be held on Friday, November 20, 1992 at 9:00 a.m. in the office of the System, 175 W. Lafayette Frontage Rd., St. Paul, Minnesota.

Office of the Ombudsman for Mental Health and Mental Retardation

Notice of Meeting

The Ombudsman for Mental Health and Mental Retardation Advisory Committee will hold a general meeting from 9:30 a.m. until 12:30 p.m. on Friday, November 20, 1992. The meeting will be held at the Ombudsman Office, Suite 202, Metro Square Building on 7th and Robert Street, St. Paul.

Minnesota Pollution Control Agency

Public Notice for the State Disposal System (SDS) Permit Program

Draft SDS General Permit to operate treatment facilities and disposal systems.

Public Notice Issued On:

Last Day to Submit Comments:

The Minnesota Pollution Control Agency (MPCA) proposes to issue an SDS General Permit as a mechanism to regulate potable water treatment facilities that discharge clarification, and/or softening sludges to a temporary lagoon dewatering system. This general permit will provide timely issuance without the delays of individual permit issuance procedures and may potentially cover more than 20 sites.

To be covered under this general permit a facility must meet the following applicability criteria:

1. The facility must be a potable water treatment plant that discharges clarification, and/or softening sludges to a lagoon dewatering system.

2. There is no discharge to surface waters from the treatment plant or lagoon dewatering system to surface waters.

3. The lagoon dewatering system is not a permanent sludge storage facility.

4. Zeolite softening water treatment plants are excluded from this general permit.

5. Lagoon dewatering systems with emergency discharge and/or bypass capabilities are excluded from this general permit.

The MPCA Commissioner's determination that the general permit should be issued is tentative. Interested persons are invited to submit written comments upon the proposed permit action. Any comments received no later than the last day of the comment period will be considered in the formulation of final determinations.

If you would like to receive a copy of the draft general permit, public notice or fact sheet, please contact Bobby Stadtler at (612) 296-7379.

Minnesota Pollution Control Agency

Air Quality Division

Notice of Intent to Issue a Statewide General Permit Governing Hot Mix Asphalt Production Facilities and Solicitation of Public Comments

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) is preparing to issue a statewide general permit governing hot mix asphalt production facilities. The issuance of the general permit is authorized by *Minnesota Rules* pt. 7001.0210, subp. 2 (1991), which allows the Agency to issue a general permit if "...the Agency finds that it is appropriate to issue a single permit to a category of permittees, whose operations, emissions, activities, discharges or facilities are the same or substantially similar..."

There are approximately 200 hot mix asphalt facilities all of which require an air emission permit under *Minnesota Rules* pt. 7001.1210. The proposed general permit would apply to any hot mix asphalt facility which is used solely for the production of hot mix asphalt (bituminous paving mixtures). The draft general permit established emission limits for criteria pollutants and other conditions which must be followed. The general permit has a duration of five years.

This general permit applies to hot mix asphalt facilities which are used solely for production of hot mix asphalt paving mixtures. If a hot mix facility is used for purposes other than this, the facility is not eligible for this general permit. This general permit contains limitations on fuel type used, emission limitations, and recordkeeping, reporting and compliance determination requirements. The general permit also limits emissions from these facilities, by limiting fuel quantity used each year and limiting allowed hours of operation or production to assure that the maximum potential emissions from each of these sources is less than 100 tons per year for each criteria pollutant.

The preliminary determination to issue the general permit is tentative. There are three formal procedures for public participation in the Agency's consideration of the general permit. These procedures are set forth in *Minnesota Rules* pts. 7001.0100 to 7001.0130. First, interested persons may submit written comments on the proposed general permit. Second, interested persons may request the Agency to hold a public information meeting. Third, interested persons may request the Agency to hold a contested case hearing, which is conducted by the Office of Administrative Hearings pursuant to the Administrative Procedures Act.

Interested persons who submit comments or requests to the Agency shall set forth:

1. a statement of the person's interest in the draft general permit;
2. a statement of the action the person wishes the Agency to take, including specific references to the section of the draft general permit that the person believes should be changed; and
3. the reasons supporting the person's position, stated with sufficient specificity as to allow the Division Manager of the Air Quality Division to investigate the merits of the person's positions.

The public comment period commences November 16, 1992, and terminates December 15, 1992. Comments and requests should be mailed to:

David L. Beil
Air Quality Division
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155
Telephone: (612) 296-7810

All written comments and requests for public information meetings or contested case hearings received during the public comment period will be considered by the Division Manager, Air Quality Division. The Division Manager will issue a final determination in a timely manner after the expiration of the public comment period.

A copy of the draft general permit and its technical support document will be mailed to any interested person upon the Agency's receipt of a written request at the above address.

Dated: 30 October 1992

Lisa J. Thorvig
Division Manager
Air Quality Division
for Charles W. Williams
Commissioner
Minnesota Pollution Control Agency

Minnesota Pollution Control Agency

Hazardous Waste Division

Notice of Intent to Issue a Statewide General Permit Governing Storage of Liquid Substances in Aboveground Tanks for Three Categories of Tanks

I. Authorization To Issue a General Permit

NOTICE IS HEREBY GIVEN that the Minnesota Pollution Control Agency (Agency) is issuing a statewide general permit governing storage of liquid substances in aboveground tanks. The issuance of the general permit is authorized by *Minnesota Rules* part 7001.0210, subpart 2 (1990), which allows the Agency to issue a general permit if "... the Agency finds that it is appropriate to issue a single permit to a category of permittees, whose operations, emissions, activities, discharges, or facilities are the same or substantially similar ..."

II. Qualifications For Eligibility For A General Permit

The MPCA has identified the following three categories of tanks that will be eligible for regulation under the general permit:

Category 1—Tanks Over 1,100 Gallons Capacity

- A. The tank stores a liquid substance which could cause pollution to the waters of the state.
- B. The tank has a capacity of more than 1,100 gallons.
- C. The tank owner can demonstrate, upon request by the Agency, by design or construction specifications, an engineer's certification, or materials testing that adequate secondary containment safeguards are provided in compliance with *Minnesota Rules* part 7100.0030.

Category 2—Tanks With 1,100 Gallons Or Less Capacity Located Beyond 500 Feet Of A Surface Water

- A. The tank stores a liquid substance which could cause pollution to the waters of the state.
- B. The tank has a capacity of 1,100 gallons or less.

Official Notices

C. The tank is located beyond 500 feet of a surface water (e.g., river, lake, stream, ditch which drains to a surface water).

D. The owner can demonstrate, upon request by the Agency, that reasonable safeguards have been taken to prevent the stored material from entering the environment. Reasonable safeguards may include a concrete slab or plastic under the tank, a posted emergency spill response plan, absorbent material located at the site, or a curbed pad under the tank.

Category 3—Tanks With 1,100 Gallons Or Less Capacity Located Within 500 Feet Of A Surface Water

A. The tank stores a liquid substance which could cause pollution to the waters of the state.

B. The tank has a capacity of 1,100 gallons or less.

C. The tank is located within 500 feet of a surface water (e.g., river, lake, stream, ditch which drains to a surface water).

D. The tank owner can demonstrate, upon request by the Agency, by design or construction specifications, an engineer's certification, or materials testing that adequate secondary containment safeguards are provided in compliance with *Minnesota Rules*, part 7100.0030.

The text of the general permit covering these types of tanks appears following this notice.

III. How To Apply For This General Permit

A. Tanks which are required to be registered

Tank owners with tanks which are required to be registered under *Minnesota Statutes* § 116.48 and which are properly registered will be considered to have applied for a general permit unless the Agency receives an individual permit application from the tank owner within 120 days of this notice.

Tank owners with tanks which are required to be registered under *Minnesota Statutes* § 116.48 and which are not properly registered should submit a completed and signed Aboveground Tank Notification Form within 30 days of this notice if the tank owner wishes to be considered to have applied for a general permit.

B. Tanks which are not required to be registered

Tank owners with tanks which are not required to be registered under *Minnesota Statutes* § 116.48 should submit a written application for a general permit to the Agency containing the following information:

1. Name, address, city and zip code of site
2. Site contact person
3. Site phone number
4. List of tanks with product stored and capacity
5. Description of the reasonable safeguards taken to prevent pollution as required by *Minnesota Rules* parts 7100.0020 and 7100.0030.

C. Availability of individual permits

If a tank owner who is eligible for a general permit prefers an individual permit, the tank owner may request an individual permit application from the Agency.

IV. Technical Support For Issuance of a General Permit

In 1990, *Minnesota Statutes* § 116.48 required certain aboveground tank owners to register their tanks with the Agency. Pursuant to this registration requirement, over 3,500 aboveground petroleum and chemical tank sites with over 14,000 tanks in Minnesota have been registered. Most of these sites are similar in their use and management of the aboveground storage tanks. The technical requirements are the same for small and large tanks regardless of tank usage. The Agency has determined that a general permit will be adequate to insure that aboveground tanks in Minnesota are properly safeguarded to prevent the escape of the stored substance into the environment.

The following rules and statutes apply to aboveground storage tanks. How the general permit will affect these regulations will be discussed below.

Minnesota Rules part 7100.0020 requires that all tanks must have a permit issued by the Minnesota Pollution Control Agency in order to store liquids which could cause pollution to the waters of the state. In the past, permits have been issued on an individual basis following the submittal of an application with plans and specifications and a spill response plan for the Agency's review and approval. *Minnesota Rules* part 7100.0030 establishes requirements for aboveground tank safeguards. The required safeguards must include a continuous dike or wall surrounding the tank or tanks large enough to contain the entire contents of the largest tank. The safeguards must also include a reasonably impervious bottom under the entire area adequate to prevent the escape of the stored substance into the underlying ground or ground water. While the rules do not contain specifications for materials, they are quite clear in describing the result that must be achieved. The safeguards which are provided must prevent pollution of the surface water, the ground and the ground water of the state.

In addition to the rules cited above, the Minnesota Uniform Fire Code (MUFC) regulates aboveground tanks which store flammable liquids. The Minnesota Uniform Fire Code, *Minnesota Rules* parts 7510.3100 to 7510.3280, covers many aspects of the aboveground tank use. Among the MUFC requirements are tank, piping and venting standards, distance to building setbacks, and secondary containment requirements.

Minnesota Statutes chapter 115E requires owners of certain facilities to develop a plan for preventing discharges and responding to discharges. The U.S. Environmental Protection Agency (EPA) regulates certain oil storage tanks over 660 gallons in size under 40 Code of Federal Regulations Part 112, Oil Pollution Prevention; Non-transportation-related Onshore and Offshore Facilities. These regulations require owners and operators of tanks to develop a written site contingency plan which includes a description of any secondary containment safeguards at the site. This regulation is under revision by the EPA at this time. The primary change proposed is to make some provisions mandatory which have been discretionary.

The general permit includes requirements which are already created in the rules and regulations discussed above, but does not exceed those regulations. In addition, the general permit also includes some provisions which are standard requirements in any permit issued by the Agency as provided under *Minnesota Rules* part 7001.0150, subpart 3. The general permit also includes a special condition, consistent with *Minnesota Rules* part 7001.0150, subpart 2, item B, that tanks be monitored. The general permit establishes a requirement that this monitoring be performed at least once a month through a visual site visit. A record of the monthly visits must be kept for three years. The monitoring record must indicate, at a minimum, the date of the site visit, the name of the person doing the site visit and if the person observes evidence of any release from the tank or its related appurtenances.

The site visit to monitor the tanks is required because many storage tank sites do not have a person present at the site for extended periods of time. The purpose of the monitoring is to make sure that no visible releases have occurred between site visits. This requirement does not mean that a tank owner must install new monitoring devices. Any site which has a person routinely at the site does not have to do an additional site visit to satisfy this condition. That person must, however, document that the site has been monitored once a month.

The Agency finds that the general permit will be adequate to protect human health, welfare and environment for the tanks and facilities covered under the general permit.

Charles W. Williams
Commissioner

**LIQUID STORAGE GENERAL PERMIT
FOR ABOVEGROUND TANKS
WITH MORE THAN 1,100 GALLONS CAPACITY
STORING A LIQUID SUBSTANCE**

Pursuant to *Minnesota Statutes* § 115.03 and *Minnesota Rules* parts 7001.0030 and 7100.0020, an owner of an aboveground storage tank which meets the description of a category 1, 2 or 3 tank set forth in Part I in this permit, (hereinafter Permittee) is issued a liquid storage permit by the Minnesota Pollution Control Agency (hereinafter Agency) for its tank or facility located in the state of Minnesota. The permit authorizes operation of the described storage tank or facility under the conditions set forth herein.

This General Permit covers the geographical area encompassed by the state of Minnesota and is effective for a term of three years starting on the date issued by the Commissioner unless revoked by the Commissioner.

Timothy K. Scherkenbach
Director
Hazardous Waste Division
for Charles W. Williams
Commissioner
Minnesota Pollution Control Agency

ABOVEGROUND STORAGE TANK GENERAL PERMIT

I. Facility Description

The Permittee operates a commercial, institutional, residential, industrial, farm or other facility at which liquid substances are stored in an aboveground tank or tanks in one of the following three categories:

Category 1—Tanks Over 1,100 Gallons Capacity

- A. The tank stores a liquid substance which could cause pollution to the waters of the state.
- B. The tank has a capacity of more than 1,100 gallons.
- C. The tank owner can demonstrate, upon request by the Agency, by design or construction specifications, an engineer's certification, or materials testing that adequate secondary containment safeguards are provided in compliance with *Minnesota Rules* part 7100.0030.

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Category 2—Tanks With 1,100 Gallons Or Less Located Capacity Beyond 500 Feet Of A Surface Water

- A. The tank stores a liquid substance which could cause pollution to the waters of the state.
- B. The tank has a capacity of 1,100 gallons or less.
- C. The tank is located beyond 500 feet of a surface water (e.g., river, lake, stream, or ditch which drains to a surface water).
- D. The tank owner can demonstrate, upon request by the Agency, that reasonable safeguards have been taken to prevent the stored material from entering the environment in compliance with *Minnesota Rules* part 7100.0020. Reasonable safeguards may include a concrete slab or plastic under the tank, a posted emergency spill response plan, absorbent material located at the site, or a curbed pad under the tank.

Category 3—Tanks With 1,100 Gallons Or Less Capacity Located Within 500 Feet Of A Surface Water

- A. The tank stores a liquid substance which could cause pollution to the waters of the state.
- B. The tank has a capacity of 1,100 gallons or less.
- C. The tank is located within 500 feet of a surface water (e.g., river, lake, stream, or ditch which drains to a surface water).
- D. The tank owner can demonstrate, upon request by the Agency, by design or construction specifications, an engineer's certification, or materials testing data that adequate secondary containment safeguards are provided in compliance with *Minnesota Rules* part 7100.0030.

II. Definitions

1. **Site.** "Site" means any tract or parcel of land, including any constructed storage tank or artificial or natural basin or containment facility, except underground or buried tanks, where any substance is stored or kept and which is so located that the escape or movement of such substance into the underlying ground might result in pollution of any waters of the state.
2. **Stored liquid material.** "Stored liquid material" means liquid material which is within a container or containment device for more than seven consecutive days, other than a mobile type unit used for transporting said material from one location to another while in transit.
3. **Substance.** "Substance" means any stored liquid material, including petroleum, chemicals, and food products, which might cause pollution of any waters of the state if released into any waters of the state.
4. **Tank.** "Tank" means a device that is located aboveground designed to contain an accumulation of substances. A tank includes drums, barrels, rail cars, trucks, and other containers in which substances are stored.

III. Permit Requirements and Special Conditions

1. Compliance with *Minnesota Rules*

Category 1 and Category 3

The Permittee must maintain compliance with the standards established in *Minnesota Rules* part 7100.0030 which require safeguards consisting of the following features:

A. Volume requirement: a continuous dike wall entirely surrounding the tank or tanks of such dimensions and construction that the emergency storage volume created will be equal to not less than the total capacity of the largest storage tank located within the area enclosed by the dike and will hold securely all of the tank contents in case of any failure of the tank and the resulting escape or movement of the stored substance from the tank.

B. Materials requirement: a reasonably impervious bottom under the entire site and enclosure of such construction or composition, either natural or artificial, as to prevent, in case of any failure of the container, the seepage, percolation, or other movement of any substance stored or kept on the site or within the enclosure or any solution into the underlying ground in such quantity that substantial pollution of the waters of the state in the vicinity might reasonably be expected to result under conditions prevailing at the site.

Category 2

The Permittee must maintain compliance with the standards established in *Minnesota Rules* part 7100.0020 which require reasonable safeguards.

2. Compliance with *Minnesota Statutes*

The Permittee, where applicable, must comply with the prevention and response provisions of *Minnesota Statutes* chapter 115E. The Permittee, where applicable, must comply with the notification requirements of *Minnesota Statutes* § 116.48.

3. Monitoring

The Permittee must monitor the tanks at a site at least once a month through an on-site visit for the purpose of conducting a visual inspection. The person performing the monitoring must walk or drive through the site to observe if there is any visual evidence of a

release from a tank or its appurtenances.

4. Record keeping

The Permittee must maintain a written record of the monthly monitoring visits for three years. The monitoring record must indicate, at a minimum, the date of the site visit, the name of the person doing the site visit and if the person observes the evidence of any release from the tank. The Permittee must report releases as required by *Minnesota Statutes* § 115.061 (1990).

IV. General Conditions

1. Transfer of Ownership or Control

No permit may be assigned or transferred without notification to the Agency. The Permittee shall submit an updated specification as required by *Minnesota Statutes* § 116.48, subdivision 3 (1990) to the Agency within 30 days of a change in ownership of the tank or tanks. Any succeeding owner shall be bound by the terms and conditions of this permit unless the Agency receives an application for an individual permit within 30 days of the transfer of ownership.

2. Other Statutes, Rules and Ordinances

The Agency's issuance of a permit does not release the Permittee from any liability, penalty or duty imposed by Minnesota or federal statutes or rules of local ordinances, except the obligation to obtain a permit for storage of liquid substances.

3. More Stringent Rules

The Agency's issuance of a permit does not prevent the future adoption of the Agency of permits, pollution control rules, standards, or orders more stringent than those now in existence and does not prevent the enforcement of these rules, standards or orders against the Permittee.

4. Property Rights

The issuance of this permit does not convey a property right or exclusive privileges.

5. Agency Obligation

The Agency's issuance of a permit does not obligate the Agency to enforce local law, rules or plans beyond that authorized by *Minnesota Statutes*.

6. Operation and Maintenance

The Permittee shall at all times properly operate and maintain the tanks and the appurtenances related to them which are installed or used by the Permittee to achieve compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, complete recovery of any released substance from the tank or its appurtenances, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality and assurance procedures.

7. Accurate Statements and Reports

The Permittee may not knowingly make a false or misleading statement, representation, or certification in a record, report, plan, or other document required to be submitted to the Agency or to the Commissioner by the permit. The Permittee shall immediately, upon discovery, report to the Commissioner an error or omission in these records, reports, plans, or other documents.

8. Timely Submittals of Information

The Permittee shall, when requested by the Commissioner, submit within a reasonable time the information and reports that are relevant to the control of pollution regarding the construction, modification, or operation of the facility covered by this permit or regarding the conduct of the activity covered by the permit.

9. Right of Entry

Pursuant to *Minnesota Statutes* § 115.04, the Permittee shall allow the Commissioner of the Agency and authorized representatives upon presentation of credentials:

- a. to enter the Permittee's premises where an aboveground storage tank is located for the purpose of obtaining information, examination of records, conducting surveys or investigations;
- b. to bring equipment upon the Permittee's premises which is necessary to conduct surveys and investigations;
- c. to examine and copy any books, papers, records, or memoranda pertaining to the installation, maintenance, or operation of the tank; and
- d. to sample and monitor any substances at any location at the site.

10. Discovery of Noncompliance

If the Permittee discovers, through any means, including notification by the Agency, that noncompliance with a condition of the

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permit has occurred, the Permittee shall take all reasonable steps to minimize the adverse impacts on human health, public drinking water supplies, or the environment resulting from the noncompliance.

11. Reporting Noncompliance

If the Permittee discovers that noncompliance with a condition of the permit has occurred which could endanger human health, public drinking water supplies, or the environment, the Permittee shall, within 24 hours of the discovery of the noncompliance, orally notify the Commissioner. Within five days of the discovery of the noncompliance, the Permittee shall submit to the Commissioner a written description of the noncompliance; the cause of the noncompliance; the exact dates of the period of noncompliance; if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

12. Advance Notice

The Permittee shall give advance notice to the Commissioner as soon as possible of planned physical alterations or additions to the permitted facility or activity that may result in noncompliance with a Minnesota or federal pollution control statute or rule or a condition of the permit.

13. Liability Exemption

This permit authorizes the Permittee to perform the activities described under the conditions in the permit. In issuing this permit, the state and agency assume no responsibility for damage to persons, property or the environment caused by the activities of the Permittee in the conduct of its actions, including those activities authorized, directed or undertaken under this permit. To the extent the state and agency may be liable for the activities of its employees, that liability is explicitly limited to that provided in the Torts Claims Act, *Minnesota Statutes* § 3.736.

V. Modification of General Permit

After notice and opportunity for a hearing, this permit may be modified, suspended, or revoked by the Agency in whole or in part during its term for the following reasons:

- a. violation of any terms or conditions of this permit;
- b. the discovery of information demonstrating that the Permittee obtained this permit by misrepresentation or failure to disclose fully all relevant facts;
- c. any reason stated in *Minnesota Rules* part 7001.0170, Justification to Commence Modification of Permit or Revocation and Reissuance of Permit:
 - (1) alterations or modifications to the permitted facility or activity that will result in or have the potential to result in significant alteration in the nature or quantity of emitted, or disposed of by the Permittee;
 - (2) the commissioner receives information previously unavailable to the Agency that shows that the terms and conditions of the permit do not accurately represent the actual circumstances relating to the permitted facility or activity;
 - (3) the Agency or the federal government promulgates a new or amended pollution standard, limitation, or effluent guideline that is applicable to the permitted facility or activity;
 - (4) a court of competent jurisdiction invalidates or modifies a Minnesota or federal statute or rule or federal guideline upon which a condition of the permit is based;
 - (5) an event occurs that is beyond the control of the Permittee that necessitates modification of a compliance schedule in the permit;
 - (6) the commissioner finds that the permitted facility or activity endangers human health or the environment and that a change in the operation of the permitted facility or in the conduct of the permitted activity would remove the danger to human health or the environment; or
 - (7) the commissioner receives a request for transfer of the permit;

and *Minnesota Rules*, part 7001.0180 Justification to Commence Revocation Without Reissuance of a Permit:

- (1) existence at the permitted facility of unresolved noncompliance with applicable state and federal pollution statutes and rules or a condition of the permit, and refusal of the Permittee to undertake a schedule of compliance to resolve the noncompliance;
- (2) the Permittee fails to disclose fully the facts relevant to the issuance of the permit or submits false or misleading information to the Agency or to the commissioner;
- (3) the operation of the permitted facility or activity terminates; and
- (4) the commissioner finds that the permitted facility or activity endangers human health or the environment and that the danger cannot be removed by a modification of the conditions of the permit; or

d. a decision by the Commissioner to issue individual site permit or to modify a group of general permits pursuant to *Minnesota Rules* part 7001.0210, subpart 6.

VI. Previous Permits

The Agency's issuance of this general permit supersedes all other individual permits for the storage of liquid substances in aboveground tanks issued by the Agency prior to the date of this general permit.

Department of Public Service Minnesota Public Utilities Commission

Move Announcement

The Department of Public Service and the Minnesota Public Utilities Commission will be moving during November to the Metro Square Building, St. Paul, Minnesota.

The offices of the Department of Public Service will be closed on November 20, 1992 for the move.

Beginning November 23, 1992, the Department of Public Service will be located at:

Minnesota Department of Public Service
Suite 200
121 7th Place East
St. Paul, MN 55101-2145

Beginning November 30, 1992, the Minnesota Public Utilities Commission will be located at:

Minnesota Public Utilities Commission
Suite 350
121 7th Place East
St. Paul, MN 55101-2116

Telephone numbers for the Department of Public Service and the Minnesota Public Utilities Commission will remain the same. The main telephone number for the Department of Public Service is 296-7107. The main telephone number for the Minnesota Public Utilities Commission is 296-7124.

Department of Revenue

Appeals, Legal Services, and Criminal Investigation Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Withholding Deposits

NOTICE IS HEREBY GIVEN that the Department of Revenue is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing withholding deposits. The adoption of rules is authorized by *Minnesota Statutes*, section 270.06(13), which permits the Department of Revenue to make, publish, and distribute rules for the administration and enforcement of state tax laws.

The Department of Revenue requests information and opinions concerning the subject matter of the rules. The Department of Revenue is particularly interested in taxpayers' opinions that indicate support or opposition to adoption of rules similar to the new federal regulation relating to deposit of federal employment taxes. *Treas. Reg.* § 31.6302-1 (1992). Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Jason P. Hardy
Appeals, Legal Services, and Criminal Investigations Division
Minnesota Department of Revenue
10 River Park Plaza
Mail Station 2220
St. Paul, MN 55146-2220
(612) 296-1902 extension 117

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Oral statements will be received during regular business hours over the telephone and in person at the above telephone number and address.

All statements of information and opinion shall be accepted until 4:30 p.m. on December 1, 1992. Any written material received by the Department of Revenue shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 4 November 1992

Thomas J. Seidl, Supervisor
Legal Services Section

Department of Human Services

Self-Sufficiency Programs Division

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing the Minnesota Family Investment Plan (MFIP)

NOTICE IS HEREBY GIVEN that the State Department of Human Services is seeking information or opinions from sources outside the agency in preparing to propose rules to govern the administration of MFIP.

The adoption of these rules is authorized by *Minnesota Statutes*, §§ 256.031, subdivision 3 and 256.01, subdivision 4 which permits the State Department of Human Services to develop and promulgate rules to govern programs that provide assistance and services to recipients.

The State Department of Human Services requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to:

Kathy McDonough
Rules and Bulletins Division
Minnesota Department of Human Services
444 Lafayette Road
St. Paul, Minnesota 55155-3816

Oral statements will be received during regular business hours over the telephone at (612) 297-4997 by Kathy McDonough and in person at the above address.

All statements of information and opinions shall be accepted until further notice is published in the *State Register* or the Notice of Hearing or Notice of Intent to Adopt Rules Without a Hearing is published in the *State Register*. Any written material received by the State Department of Human Services shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: 9 November 1992

Kathy McDonough
Rules and Bulletins Division

State Board of Investment

Meeting Notice—Administrative Committee

The State Board of Investment Administrative Committee will meet on Monday, November 23, 1992 in the SBI Conference Room, MEA Building, Room 105, 55 Sherburne Avenue, St. Paul, MN from 8:30 a.m. to 10:00 a.m.

Department of Transportation

Goals for Disadvantaged Business Enterprises for Federal Fiscal Year 1993

The Minnesota Department of Transportation (Mn/DOT) has established a goal of 10% for Disadvantaged Business Enterprises (DBE) for all modes of transportation for federal fiscal year 1993 (October 1, 1992 through September 30, 1993).

The Intermodal Surface Transportation and Efficiency Act (ISTEA). ISTEA continues to require that women business owners be presumed to be socially and economically disadvantaged and are included in the DBE goal.

The department's DBE plan is available for public inspection during normal business hours (8:00 a.m. to 4:00 p.m.) At Mn/DOT Central Office, Room 123 Transportation Building, 395 John Ireland Boulevard, St. Paul, Minnesota 55155, for 30 days following the date of this notice. The comments are for information purposes only.

Please respond to: The Minnesota Department of Transportation
EEO Contract Management Office
395 John Ireland Boulevard
Room 123 Transportation Building
St. Paul, Minnesota 55155

Non-State Public Bids and Contracts

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector.

It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Council

Invitation for Bid to Perform Laboratory Analysis of Water Samples as Part of the Metropolitan Council's 1993-94 Lake Monitoring Program

The Metropolitan Council solicits a bid for laboratory services for the chemical analysis of lake water samples for basic water quality parameters.

Two copies of the bid should be submitted to the Metropolitan Council, Mears Park Centre, 230 E. Fifth St., St. Paul, MN 55101, Attention: Dick Savage, purchasing officer. The deadline for submission is 4 p.m. on November 25, 1992.

The Council, by this IFB, promises to accept the lowest responsible bidder while reserving the right to reject all bids, to investigate the qualification and experience of any bidder, to reject any provision in any bid, obtain new bids, or proceed to do the work otherwise.

Targeted group businesses are encouraged to submit bids. No bidder shall be subjected to discrimination on the basis of race, color, creed, sex, age, sexual orientation, religion, disability, marital status, public-assistance status, national origin or political affiliation.

Request a copy of the IFB from Randy Anhorn at 612/291-6449.

Awards of State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Materials Management Division—Department of Administration:

Contracts and Requisitions Open for Bid: Call 296-2600 for information on a specific bid, or to request a specific bid.

COMMODITY CODE KEY

A = Sealed Bid	G = \$5,000-\$15,000 Estimated Dollar Value	J = Targeted Vendors Only
B = Write for Price	H = \$15,000-\$50,000 Sealed Bid	K = Local Service Needed
C = Request for Proposal	I = \$50,000 and Over Sealed Bid/Human Rights Compliance Required	L = No Substitute
D = Request for Information		M = Installation Needed
E = \$0-\$1,500 Estimated Dollar Value		N = Pre-Bid Conference
F = \$1,500-\$5,000 Estimated Dollar Value		O = Insurance or Bonding Required

Item: Concrete Products, Precast,
Miscellaneous
Req.#: 01000-07194-01
Awarded to: Amcon Block & Precast
Inc., St. Cloud, MN
Awarded amount: \$1,179.75
Awarded date: November 6, 1992
Expir/deliv date: November 30, 1992
Shipped to: Facilities Management
Office

Item: Light, Portable, Hand
Req.#: 07500-42067-01
Awarded to: Uniforms, Unlimited, St.
Paul, MN
Awarded amount: \$864.00
Awarded date: November 6, 1992
Expir/deliv date: November 30, 1992
Shipped to: Department Public Safety
Warehouse

Item: Software, Personal Computer
Req.#: 21200-52861-01
Awarded to: Network Facilities, Eden
Prairie, MN
Awarded amount: \$17,112.00
Awarded date: November 6, 1992
Expir/deliv date: November 9, 1992
Shipped to: Minnesota Department of
Jobs & Training

Item: Software, Personal Computer
Req.#: 22700-00805-01
Awarded to: Wahl & Wahl Inc.,
Bloomington, MN
Awarded amount: \$3,940.00
Awarded date: November 6, 1992
Expir/deliv date: November 13, 1992
Shipped to: Trade & Economic
Development

Item: Hardware, Electronic,
Miscellaneous
Req.#: 26070-14915-01
Awarded to: Anixter, Minn
Awarded amount: \$1,395.00
Awarded date: November 6, 1992
Expir/deliv date: November 20, 1992
Shipped to: Bemidji State University

Item: Seating, Reception/Lobby
Req.#: 26070-14914-01
Awarded to: Johnsons, P M Inc., St.
Paul, MN
Awarded amount: \$3,942.75
Awarded date: November 6, 1992
Expir/deliv date: November 20, 1992
Shipped to: Bemidji State University

Item: Drive, Disk or Tape, Computer
Req.#: 26071-26328-01
Awarded to: Parker Associates,
Wayzata, MN
Awarded amount: \$1,678.40
Awarded date: November 6, 1992
Expir/deliv date: November 13, 1992
Shipped to: Mankato State University

Item: Video Equipment, Parts &
Accessories
Req.#: 26071-66925-01
Awarded to: Alpha Video & Audio,
Bloomington, MN
Awarded amount: \$1,694.00
Awarded date: November 6, 1992
Expir/deliv date: November 30, 1992
Shipped to: Mankato State University

Item: Audio/Video Equipment,
Miscellaneous
Req.#: 26071-67761-01
Awarded to: Sweetwater Sound Inc., Ft.
Wayne, IN
Awarded amount: \$6,370.00
Awarded date: November 6, 1992
Expir/deliv date: November 30, 1992
Shipped to: Mankato State University

Item: Projection Viewer, Computer,
Personal
Req.#: 26072-03914-01
Awarded to: Computerland, Plymouth,
MN
Awarded amount: \$2,106.00
Awarded date: November 6, 1992
Expir/deliv date: November 15, 1992
Shipped to: Moorhead State University

Awards of State Contracts and Advertised Bids

Item: Air Conditioning Parts,
Commercial
Req.#: 26072-04003-1
Awarded to: Refrigeration Heating Inc.,
Fargo, ND
Awarded amount: \$2,918.00
Awarded date: November 6, 1992
Expir/deliv date: November 20, 1992
Shipped to: Moorhead State University

Item: Heater, Space, Stationary
Req.#: 27000-11019-01
Awarded to: Faircon, Inc., Roseville,
MN
Awarded amount: \$3,988.00
Awarded date: November 6, 1992
Expir/deliv date: November 15, 1992
Shipped to: Normandale Community
College

Item: Medical Laboratory Equipment,
Miscellaneous
Req.#: 27153-21468-01
Awarded to: Fisher Scientific Company,
Itasca, IL
Awarded amount: \$1,521.78
Awarded date: November 6, 1992
Expir/deliv date: November 15, 1992
Shipped to: North Hennepin Community
College

Item: Laboratory/Science Supplies
Req.#: 27148-61043-01
Awarded to: Central Scientific
Company, Franklin Park, IL
Awarded amount: \$549.00
Awarded date: November 6, 1992
Expir/deliv date: November 16, 1992
Shipped to: Rochester Community
College

Item: Television
Req.#: 27147-47492-01
Awarded to: Boffin, Ltd., Burnsville,
MN
Awarded amount: \$988.50
Awarded date: November 6, 1992
Expir/deliv date: November 20, 1992
Shipped to: Vermilion Community
College

Item: Truck, Light; To 11,000 GVW
Req.#: 29000-59564-02
Awarded to: Thane Hawkins Polar
Chevrolet, White Bear Lake, MN
Awarded amount: \$15,479.00
Awarded date: November 6, 1992
Expir/deliv date: December 11, 1992
Shipped to: Department of Natural
Resources—Southern Service Center

Item: Shelving, Library
Req.#: 02310-36093-01
Awarded to: Foam Fabricators of
Minnesota, Maple Lake, MN
Awarded amount: \$2,780.04
Awarded date: November 6, 1992
Expir/deliv date: November 30, 1992
Shipped to: Minnesota Historical
Society

Item: Kitchen Devices and Supplies
Req.#: 55304-09450-01
Awarded to: Aladdin Synergetics, Inc.,
Nashville, TN
Awarded amount: \$2,618.95
Awarded date: November 6, 1992
Expir/deliv date: November 20, 1992
Shipped to: Brainerd Regional Human
Service Center

Item: Rack, Pallet, Industrial
Req.#: 02310-36077-01
Awarded to: Arrow Star Inc., Lynbrook,
NY
Awarded amount: \$1,746.00
Awarded date: November 6, 1992
Expir/deliv date: November 20, 1992
Shipped to: Brainerd Regional Human
Service Center

Item: Seating, Chair, Stackable
Req.#: 78770-03583-01
Awarded to: Norix Group Inc., Batavia,
IL
Awarded amount: \$1,787.04
Awarded date: November 6, 1992
Expir/deliv date: December 1, 1992
Shipped to: Minnesota Correctional
Facility

Item: Snowplow Attachment, Truck
Req.#: 78790-30671-01
Awarded to: Crysteel Truck Equipment,
Minneapolis, MN
Awarded amount: \$1,881.00
Awarded date: November 6, 1992
Expir/deliv date: November 20, 1992
Shipped to: Minnesota Correctional
Facility—Faribault

Item: Boilers, Industrial, Parts and
Supplies
Req.#: 78830-11553-01
Awarded to: Fremont Industry,
Shakopee, MN
Awarded amount: \$400.00
Awarded date: November 6, 1992
Expir/deliv date: November 30, 1992
Shipped to: Minnesota Correctional
Facility

Item: Video Equipment, Parts and
Accessories
Req.#: 79000-32381-01
Awarded to: Elcor International, Inc.,
Long Island City, NY
Awarded amount: \$8,469.94
Awarded date: November 6, 1992
Expir/deliv date: November 30, 1992
Shipped to: Minnesota Department of
Transportation

Item: Lumber, Treated
Req.#: 79750-01247-01
Awarded to: Weekes Forest Products,
St. Paul, MN
Awarded amount: \$3,051.71
Awarded date: November 6, 1992
Expir/deliv date: November 30, 1992
Shipped to: Minnesota Department of
Transportation

Item: Service, Photography, Aerial
Req.#: 04111-31402-01
Awarded to: US Agriculture
Department, Salt Lake City, UT
Awarded amount: \$16,800.00
Awarded date: November 9, 1992
Expir/deliv date: May 15, 1993
Shipped to: Minnesota Department of
Agriculture

Awards of State Contracts and Advertised Bids

Item: Service, Auto Body Repair; Non Metro Area
Req.#: 07500-42082-01
Awarded to: Jerry's Classic Cars, Elk River, MN
Awarded amount: \$1,527.30
Awarded date: November 9, 1992
Expir/deliv date: November 15, 1992
Shipped to: Department of Public Safety

Item: Service, Auto Body Repair; Metro Area
Req.#: 07500-42074-01
Awarded to: Ed's Body Service, Inc., Maple Grove, MN
Awarded amount: \$1,846.50
Awarded date: November 9, 1992
Expir/deliv date: November 10, 1992
Shipped to: Department of Public Safety

Item: Service, Mailing/Shipping
Req.#: 10000-04917-01
Awarded to: Denison Mailing Service, Bloomington, MN
Awarded amount: \$2,338.00
Awarded date: November 9, 1992
Expir/deliv date: January 14, 1993
Shipped to: Department of Finance

Item: Service, Computer Related Repair/Install
Req.#: 21200-53390-01
Awarded to: Galaxy Computer Services, St. Paul, MN
Awarded amount: \$19,080.00
Awarded date: November 9, 1992
Expir/deliv date: November 13, 1992
Shipped to: Minnesota Department of Jobs & Training

Item: Copy Machine, Medium Speed; 15 to 50 CPM
Req.#: 21200-52986-01
Awarded to: Midwest Business, Duluth, MN
Awarded amount: \$2,706.00
Awarded date: November 9, 1992
Expir/deliv date: November 16, 1992
Shipped to: Minnesota Department of Jobs & Training

Item: Handicapped Device, Visual
Req.#: 21200-53056-01
Awarded to: Telesensory Systems, Inc., Mountain View, CA
Awarded amount: \$60,325.00
Awarded date: November 9, 1992
Expir/deliv date: November 30, 1992
Shipped to: Various Locations

Item: Handicapped Device, Visual
Req.#: 21701-53011-01
Awarded to: Telesensory Systems, Inc., Mountain View, CA
Awarded amount: \$6,740.00
Awarded date: November 9, 1992
Expir/deliv date: November 30, 1992
Shipped to: Various Locations

Item: Handicapped Device, Visual
Req.#: 21701-53234-01
Awarded to: Optelec US Inc., Westford, MA
Awarded amount: \$3,063.00
Awarded date: November 9, 1992
Expir/deliv date: November 30, 1992
Shipped to: Various Locations

Item: Handicapped Device, Visual
Req.#: 21701-52896-01
Awarded to: Tojek & Associates, Inc., Brookfield, WI
Awarded amount: \$1,895.00
Awarded date: November 9, 1992
Expir/deliv date: November 30, 1992
Shipped to: Various Locations

Item: Electronic Test Equipment, Miscellaneous
Req.#: 26071-26341-01
Awarded to: Sencore, Inc., Sioux Falls, SD
Awarded amount: \$2,307.55
Awarded date: November 9, 1992
Expir/deliv date: November 25, 1992
Shipped to: Mankato State University

Item: Arts & Crafts Equipment, Miscellaneous
Req.#: 26071-67511-01
Awarded to: Saunders Equipment Inc., Cold Springs, NY
Awarded amount: \$1,975.00
Awarded date: November 9, 1992
Expir/deliv date: November 30, 1992
Shipped to: Mankato State University

Item: Copy Machine, Multiple Colors
Req.#: 26071-66674-01
Awarded to: Xerox Corporation, Bloomington, MN
Awarded amount: \$6,971.00
Awarded date: November 9, 1992
Expir/deliv date: November 20, 1992
Shipped to: Mankato State University

Item: Computer, Personal
Req.#: 27152-47006-01
Awarded to: PC Express, Inc., Richfield, MN
Awarded amount: \$2,095.00
Awarded date: November 9, 1992
Expir/deliv date: November 23, 1992
Shipped to: Anoka Ramsey Community College

Item: Sweeper, Street and Parking Lot
Req.#: 27152-47009-01
Awarded to: Scharber & Sons, Rogers, MN
Awarded amount: \$4,195.00
Awarded date: November 9, 1992
Expir/deliv date: December 7, 1992
Shipped to: Anoka Ramsey Community College

Item: Musical Instrument, Piano
Req.#: 27142-42309-01
Awarded to: Music Staff, Fergus Falls, MN
Awarded amount: \$2,795.00
Awarded date: November 9, 1992
Expir/deliv date: November 15, 1992
Shipped to: Fergus Falls Community College

Item: Weight Training/Exercise Equipment
Req.#: 27153-21471-01
Awarded to: Fitness Stores Inc., Bloomington, MN
Awarded amount: \$6,260.00
Awarded date: November 9, 1992
Expir/deliv date: December 18, 1992
Shipped to: North Hennepin Community College

Awards of State Contracts and Advertised Bids

Item: Bag/Sack, Plastic
Req.#: 27148-61042-01
Awarded to: Dalco, Rochester, MN
Awarded amount: \$999.60
Awarded date: November 9, 1992
Expir/deliv date: November 30, 1992
Shipped to: Rochester Community College

Item: Snowmobile
Req.#: 29001-25494-01
Awarded to: Arctco Inc., Thief River Falls, MN
Awarded amount: \$8,784.00
Awarded date: November 9, 1992
Expir/deliv date: December 11, 1992
Shipped to: Department of Natural Resources—Regional Headquarters

Item: Snowmobile
Req.#: 29001-25513-01
Awarded to: Arctco Inc., Thief River Falls, MN
Awarded amount: \$879.00
Awarded date: November 9, 1992
Expir/deliv date: December 11, 1992
Shipped to: Department of Natural Resources—Regional Headquarters

Item: Snowmobile
Req.#: 29001-25520-01
Awarded to: Arctco Inc., Thief River Falls, MN
Awarded amount: \$696.00
Awarded date: November 6, 1992
Expir/deliv date: December 11, 1992
Shipped to: Department of Natural Resources—Regional Headquarters

Item: Snowmobile
Req.#: 29002-22953-01
Awarded to: Arctco Inc., Thief River Falls, MN
Awarded amount: \$14,158.00
Awarded date: November 9, 1992
Expir/deliv date: December 11, 1992
Shipped to: Department of Natural Resources—Regional Headquarters

Item: Snowmobile
Req.#: 29002-22955-01
Awarded to: Arctco Inc., Thief River Falls
Awarded amount: \$2,199.00
Awarded date: November 9, 1992
Expir/deliv date: December 11, 1992
Shipped to: Department of Natural Resources—Regional Headquarters

Item: Snowmobile
Req.#: 29002-22956-01
Awarded to: Arctco Inc., Thief River Falls, MN
Awarded amount: \$2,940.00
Awarded date: November 9, 1992
Expir/deliv date: December 11, 1992
Shipped to: Department of Natural Resources—Regional Headquarters

Item: Snowmobile
Req.#: 29002-23006-01
Awarded to: Arctco Inc., Thief River Falls, MN
Awarded amount: \$735.00
Awarded date: November 9, 1992
Expir/deliv date: December 11, 1992
Shipped to: Department of Natural Resources—Regional Headquarters

Item: Snowmobile
Req.#: 29003-08297-01
Awarded to: Arctco Inc., Thief River Falls, MN
Awarded amount: \$6,954.00
Awarded date: November 9, 1992
Expir/deliv date: December 11, 1992
Shipped to: Department of Natural Resources—Regional Headquarters

Item: Snowmobile
Req.#: 29004-18099-01
Awarded to: Arctco Inc., Thief River Falls, MN
Awarded amount: \$4,857.00
Awarded date: November 9, 1992
Expir/deliv date: December 11, 1992
Shipped to: Department of Natural Resources—Regional Headquarters

Item: Snowmobile
Req.#: 29005-16693-01
Awarded to: Arctco Inc., Thief River Falls, MN
Awarded amount: \$1,314.00
Awarded date: November 9, 1992
Expir/deliv date: December 11, 1992
Shipped to: Department of Natural Resources—Regional Headquarters

Item: Snowmobile
Req.#: 29005-16694-01
Awarded to: Thief River Falls, MN
Awarded amount: \$6,528.00
Awarded date: November 9, 1992
Expir/deliv date: December 11, 1992
Shipped to: Department of Natural Resources—Regional Headquarters

Item: Snowmobile
Req.#: 29000-59650-01
Awarded to: Arctco Inc., Thief River Falls, MN
Awarded amount: \$3,228.00
Awarded date: November 9, 1992
Expir/deliv date: December 11, 1992
Shipped to: Department of Natural Resources—Regional Headquarters

Item: Snowmobile
Req.#: 29000-59651-01
Awarded to: Arctco Inc., Thief River Falls, MN
Awarded amount: \$2,952.00
Awarded date: November 9, 1992
Expir/deliv date: December 11, 1992
Shipped to: Department of Natural Resources—Regional Headquarters

Item: Snowmobile
Req.#: 29000-59652-01
Awarded to: Arctco Inc., Thief River Falls, MN
Awarded amount: \$1,194.00
Awarded date: November 9, 1992
Expir/deliv date: December 11, 1992
Shipped to: Department of Natural Resources—Regional Headquarters

Awards of State Contracts and Advertised Bids

Item: Snowmobile
Req.#: 29000-59653-01
Awarded to: Arctco Inc., Thief River Falls, MN
Awarded amount: \$2,526.00
Awarded date: November 9, 1992
Expir/deliv date: December 11, 1992
Shipped to: Department of Natural Resources—Regional Headquarters

Item: Snowmobile
Req.#: 29000-59654-01
Awarded to: Arctco Inc., Thief River Falls, MN
Awarded amount: \$1,194.00
Awarded date: November 9, 1992
Expir/deliv date: December 11, 1992
Shipped to: Department of Natural Resources—Regional Headquarters

Item: Snowmobile
Req.#: 29000-59655-01
Awarded to: Arctco Inc., Thief River Falls, MN
Awarded amount: \$1,632.00
Awarded date: November 9, 1992
Expir/deliv date: December 11, 1992
Shipped to: Department of Natural Resources—Regional Headquarters

Item: Plants, Flower or Vegetable
Req.#: 43000-70248-01
Awarded to: Verns Greenhouse, Virginia, MN
Awarded amount: \$2,772.87
Awarded date: November 9, 1992
Expir/deliv date: June 1, 1993
Shipped to: Ironworld, USA

Item: Rack, Food Service
Req.#: 02310-36078-01
Awarded to: St. Cloud Restaurant, St. Cloud, MN
Awarded amount: \$1,930.00
Awarded date: November 9, 1992
Expir/deliv date: November 20, 1992
Shipped to: Brainerd Regional Human Service Center

Item: Range, Kitchen
Req.#: 55105-09261-01
Awarded to: St. Cloud Restaurant, St. Cloud, MN
Awarded amount: \$1,415.00
Awarded date: November 9, 1992
Expir/deliv date: November 23, 1992
Shipped to: St. Peter Regional Treatment Center

Item: Floor Maintenance Equipment, Parts and Accessories
Req.#: 78760-03238-01
Awarded to: Upper Midwest Sales Inc., Minneapolis, MN
Awarded amount: \$924.80
Awarded date: November 9, 1992
Expir/deliv date: January 15, 1993
Shipped to: Minnesota Correctional Facility

Item: Printing Equipment, Miscellaneous
Req.#: 78760-03234-01
Awarded to: Perfection Type, Inc., Minneapolis, MN
Awarded amount: \$19,759.00
Awarded date: November 9, 1992
Expir/deliv date: November 30, 1992
Shipped to: Minnesota Correctional Facility

Item: Seating, Chair, Stackable
Req.#: 78760-03241-01
Awarded to: Johnsons PM Inc., St. Paul, MN
Awarded amount: \$870.75
Awarded date: November 9, 1992
Expir/deliv date: December 15, 1992
Shipped to: Minnesota Correctional Facility

Item: Award, Trophy and Plaque
Req.#: 78830-11557-01
Awarded to: Jostens Inc., Red Wing, MN
Awarded amount: \$462.50
Awarded date: November 9, 1992
Expir/deliv date: December 18, 1992
Shipped to: Minnesota Correctional Facility

Item: Award, Ribbons and Medals
Req.#: 78830-11558-01
Awarded to: Jostens Inc., Alexandria, MN
Awarded amount: \$637.23
Awarded date: November 9, 1992
Expir/deliv date: November 30, 1992
Shipped to: Minnesota Correctional Facility

Item: Trees and Shrubs
Req.#: 79050-70162-01
Awarded to: Grove Nursery Center Inc., Maple Grove, MN
Awarded amount: \$991.00
Awarded date: November 9, 1992
Expir/deliv date: November 10, 1992
Shipped to: Various Locations

Item: Asphalt, Paving
Req.#: 79350-01244-01
Awarded to: Morton International, Cincinnati, OH
Awarded amount: \$1,226.00
Awarded date: November 9, 1992
Expir/deliv date: November 12, 1992
Shipped to: Minnesota Department of Transportation

Item: Service, Janitorial
Req.#: 79500-23505-02
Awarded to: Clean Sweep Inc., Eden Prairie, MN
Awarded amount: \$29,786.80
Awarded date: November 9, 1992
Expir/deliv date: November 15, 1992
Shipped to: Minnesota Department of Transportation

Item: Service, Janitorial
Req.#: 79500-23505-01
Awarded to: Pavey Bros. Inc., Medina, MN
Awarded amount: \$45,213.20
Awarded date: November 9, 1992
Expir/deliv date: November 15, 1992
Shipped to: Minnesota Department of Transportation

State Contracts and Advertised Bids

Pursuant to the provisions of Minn. Stat. § 14.10, an agency must make reasonable effort to publicize the availability of any services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Commodities contracts with an estimated value of \$15,000 or more are listed under the Materials Management Division, Department of Administration. All bids are open for 7-10 days before bidding deadline. For bid specifics, time lines, and other general information, contact the appropriate buyers whose initials appear in parentheses next to the commodity for bid, by calling (612) 296-6152.

Awards of contracts and advertised bids for commodities and printing, as well as awards of professional, technical and consulting contracts, appear in the midweek STATE REGISTER Contracts Supplement, published every Thursday. Call (612) 296-0931 for subscription information.

Materials Management Division—Department of Administration:

Contracts and Requisitions Open for Bid

Call 296-2600 for information on a specific bid, or to request a specific bid.

COMMODITY CODE KEY

A = Sealed Bid	G = \$5,000-\$15,000 Estimated Dollar Value	J = Targeted Vendors Only
B = Write for Price	H = \$15,000-\$50,000 Sealed Bid	K = Local Service Needed
C = Request for Proposal	I = \$50,000 and Over Sealed Bid/Human Rights Compliance Required	L = No Substitute
D = Request for Information		M = Installation Needed
E = \$0-\$1,500 Estimated Dollar Value		N = Pre-Bid Conference
F = \$1,500-\$5,000 Estimated Dollar Value		O = Insurance or Bonding Required

Commodity: Trucks and Vans
Contact: Dale Meyer 612-296-3773
Bid due date at 4:30pm: December 1
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: Unleaded Gasoline: No. 1 & 2 Regular Diesel Fuel
Contact: Dale Meyer 612-296-3773
Bid due date at 4:30pm: November 24
Agency: Minnesota Department of Transportation
Deliver to: Duluth, MN
Requisition #: Price Contract

Commodity: Telecommunications: Cable & Misc. Blocks/Cords — Installation & Supply Zones 2-7 (Rebid)
Contact: Patricia Anderson 612-296-3770
Bid due date at 4:30pm: November 30
Agency: Various
Deliver to: Various
Requisition #: Price Contract

Commodity: B G—Hitachi Digitizer System
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 18
Agency: Bemidji State University
Deliver to: Bemidji, MN 56001
Requisition #: B 26070-14920

Commodity: B G—Maxtor Hard Drive
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 18
Agency: Mankato State University
Deliver to: Mankato, MN 56002-8400
Requisition #: B 26071-67549

Commodity: B F—H.P. Laser Printer
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 18
Agency: Metropolitan State University
Deliver to: St. Paul, MN 55106-5000
Requisition #: B 26176-03683

Commodity: B G L—Interpro 2020
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 18
Agency: Minnesota Department of Transportation
Deliver to: St. Paul, MN 55155
Requisition #: B 79000-63502

Commodity: B F—Visually Impaired Equipment
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: November 20
Agency: Minnesota Department of Jobs & Training
Deliver to: Various Places
Requisition #: B 21701-53409

Commodity: B F—Visually Impaired Equipment
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: November 20
Agency: Minnesota Department of Jobs & Training
Deliver to: Various Places
Requisition #: B 21701-53411

State Contracts and Advertised Bids

Commodity: B F—Bookcarts
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: November 23
Agency: Mankato State University
Deliver to: Mankato, MN 56002-8400
Requisition #: B 26071-26348

Commodity: A H M—Custom Tank Inst.
Contact: Jack Bauer 612-296-2621
Bid due date at 2pm: November 23
Agency: Department of Public Service
Deliver to: Roseville, MN 55113
Requisition #: B 80300-93208

Commodity: B F—Flexican Monitor
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 18
Agency: St. Cloud State University
Deliver to: St. Cloud, MN 56301-4498
Requisition #: B 26073-24186

Commodity: B G—Simms Memory
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 18
Agency: Board of Governors Voc-Tech Ed/Air Traffic
Deliver to: Eden Prairie, MN 55347
Requisition #: B 36100-51723

Commodity: B E—Speech Software
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 18
Agency: Minnesota Academy for the Blind
Deliver to: Faribault, MN 55021
Requisition #: B 37001-30511

Commodity: B G—Powerbuilder Dev't Env. Software
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 18
Agency: Department of Revenue
Deliver to: St. Paul, MN 55107
Requisition #: B 67350-53391

Commodity: Bituminous
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 25
Agency: Transportation
Deliver to: Duluth, MN
Requisition #: 79/100-B

Commodity: B G—Satellite Receiving Equipment
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: November 18
Agency: Moorhead State University
Deliver to: Various Places
Requisition #: B 26072-04012

Commodity: B F—Oscilloscope
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: November 18
Agency: Mankato State University
Deliver to: Mankato, MN 56002-8400
Requisition #: B 26071-26342

Commodity: B G—Custom Printed Plastic Bags
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: November 18
Agency: Trade & Economic Dev/Fiscal Services
Deliver to: St. Paul, MN 55101
Requisition #: B 22400-00384

Commodity: B F—Prism Poles
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: November 18
Agency: Minnesota Department of Transportation
Deliver to: St. Paul, MN 55155
Requisition #: B 79000-31736-1

Commodity: B G L—Proxima Projection Panel
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 18
Agency: Mankato State University
Deliver to: Mankato, MN 56002-8400
Requisition #: B 26071-48263

Commodity: B G—386dx/40 Computer
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 18
Agency: Mankato State University
Deliver to: Mankato, MN 56002-8400
Requisition #: B 26071-90095

Commodity: Winter sand
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 25
Agency: Transportation
Deliver to: Duluth, MN
Requisition #: 79/100-WS

Commodity: A I—486 Computers
Contact: Bernadette Vogel 612-296-3778
Bid due date at 2pm: November 23
Agency: Fergus Falls Community College
Deliver to: Fergus Falls, MN 56537
Requisition #: B 27142-42307-1

Commodity: B G—Blank 9½ x 11 Paper
Contact: Brenda Thielen, 612-296-9075
Bid due date at 4:30pm: November 18
Agency: Department of Human Services
Deliver to: St. Paul, MN 55155-3807
Requisition #: B 55000-32208

Commodity: B F—Used Visually Impaired Equipment
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: November 20
Agency: Minnesota Department of Jobs & Training
Deliver to: Various Places
Requisition #: B 21701-53410

Commodity: B F—Nursery Stock for May 1993
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: November 23
Agency: Minnesota Department of Transportation
Deliver to: Various Places
Requisition #: B 79350-01245

Commodity: B G—Microfiche Cabinet
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: November 23
Agency: Mankato State University
Deliver to: Mankato, MN 56002-8400
Requisition #: B 26071-26352

Commodity: B F K M—Fax
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 4:30pm: November 12
Agency: Mankato State University
Deliver to: Mankato, MN 56002-8400
Requisition #: B 26071-66679

Commodity: Aggregates
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 25
Agency: Transportation
Deliver to: Duluth, MN
Requisition #: 79/100-A

Commodity: Bituminous
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 25
Agency: Transportation
Deliver to: Owatonna, MN
Requisition #: 19/650-B

Commodity: Silica sand
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 25
Agency: Transportation
Deliver to: Owatonna, MN
Requisition #: 79/650-SS

Commodity: Ready Mix
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 25
Agency: Transportation
Deliver to: Owatonna, MN
Requisition #: 79/650-RM

Commodity: Aggregates
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 25
Agency: Transportation
Deliver to: Owatonna, MN
Requisition #: 79/650-A

Commodity: Aggregates
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 24
Agency: Transportation
Deliver to: Detroit Lakes, MN
Requisition #: 79/400-A

Commodity: Winter sand
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 24
Agency: Transportation
Deliver to: Detroit Lakes, MN
Requisition #: 79/400-WS

Commodity: Portland cement
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 25
Agency: Transportation
Deliver to: Owatonna, MN
Requisition #: 79/650-PC

Commodity: Winter sand
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 25
Agency: Transportation
Deliver to: Owatonna, MN
Requisition #: 79/650-WS

Commodity: Automobiles—Rebid
Contact: Dale Meyer 612-296-3773
Bid due date at 2pm: November 30
Agency: Public Safety
Deliver to: St. Paul, MN
Requisition #: Price Contract

Commodity: Bituminous
Contact: Joan Breisler 612-296-9071
Bid due date at 2pm: November 24
Agency: Transportation
Deliver to: Detroit Lakes, MN
Requisition #: 79/400-B

Commodity: B F—486DX/50
 computers
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 23
Agency: Intertechnologies Group
Deliver to: St. Paul, MN
Requisition #: B 02420-34574

Commodity: B F—386SL/25 notebook
 computer
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 23
Agency: Mankato State University
Deliver to: Mankato, MN
Requisition #: B 26071-26340

Commodity: B F—486DX/33 computer
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 23
Agency: Mankato State University
Deliver to: Mankato, MN
Requisition #: B 26071-52877

Commodity: B F—Dec tape cartridges
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 23
Agency: St. Cloud State University
Deliver to: St. Cloud, MN
Requisition #: B 26073-24187

Commodity: B E—Network analyzer
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 23
Agency: St. Cloud State University
Deliver to: St. Cloud, MN
Requisition #: B 26073-24190

Commodity: B F L—IBM thinkpad
 notebook computer
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 23
Agency: Vermilion Community College
Deliver to: Ely, MN
Requisition #: B 27147-47494

Commodity: B F—386/40 computer
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 23
Agency: Minnesota Academy for the
 Deaf
Deliver to: Faribault, MN
Requisition #: B 37001-30521

Commodity: B F—386/33 computers
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 23
Agency: Bemidji State University
Deliver to: Bemidji, MN
Requisition #: B 26070-14924

Commodity: B F—Liteshow II PC
 viewer
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 23
Agency: Mankato State University
Deliver to: Mankato, MN
Requisition #: B 26071-27151

Commodity: B F—486SX/25 computer
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 23
Agency: Mankato State University
Deliver to: Mankato, MN
Requisition #: B 26071-67672

Commodity: B F—Microtest scanner
 kit
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 23
Agency: St. Cloud State University
Deliver to: St. Cloud, MN
Requisition #: B 26073-24189

State Contracts and Advertised Bids

Commodity: B E—D.G. printer supplies
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 23
Agency: Southwest State University
Deliver to: Marshall, MN
Requisition #: B 26175-03284

Commodity: B G—Shiva modem
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 23
Agency: Minnesota Housing Finance Agency
Deliver to: St. Paul, MN
Requisition #: B 34000-07286

Commodity: B E—LCD projection system
Contact: Bernadette Vogel 612-296-3778
Bid due date at 4:30pm: November 23
Agency: Minnesota Higher Education Coordination Board/Account
Deliver to: St. Paul, MN
Requisition #: B 60000-08311

Commodity: B F—16MM projector
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: November 23
Agency: Department of Public Safety/Finance
Deliver to: New Brighton, MN
Requisition #: B 07500-42069

Commodity: B F—A V equipment/supplies
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: November 23
Agency: Minnesota Correctional Facility
Deliver to: Stillwater, MN
Requisition #: B 78620-00481

Commodity: B F—Lab supplies
Contact: Joan Breisler 612-296-9071
Bid due date at 4:30pm: November 18
Agency: Mankato State University
Deliver to: Mankato, MN
Requisition #: B 26071-73058

Commodity: B F—Lettering machine
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: November 23
Agency: Department of Finance
Deliver to: St. Paul, MN
Requisition #: B 10000-04933

Commodity: B G M—Sound module
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: November 25
Agency: Mankato State University
Deliver to: Mankato, MN
Requisition #: B 26071-26350

Commodity: B F—Plastic signs
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: November 25
Agency: Department of Natural Resources—Division of Trails
Deliver to: St. Paul, MN
Requisition #: B 29000-59884

Commodity: B F—Chemical weapon
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: November 13
Agency: Minnesota Correctional Facility
Deliver to: St. Cloud, MN
Requisition #: B 78830-11538

Commodity: B F—Microscope video system
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: November 23
Agency: Winona State University
Deliver to: Winona, MN
Requisition #: B 26074-14738

Commodity: B E—Lumber
Contact: Pam Anderson 612-296-1053
Bid due date at 4:30pm: November 23
Agency: Minnesota Department of Transportation
Deliver to: Windom, MN
Requisition #: B 79750-01250

Commodity: B F—Floor cleaning equipment—Rebid
Contact: Linda Parkos 612-296-3725
Bid due date at 4:30pm: November 23
Agency: Fond Du Lac Community
Deliver to: Cloquet, MN
Requisition #: B 27163-63200-1

Commodity: B F K M—Typewriter
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: November 23
Agency: Minnesota Department of Jobs & Training
Deliver to: Mankato, MN
Requisition #: B 21200-53414

Commodity: B F L—Buckstaff furniture
Contact: Jack Bauer 612-296-2621
Bid due date at 4:30pm: November 25
Agency: Anoka Ramsey Community College
Deliver to: Coon Rapids, MN
Requisition #: B 27152-47008

Commodity: A H—Steel posts
Contact: Jack Bauer 612-296-2621
Bid due date at 2pm: November 25
Agency: Department of Natural Resources—Southern Service Center
Deliver to: St. Paul, MN
Requisition #: B 29006-31015

Commodity: A I—Vans & buses handicap equipped
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: December 7
Agency: Minnesota Department of Transportation
Deliver to: Various Places
Requisition #: B 79000-32053

Commodity: A H K M—Copier rental
Contact: Mary Jo Bruski 612-296-3772
Bid due date at 2pm: November 24
Agency: Minnesota Department of Transportation
Deliver to: Baxter, MN
Requisition #: B 79300-09339

Department of Administration: Print Communications Division

Printing vendors for the following printing contracts must review contract specifications in printing buyers office at 117 University Avenue, Room 134-B, St. Paul, MN.

Printing vendors NOTE: Other printing contracts can be found in the Materials Management Division listing above, and in the Professional, Technical & Consulting Contracts section immediately following this section.

Commodity: Institutional invoice, negs available, 650M continuous sheets, pinfeed holes both sides, chromalin/matchprint

Contact: Printing Buyer's Office

Bids are due: November 19

Agency: Human Services

Deliver to: St. Paul

Requisition #: 26470

Commodity: DNR fishing regs 1993, dylux, chromalin, 52pp plus cover, camera ready copy, saddle stitch, four color front cover

Contact: Printing Buyer's Office

Bids are due: November 19

Agency: Natural Resources

Deliver to: St. Paul

Requisition #: 26525

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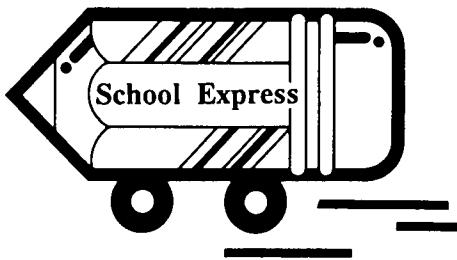
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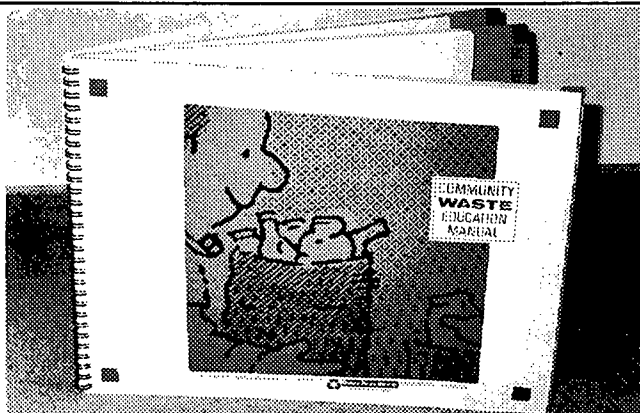
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