

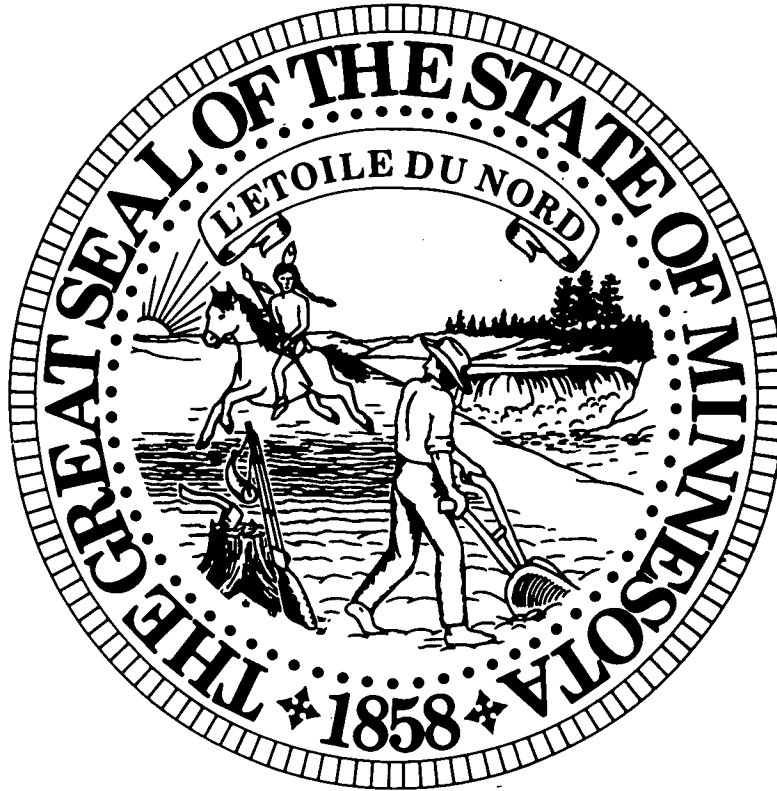
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# State Register

## 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, professional, technical and consulting contracts, non-state bids and public contracts, and grants.

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(612) 296-0504

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

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# Minnesota Rules: Amendments and Additions

## 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 Proposed emergency rules and withdrawn proposed rules are also published in the *State Register*.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 1-800-657-3757.

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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 Agriculture

### Proposed Permanent Rules Relating to Tom and Jerry Base, Batter, and Mix

#### Notice of Intent to Adopt a Rule Without a Public Hearing

The Minnesota Department of Agriculture intends to adopt a rule without a public hearing following the procedures set forth in the Administrative Procedures Act sections 14.22-14.28. You have 30 days to submit written comment on the proposed rule and may also submit a written request that a hearing be held on the rule.

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

Carol Milligan  
Minnesota Department of Agriculture  
90 West Plato Boulevard  
St. Paul, MN 55107  
(612) 296-6906, Fax (612) 297-7678

**Subject of Rule and Statutory Authority.** The proposed rule is requirements for Tom and Jerry batter processing and labeling. The statutory authority to adopt this rule is *Minnesota Statutes*, section 31.11. A copy of the proposed rule is published in the *State Register* and attached to this notice as mailed.

**Comments.** You have until 4:30 p.m., November 17, 1993 to submit written comment in support of or in opposition to the proposed rule or any subpart of the rule. Your comments 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 contact person by 4:30 p.m. on November 17, 1993. Your written request for a public hearing must include your name and address. 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 request in writing. If a public hearing is required, the department will proceed according to *Minnesota Statutes*, sections 14.131-14.20.

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

**Statement of Need and Reasonableness.** A Statement of Need and Reasonableness is now available from the department contact person. This statement describes the need for and reasonableness of each provision of the proposed rule and identifies the data and information relied upon to support the proposed rule.

**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

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**Small Business Considerations.** The requirements set by this rule are the minimum requirement needed to protect public health, and alternative to reduce impact would be contrary to the objectives of *Minnesota Statutes*, section 31.11. Additionally, the proposed rule will provide for processing requirements that are uniform with federal requirements, thereby removing any potential trade barriers for all businesses.

**Adoption and Review of the Rule.** If no hearing is required, after the end of the comment period the department 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 that form relates to legality. You may request to be notified of the date the rule is submitted to the Attorney General or be notified of the Attorney General's decision on the rule. If you wish to be so notified or wish to receive a copy of the adopted rule, submit your request to the department contact person listed above.

Dated: 29 September 1993

Elton Redalen, Commissioner  
Department of Agriculture

### Rules as Proposed (all new material)

#### 1555.7411 TOM AND JERRY BASE, TOM AND JERRY BATTER, TOM AND JERRY MIX.

"Tom and Jerry base," "Tom and Jerry batter," and "Tom and Jerry mix" are manufactured foods, containing water and sweetener, and one or more of the following ingredients: spice; pasteurized fresh, frozen, or dried eggs; pasteurized dairy products; stabilizers; flavors; colors; and emulsifiers.

#### 1555.7421 LABELING.

A label for Tom and Jerry base, Tom and Jerry batter, or Tom and Jerry mix must be in compliance with *Code of Federal Regulations*, title 21, parts 1 to 199.

#### 1555.7431 PROCESS.

Tom and Jerry base, Tom and Jerry batter, and Tom and Jerry mix must be in compliance with the Current Good Manufacturing Practice in Manufacturing, Packing, or Holding Human Food in *Code of Federal Regulations*, title 21, part 110, and parts 1555.7441 to 1555.7461.

#### 1555.7441 PASTEURIZATION.

As an alternative to using pasteurized fresh, frozen, or dried eggs, Tom and Jerry base, Tom and Jerry batter, and Tom and Jerry mix may be pasteurized in properly operated equipment so that every particle is heated to a temperature of at least 155 degrees Fahrenheit (68.5 degrees Centigrade) and held at that temperature for at least 30 minutes, or to a temperature of at least 175 degrees Fahrenheit (80 degrees Centigrade) and held at that temperature for at least 25 seconds, or other process demonstrated to be equally effective. Immediately following pasteurization, all product must be cooled in properly operated equipment to an internal temperature of 40 degrees Fahrenheit (5 degrees Centigrade) or below or frozen to a temperature of zero degrees Fahrenheit (-18 degrees Centigrade) or below.

#### 1555.7451 RECORDS.

A complete and accurate record of the date, time, and temperature of pasteurization for each batch of Tom and Jerry base, Tom and Jerry batter, and Tom and Jerry mix must be maintained on charts of a recording thermometer. Records must be maintained at the plant for at least two years and must be available for official review upon request by the commissioner of agriculture or any of the commissioner's authorized agents.

#### 1555.7461 REFRIGERATION.

Tom and Jerry base, Tom and Jerry batter, and Tom and Jerry mix must be maintained at an internal temperature of 40 degrees Fahrenheit (5 degrees Centigrade) or below, or, if frozen, maintained at a temperature of zero degrees Fahrenheit (-18 degrees Centigrade) or below.

**REPEALER.** *Minnesota Rules*, parts 1555.7410; 1555.7420; 1555.7430; 1555.7440; 1555.7450; 1555.7460; 1555.7470; 1555.7480; 1555.7490; and 1555.7500, are repealed.

## Pollution Control Agency

### Proposed Permanent Rules Relating to Waste Combustors; Standards of Performance

**DUAL NOTICE: Notice of Intent to Adopt Rule Amendments 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 (MPCA) intends to adopt a permanent rule without a public hearing

following the procedures set forth in the Administrative Procedure Act, *Minnesota Statutes* §§ 14.22 to 14.28. If however, 25 or more persons submit a written request for a hearing on the proposed rule by November 17, 1993, a public hearing will be held at the dates and places as follows:

<u>DATE</u>	<u>PLACE</u>	<u>TIME</u>
December 6, 1993	Commissioner's Boardroom St. Louis County Courthouse Duluth, Minnesota	2:00 p.m.-5:00 p.m. and 7:00 p.m.-9:00 p.m.
December 7, 1993	Commissioner's Boardroom Becker County Courthouse Detroit Lakes, Minnesota	2:00 p.m.-5:00 p.m. and 7:00 p.m.-9:00 p.m.
December 8, 1993	Minnesota Valley Regional Library Library Auditorium 110 East Main Mankato, Minnesota	2:00 p.m.-5:00 p.m. and 6:00 p.m.-8:00 p.m.
December 13, 1993	MPCA Boardroom 520 Lafayette Road North St. Paul, Minnesota	9:00 a.m.-5:00 p.m.

To find out whether the rule will be adopted without a hearing or if the hearing will be held, you should contact Norma Florell at the addresses below after November 17, 1993 and before December 6, 1993.

**Contact Person:** Comments or questions on the proposed rules and written requests for a public hearing on the rules must be submitted to:

Norma Florell  
Minnesota Pollution Control Agency  
Air Quality Division  
520 Lafayette Road North  
St. Paul, Minnesota 55155  
Telephone: (612) 296-7712  
Fax: (612) 297-7709

**Subject of Rule and Statutory Authority:** The MPCA is proposing to adopt new rules and amendments to rules governing waste combustors in order to reduce emissions from waste combustors, and in response to state legislation enacted in 1988, 1989, and 1990 and federal standards adopted in 1991, which place new requirements on owners and operators of certain waste combustors. The proposed rule changes apply to all waste combustors except hazardous waste incinerators, sewage sludge incinerators and boilers that co-fire industrial waste with fossil fuels. Thus, municipal waste combustors, medical waste combustors, commercial, industrial, and salvage operation incinerators will need to comply with the proposed rules.

The MPCA is proposing to amend portions of the Air Emissions Permits Rule, *Minnesota Rules* pts. 7007.0200, 7007.0250, 7007.0501, 7007.0801; Standards of Performance for Indirect Heating Fossil Fuel-Burning Equipment, *Minnesota Rule*, pt. 7011.0551; Standards of Performance for Direct Heating Fossil-Fuel Burning Equipment, *Minnesota Rules* pt. 7011.0625; Standards of Performance for Waste Combustors, *Minnesota Rules*, pts. 7011.1201 to 7011.1285; and Monitoring, Testing and Reporting Requirements, *Minnesota Rule* pt. 7017.1000.

Amendments to the permitting rules are proposed to clearly specify what types of air emission permits waste combustors require, and to incorporate additional permit application requirements specific to waste combustors. The proposed rules place waste combustors into classes based on their size and date of construction. All waste combustors will need to obtain an air emissions permit under the proposed rule, except for Class IV (very small) waste combustors located at hospitals and forensic science laboratories, crematories, pathological waste combustors and animal carcass incinerators. Class IV waste combustors will be requested to notify the MPCA and meet standards of performance for these waste combustors. Additionally, the rule proposes to ban the use of most small on-site incinerators, with several exceptions.

Amendments to the standards of performance for indirect and direct heating, fossil fuel-burning equipment are proposed to incorporate reporting requirements mandated by state law and federal regulations when these units co-fire municipal solid waste.

**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

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Amendments to the standards of performance for waste combustors are proposed to incorporate new emission standards, new prohibitions on the use of waste combustors, and new emission testing, record keeping and operator certification requirements. These requirements incorporate federal regulations for municipal waste combustors, and also apply to on-site commercial, industrial and medical waste combustors.

Emission limits are proposed for particulate matter, dioxins, sulfur dioxide, hydrogen chloride, carbon monoxide, opacity, nitrogen oxides, and mercury. The applicability of the limits vary according to facility size and combustor technology. Some air pollution control systems are more efficient at removing pollutants than other types. The numerical value of the emission limits was established considering the ability of available air pollution control equipment to control emissions, and the economic impacts of the use of various air pollution control equipment.

In developing this rule, a number of issues required the MPCA to choose between reasonable methods of regulating these sources. Two of these issues are outlined below. Comment is specifically encouraged regarding these issues. Although the MPCA can modify the proposed rule as a result of the comment process, modifications cannot result in a substantial change from the rule as proposed in the State Register.

The first issue involves emission limits for small municipal waste combustors. The MPCA is proposing standards that would require small municipal waste combustors (proposed in this rulemaking to be called Class C) to install air pollution control technology that is not as efficient as that required at the larger Class A and B facilities. The MPCA chose to not require this equipment, which means not imposing more restrictive mercury emission limits, because the cost of the equipment for small facilities is very high. A number of Minnesota counties either own the Class C waste combustors, or are under contract to the owners of the facilities to deliver waste to these facilities. The costs to upgrade these facilities is expected to be passed directly to county residents. After examining the cost to upgrade the facilities, the MPCA has concluded that imposing more restrictive mercury emission limits than those proposed in the rule would have a detrimental economic impact on residents in the counties using the facilities. In place of additional air pollution control equipment, Class C waste combustors are required to develop plans for separating mercury-bearing wastes from the waste streams prior to combusting the waste.

A second issue relates to mercury removal efficiencies. Mercury emissions can vary according to whether mercury-bearing products are in the waste stream, and the test methods used to measure mercury emissions from waste combustors. The MPCA is proposing numerical values on the concentration of mercury that can be emitted from large, well-operated waste combustors. However, because of the variability in mercury emission concentrations in different waste materials, a waste combustor may occasionally exceed an emission limit even when the control system operates very efficiently. Therefore, the MPCA has proposed that if a concentration emission limit has been exceeded, the waste combustors shall demonstrate that at least 85 percent of the mercury in the untreated flue gas was removed. This removal efficiency was selected by the MPCA after reviewing the efficiency of activated carbon injection at a mass burn municipal waste combustor with spray drying and fabric filters.

In proposing this rule, the MPCA considered but decided not to incorporate environmental monitoring requirements for bioaccumulative pollutants; recycling requirements for waste combustors; and permitting requirements for hospitals that operate Class IV waste combustors. The MPCA decided not to include these provisions in the proposed incinerator rule for the following reasons.

First the MPCA is drafting air toxics rules that are intended to incorporate environmental monitoring requirements for sources of air pollution. The anticipated air toxics rulemaking is the more appropriate forum within which to address environmental monitoring requirements for bioaccumulative pollutants emitted by incinerators. Similarly, the MPCA believes that recycling requirements for incinerators should be made part of a broader recycling requirement to be applied to all types of waste disposal facilities, and not to incinerators alone. Finally, the MPCA has concluded that, given agency resources and relative environmental concerns, the requirement to notify the MPCA of the installation of a Class IV waste combustor at a hospital is a reasonable alternative to permitting. The MPCA would welcome comments on its decision to exclude these requirements from the proposed rule, in addition to comments on what is included in the proposed rule.

The statutory authority to adopt the rule and issue permits is found in *Minnesota Statutes* § 116.07 subd. 4. One free copy of the proposed new and amended rules is available upon request from Norma Florell at the address and telephone number stated above.

**Comments:** You have until 4:30 p.m. on November 17, 1993 to submit written comments in support of or in opposition to the proposed new or amended rules or any part or subpart of the rules. Your comments must be in writing and received by Norma Florell 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 proposed change.

**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 Norma Florell by 4:30 p.m. on November 17, 1993. 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 MPCA 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 hearings scheduled for Duluth on December 6, 1993, Detroit Lakes on December 7, 1993, Mankato on December 8, 1993, and St. Paul on December 13, 1993, will be canceled if the MPCA does not receive requests from 25 or more persons that a hearing be held on the rule. To find out whether the hearings will be held, you should contact Norma Florell after November 17, 1993 and before December 6, 1993.

**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* §§ 14.14 to 14.20. The hearing will be held on the following dates in the following locations.

<u>DATE</u>	<u>PLACE</u>	<u>TIME</u>
December 6, 1993	Commissioner's Boardroom St. Louis County Courthouse Duluth, Minnesota	2:00 p.m.-5:00 p.m. and 7:00 p.m.-9:00 p.m.
December 7, 1993	Commissioner's Boardroom Becker County Courthouse Detroit Lakes, Minnesota	2:00 p.m.-5:00 p.m. and 7:00 p.m.-9:00 p.m.
December 8, 1993	Minnesota Valley Regional Library Library Auditorium 110 East Main Mankato, Minnesota	2:00 p.m.-5:00 p.m. and 6:00 p.m.-8:00 p.m.
December 13, 1993	MPCA Boardroom 520 Lafayette Road North St. Paul, Minnesota	9:00 a.m.-5:00 p.m.

The hearings will continue at the designated locations until all interested persons have been heard. The hearings will continue, if necessary, at additional times and places as determined during the hearing by the administrative law judge. The MPCA mercury emissions expert, David White, will testify at the December 13 hearing in St. Paul only. The administrative law judge assigned to conduct the hearings is Judge Steve M. Mihalchick. Judge Mihalchick can be reached at:

Minnesota Office of Administrative Hearings Suite 1700 100 Washington Square Building	Minneapolis, Minnesota 55401-2138 Phone: (612) 349-2544
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**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. The 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 MPCA may respond in writing within five working days after the submission period ends to any new information submitted. No additional evidence may be submitted during the five-day period. 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. This rule hearing procedure is governed by *Minnesota Statutes* §§ 14.14 to 14.20 and *Minnesota Rules* 1400.0200 to 1400.1200. Questions about procedure may be directed to the administrative law judge.

**Statement of Need and Reasonableness:** Notice is hereby given that a statement of need and reasonableness is now available for review at the MPCA and at the Office of Administrative Hearings. This statement of need and reasonableness includes a summary of all evidence and arguments which the MPCA anticipates presenting at the hearing justifying both the need for and reasonableness of the proposed rules. Copies of the statement of need and reasonableness may be reviewed at the MPCA or at the Office or Administrative Hearings and copies may be obtained from the Office of Administrative Hearings at the cost of reproduction.

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## Proposed Rules

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The statement of need and reasonableness is supplemented with 6 exhibits, as follows:

Exhibit 1: Technical Work Paper on Mercury Emissions from Waste Combustors, prepared by David M. White, Radian Corporation and Anne M. Jackson, Minnesota Pollution Control Agency (December 1992).

Exhibit 2: American Society of Mechanical Engineers QRO-1-1989, Standards for the Qualification and Certification of Resource Recovery Facility Operators, March 31, 1990.

American Society of Mechanical Engineers QMO-1-1993, Standards for the Qualification and Certification of Medical Waste Incinerator Operators, July 30, 1993.

American Society of Mechanical Engineers PTC 4.1-1964, Reaffirmed 1973, 1979, 1985, 1991. Steam Generating Units Power Test Code.

Exhibit 3: Estimated Costs of Waste Disposal/Incineration and Alternatives. Prepared by Michael M. Mondloch, Anne M. Jackson, Marion J. Kloster, Air Quality Division, Minnesota Pollution Control Agency (July 1993).

Exhibit 4: Technical Work Paper: Performance of APCD at Municipal Waste Combustors prepared by Anne M. Jackson, P.E., Air Quality Division, Minnesota Pollution Control Agency (August 1993).

Exhibit 5: Technical Work Paper: Control of Emissions from On-Site Waste Combustors, prepared by Anne M. Jackson, P.E., Air Quality Division, Minnesota Pollution Control Agency (August 1993).

Exhibit 6: Excerpts from: Model Documentation from the REMI EDF5-53 Forecasting and Simulation Model, March 1992, Volume 1.

Copies of all the exhibits may be reviewed at the MPCA or the Office of Administrative Hearings. Copies of Exhibits 1, 3, 4, 5 and 6 are available from the Office of Administrative Hearings or the MPCA at the cost of reproduction. Exhibit 2 is copyrighted material, and so may not be duplicated by the MPCA or the Office of Administrative Hearings. Copies of the documents may be purchased from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017.

**Small Business Considerations:** The proposed rule will affect small business as defined in *Minnesota Statutes* § 14.115 (1992). The MPCA is proposing that the operation of small on-site waste combustors be banned, with several exceptions. The small on-site incinerators are located almost exclusively at small businesses and homes.

The MPCA estimated that currently there are 1,300 small on-site waste combustors used by commercial, industrial, and institutional businesses and facilities. Most of these waste combustors are expected to be found at grocery stores throughout Minnesota. The small on-site incinerators as a group probably emit most of the toxic emissions from waste combustors in Minnesota. The MPCA has reason to believe that most of the existing on-site waste combustors do not meet existing standards of performance, and would require significant upgrading in order to meet new, more protective standards.

The MPCA estimated the costs to small businesses to operate the existing on-site waste combustor, the cost to upgrade or install a waste combustor capable of meeting proposed emission limits, and the cost of alternatives to waste combustion. The MPCA had determined that in the case of a grocery store or other retail or commercial/industrial facility, it is always less expensive to use commercial solid waste disposal, with or without recycling, than to incinerate the same quantity of waste in either an existing or new waste combustor.

Because these small waste combustors as a group emit large quantities of toxic air pollutants, and the use of other waste disposal methods is less than the cost of incinerating wastes on-site, the MPCA is proposing to ban the use of small on-site incinerators in Minnesota. This ban is expected to result in a net cost savings at small businesses in Minnesota that currently use on-site incinerators for waste disposal.

The MPCA proposes several exemptions to this ban. On-site waste combustors at hospitals, forensic science laboratories, crematoria, pathological waste combustors or a waste combustor used solely for the disposal of animal carcasses and metal recovery incinerators are not banned. The remaining very small waste combustors are classified as Class IV waste combustors under the proposed rules.

Hospitals, both publicly-owned and private, have used on-site waste combustors to dispose of infectious and pathological wastes. Since there are few providers of commercial medical waste disposal in Minnesota, banning hospital waste combustors could place hospitals in a position of extreme dependence on those few infectious waste disposal providers. This could result in uncontrolled disposal costs for hospitals, a group of waste generators that currently is economically distressed.

Forensic science laboratories combust medical waste and evidence. Because of privacy interests surrounding evidence analyzed by forensic science laboratories, it is necessary to allow these laboratories to dispose of evidence on-site.

There are no feasible alternatives to the use of crematoria, pathological and animal carcass waste combustors and metal recovery incinerators. These uses of on-site waste combustors are also exempt from the proposed ban.

In accordance with *Minnesota Statutes* § 14.115, subd. 2, the MPCA has considered methods of reducing the impacts of the proposed rules for those small businesses that will continue to operate on-site waste combustors if the proposed rule is adopted. The

MPCA has lessened the burden of complying with the proposed rules by establishing emission limits, reporting, record keeping and operator training and certification requirements for Class IV waste combustors that are less restrictive than larger waste combustors, requiring notification of the MPCA of the installation and/or operation of a hospital or forensic science laboratory Class IV waste combustor rather than permitting the waste combustor, and exempting crematoria, pathological waste and animal carcass incinerators from all reporting and notification requirements.

**Expenditure of Public Money by Local Bodies:** The MPCA has determined that the proposed rules will result in the expenditure of public money. These impacts are discussed in the Statement of Need and Reasonableness. A fiscal note is attached to this notice which contains the MPCA's estimate of the total cost to all local bodies in the state to implement the rule for the two years immediately following adoption of the rule.

**Impact on Agricultural Land:** The MPCA is required by *Minnesota Statutes* § 14.11, subd. 2 (1992) to consider the impacts of the proposed rules on agricultural lands. The proposed rules will not negatively impact agricultural lands. On the contrary, the proposed rules will lessen the impact to agricultural lands from the deposition of air pollutants by lessening the amount of air pollutants emitted.

**Lobbyist Registration:** *Minnesota Statutes* chapter 10A (1992) requires each lobbyist to register with the Ethical Practices Board. Questions regarding this requirement may be directed to the Ethical Practices Board at the following address:

Ethical Practices Board  
First Floor South  
Centennial Office Building  
648 Cedar Street  
St. Paul, Minnesota 55155  
Phone: (612) 296-5148

**Adoption Procedure if No Hearing:** If no hearing is required after the end of the comment period, the MPCA 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 be notified of the attorney general's decision on the rule. If you want to be so notified, or want to receive a copy of the adopted rule, submit your request to Norma Florell at the address listed in this notice.

**Adoption Procedure After the Hearing:** If a hearing is held, the administrative law judge will issue a report on the proposed rule after the closing of the hearing record.

**Notice:** Any person may request notification of the date on which the administrative law judge's report will be available, after which date the MPCA may not take any final action on the rule 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. You 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 Norma Florell at the address listed in this notice any time prior to the filing of the rule with the Secretary of State.

Charles W. Williams  
Commissioner

STATE OF MINNESOTA  
POLLUTION CONTROL AGENCY

**Pollution Control Agency's Estimate of Cost to Local Bodies to Implement Proposed Rules**

**I. Background:**

The proposed rules will impact public bodies. There are currently 5 municipal waste combustors in Minnesota owned and operated by local public bodies that must invest in additional air pollution control equipment for their facilities. Of the other 6 municipal waste combustors, most are privately-owned facilities that contract (directly or indirectly) to give exclusive service to county governments. The terms of the contracts vary widely. County governments may, in some cases, have to pay directly for the costs to upgrade the municipal waste combustors to comply with the proposed standards. It is impractical to try estimating the distribution of costs for this group of incinerators because the extent of financial impacts depends on the details of their public/private contracts.

There are 16 publically-owned hospitals that will be affected by the proposed rules. The costs to comply with the proposed rule vary for this group due to the wide range in the hospitals' size.

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School districts and other governmental agencies currently using waste combustors for disposal of wastes on-site will experience a cost savings if the proposed rules banning the use of on-site waste combustors is adopted, since all other methods of waste disposal are less expensive than operating a waste combustor.

### II. Summary of Costs

#### Municipal Waste Combustors

The costs described represent increased costs in operating municipal waste combustors.

Estimated Annual Costs to Government-Owned Municipal Waste Combustors

Equipment	Engineering	Construction	O&M	TOTAL
\$471,000	\$55,000	\$448,000	\$554,000	\$528,000

These costs will be incurred at the facilities when they comply with the proposed rules. The capital costs (equipment, engineering, and construction) are first costs, and have been amortized at a ten percent rate for 15 years. The O&M costs will continue after the capital equipment debt is paid. The total costs are expected to be incurred within the first year after the rule is adopted.

#### Hospital Waste Combustors

There are 10 publically-owned hospitals in Minnesota that will be affected by the proposed rules. Based on the expectation that the 6 very small hospitals will cease operation of their waste combustor and use commercial disposal and the 4 small to medium-sized hospitals will replace an existing waste combustor with one that complies with the proposed rule, the total cost to all the public bodies to comply with rules is as follows:

	Estimate Current Waste Disposal Costs	Estimated Costs after Rule Adoption
6 Hospitals with less than 100 beds	\$165,000	\$152,000
4 Hospitals with 100 beds or more	\$213,000	\$420,000

Very small hospitals will experience a decrease in the cost of waste disposal. Small to medium-sized hospitals will experience an increase in the cost of waste disposal.

Charles W. Williams  
Commissioner

### Rules as Proposed

#### **7007.0200 SOURCES REQUIRED OR ALLOWED TO OBTAIN A PART 70 PERMIT.**

[For text of subs 1 to 4, see 17 SR 3008]

**Subp. 4a. Waste combustors. A waste combustor must obtain a permit under this part if it is:**

**A. a major source under subpart 2; or**

**B. a new or existing waste combustor for which a performance standard has been promulgated under section 129(c)(1) of the act.**

[For text of subs 5 and 6, see 17 SR 3008]

#### **7007.0250 SOURCES REQUIRED TO OBTAIN A STATE PERMIT.**

[For text of subs 1 to 5, see 17 SR 3008]

**Subp. 6. Waste combustors. A waste combustor, as defined in part 7011.1201, must obtain a permit under this part unless it is a Class IV waste combustor used for the on-site disposal of hospital waste or forensic science laboratory waste, or a waste combustor subject to the exemptions in part 7011.1215, subpart 3.**

#### **7007.0501 ADDITIONAL CONTENTS REQUIRED IN A PERMIT APPLICATION FOR A CLASS I, II, III, A, B, C, OR D WASTE COMBUSTOR.**

**Subpart 1. Additional requirements. In addition to the information required by part 7007.0500, as proposed at 17 SR 3008 and subsequently adopted, a person who requests an air emission permit for a Class I, II, III, A, B, C, or D waste combustor subject to parts 7011.1201 to 7011.1285 shall submit to the commissioner the information required by subparts 2 to 7.**

**Subp. 2. Information required. The application must contain information describing the solid wastes to be combusted, the combustion system, and the method of operating the combustion system and must include the information in items A to D. The**

documents referred to in this subpart are incorporated by reference in part 7011.1205.

A. A current solid waste composition study, consisting of the results of an analysis of the solid wastes or mixtures of solid wastes to be combusted, which uses the sampling methods prescribed in "Test Methods for Evaluating Solid Waste," SW-846, or any other sampling method approved in writing by the commissioner. The commissioner shall approve a sampling method where the commissioner determines that the precision and accuracy of the method are equivalent to that of the method set forth in "Test Methods for Evaluating Solid Waste," SW-846.

The study shall include all of the analyses in subitems (1) to (4).

(1) A fractional analysis of the solid waste, including percentage by weight of combustible and noncombustible materials in the solid waste stream and a solid waste sort that identifies, at a minimum, the percent by weight of paper, cardboard, plastic, ferrous and nonferrous metals, solid wastes which contain mercury, glass, organic, and inorganic material in the solid waste stream. The fractional analysis shall identify recyclable and problem materials.

(2) A proximate analysis of the solid waste, which shall include the percentage of volatile matter, moisture content, ash content, and fixed carbon by difference. Analysis methods used to determine the proximate analysis of the solid waste shall be performed in accordance with ASTM methods E897, E790, and E830 for volatile matter, moisture content, and ash content, respectively.

(3) An ultimate analysis of the solid waste, which shall include the percentage of carbon, hydrogen, nitrogen, oxygen, sulfur, chlorine, and oxygen by difference. Analysis methods used to determine the ultimate analysis of the solid waste shall be performed in accordance with ASTM methods E777, E778, E775, and E776 for carbon and hydrogen, nitrogen, sulfur, and chlorine, respectively.

(4) The heat value of the solid waste. Analysis methods used to determine the heat value of the solid waste shall be performed in accordance with either ASTM E955 or any other analysis method approved in writing by the commissioner. The commissioner shall approve an analysis method where the commissioner determines precision and accuracy of the method are equivalent to that of the methods set forth in ASTM E955.

B. A detailed engineering description of each waste combustor unit, including:

(1) the manufacturer's name and model number, if determined at the time of application for an air emission permit;

(2) the type of combustion system;

(3) a description of the auxiliary fuel system, including the type and feed rate system controls available for the fuel systems and the number, size, and location of burners;

(4) the design capacity of each waste combustor unit;

(5) a description of solid waste handling and solid waste feed controls, including a description of the fuel feed equipment, automatic feed controls, shut-off devices, and the maximum feed rate for which the equipment was designed in pounds per hour;

(6) location and description of devices and controls which indicate temperature and air flow; and

(7) for waste combustors which combust solid waste with another fuel, other than the auxiliary fuel, a description of how solid waste and other fuels are combined.

C. A description of the site, including storage space for solid waste, noncombustible materials, chemicals, recyclables, the solid wastes not allowed to be combusted by part 7011.1220, and ash.

D. A description of the ash handling facilities, including on-site storage, and transport within the boundaries of the stationary source or emission facility.

Subp. 3. Performance test data. In applications for permit reissuance, the permit application shall contain summary performance test data collected under the requirements of part 7011.1270 which represent the current operating practices of the waste combustor.

Subp. 4. Industrial solid waste management plan. The application shall contain an industrial waste management plan in accordance with part 7011.1250.

Subp. 5. Solid wastes which contain mercury. The application for Class C, D, and III waste combustors shall contain a plan to separate solid wastes which contain mercury in accordance with part 7011.1255.

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Subp. 6. Reducing the level of toxic contaminants in ash. An application for waste combustors which will combust mixed municipal solid waste or refuse-derived fuel must contain the information described in items A and B.

A. The application shall describe the specific functions to be performed, activities to be undertaken, and the timing of these functions and activities to the maximum extent feasible and prudent, in order to:

(1) reduce the total content and leachable levels of toxic contaminants in ash, including, but not limited to, cadmium and lead;

(2) reduce the quantity of ash including, but not limited to, the amount of noncombustibles in the solid waste stream; and

(3) reduce the quantity of solid waste processing residuals that require disposal.

B. An applicant seeking reissuance of a permit to combust mixed municipal solid waste or refuse-derived fuel must provide, for each of the previous five years, the amount of waste combusted, the amount of fuel gas conditioning chemicals used, and the amount of ash disposed. The ratio of ash generated less flue gas conditioning agents to waste combusted shall be computed for each of the previous five years. The application shall also include data on the constituents of the waste combustor's ash and how to further reduce the level of toxic contaminants in the ash.

Subp. 7. Ash management plan. The application shall include the applicant's plan for disposal of the ash generated by the waste combustor, treatment of water generated from quenching the ash at the facility, and any plans which the applicant has for ash utilization. The plans shall include the sites and processes for management and final disposal of the ash, and shall identify any permits the waste combustor owner needs to use each site or process, including permits for leachate treatment.

### **7007.0801 CONDITIONS FOR AIR EMISSION PERMITS FOR WASTE COMBUSTORS.**

Subpart 1. Additional permit conditions. In addition to the conditions in part 7007.0800, as proposed at 17 SR 3008 and subsequently adopted, an air emission permit for a waste combustor shall contain conditions as specified in subpart 2 or 3.

Subp. 2. Mixed municipal solid waste or refuse-derived fuel waste combustors. An air emissions permit for a waste combustor combusting mixed municipal solid waste or refuse-derived fuel shall:

A. prohibit construction of the waste combustor unless the permittee has an ash management method approved by the commissioner;

B. prohibit operation until the ash management facility approved in item A is available to accept ash;

C. require measurement of the noncombustible fraction of solid waste;

D. provide a schedule for the testing of waste combustor ash as required in part 7035.2910;

E. require the implementation of an industrial waste management plan as described in part 7011.1250; and

F. for Class C and III waste combustors require the implementation of a plan as described in part 7011.1255 to identify, separate, and collect solid wastes which contain mercury before the mercury is combusted.

Subp. 3. Waste combustors of nonmixed municipal solid waste. An air emissions permit for a waste combustor which does not combust mixed municipal solid waste or refuse-derived fuel shall:

A. prohibit initiation of operation of the waste combustor unless the permittee has an ash management plan approved by the commissioner;

B. provide a schedule for testing of waste combustor ash;

C. require the implementation of an industrial waste management plan as described in part 7011.1250; and

D. require the implementation of a plan as described in part 7011.1255 to identify, separate, and collect solid wastes which contain mercury before the mercury is combusted.

### **7011.0551 RECORD KEEPING AND REPORTING FOR UNITS INDIRECTLY COMBUSTING SOLID WASTE.**

Subpart 1. Application. The owner or operator of indirect heating equipment combusting mixed municipal solid waste or refuse-derived fuel which makes up 30 percent or less by weight of total fuel input, as determined by subpart 2, shall comply with the conditions of *Minnesota Statutes*, section 116.90, and the conditions of this part. If the unit combusts more than 30 percent of mixed municipal solid waste or refuse-derived fuel, parts 7011.1201 to 7011.1285 apply.

Subp. 2. Calculation. The fuel feed stream composition calculation shall be the ratio of the weights of mixed municipal solid waste and refuse-derived fuel to mixed municipal solid waste, refuse-derived fuel, and all other fuels delivered to the combustion chamber. The calculation shall be made for each 24-hour period that the equipment is operated.

Subp. 3. Log. The owner or operator shall maintain an operating log where the date, weights of mixed municipal solid waste and refuse-derived fuel combusted, and weight of each other fuel combusted is recorded daily.

Subp. 4. Report. The owner or operator shall submit to the commissioner a quarterly report containing the date, weights of mixed municipal solid waste and refuse-derived fuel, and the weight of each other fuel combusted during the quarter. The reports shall be submitted within 30 days following December 30, March 30, June 30, and September 30 of each year.

**7011.0625 RECORD KEEPING AND REPORTING FOR UNITS DIRECTLY COMBUSTING SOLID WASTE.**

Subpart 1. Application. The owner or operator of direct heating equipment combusting mixed municipal solid waste or refuse-derived fuel which makes up 30 percent or less by weight of total fuel weight input, as determined by subpart 2, shall comply with the conditions of Minnesota Statutes, section 116.90, and subparts 3 and 4. If the unit combusts more than 30 percent of mixed municipal solid waste or refuse-derived fuel, parts 7011.1201 to 7011.1285 apply.

Subp. 2. Calculation. The fuel feed stream composition calculation shall be the ratio of the weights of mixed municipal solid waste and refuse-derived fuel to mixed municipal solid waste, refuse-derived fuel, and all other fuels delivered to the combustion chamber. The calculation shall be made for each 24-hour period that the equipment is operated.

Subp. 3. Log. The owner or operator shall maintain an operating log where the date, weight of mixed municipal solid waste and refuse-derived fuel, and weight of each other fuel combusted is recorded daily.

Subp. 4. Reports. The owner or operator shall submit to the commissioner a quarterly report containing the date, weight of solid waste, and weight of each other fuel combusted during the quarter. The reports shall be submitted within 30 days following December 30, March 30, June 30, and September 30 of each year.

**INCINERATORS WASTE COMBUSTORS**

**7011.1201 DEFINITIONS.**

Subpart 1. Scope. As used in parts 7007.0200, 7007.0250, 7007.0501, 7007.0801, and 7011.1201 to ~~7011.1207~~ 7011.1285 the following words have the meanings defined herein in this part.

Subp. 1a. Statutes and other rules. The definitions in Minnesota Statutes, section 116.06, and in part 7001.0010 and chapters 7005, 7007, 7009, 7011, and 7017 apply to terms in parts 7011.1201 to 7011.1285, unless the terms are specifically otherwise defined in this part.

Subp. 2. [See repealer.]

Subp. 3. [See repealer.]

Subp. 4. [See repealer.]

Subp. 5. Accurate and valid data. "Accurate and valid data" means data which provides the measurement of emissions of an air contaminant from the waste combustor or operating parameters of a component of the waste combustor. For continuously monitored emissions, data shall be considered accurate and valid immediately upon recording. For emissions for which a performance test is conducted, data shall be considered accurate and valid 14 days after the waste combustor owner or operator receives the performance test report, unless the waste combustor owner or operator notifies the commissioner within the same 14 days that the owner or operator can show reason for rejecting the data.

Subp. 6. Air contaminant. "Air contaminant" has the meaning given in Minnesota Statutes, section 116.06, subdivision 2.

Subp. 7. Certified operator. "Certified operator" means the person who has obtained certification from the state signifying the person's qualification to be the person in direct charge and control of the operation of a solid waste combustion system, including the duties of start-up, operation, or shutdown of the solid waste combustion system. Certified operator includes chief facility operator, shift supervisor, and operator supervisor.

Subp. 8. Chief facility operator. "Chief facility operator" means the person in direct charge and control of the operation of a waste combustor who is responsible for daily on-site supervision, technical direction, management, and overall performance of the facility.

Subp. 9. Class A waste combustor. "Class A waste combustor" means that the total of the design capacities for all waste combustor units at a stationary source is  $400 \times 10^6$  Btu/hr or more, the waste combustor units combust primarily mixed municipal solid waste or RDF, and the waste combustor was issued a permit for construction on or before December 20, 1989.

Subp. 10. Class B waste combustor. "Class B waste combustor" means that the total of the design capacities for all waste combustor units at a stationary source is  $93.75 \times 10^6$  Btu/hr or more and less than  $400 \times 10^6$  Btu/hr, the waste combustor units combust

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## Proposed Rules

primarily mixed municipal solid waste or RDF, and the waste combustor was issued a permit for construction on or before December 20, 1989.

Subp. 11. Class C waste combustor. "Class C waste combustor" means that the total of the design capacities for all waste combustor units at a stationary source is  $15 \times 10^6$  Btu/hr or more and less than  $93.75 \times 10^6$  Btu/hr, the waste combustor units combust primarily mixed municipal solid waste or RDF, and the waste combustor was issued a permit on or before December 20, 1989.

Subp. 12. Class D waste combustor. "Class D waste combustor" means that the design capacity of a waste combustor unit is  $3.0 \times 10^6$  Btu/hr or more, combusts waste other than mixed municipal solid waste or RDF, and was operating on or before December 20, 1989.

Subp. 13. Class I waste combustor. "Class I waste combustor" means that the design capacity for a waste combustor unit is  $93.75 \times 10^6$  Btu/hr or more, and the waste combustor is issued a permit for construction after December 20, 1989.

Subp. 14. Class II waste combustor. "Class II waste combustor" means that the design capacity for a waste combustor unit is  $15 \times 10^6$  Btu/hr or more and less than  $93.75 \times 10^6$  Btu/hr, and the waste combustor is issued a permit for construction after December 20, 1989.

Subp. 15. Class III waste combustor. "Class III waste combustor" means that the design capacity for a waste combustor unit is  $3.0 \times 10^6$  Btu/hr or more and less than  $15 \times 10^6$  Btu/hr, and the waste combustor is issued a permit for construction after December 20, 1989.

Subp. 16. Class IV waste combustor. "Class IV waste combustor" means that the design capacity for a waste combustor unit is less than  $3.0 \times 10^6$  Btu/hr.

Subp. 17. Cofired unit. "Cofired unit" means an emissions unit which combusts mixed municipal solid waste with a fuel that is not mixed municipal solid waste or RDF and 30 percent or less by weight of the total fuel input is comprised in aggregate of solid waste or RDF as measured on a 24-hour basis. The fuel feed stream composition calculation shall be the ratio of the weights of mixed municipal solid waste and RDF to mixed municipal solid waste, RDF, and all other fuels delivered to the combustion chamber.

Subp. 18. Crematorium. "Crematorium" means a furnace used to reduce the dead human body to ashes and inorganic bone fragments.

Subp. 19. Design capacity. "Design capacity" means the hourly throughput of the waste combustor unit based on heat input from solid waste of the combustion system stated by the manufacturer or designer, based on accepted design and engineering practices. For a noncontinuous feed system, design capacity means the total heat input from solid waste per cycle.

Subp. 20. Dumpstack. "Dumpstack" means a stack, chimney, vent, or other functionally equivalent opening by which uncontrolled emissions are vented into the ambient air.

Subp. 21. Energy recovery facility. "Energy recovery facility" means an emissions unit or emission facility used to capture the heat value of solid waste for conversion to steam, electricity, or immediate heat value by direct combustion or by burning an intermediate fuel product derived from solid waste. For the purposes of parts 7011.1201 to 7011.1285, this definition does not include landfill facilities that recover methane gases, or facilities processing solid waste to convert the solid waste to an intermediate fuel product.

Subp. 22. Fluidized bed combustor. "Fluidized bed combustor" means a classification of combustion systems in which the bed material is maintained in a fluidized state in the primary zone of combustion. Combustion systems included in this classification include bubbling fluidized bed and circulating fluidized bed combustors.

Subp. 23. Forensic science laboratory. "Forensic science laboratory" means a laboratory engaged in the analysis of evidence for legal proceedings.

Subp. 24. Four-hour block average. "Four-hour block average" means the average of all hourly emission rates when the emissions unit is operating and combusting solid waste measured over six discrete four-hour periods beginning at midnight.

Subp. 25. Hazardous waste. "Hazardous waste" has the meaning given in *Minnesota Statutes*, section 115B.02, subdivision 9.

Subp. 26. Household batteries. "Household batteries" has the meaning given in *Minnesota Statutes*, section 115A.961.

Subp. 27. Household hazardous waste. "Household hazardous waste" has the meaning given in *Minnesota Statutes*, section 115A.96, subdivision 1, paragraph (b).

Subp. 28. Incinerator. "Incinerator" means any emissions unit, emission facility, furnace, or other device used for the primary purpose of reducing the volume of solid waste by removing combustible matter.

Subp. 29. Industrial solid waste. "Industrial solid waste" has the meaning given in part 7035.0300, subpart 45.

Subp. 30. Infectious waste. "Infectious waste" has the meaning given in *Minnesota Statutes*, section 116.76, subdivision 12.



**Subp. 31. Initial start-up.** “Initial start-up” means the date on which solid waste is first fired in a new, modified, or reconstructed emissions unit.

**Subp. 32. Mass burn.** “Mass burn” means a classification of field-erected combustion systems in which solid waste is combusted that has not been subjected to shredding or size classification. Combustion systems included in this classification are mass burn waterwall, mass burn refractory, and mass burn rotary waterwall combustors.

**Subp. 33. Maximum demonstrated capacity.** For waste combustors with heat recovery, “maximum demonstrated capacity” means the maximum four-hour integrated average load for each waste combustor unit achieved during the most recent test during which compliance with the PCDD/PCDF limit in part 7011.1225 is achieved, as measured by steam flow. For waste combustors without heat recovery, “maximum demonstrated capacity” means the maximum four-hour arithmetic average input rate for each waste combustor unit achieved during the most recent test during which compliance with the PCDD/PCDF limit was achieved. If PCDD/PCDF testing is not required to be conducted, the maximum demonstrated capacity is the capacity achieved during the conduct of the most recent test for which compliance with particulate matter standards and carbon monoxide in part 7011.1225 is demonstrated.

**Subp. 34. Metals recovery incinerator.** “Metals recovery incinerator” means a furnace or incinerator used primarily to recover precious and nonprecious metals by burning the combustible fraction from waste. An aluminum sweat furnace is not a metals recovery incinerator.

**Subp. 35. Mixed municipal solid waste.** “Mixed municipal solid waste” has the meaning given in *Minnesota Statutes*, section 115A.03, subdivision 21.

**Subp. 36. Modular waste combustor.** “Modular waste combustor” means a classification of combustion systems that are not field-erected, and have more than one combustion chamber. Combustion systems included in this classification are modular starved air and modular excess air combustors.

**Subp. 37. Normal start-up.** “Normal start-up” means the period of time between the initial start-up of a new, modified, or reconstructed emissions unit of a waste combustor, or emissions unit of a waste combustor that is modified or reconstructed to meet the requirements of parts 7011.1201 to 7011.1285, and the lesser of 60 days after achieving the maximum production rate at which the emissions unit will operate or 180 days after initial start-up.

**Subp. 38. Operator supervisor.** “Operator supervisor” means the Class IV waste combustor personnel who has direct responsibility for control of the operation of a waste combustor and is responsible for overall on-site supervision, technical direction, management, and performance of the facility. This personnel may also be responsible for operating the waste combustor including start-up, operation, shutdown, and maintenance of the equipment.

**Subp. 39. Paint burn-off oven.** “Paint burn-off oven” means an oven or furnace designed, installed, and operated to burn off paint overspray from hooks and other painting process accessories.

**Subp. 40. Pathological waste.** “Pathological waste” has the meaning given in *Minnesota Statutes*, section 116.76, subdivision 14.

**Subp. 41. Polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans or PCDD/PCDF.** “Polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans” or “PCDD/PCDF” means the total of tetra-through octa-polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans.

**Subp. 42. Problem material.** “Problem material” has the meaning given in *Minnesota Statutes*, section 115A.03, subdivision 24a.

**Subp. 43. Refuse-derived fuel or RDF.** “Refuse-derived fuel” or “RDF” has the meaning given in *Minnesota Statutes*, section 116.90, subdivision 1, paragraph (d).

**Subp. 44. Shift supervisor.** “Shift supervisor” means the person in direct charge and control of the operation of a waste combustor and who is responsible for on-site supervision, technical direction, management, and overall performance of the facility during an assigned shift.

**Subp. 45. Solid waste.** “Solid waste” has the meaning given in *Minnesota Statutes*, section 116.06, subdivision 22.

**Subp. 46. Waste combustor.** “Waste combustor” means any emissions unit or emission facility where waste or refuse-derived fuel is combusted, and includes incinerators, energy recovery facilities, or other combustion devices. A metals recovery incinerator is a waste combustor.

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A soil treatment facility, paint burn-off oven, wood heater, or residential fireplace is not a waste combustor.

Subp. 47. Waste tire. "Waste tire" has the meaning given in Minnesota Statutes, section 115A.90, subdivision 11.

Subp. 48. Wood heater. "Wood heater" means an enclosed woodburning appliance capable of and intended for space heating and domestic water heating that meets the following criteria:

A. an air-to-fuel ratio in the combustion chamber averaging less than 35 to 1 as determined by the test procedure prescribed in Code of Federal Regulations, title 40, section 60.534, as amended, performed at an accredited laboratory;

B. a useable firebox volume of less than 20 cubic feet;

C. a minimum burn rate less than five kg/hr as determined by the test procedure prescribed in Code of Federal Regulations, title 40, section 60.534, as amended, performed at an accredited laboratory; and

D. a maximum weight of 800 kilograms. In determining the weight of the appliance for these purposes, fixtures and devices that are normally sold separately, such as flue pipe, chimney, and masonry components that are not an integral part of the appliance or heat distribution ducting shall not be included.

Subp. 49. Yard waste. "Yard waste" means garden wastes, leaves, lawn cuttings, weeds, and prunings.

### **7011.1205 INCORPORATIONS BY REFERENCE.**

For the purpose of parts 7007.0501, 7007.0801, and 7011.1201 to 7011.1285, the documents in items A to C are incorporated by reference. These documents are subject to frequent change.

A. Annual Book of American Society for Testing and Materials Standards (ASTM), Part 26, Gaseous Fuels, Coal and Coke; Atmospheric Analysis, 1981 Edition. This publication is available through the Minitex interlibrary loan system.

B. Test Methods for Evaluating Solid Waste, SW-846, United States Environmental Protection Agency, Office of Solid Waste and Emergency Response, Third Edition, November 1986. This publication is available through the Minitex interlibrary loan system.

C. The following material is available from the American Society of Mechanical Engineers (ASME), 345 East 47th Street, New York, New York 10017 or from the State Law Library, Judicial Center, 25 Constitution Avenue, Saint Paul, Minnesota 55155.

(1) Standards for the Qualification and Certification of Resource Recovery Facility Operators, ASME QRO-1-1989, March 1990.

(2) Power Tests Code for Steam Generating Units, PTC 4.1, 1972.

(3) Interim Supplement 19.5 on Instrumentation and Apparatus, Part II of Fluid Meters, 6th Edition, 1971.

### **7011.1210 NOTIFICATION REQUIRED OF CLASS IV WASTE COMBUSTORS.**

The owner or operator of a Class IV waste combustor shall notify the commissioner, within 90 days after the effective date of this part, of the existence of the waste combustor. The owner or operator of a new Class IV waste combustor shall notify the commissioner 90 days prior to the installation of the waste combustor. The notice submitted by owners and operators of Class IV waste combustors shall contain the information in items A to I.

A. The name of the owner and operator, and the address of the waste combustor installation.

B. For waste combustors operating on the effective date of this part, a schedule showing that the waste combustor will meet the requirements of parts 7011.1201 to 7011.1285 within two years from the effective date of this part. New waste combustors shall submit a schedule showing that the waste combustor will be tested within 180 days and demonstrate compliance.

C. The results of a current fractional analysis and the heat value of the solid waste stream. The fractional analysis shall be conducted according to part 7007.0501, subpart 2, item A, subitem (1). Published data may be used to determine heat value of the solid waste stream. If published data is unavailable, the owner or operator shall use the methods described in part 7007.0501, subpart 2, item A, subitem (4), to determine heat value of the solid waste stream.

D. The waste combustor manufacturer and model number, the diameter in feet and exit height of the stack in feet.

E. The design capacity of the waste combustor in million Btu's per hour.

F. A plan that describes how solid wastes that contain mercury will be identified, separated, and collected before the waste is combusted in accordance with part 7011.1255.

G. A plan for disposal of the ash generated, as described in part 7007.0501, subpart 7.

H. A report with the results of a performance test demonstrating compliance with emission limits in part 7011.1225, according to the schedule in part 7011.1270. The owner or operator shall use the methods described in part 7011.1265 when conducting compliance tests. For new Class IV waste combustors, the results of a performance test must be submitted within 180 days after submitting notification to the commissioner of the intent to install the waste combustor.

**I. The signature of the owner or operator with the following certification:**

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. Further, the waste combustor complies with the design, installation, and operating requirements of Minnesota Rules, parts 7011.1201 to 7011.1285, applicable to a Class IV waste combustor."

**7011.1215 APPLICABILITY OF STANDARDS OF PERFORMANCE FOR WASTE COMBUSTORS.**

**Subpart 1. Waste combustors.** A person who constructs, modifies, reconstructs, or operates a waste combustor shall comply with parts 7011.1201 to 7011.1285, except as provided in subparts 2 and 3.

**Subp. 2. Cofired facilities.** A person who constructs, modifies, reconstructs, or operates a cofired unit is not a waste combustor, and shall comply with the applicable requirements of parts 7011.0500 to 7011.0555 or 7011.0600 to 7011.0625.

**Subp. 3. Exemptions from standards of performance.** Crematoria, pathological waste combustors, and waste combustors used solely for the disposal of animal carcasses are exempt from the requirements of parts 7011.1201 to 7011.1285, and shall meet the conditions of this subpart.

**A.** No owner or operator of a crematorium, pathological waste combustor unit, or waste combustor unit used solely for the disposal of animal carcasses shall cause to be emitted into the atmosphere gases which are greater than 20 percent opacity.

**B.** Waste combustor owners and operators shall install and operate an afterburner which maintains flue gases at 1,200 degrees Fahrenheit for at least 0.3 seconds.

**C.** Ash shall be stored and transported in such a manner to prevent avoidable amounts of particulate matter to become airborne.

**Subp. 4. Emission standards.** The emission standards of parts 7011.1227, 7011.1229, and 7011.1231 apply at all times when waste is being combusted, except during periods of start-up, shutdown, or malfunction, provided that the duration of start-up, shutdown, or malfunction does not exceed three hours. "Malfunction" means any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown are not considered malfunctions.

**Subp. 5. Transition for Class A, B, or C waste combustors.** Notwithstanding subpart 1, a Class A, B, or C waste combustor holding a permit on the effective date of this part shall comply with the requirements of parts 7011.1201 to 7011.1285, three years from the effective date of this part.

**Subp. 6. Transition for Class D, III, or IV waste combustors.** Class D, III, or IV waste combustors installed and operable on the effective date of this part shall comply with parts 7011.1201 to 7011.1285, by January 30, 1996. Class IV waste combustors operating under an air emissions permit issued after December 1, 1992, shall comply with parts 7011.1201 to 7011.1285 upon expiration of that permit.

**7011.1220 PROHIBITIONS.**

**Subpart 1. Prohibited waste combustors.** No person shall operate a Class IV waste combustor unless that waste combustor is:

**A.** a hospital waste combustor;

**B.** a forensic science laboratory waste combustor;

**C.** a crematorium, pathological waste combustor, or waste combustor used solely for the disposal of animal carcasses; or

**D.** a metals recovery incinerator.

**Subp. 2. Solid wastes requiring special approval.** No waste combustor shall combust yard waste or waste tires unless specifically allowed to do so in the air emission permit for the waste combustor.

**7011.1225 STANDARDS OF PERFORMANCE FOR WASTE COMBUSTORS.**

**Subpart 1. Permit in existence for Class A, B, or C waste combustor on December 20, 1989.** No owner or operator of a Class A, B, or C waste combustor that held an air emission permit on December 20, 1989, shall cause to be emitted into the atmosphere from each waste combustor unit gases which contain particulate matter, polychlorinated dibenzo-p-dioxins and polychlorinated

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dibenzofurans (PCDD/PCDF), mercury, carbon monoxide, sulfur dioxide, or hydrogen chloride in excess of the standards of performance shown in part 7011.1227. Emissions shall be calculated under standard conditions corrected to seven percent oxygen on a dry volume basis. An owner or operator of a mixed municipal solid waste or RDF waste combustor may determine compliance with the emission limitations using carbon dioxide measurements corrected to an equivalent of seven percent oxygen. The relationship between carbon dioxide and oxygen shall be established at each compliance test.

Subp. 2. Class I or II waste combustors. No owner or operator of a Class I or II waste combustor that did not hold an air emission permit on December 20, 1989, shall cause to be emitted into the atmosphere from each waste combustor unit gases that contain particulate matter, polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans (PCDD/PCDF), mercury, carbon monoxide, nitrogen oxides, sulfur dioxide, or hydrogen chloride in excess of the standards of performance shown in part 7011.1229. Emissions shall be calculated under standard conditions, corrected to seven percent oxygen on a dry volume basis. An owner or operator of a mixed municipal solid waste or RDF waste combustor may determine compliance with the emission limitations using carbon dioxide measurements corrected to an equivalent of seven percent oxygen. The relationship between carbon dioxide and oxygen shall be established at each compliance test.

Subp. 3. Class III waste combustors. No owner or operator of a Class III waste combustor that did not hold an air emission permit on December 20, 1989, shall cause to be emitted into the atmosphere from each waste combustor unit gases that contain particulate matter, PCDD/PCDF, mercury, carbon monoxide, or opacity in excess of the standards of performance in part 7011.1231. Emissions shall be calculated under standard conditions, corrected to seven percent oxygen on a dry volume basis. An owner or operator may determine compliance with the emission limitations using carbon dioxide measurements corrected to an equivalent of seven percent oxygen. The relationship between carbon dioxide and oxygen shall be established at each compliance test.

Subp. 4. Class D waste combustors. Except as provided in this subpart, no owner or operator of a Class D waste combustor that was operating on or before December 20, 1989, shall cause to be emitted into the atmosphere from each waste combustor unit gases that contain particulate matter, PCDD/PCDF, carbon monoxide, or opacity in excess of the standards of performance in part 7011.1231. Emissions shall be calculated under standard conditions, corrected to seven percent oxygen on a dry volume basis. An owner or operator may determine compliance with the emission limitations using carbon dioxide measurements corrected to an equivalent of seven percent oxygen. The relationship between carbon dioxide and oxygen shall be established at each compliance test.

A Class D waste combustor that was burning more than 30 percent by weight of RDF on January 1, 1991, shall comply with the applicable standards of performance in parts 7011.0500 to 7011.0555 or 7011.0625, for equipment burning solid waste.

Subp. 5. Class IV waste combustors. No owner or operator of a Class IV waste combustor shall cause to be emitted into the atmosphere from each waste combustor unit gases that contain particulate matter, carbon monoxide, or opacity in excess of those concentrations in part 7011.1233. Emissions shall be calculated under standard conditions, corrected to seven percent oxygen on a dry volume basis. An owner or operator may determine compliance with the emission limitations using carbon dioxide measurements corrected to an equivalent of seven percent oxygen. The relationship between carbon dioxide and oxygen shall be established at each compliance test.

### 7011.1227 TABLE 1.

The table in this part governs emission limitations for Class A, B, and C waste combustors that were issued air emission permits before December 20, 1989. For acid gas limitations, either the applicable percent reduction or the parts per million by volume emission limitation, whichever is less stringent, is the emission limitation for the stationary source.

	<u>Class C</u>	<u>Class B</u>	<u>Class A</u>
<u>Particulate Matter</u>			
<u>Front-half</u>		<u>0.015 gr/dscf</u>	<u>0.015 gr/dscf</u>
<u>Total</u>	<u>0.020 gr/dscf</u>	<u>0.020 gr/dscf</u>	<u>0.020 gr/dscf</u>
<u>PCDD/PCDF</u>			
<u>Total</u>	<u>500 ng/dscm</u>	<u>30 ng/dscm</u>	<u>30 ng/dscm</u>
<u>Acid Gases: HCl</u>	<u>NA</u>	<u>90% control</u> <u>or 25 ppm</u>	<u>90% control</u> <u>or 25 ppm</u>
<u>SO<sub>2</sub></u>	<u>NA</u>	<u>70% control</u> <u>or 30 ppm</u>	<u>70% control</u> <u>or 30 ppm</u>
<u>Carbon Monoxide</u>			
<u>Modular</u>	<u>50 ppm</u>	<u>50 ppm</u>	<u>50 ppm</u>
<u>Mass burn, or</u>			
<u>fluidized bed</u>	<u>100 ppm</u>	<u>100 ppm</u>	<u>100 ppm</u>
<u>RDF</u>	<u>150 ppm</u>	<u>200 ppm</u>	<u>200 ppm</u>
<u>Opacity</u>	<u>10%</u>	<u>10%</u>	<u>10%</u>

	<u>Class C</u>	<u>Class B</u>	<u>Class A</u>
<u>Mercury (short-term)</u>			
<u>Modular with ESP</u>	<u>1,000 µg/dscm</u>	<u>NA</u>	<u>NA</u>
<u>Mass burn</u>	<u>1,000 µg/dscm</u>	<u>100 µg/dscm</u> <u>or 85% removal</u>	<u>100 µg/dscm</u> <u>or 85% removal</u>
<u>RDF (90-day test interval)</u>		<u>50 µg/dscm</u> <u>or 85% removal</u>	<u>50 µg/dscm</u> <u>or 85% removal</u>
<u>Modular, mass burn, or fluidized bed with wet scrubber</u>	<u>100 µg/dscm</u> <u>or 85% removal</u>	<u>100 µg/dscm</u> <u>or 85% removal</u>	<u>100 µg/dscm</u> <u>or 85% removal</u>
<u>Mercury (long-term)</u>			
<u>Modular with ESP</u>	<u>600 µg/dscm</u>	<u>60 µg/dscm</u> <u>or 85% removal</u>	<u>60 µg/dscm</u> <u>or 85% removal</u>
<u>Mass burn</u>	<u>600 µg/dscm</u>	<u>30 µg/dscm</u> <u>or 85% removal</u>	<u>30 µg/dscm</u> <u>or 85% removal</u>
<u>RDF (90-day test interval)</u>		<u>30 µg/dscm</u> <u>or 85% removal</u>	<u>30 µg/dscm</u> <u>or 85% removal</u>
<u>Modular, mass burn, or fluidized bed with wet scrubber</u>	<u>60 µg/dscm</u> <u>or 85% removal</u>		
<u>RDF (15-month test)</u>		<u>30 µg/dscm</u>	<u>30 µg/dscm</u>

**7011.1229 TABLE 2.**

The table in this part governs emission limitations for Class I and II waste combustors that did not hold air emission permits on December 20, 1989. For acid gas limitations, either the applicable percent reduction or the parts per million by volume emission limitation, whichever is less stringent, is the emission limitation for the stationary source.

<u>Size</u>	<u>Class II</u>	<u>Class I</u>
<u>Particulate Matter</u>		
<u>Front-half</u>	<u>0.015 gr/dscf</u>	<u>0.015 gr/dscf</u>
<u>Total</u>	<u>0.020 gr/dscf</u>	<u>0.020 gr/dscf</u>
<u>PCDD/PCDF (total)</u>	<u>30 ng/dscm</u>	<u>30 ng/dscm</u>
<u>Acid Gases</u>		
<u>HCl</u>	<u>90% control or 25 ppm</u>	<u>95% control or 25 ppm</u>
<u>SO<sub>2</sub></u>	<u>80% control or 30 ppm</u>	<u>80% control or 30 ppm</u>
<u>Carbon monoxide</u>		
<u>Modular</u>	<u>50 ppm</u>	<u>50 ppm</u>
<u>Mass burn or fluidized bed</u>	<u>100 ppm</u>	<u>100 ppm</u>
<u>RDF</u>	<u>150 ppm</u>	<u>150 ppm</u>
<u>Opacity</u>	<u>10%</u>	<u>10%</u>
<u>NO<sub>x</sub></u>	<u>NA</u>	<u>180 ppm</u>
<u>Mercury (short-term)</u>		
<u>Modular</u>	<u>100 µg/dscm</u> <u>or 85% removal</u>	<u>100 µg/dscm</u> <u>or 85% removal</u>
<u>Mass Burn</u>	<u>100 µg/dscm</u> <u>or 85% removal</u>	<u>100 µg/dscm</u> <u>or 85% removal</u>

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<u>Size</u>	<u>Class II</u>	<u>Class I</u>
<u>RDF (90-day test interval)</u>	<u>30 µg/dscm</u>	<u>30 µg/dscm</u>
<u>FBC</u>	<u>or 85% removal</u>	<u>or 85% removal</u>
	<u>100 µg/dscm</u>	<u>100 µg/dscm</u>
	<u>or 85% removal</u>	<u>or 85% removal</u>
<u>Mercury (long-term)</u>		
<u>Modular</u>	<u>60 µg/dscm</u>	<u>60 µg/dscm</u>
	<u>or 85% removal</u>	<u>or 85% removal</u>
<u>Mass burn</u>	<u>60 µg/dscm</u>	<u>60 µg/dscm</u>
	<u>or 85% removal</u>	<u>or 85% removal</u>
<u>RDF (90-day test interval)</u>	<u>30 µg/dscm</u>	<u>30 µg/dscm</u>
<u>FBC</u>	<u>or 85% removal</u>	<u>or 85% removal</u>
	<u>60 µg/dscm</u>	<u>60 µg/dscm</u>
	<u>or 85% removal</u>	<u>or 85% removal</u>
<u>RDF (15-month test interval)</u>	<u>30 µg/dscm</u>	<u>30 µg/dscm</u>
	<u>or 85% removal</u>	<u>or 85% removal</u>

### 7011.1231 TABLE 3.

The table in this part governs emission limitations for Class III and D waste combustors.

<u>Size</u>	<u>Class III</u>	<u>Class D</u>
<u>Particulate Matter</u>		
<u>Total</u>	<u>0.020 gr/dscf</u>	<u>0.035 gr/dscf</u>
<u>PCDD/PCDF</u>		
<u>Total</u>	<u>60 ng/dscm</u>	<u>200 ng/dscm</u>
<u>Carbon monoxide</u>		
<u>Modular</u>	<u>50 ppm</u>	<u>50 ppm</u>
<u>RDF</u>	<u>275 ppm</u>	<u>275 ppm</u>
<u>Opacity</u>	<u>10%</u>	<u>20%</u>
<u>Mercury</u>		
<u>Short-term</u>	<u>500 µg/dscm</u>	
	<u>or 85% removal</u>	
<u>Long-term</u>	<u>300 µg/dscm</u>	
	<u>or 85% removal</u>	

### 7011.1233 TABLE 4.

The table in this part governs emissions from Class IV waste combustors.

<u>Use</u>	<u>Hospital/Forensic Science Laboratory</u>	<u>Metal Recovery</u>
<u>Particulate Matter</u>		
<u>Total</u>	<u>0.08 gr/dscf</u>	<u>0.035 gr/dscf</u>
<u>Opacity</u>	<u>20%</u>	<u>20%</u>
<u>Carbon Monoxide</u>	<u>50 ppm</u>	<u>50 ppm</u>

### 7011.1235 STACK HEIGHT AND COMBUSTION CHAMBER REQUIREMENTS OF CLASS IV WASTE COMBUSTORS.

Subpart 1. Stack height. The exit height of the stack at a Class IV waste combustor shall be equal to or greater than H plus 0.5L where H is the building height and L is the lesser of the building height or the maximum projected width of the building.

The building which gives the greatest value for H plus 0.5L shall determine the stack exit height. All buildings nearby the stack shall be considered in determining stack exit height.

Maximum projected width is the longest diagonal distance of the building footprint. The stack is considered to be nearby a building if it is within five times the lesser of the building height or building width.

Subp. 2. Combustion chamber. The final combustion chamber of a Class IV waste combustor shall be designed and operated to maintain combustion gases at a minimum of 1,800 degrees Fahrenheit for one second in a zone after the last overfire air or secondary air has entered the combustion chamber.

**7011.1240 OPERATING REQUIREMENTS.**

Subpart 1. Presence of certified operator. A certified operator who holds an appropriate certificate as described by part 7011.1280 shall be present at the waste combustor at all times when solid waste is being combusted. The certification shall be appropriate to the waste combustor class.

Subp. 2. Particulate matter control device operating temperature. The inlet gas stream to the most efficient particulate matter control device on a waste combustor shall have a temperature of no greater than 30 degrees Fahrenheit above the mean temperature measured for this gas stream during the most recent performance test for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans at all times when solid waste is being combusted.

Subp. 3. Start-up on waste prohibited. During start-up from from a cold furnace, auxiliary fuels shall be used to achieve combustion chamber operating temperature.

Subp. 4. Use of auxiliary fuel. Auxiliary fuel shall be used to maintain the operating temperature in the combustion chamber from the time the solid waste feed has been discontinued until the combustion chamber is clear of combustible material.

Subp. 5. Range of operation. No owner or operator of a waste combustor shall operate the waste combustor while combusting solid waste at a level above 110 percent of the maximum demonstrated capacity of the combustion system, without conducting a performance test under part 7011.1265, which demonstrates compliance with the emission limitations of part 7011.1225 at greater than 110 percent of the maximum demonstrated capacity.

Subp. 6. Mercury additive feedrate. The feedrate of additives used to control mercury shall be maintained at all times at a rate no less than that feedrate that was determined during the most recent performance test for mercury which demonstrated compliance with the emission limit.

Subp. 7. Dumpstack use and reporting requirements. The dumpstack of a waste combustor must not be used for conducting routine inspection or maintenance on the control equipment or the combustion system without prior approval of the commissioner.

A dumpstack shall only be used at a waste combustor when plant or worker safety would be in jeopardy without its use.

The owner or operator of a waste combustor shall record in the daily operating record required in part 7011.1285, subpart 2, the date of use of the dumpstack, the length of time the dumpstack was used, the operating conditions of the waste combustor during dumpstack use, and the reason for using the dumpstack.

Subp. 8. Shutdown or breakdown reporting requirements. The owner or operator of a waste combustor shall comply with part 7017.0150 and Minnesota Statutes, section 116.85.

Subp. 9. Notification. The owner or operator of a waste combustor must notify the commissioner in writing at least ten days before the initial start-up of a waste combustor.

**7011.1245 GENERAL WASTE COMBUSTOR FACILITY REQUIREMENTS.**

The owner or operator of a waste combustor shall design, construct, and operate the facility in compliance with the solid waste management requirements as follows:

A. security requirements in part 7035.2535, subpart 3;

B. general inspection requirements in part 7035.2535, subpart 4;

C. household hazardous waste management requirements of part 7035.2535, subpart 6;

D. emergency preparedness and prevention plans and emergency procedures shall be prepared in accordance with parts 7035.2595 and 7035.2605;

E. contingency action plans in part 7035.2615;

F. closure plans in part 7035.2625 and closure procedures in part 7035.2635;

G. solid waste transfer facility requirements as required in part 7035.2865; and

H. for waste combustors accepting infectious wastes, infectious waste management requirements of parts 7035.9100 to 7035.9150.

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### **7011.1250 INDUSTRIAL SOLID WASTE MANAGEMENT PLAN.**

Subpart 1. Preparation of industrial waste management plan. The waste combustor owner or operator shall prepare a plan for the management of industrial solid wastes in accordance with part 7035.2535, items A and B. The plan must address subpart 2. The owner or operator shall submit the plan to the commissioner with the waste combustor's permit application.

Subp. 2. Contents of plan. The plan must address how the following additional categories of solid waste will be managed to comply with the requirements of part 7035.2535, subpart 5, item A, subitems (2) to (4), as well as state whether each of the following solid wastes will be accepted at the facility:

- A. spilled fossil fuels and the sorbents used to collect the spilled fossil fuels;
- B. infectious and pathological wastes;
- C. used oil filters;
- D. problem materials as defined in Minnesota Statutes, section 115A.03, subdivision 24a; and

E. any other solid wastes that can be identified that would adversely impact waste combustor operations or result in environmental and health problems if combusted.

Subp. 3. Modification. The owner or operator shall modify the industrial waste management plan whenever the management practices or solid wastes identified in the plan have changed. The owner or operator shall submit the amended plan to the commissioner for approval.

### **7011.1255 PLAN TO SEPARATE SOLID WASTES WHICH CONTAIN MERCURY.**

The waste combustor owner or operator must prepare a plan to identify, separate, and collect before combustion solid wastes which contain mercury. The plan shall, at a minimum, include the collection of household batteries, electrical devices and switches, electric lighting components, and solid wastes from laboratories where mercury is used, and shall include a plan to identify, separate, and collect before combustion other significant sources of mercury. In each application for reissuance of a permit, the plan shall be revised to improve identification, separation, and collection before combustion of mercury from the solid waste stream.

The plan shall also contain:

- A. the name and title of the person responsible for implementing the plan;
- B. an identification of solid waste streams and generators targeted under the plan;
- C. a description of the methods that will be used to separate and dispose of mercury-containing solid wastes, including the name of the person or persons responsible for identifying, separating, collecting, transporting, recycling, and disposing of the separated mercury-containing solid waste stream; and
- D. an estimate of the number of pounds per year of mercury that will be removed from the solid waste stream when the plan is implemented.

### **7011.1260 CONTINUOUS MONITORING.**

Subpart 1. Combustion chamber temperature monitor. The owner or operator of a waste combustor shall install and operate at all times temperature monitors that continuously read and record the temperature at the point in the combustion unit one second downstream of the entrance of the last overfire or secondary air injection. The owner or operator may elect to place temperature monitors at another point downstream from the entrance of the last overfire or secondary air injection, provided that the owner or operator conducts mapping of the operating combustion chambers to develop temperature isopleths and correlates these temperatures to the downstream temperature monitors.

Subp. 2. Particulate matter control device temperature monitors. The owner or operator of a waste combustor shall install and operate at all times temperature monitors that continuously read and record the temperatures of the flue gas at the inlet of the most efficient particulate matter control device.

Subp. 3. Continuous monitors. The owner or operator of a waste combustor shall install and operate a continuous monitoring system when burning solid waste. Monitoring systems that continuously read and record the following outputs shall be installed:

- A. in Class I, II, III, A, B, C, or D waste combustors:
  - (1) for carbon monoxide at the waste combustor outlet;
  - (2) for steam flow in waste combustors which recover heat with a boiler;
  - (3) for flue gas opacity, at a location after which the flue gas has exited the air pollution control equipment; and
  - (4) for oxygen or carbon dioxide, to report corrected concentrations of regulated pollutants;
- B. in all classifications of waste combustors subject to nitrogen oxides emission limits for nitrogen oxides; and



C. in all classifications of waste combustors subject to sulfur dioxide emission limits for sulfur dioxide. For those facilities for which compliance is determined by the percent reduction of emissions, monitors shall be installed at the inlets and outlets of the air pollution control system.

Subp. 4. Averaging periods. The averaging periods of continuous monitors required by subparts 1, 2, and 3 are listed in items A to F.

A. For combustion chamber temperature monitoring and particulate matter control device inlet temperature monitoring, four-hour arithmetic block averages calculated from four one-hour arithmetic averages. Each one-hour arithmetic average shall consist of at least ten data points equally spaced in time.

B. For steam flow, four-hour arithmetic block averages.

C. At waste combustors other than mass burn rotary waterwall combustors or RDF waste combustors for carbon monoxide, a four-hour block average. For mass burn rotary waterwall combustors or RDF waste combustors, the averaging period for carbon monoxide shall be a daily 24-hour arithmetic average measured between 12 midnight and the following midnight. The four-hour and 24-hour average shall be calculated from one-hour arithmetic averages. At least four points equally spaced in time shall be used to calculate each one-hour average.

D. For sulfur dioxide, the geometric average of the one-hour arithmetic average emission rates during each 24-hour daily period measured from midnight to midnight. At least four data points equally spaced in time shall be used to calculate each one-hour arithmetic average.

E. For nitrogen oxides, the arithmetic average of the one-hour arithmetic average emission rates during each 24-hour daily period measured from midnight to midnight. At least four data points equally spaced in time shall be used to calculate each one-hour arithmetic average.

F. For opacity, a six-minute average, calculated using 36 or more data points equally spaced over a six-minute period.

Subp. 5. Operation of continuous monitors. The owner or operator of a waste combustor with continuous monitors shall comply with the requirements of part 7017.1000, except as provided in items A to H.

A. Following the initial compliance test as required under part 7011.1270, the owner or operator of a waste combustor shall submit the initial compliance report as required under part 7011.1285, subpart 5.

B. Continuous monitors shall be operated so as to measure and record data for at least 90 percent of the hours the emission unit is operated each calendar quarter. Valid monitoring data shall be obtained for at least 75 percent of the hours per day the waste combustor is combusting solid waste.

C. All valid monitoring data shall be used to calculate emission rates, emission reductions, and operating parameters, even if the conditions of item B are not met.

D. When continuous emissions data for sulfur dioxide removal efficiency or sulfur dioxide or nitrogen oxide emission rates are not obtained because of monitor breakdowns, repairs, calibration checks, and zero and span adjustments, emission data calculations to determine compliance shall be made using other monitoring systems or other data collection method as approved by the commissioner or Code of Federal Regulations, title 40, part 60, Appendix A, Method 19, as amended, to provide valid emission data in order to meet the requirements of item B.

E. Zero drift and span drift checks of emission monitoring systems shall be conducted in accordance with Code of Federal Regulations, title 40, section 60.13, as amended.

F. The span value of the sulfur dioxide continuous monitors at the inlet to the sulfur dioxide control device is 125 percent of the maximum estimated hourly potential sulfur dioxide emissions of the waste combustor unit, and the span value of the monitor at the outlet of the sulfur dioxide control device is 50 percent of the maximum estimated hourly potential sulfur dioxide emissions of the waste combustor unit.

G. Quarterly accuracy determinations and daily calibration drift tests shall be performed in accordance with procedures in Code of Federal Regulations, title 40, part 60, Appendix F, as amended, for sulfur dioxide, nitrogen oxides, and carbon monoxide.

H. The procedures under Code of Federal Regulations, title 40, section 60.13, as amended, shall be followed for installation, evaluation, and operation of continuous emissions monitoring systems.

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Subp. 6. Recording data from continuous monitoring. The owner or operator of a waste combustor shall maintain a record of the information contained in this subpart. Waste combustors shall maintain a permanent record of continuously measured emissions. The record of monitoring shall contain:

A. the calendar date;

B. the following measurements recorded in computer-readable format and on paper:

(1) all six-minute opacity readings;

(2) all one-hour average sulfur dioxide emission rates at the inlet and outlet of the acid gas control device if compliance is based on a percent reduction, or at the outlet only if compliance is based on the outlet emission limit; and

(3) all one-hour average carbon monoxide and nitrogen oxide emission rates, steam loading, combustion chamber temperature, and particulate matter control device temperatures; and

C. the following average rates:

(1) all 24-hour daily geometric average percent reductions in sulfur dioxide emissions and all 24-hour daily geometric average sulfur dioxide emission rates;

(2) all 24-hour daily arithmetic average nitrogen oxides emission rates;

(3) all four-hour block or 24-hour daily arithmetic average carbon monoxide emission rates, as applicable; and

(4) all four-hour block arithmetic average unit load levels and particulate matter control device inlet temperatures.

Subp. 7. Exceedances of continuously monitored emission limits. If accurate and valid data results collected from continuous monitors for sulfur dioxide, nitrogen oxides, or carbon monoxide data exceed emission limits established in part 7011.1225 or in the waste combustor's permit after normal start-up, the waste combustor owner or operator shall undertake the following actions:

A. The exceedance shall be reported to the commissioner as soon as reasonably possible giving consideration to matters of plant or worker safety, or access to communications.

B. Appropriate repairs or modifications to return the waste combustor to compliance must be commenced within 72 hours of the exceedance.

C. If the waste combustor cannot be returned to compliance within 72 hours of the occurrence of the exceedance, the waste combustor shall be shut down. If the modifications to return the waste combustor to compliance require the amendment of the air emission facility permit, the waste combustor shall shut down within 72 hours of the exceedance.

D. When repairs or modifications have been completed, the waste combustor owner or operator shall demonstrate to the commissioner that the waste combustor is in compliance. The waste combustor may be started up after the owner or operator has notified the commissioner in writing of the date the owner or operator plans to start up the waste combustor and the date that compliance testing is scheduled. Notification shall be given at least ten days in advance of the compliance test date.

### 7011.1265 PERFORMANCE TEST METHODS AND PROCEDURES.

Subpart 1. Performance test methods and procedures. An owner or operator of a waste combustor required to conduct performance tests for a waste combustor shall use the performance test methods and procedures specified in part 7017.2000 except as modified in this part. Not operating a sorbent injection system for the sole purpose of testing in order to demonstrate compliance with the percent reduction standards for sulfur dioxide and hydrogen chloride is not a modification under part 7007.0100, subpart 14, as proposed at 17 SR 3008, and subsequently adopted.

Subp. 2. Performance test methods for criteria pollutants. An owner or operator of a waste combustor required to conduct performance tests for particulate matter, sulfur dioxide, or nitrogen oxides shall use test methods as described in items A to E.

A. Part 7011.0725 shall apply to tests for particulate matter, except that for Class I, II, A, B, and C waste combustors, the minimum sample volume shall be 1.7 dscm (60 dscf). For Class III, IV, and D waste combustors, the minimum sample volume shall be 0.85 dscm (30 dscf). Smaller sampling times or sample volumes shall be approved by the commissioner, when the commissioner determines that they are necessitated by process variables or other factors. Particulate matter emissions, expressed in g/dscm, shall be corrected to seven percent oxygen by using the following formula:

$$c_7 = \frac{14c}{(21 - \%O_2)}$$

where:  $c_7$  is the concentration of particulate matter corrected to seven percent oxygen;

$c$  is the concentration of particulate matter as measured by Code of Federal Regulations, title 40, part 60, Appendix A, Method 5, as amended, or in part 7011.0725; and

%O<sub>2</sub> is the percentage of oxygen as measured by Code of Federal Regulations, title 40, part 60, Appendix A, Method 3, as amended.

(1) Front-half particulate matter emission is the concentration of particulate matter as measured by Code of Federal Regulations, title 40, part 60, Appendix A, method 5, as amended.

(2) Total particulate matter emission is the concentration of particulate matter as measured by part 7011.0725.

For each Code of Federal Regulations, title 40, part 60, Appendix A, Method 5, as amended, run, the emission rate shall be determined using:

(a) oxygen or carbon dioxide measurements;

(b) dry basis F factor; and

(c) dry basis emission rate calculation procedures in Code of Federal Regulations, title 40, part 60, Appendix A, Method 19, as amended.

B. For sulfur dioxide emissions, Code of Federal Regulations, title 40, part 60, Appendix A, Method 19, section 5.4, as amended, shall be used to determine the daily geometric average percent reduction in the potential sulfur dioxide emission rate. Method 19, section 4.3, as amended, shall be used to determine the daily geometric average sulfur dioxide emission rate. Compliance with the sulfur dioxide emission limit and percent reduction shall be determined by using a continuous emission monitor to measure sulfur dioxide and calculating a 24-hour daily geometric mean emission rate and daily geometric mean percent reduction using Method 19, sections 4.3 and 5.4, as amended, as applicable. For waste combustors which do not operate continuously, compliance shall be determined using a daily geometric mean of all hourly average values for the hours during the day that the facility is operated.

C. For nitrogen oxides emissions, Code of Federal Regulations, title 40, part 60, Appendix A, Method 19, section 4.1, as amended, shall be used for determining the daily arithmetic average nitrogen oxides emission rate. Compliance with the nitrogen oxides emission standards shall be determined by using a continuous emission monitor for measuring nitrogen oxides and calculating a 24-hour daily arithmetic average emission rate using Method 19, section 4.1, as amended. For waste combustors which do not operate continuously, compliance shall be determined using an arithmetic mean of all hourly average values for the hours during the day that the facility is operated.

D. For opacity emissions, Code of Federal Regulations, title 40, part 60, Appendix A, Method 9, as amended, shall be used to determine compliance with opacity limits.

E. For Class IV waste combustors carbon monoxide emissions, compliance with the emission limit shall be determined by using Code of Federal Regulations, title 40, part 60, Appendix A, Method 10, as amended.

Subp. 3. Performance test methods for other air contaminants. If not specified in this subpart, the owner or operator shall use test methods in Code of Federal Regulations, title 40, part 60, Appendix A, or part 61, Appendix B, as amended, or other methods determined by the commissioner in writing to be equivalent.

A. For hydrogen chloride, the percentage reduction in the potential hydrogen chloride emissions (%P<sub>HCl</sub>) is computed using the following formula:

$$\%P_{HCl} = \frac{(E_1 - E_2)}{E_1}$$

where E<sub>1</sub> is the potential hydrogen chloride emission rate; and E<sub>2</sub> is the hydrogen chloride emission rate measure at the outlet of the acid gas control device.

Code of Federal Regulations, title 40, part 60, Appendix A, Method 26, as amended, shall be used for determining the hydrogen chloride emission rate. The minimum sampling time for Method 26 shall be one hour.

B. For PCDD/PCDF emissions, Code of Federal Regulations, title 40, part 60, Appendix A, Method 23, as amended, shall be used for determining compliance with the PCDD/PCDF emission limits. For Class I, II, A, and B facilities, the minimum sample time shall be four hours per test run. For Class III, C, and D facilities, the minimum sample time shall be three hours per test run.

C. For metal emissions, Code of Federal Regulations, title 40, part 266, Appendix IX, section 3.1, as amended, shall be used for measuring metal emissions, except that Method 101A shall not be used for measuring mercury emissions. To determine the mercury concentration, the arithmetic average of three or more samples at the outlet of the air pollution control device shall be used.

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The minimum sample volume shall be 30 dscf. The maximum sample run time shall be two hours. To determine the percent reduction of mercury, concurrent sampling for mercury at the inlet and outlet of the air pollution control system shall be performed at each occurrence of mercury emissions performance testing.

Owners and operators of RDF combustors may choose to conduct mercury emissions testing either every 90 days or every 15 months. If the owner or operators of an RDF combustor chooses to conduct testing every 90 days, the requirements of subitems (1) and (2) apply. If the RDF combustor chooses to test every 15 months, the requirements of subitem (3) apply.

(1) Procedures to determine compliance with the short-term mercury emission concentration limit are described in unit (a). If the waste combustor does not show compliance as determined in unit (a), compliance shall be determined as described in units (b) and (c).

(a) The waste combustor is in compliance with the mercury concentration limit if the arithmetic average of three or more samples is less than or equal to the applicable short-term mercury emission concentration limit.

(b) If the average computed in unit (a) exceeds the short-term mercury emission concentration limit, the removal efficiency for each run shall be computed as follows:

$$\%Hg_{\text{removal efficiency}} = [Hg_{\text{in}} - Hg_{\text{out}}]/HG_{\text{in}} \times 100$$

Where:  $Hg_{\text{removal efficiency}}$  is the removal efficiency of each sample run,  $HG_{\text{in}}$  is the mercury concentration measured at the inlet of the air pollution control device, and  $Hg_{\text{out}}$  is the mercury concentration measured at the outlet.

(c) The waste combustor is in compliance with the short-term mercury emission limit, if the average of each of the removal efficiencies computed in unit (b) is greater than or equal to 85 percent.

(2) Procedures to determine compliance with the long-term mercury emission concentration limit are described in unit (a). If the waste combustor does not show compliance as determined in unit (a), compliance shall be determined as described in units (b) to (d).

(a) To determine compliance with the mercury emission concentration limit, the arithmetic average of all mercury emission concentrations measured in a compliance test available for the previous calendar year shall be used. Initial compliance with the long-term mercury concentration limit shall be determined upon completion of the first calendar year. Subsequent compliance shall be determined at each occurrence of mercury emission performance testing.

(b) If the average that was computed in unit (a) exceeds the long-term mercury emission concentration, the removal efficiency for each run shall be computed by the equation in subitem (1), unit (b). The waste combustor is in compliance with the long-term mercury emission limit if the average of each of the removal efficiencies is greater than or equal to 85 percent.

(3) Owners or operators of RDF waste combustors who choose to conduct mercury emission testing every 15 months shall use the procedures in this subitem to determine compliance with mercury emission limits.

(a) The waste combustor is in compliance with the 15-month mercury emission concentration limit if the arithmetic average of three or more samples is less than the 15-month test interval mercury emission concentration limit.

(b) If the average computed in unit (a) exceeds the 15-month mercury emission concentration limit, the removal efficiency for each run shall be computed by the equation in subitem (1), unit (b). The waste combustor is in compliance with the 15-month mercury emission limit if the average of the removal efficiencies is greater than 85 percent.

Subp. 4. Steam flow measurement method. The method contained in ASME Power Test Codes: Test Codes for Steam Generating Units, PTC 4.1 (1972), section 4, incorporated by reference in part 7011.1205, shall be used for calculating the steam flow required under part 7011.1260, subpart 3, item A, subitem (2). The recommendations of Instruments and Apparatus: Measurement of Quantity of Materials, Interim Supplement 19.5 (1971), chapter 4, incorporated by reference in part 7011.1205, shall be followed for design, construction, installation, calibration, and use of nozzles and orifices.

Subp. 5. Performance tests required. Performance tests shall be conducted on waste combustors to determine the emission rates of the following air contaminants:

A. lead;

B. cadmium;

C. mercury; and

D. any other air contaminant for which an emission limitation is contained in the air emission permit for the waste combustor.

Subp. 6. Operation during performance testing. The owner or operator of a waste combustor shall report to the commissioner the operating conditions including operating parameters of the air pollution control equipment, flue gas temperatures, air flow rates, and pressure drop across the combustion system.

Subp. 7. Maximum demonstrated capacity. For Class I, II, III, A, B, C, and D waste combustors, maximum demonstrated

capacity of each waste combustor unit shall be determined during the initial performance test for PCDD/PCDF and each subsequent performance test during which compliance with the PCDD/PCDF emission limit in part 7011.1225 is achieved. For Class IV waste combustors, maximum demonstrated capacity shall be determined during the initial performance test and each subsequent performance test during which compliance with emission limits is demonstrated.

Subp. 8. Particulate matter control device temperature. The owner or operator of a waste combustor with postcombustion particulate matter control shall determine and record the average gas stream temperature as measured at the inlet to the most efficient particulate matter control device during the initial and each subsequent performance test for polychlorinated dibenzo-p-dioxins and polychlorinated dibenzofurans demonstrating compliance with the PCDD/PCDF emission limit in part 7011.1225.

Subp. 9. Mercury removal equipment operation. The owner or operator of a waste combustor using additives for the control of mercury shall determine and record the average additive feedrate during the initial and at each subsequent performance test for mercury.

Subp. 10. Solid waste composition. Solid waste composition studies shall be conducted as described in part 7007.0501, subpart 2.

Subp. 11. Exceedances of emission limits. If accurate and valid data results of a performance test demonstrate an exceedance of a standard of performance as described in part 7011.1225 or in the waste combustor's air emission facility permit after normal start-up, the waste combustor owner or operator shall undertake the actions in items A to D.

A. The exceedance shall be reported to the commissioner as soon as reasonably possible giving consideration to matters of plant or worker safety, or access to communications and the applicable reporting provisions of part 7007.0800, subpart 6, as proposed at 17 SR 3008 and subsequently adopted, shall be met.

B. Within 30 days of the report of the exceedance, the owner or operator shall undertake appropriate repairs or modifications to return the waste combustor to compliance or undertake performance testing for a maximum of 30 days, for the purpose of demonstrating compliance with the emission limit.

C. If the waste combustor cannot be returned to compliance within 30 days of the report of initial exceedance, the waste combustor shall be shut down. If the modifications to return the waste combustor to compliance require the amendment of the air emission facility permit, the waste combustor shall shut down on the 31st day after the report of the exceedance.

D. When repairs or modifications have been completed, the waste combustor owner or operator shall demonstrate to the commissioner that the waste combustor is in compliance. The waste combustor may be restarted after the owner or operator has notified the commissioner in writing of the date on which the owner or operator plans to start-up and to begin compliance testing. Notification shall be at least ten days in advance of the compliance test date.

#### **7011.1270 PERFORMANCE TEST, WASTE COMPOSITION STUDY, AND ASH SAMPLING FREQUENCY.**

The owner or operator of a waste combustor shall conduct the performance tests required in part 7011.1265 based on the schedules in items A to D. Ash sampling shall be conducted concurrently with air emissions testing.

A. Class I, A, and B waste combustors shall conduct performance tests:

(1) once within the normal start-up;

(2) once annually after the test in subitem (1), but not more than 12 months following the initial performance test; and

(3) performance tests for emissions of mercury shall be conducted every 90 days. Refuse-derived fuel waste combustors may choose to conduct performance tests for mercury every 15 months. If a test shows that an emission limit for mercury from a waste combustor combusting RDF is exceeded, the commissioner shall require testing every 90 days thereafter.

B. Class II and C waste combustors shall conduct performance tests:

(1) for all pollutants for which there is a standard, once within the normal start-up;

(2) once annually after the test in subitem (1), but not more than 12 months following the initial performance test. If all three annual performance tests for a three-year period show compliance with the particulate matter and PCDD/PCDF standards in part 7011.1215, the owner or operator may continue to conduct annual testing, or may choose to conduct performance tests every 2-1/2 years, except as required by subitem (3). At a minimum, a performance test for particulate matter and PCDD/PCDF shall be conducted every 2-1/2 years, but no more than 30 months following the previous compliance test. If a performance test indicates

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noncompliance with the particulate matter and PCDD/PCDF standards, the owner or operator shall resume annual testing for three years. If all three annual performance tests for the three-year period show compliance with particulate matter and PCDD/PCDF standards in part 7011.1215, the owner or operator may conduct performance testing every 2-1/2 years;

(3) for emissions of mercury, every 90 days for mass burn waste combustors or 15 months for waste combustors combusting refuse-derived fuel. If a test shows that an emission limit for mercury from a waste combustor combusting RDF is exceeded, the commissioner shall require performance testing every 90 days thereafter; and

(4) a current waste composition study every five years.

C. Class III and D waste combustors shall conduct performance tests:

(1) once within the normal start-up;

(2) every 2-1/2 years after the test in subitem (1), but not more than 30 months following the initial performance test;

(3) for Class III waste combustors, emissions of mercury, every 90 days;

(4) for Class D waste combustors, emissions of mercury every 2-1/2 years;

(5) for ash, in accordance with part 7045.0131 every 30 months for toxicity by extraction procedure toxicity for arsenic, barium, cadmium, chromium, lead, mercury, selenium, and nickel; and

(6) a current waste composition study every five years.

D. Class IV waste combustors shall conduct performance tests:

(1) once within the normal start-up;

(2) every five years after the test in subitem (1), but not more than 60 months following the initial performance test; and

(3) for ash, in accordance with part 7045.0131 every 60 months for toxicity by extraction procedure toxicity for arsenic, barium, cadmium, chromium, lead, mercury, selenium, and nickel.

### **7011.1275 PERSONNEL TRAINING.**

Subpart 1. General. Waste combustor facility personnel described in subpart 2 must complete a program of instruction and on-the-job training based on the operating manual described in subpart 3. The program must train facility personnel to maintain compliance with parts 7011.1201 to 7011.1285. Individual training shall be specific to the position held and shall, at a minimum, address the items in subpart 3.

For personnel described in subpart 2, the training program shall require:

A. initial review of the operating manual prior to assumption of any job-related activities affecting air emissions, except that those hired prior to the effective date of this part must complete the review within one year of the effective date;

B. review of the operating manual relevant to a newly assigned position before assumption of new job-related activities affecting air emissions;

C. that those without waste combustor or boiler operation experience, initially review the operating manual and work under the direct supervision of a certified operator or a certified operator's designee before assumption of job-related activities affecting air emissions for the following duration:

(1) for Class I, II, III, A, B, C, or D waste combustor personnel, 40 hours; and

(2) for Class IV waste combustor personnel, 12 hours; and

D. annual review of the operating manual.

Subp. 2. Personnel who shall be trained. The training program shall train waste combustor personnel who have responsibilities which affect the operation of the waste combustor, including, but not limited to, chief facility operators, shift supervisors, operator supervisors, control room personnel, ash handlers, maintenance personnel, and crane/load handlers.

Subp. 3. Operating manual requirements. The owner or operator of a waste combustor shall develop and update on a yearly basis a site specific operating manual that shall, at a minimum, address the following elements of waste combustor unit operation:

A. a summary of the applicable state rules and federal regulations to the activities described in the facility's air emissions permit;

B. a description of basic combustion theory applicable to the facility's waste combustor unit;

C. procedures for receiving, handling, and feeding solid waste;

D. waste combustor unit start-up, shutdown, and malfunction procedures;

E. procedures for maintaining proper combustion air levels;

- F. procedures for operating the waste combustor within the standards established in parts 7011.1201 to 7011.1285;
- G. procedures for responding to periodic upset or off-specification conditions;
- H. procedures for minimizing particulate matter carryover;
- I. procedures for monitoring the degree of solid waste burnout;
- J. procedures for handling ash;
- K. procedures for monitoring waste combustor emissions;
- L. procedures for reporting and record keeping;
- M. timetables and procedures for routine inspection and maintenance of equipment affecting air emissions;
- N. procedures for activating communications and alarm systems; and
- O. procedures to implement the facility's industrial waste management plan.

The operating manual shall be kept in a location easily accessed by the personnel described in subpart 2.

Subp. 4. Personnel identity. The owner or operator must maintain as a part of the operating record required by part 7011.1285, subpart 2, a record of the identity of all personnel who have received training and the number of training hours. The records shall be provided to the commissioner on demand.

**7011.1280 OPERATOR CERTIFICATION.**

Subpart 1. Scope. The commissioner shall certify a person provided the person can demonstrate the completion of:

A. ASME provisional certification as described in Standard for the Qualification and Certification of Resource Recovery Facility Operators, American Society of Mechanical Engineers (ASME) QRO-1-1989, incorporated by reference in part 7011.1205, for chief facility operators and shift supervisors of municipal waste combustors; or

B. the coursework and examination program set forth in subpart 2.

Subp. 2. Personnel who shall be certified. The following personnel shall be certified through the process established in this part:

A. for Class I, II, III, A, B, C, or D waste combustors, the chief facility operator and shift supervisors; and

B. for Class IV waste combustors, the operator supervisor.

Subp. 3. Requirements for operator certification. To be certified, a person must demonstrate the skill, knowledge, and experience necessary to operate a waste combustor, by meeting the criteria of item A or B.

A. A certified operator of a Class IV waste combustor shall:

(1) hold a high school diploma or equivalent, or demonstrate five years of experience in incinerator operation, general industry, industrial process, or power plant operation;

(2) complete at least 16 hours of training approved by the commissioner which are designed to ensure competency to operate a Class IV waste combustor;

(3) complete the certification process described in subpart 4; and

(4) pass the examination described in subpart 5.

B. A certified operator of a Class I, II, III, A, B, C, or D waste combustor shall comply with the requirements in subitems (1) and (2).

(1) Persons who possess a Minnesota Department of Labor and Industry boiler license of at least second class engineer, Grade B, shall:

(a) have one year of experience operating a steam generation plant or Class I, II, III, A, B, C, or D waste combustor at the licensure level of at least second class engineer, Grade B, and complete at least 24 hours of training approved by the commissioner which are designed to ensure competency to operate a Class I, II, III, A, B, C, or D waste combustor;

(b) complete the certification process described in subpart 4; and

(c) pass the examination described in subpart 5.

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## Proposed Rules

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(2) Persons who do not meet the qualifications of subitem (1), unit (a), shall:

(a) have three years of experience operating a Class I, II, III, A, B, C, or D waste combustor or in power generation and complete at least 24 hours of training approved by the commissioner which are designed to ensure competency to operate a Class I, II, III, A, B, C, or D waste combustor;

(b) complete the certification process described in subpart 4; and

(c) pass the examination described in subpart 5.

### Subp. 4. Certification process.

A. Application for certification shall be made in writing on a form provided by the commissioner.

B. Within 15 days of receipt, the commissioner shall review the application for certification and determine the adequacy of the information included in the application. If the commissioner determines that additional information or documentation is necessary to assess the eligibility of the applicant, the commissioner shall notify the applicant. The application shall be considered incomplete until the applicant provides the required information.

C. The commissioner shall notify an applicant of eligibility for certification.

### Subp. 5. Examinations.

A. The commissioner shall approve an examination for the different classes of waste combustors. The examination shall be administered as a written closed book examination.

B. For certification of a person to operate a Class I, II, III, A, B, C, or D waste combustor, the examination shall be in three areas, divided as follows:

(1) 25 percent of the questions on solid waste collection, transfer, and management covering, but not limited to, solid waste composition, collection techniques, seasonal and industrial impact on the character of solid waste, ash disposal, landfills, composting, environmental regulations and requirements, and public perceptions;

(2) 25 percent of the questions on theory covering combustion, chemistry, thermodynamics, material science, waste combustor design principles, mechanical and electrical operation and technology, air pollution control technology theory, and air emission stack monitoring;

(3) 50 percent of the questions on the operation of a waste combustor covering material handling equipment, ash handling and disposal operations within the facility, waste combustor design applications, general operations and maintenance procedures and techniques, control room operations and troubleshooting, operation of pollution control devices, and continuous emissions monitors and their calibration.

C. For certification of a person to operate a Class IV waste combustor, the examination shall be as follows:

(1) 30 percent of the questions shall cover basic principles, including principles of combustion, products of combustion, solid waste characteristics, and air pollutants;

(2) 30 percent of the questions shall cover equipment including incineration equipment characteristics, automatic control equipment, and emission monitoring equipment; and

(3) 40 percent of the questions shall cover incinerator and monitoring equipment operation including typical operating problems and solutions, maintenance procedures, incinerator operation, ash handling, and solid waste feed management systems.

D. A minimum grade of 70 percent shall be required to pass.

E. An applicant who fails to pass the examination shall be eligible to retake the examination whenever it is next offered by an institution approved by the commissioner.

Subp. 6. Certificates. Within ten days of the examination date, the institution administering the certification examination shall provide to the commissioner a list of individuals who completed the training and those who successfully passed the examination.

The commissioner shall issue a certificate when the applicant has met all necessary conditions prescribed in subpart 1. Certificates are valid for three years.

### Subp. 7. Renewal.

A. A certified individual shall apply for certificate renewal 30 days prior to certificate expiration. Renewal certificates shall be issued by the commissioner when the commissioner receives the application, along with evidence that the person has, during the preceding three years, earned credit for attending training courses offered by the agency or other training courses approved by the commissioner as described in subpart 8, including personnel training described in part 7011.1265, for the number of hours as identified as follows:

(1) Class I, II, III, A, B, C, or D, 24 hours; and



(2) Class IV, eight hours.

An individual whose certificate has expired must comply with item B or C.

B. If an individual applies for certificate renewal within one year following the expiration of the certificate, the commissioner may renew the certificate without examination. The individual must meet the training requirements of item A at the time of application before the certificate will be renewed.

C. If an individual applies for certificate renewal more than one year following the expiration of the certificate, the commissioner may renew the certificate when the individual complies with the requirements of subpart 3.

Subp. 8. List of courses. The commissioner shall biennially prepare and make available to interested parties a list of accredited waste combustor operator training sources and educational activities for which credit may be obtained to meet the training requirements for certification.

Subp. 9. Sanctions.

A. Criteria. The commissioner shall refuse to issue, renew, or reinstate a certificate, suspend or revoke a certificate, or use any lesser remedy against an individual for any of the following reasons:

(1) submittal of false or misleading information or credentials in order to obtain or renew a certificate;

(2) failure to meet the requirements for renewal certification; or

(3) incompetency, negligence, or inappropriate conduct in the performance of duties as a certified operator.

B. Investigation. Upon receiving a signed written complaint which alleges the existence of grounds for sanctions against a certified operator, the commissioner may initiate an investigation. No revocation, suspension, or other sanction shall be imposed before notice is given to the certified operator and an opportunity for a contested case hearing is provided.

C. Procedures. Procedures for contested case hearings shall comply with the provisions of the Administrative Procedure Act, Minnesota Statutes, chapter 14.

D. Recertification. An individual whose certificate has been revoked shall not be entitled to apply for recertification until at least one year following the effective date of revocation or for any longer period of time specified in the revocation order.

E. Reinstatement after suspension. The commissioner shall reinstate a suspended certificate if the individual whose certificate has been suspended fulfills the terms of the suspension order and meets all applicable requirements of the rules for obtaining a certificate.

Subp. 10. Certification deadlines. Individuals requiring certification who are employed as a chief facility operator or shift supervisor of a Class A or B waste combustor shall obtain certification by February 11, 1993. All other individuals employed on the effective date of this part who require certification as described in this part shall obtain certification within two years after the effective date of this part or normal start-up of a waste combustor, whichever is later.

**7011.1285 OPERATING RECORDS AND REPORTS.**

Subpart 1. Scope. The owner or operator of a waste combustor shall maintain records and submit reports as required in this part. The owner or operator of a waste combustor required to obtain a permit under part 7007.0200, subpart 4, as proposed at 17 SR 3008 and subsequently adopted, or 7007.0250, subpart 5, as proposed at 17 SR 3008 and subsequently adopted, are also subject to the record keeping and reporting requirements in part 7007.0800, subparts 5 and 6, as proposed at 17 SR 3008 and subsequently adopted. Records shall be retained for a minimum of five years.

Subp. 2. Daily operating record. The owner or operator shall maintain a daily record of the operation of the waste combustor. The record shall contain:

A. the calendar date;

B. the hours of operation;

C. the weight of solid waste combusted;

D. the weight of solid waste requiring disposal at a solid waste land disposal facility, including separated noncombustibles, excess solid waste, and ash;

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## Proposed Rules

- E. the amount and description of industrial solid waste received each day, the generator's name, and the method of handling;
- F. the measurements and determination of emissions averages as required in part 7011.1260, subpart 6;
- G. results of performance tests conducted on waste combustor units as required in part 7011.1270;
- H. instances of dumpstack use;
- I. the names of persons who have completed initial review or subsequent annual review of the operating manual;
- J. the reasons for exceeding any of the average emission rates, percent reductions, or operating parameters specified under part 7011.1260, subpart 6, item C, or the opacity limit and a description of corrective actions taken; and
- K. reasons for not obtaining the minimum number of hours of sulfur dioxide or nitrogen oxides emissions or operational data (carbon monoxide emissions, unit load, particulate matter control device temperature) and a description of corrective actions taken.

**Subp. 3. Quarterly reports.** The owner or operator of a Class I, II, III, A, B, C, or D waste combustor shall submit quarterly reports to the commissioner within 30 days after the quarter ending December 30, March 30, June 30, and September 30 of each year. The report shall contain the following items:

- A. calendar date;
- B. sulfur dioxide, nitrogen oxide, carbon monoxide emissions, and load level and particulate matter control device temperature as required by part 7011.1260, subpart 6, item C;
- C. instances of dumpstack use;
- D. the identification of operating days when any of the average emission rates, percent reductions, or operating parameters specified under part 7011.1260, subpart 6, item C, or the opacity level exceeded the applicable limits, with the reasons for such exceedances as well as a description of corrective actions taken;
- E. the percent of the operating time for the quarter that the opacity CEMS was operating and collecting valid data;
- F. the identification of operating days for which the minimum number of hours of sulfur dioxide or nitrogen oxides emissions or operational data (carbon monoxide emissions, unit load, particulate matter control device temperature) have not been obtained, including reasons for not obtaining sufficient data and a description of corrective actions taken; and
- G. the results of daily sulfur dioxide, nitrogen oxides, and carbon monoxide CEMS drift tests and accuracy assessments as required in part 7011.1260, subpart 5.

**Subp. 4. Annual reports.** By April 30 of each year, the owner or operator of a Class I, II, III, IV, A, B, C, or D waste combustor shall submit the following information to the commissioner in an annual report:

- A. the information required in subpart 2 summarized to reflect annual totals;
- B. a summary report of the shutdowns and breakdowns of combustion units or control equipment that occurred during the year;
- C. a summary report of any excess emissions that occurred during the year; and
- D. a compliance certification as required in part 7007.0800, subpart 6, item C, as proposed at 17 SR 3008 and subsequently adopted.

**Subp. 5. Initial compliance report.** Following the initial compliance test as required under part 7011.1270, the owner or operator of a waste combustor shall submit the initial compliance test data, the performance evaluation of the CEMS using the applicable performance specifications in part 7017.1000, and the maximum demonstrated capacity and particulate matter control device temperature established during the PCDD/PCDF testing.

**Subp. 6. Performance test reports.** The owner or operator shall submit a report containing the results of performance tests conducted to determine compliance with waste combustor unit emission limits whenever performance testing is conducted. The report shall be submitted within 14 days of the owner's or operator's receipt of the results of the performance test.

### 7017.1000 CONTINUOUS MONITORING.

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

**Subp. 2. Monitoring system specifications.** Any owner or operator of an emission facility who is required by applicable rule or by order of the commissioner to install a continuous monitoring system shall install a system which meets the following performance evaluations:

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

E. Continuous monitoring systems for measuring carbon monoxide emissions shall comply with Performance Specification 4A.

[For text of subs 3 to 10, see M.R.]

**REPEALER.** Minnesota Rules, parts 7011.1201, subparts 2, 3, and 4; 7011.1202; 7011.1203; 7011.1204; 7011.1206; and 7011.1207, are repealed.

## 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.

## Department of Agriculture

### Adopted Permanent Rules Relating to Home Grown Fruit and Raw Vegetables

The rules proposed and published at *State Register*, Volume 18, Number 5; pages 430-431, August 2, 1993 (18 SR 430), are adopted as proposed.

## Department of Human Services

### Adopted Permanent Rules Relating to Inpatient Payment System

The rules proposed and published at *State Register*, Volume 17, Number 41, pages 2408-2435, April 12, 1993 (17 SR 2408), are adopted with the following modifications:

#### Rules as Adopted

#### 9500.1100 DEFINITIONS.

Subpart 1. **Scope.** As used in parts 9500.1090 to 9500.1140, the terms in subparts ~~2~~ 1a to 51 are defined as follows.

Subp. 15. ~~Cost outlier.~~ "Cost outlier" means an admission whose operating cost exceeds the mean cost per admission for neonate and burn diagnostic categories by one standard deviation, and in the case of all other diagnostic categories by two standard deviations. [See repealer.]

Subp. 20a. **Diagnostic categories.** "Diagnostic categories" means the diagnostic classifications ~~established according to~~ containing one or more diagnosis related groups (DRGs) used by the Medicare program and identified in parts 9500.1090 to 9500.1140. The DRG classifications must be assigned according to the base year program and specialty groups with modifications as specified in subparts 20b to 20g.

Subp. 20b. **Diagnostic categories eligible under the medical assistance program.** The following diagnostic categories are for persons eligible under the medical assistance program except as provided in subpart 20c, 20d, 20e, or 20f:

<u>NAME</u> <u>DIAGNOSTIC CATEGORIES</u>	<u>DRG NUMBERS WITHIN</u> <u>DIAGNOSTIC CATEGORIES</u>	<u>INTERNATIONAL</u> <u>CLINICAL DIAGNOSIS</u> <u>CODES (9th Ed.)</u>
KK. Extreme Immaturity (1) (< 750 Grams)	386	76501, 76502

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## Adopted Rules

<u>NAME</u> <u>DIAGNOSTIC CATEGORIES</u>	<u>DRG NUMBERS WITHIN</u> <u>DIAGNOSTIC CATEGORIES</u>	<u>INTERNATIONAL</u> <u>CLINICAL DIAGNOSIS</u> <u>CODES (9th Ed.)</u>
(2) [Reserved for future use]		
(3) [Reserved for future use]		
(4) (750 to 1499 Grams)	386 387	76503, 76504, 76505 76500
(5) Neonate Respiratory Distress Syndrome	386	<del>769</del> (Prior Codes Take Precedence) Codes for <u>DRG 386</u> Except <u>76501 to 76505</u>
LL. Prematurity with Major Problems		
(1) (< 1249 Grams)	387	76511, 76512, 76513, 76514
(2) (1250 to 1749 Grams)	387	76506, 76510 76515, 76516
(3) (> 1749 Grams)	387	All Remaining Codes for <u>DRG 387</u> Except <u>76500, 76506,</u> <u>76510 to 76516</u>

Subp. 20c. **Medical assistance covered diagnostic categories under the aid to families with dependent children program.** The following diagnostic categories are for persons eligible for medical assistance under the aid to families with dependent children program, except as provided in subpart 20d, 20e, or 20f:

<u>NAME</u> <u>DIAGNOSTIC CATEGORIES</u>	<u>DRG NUMBERS WITHIN</u> <u>DIAGNOSTIC CATEGORIES</u>	<u>INTERNATIONAL</u> <u>CLINICAL DIAGNOSIS</u> <u>CODES (9th Ed.)</u>
KK. Extreme Immaturity		
(1) (< 750 Grams)	386	76501, 76502
(2) [Reserved for future use]		
(3) [Reserved for future use]		
(4) (750 to 1499 Grams)	386 387	76503, 76504, 76505 76500
(5) Neonate Respiratory Distress Syndrome	386	<del>769</del> Codes for <u>DRG 386</u> Except <u>76501 to 76505</u>
LL. Prematurity with Major Problems		
(1) (< 1249 Grams)	387	76511, 76512, 76513, 76514
(2) (1250 to 1749 Grams)	387	76506, 76510 76515, 76516
(3) (> 1749 Grams)	387	ALL REMAINING Codes for <u>DRG 387</u> Except <u>76500, 76506,</u> <u>76510 to 76516</u>

Subp. 20d. **Diagnostic categories for persons eligible under the general assistance medical care program.** The following diagnostic categories are for persons eligible under the general assistance medical care program except as provided in subpart 20e or 20f:

<u>NAME</u> <u>DIAGNOSTIC CATEGORIES</u>	<u>DRG NUMBERS WITHIN</u> <u>DIAGNOSTIC CATEGORIES</u>	<u>INTERNATIONAL</u> <u>CLINICAL DIAGNOSIS</u> <u>CODES (9th Ed.)</u>
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Subp. 20e. **Diagnostic categories relating to a rehabilitation hospital or a rehabilitation distinct part.** The following diagnostic categories are for services provided within a rehabilitation hospital or a rehabilitation distinct part regardless of program eligibility:

<u>NAME</u> <u>DIAGNOSTIC CATEGORIES</u>	<u>DRG NUMBERS WITHIN</u> <u>DIAGNOSTIC CATEGORIES</u>	<u>INTERNATIONAL</u> <u>CLINICAL DIAGNOSIS</u> <u>CODES (9th Ed.)</u>
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Subp. 20f. **Diagnostic categories for neonatal transfers.** The following diagnostic categories are for services provided to neonatal transfers at receiving hospitals with neonatal intensive care units regardless of program eligibility:

<u>NAME</u> <u>DIAGNOSTIC CATEGORIES</u>	<u>DRG NUMBERS WITHIN</u> <u>DIAGNOSTIC CATEGORIES</u>	<u>INTERNATIONAL</u> <u>CLINICAL DIAGNOSIS</u> <u>CODES (9th Ed.)</u>
KK. Extreme Immaturity		
(1) (< 750 Grams)	386	76501, 76502
(2) (750 to 999 Grams)	386	76503
(3) (1000 to 1499 Grams)	386	76504, 76505
	387	76500
(4) [Reserved for future use]		
(5) Neonate Respiratory Distress Syndrome	386	769 (PRIOR CODES TAKE PRECEDENCE Codes for DRG 386 Except 76501 to 76505)
LL. Prematurity with Major Problems		
(1) (< 1249 Grams)	387	76511, 76512, 76513, 76514
(2) (1250 to 1749 Grams)	387	76506, 76510, 76515, 76516
(3) (1250 to 1749 Grams)	387	ALL REMAINING Codes for DRG 387 Except 76500, 76506, 76510 to 76516

**Subp. 20g. Additional DRG requirements.**

A. The version of the Medicare grouper and DRG assignment with modifications to the diagnostic category must be used uniformly for all determinations of rates and payments.

Subp. 45. **Relative value.** "Relative value" means the mean operating cost within a diagnostic category divided by the mean operating cost in all diagnostic categories within a program at subpart 20b, 20c, or 20d or specialty group at subpart 20e or 20f.

Subp. 51. **Trim point.** "Trim point" means that number of inpatient days, or that amount of operating costs, beyond which an admission is a day or cost outlier.

**9500.1105 BASIS OF PAYMENT FOR INPATIENT HOSPITAL SERVICES.**

**Subpart 1. Reporting requirements.**

A. No later than October 1 preceding a rebased rate year or 60 days from the department's request, whichever is later, a Minnesota and local trade area hospital must provide to the department complete, true, and authorized information as outlined in subitems (1) to (7). Information called for in subitems (1) to (7) not provided in a timely manner will not be used in calculating the hospital's rates for that rate year and the following year if rebasing does not occur.

(4) The elected outlier percentage for other than neonate and burn admissions to a minimum of 60 percent and a maximum of 80 percent. The chosen percentage shall apply to cost and day outliers and to all program and specialty groups of the hospital.

**9500.1110 DETERMINATION OF RELATIVE VALUES OF THE DIAGNOSTIC CATEGORIES.**

Subpart 1. **Determination of relative values.** To determine the relative values of the diagnostic categories the department shall:

C. Separate claims which combine the stay of both mother and newborn shall be separated into two or more claims according to subitems (1) to (3) (4).

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## Adopted Rules

(4) If the newborn does not have charges under subitem (1), the ancillary charges of the mother and newborn shall be separated by the percentage of the total ancillary charges that are assigned to all other mothers and newborns.

~~L. Determine the cost outlier trim point for each diagnostic category and round to whole dollars.~~

### 9500.1115 DETERMINATION OF ADJUSTED BASE YEAR OPERATING COST PER ADMISSION AND PER DAY OUTLIER.

Subpart 1. **Minnesota and local trade area hospitals.** The department will determine the adjusted base year operating cost per admission for each Minnesota and local trade area hospital according to items A to D.

B. Determine the operating costs for day and cost outliers for each admission in item A that is recognized in outlier payments according to subitems (1) and (2).

~~(1) For each base year admission that is a cost outlier and is not partially denied under parts 9505.0500 to 9505.0540, multiply that cost outlier's operating costs in excess of the trim point at part 9500.1110, subpart 1, item K, by each hospital's elected outlier percentage or 70 percent if an election is not made. When neonate or burn diagnostic categories are used, the department shall substitute 90 percent for the 70 percent or elected percentage.~~

~~(2) For each base year admission that is a day outlier, cut the operating cost of that admission at the trim point by multiplying the operating cost of that admission by the ratio of the admission's days of inpatient hospital services in excess of the trim point, divided by the admission's length of stay, and then multiply the cut operating cost by each hospital's elected outlier percentage or 70 percent if an election is not made. When neonate or burn diagnostic categories are used, the department shall substitute 90 percent for the 70 percent or elected percentage.~~

C. For each admission, subtract the higher amount of item B, ~~subitem (1) or (2)~~, from item A, and for each hospital, add the results within each program and specialty group, and divide this amount by the number of admissions within each program and specialty group.

Subp. 2. **Minnesota and local trade area hospitals.** The department will determine the adjusted base year operating cost per day outlier for each Minnesota and local trade area hospital according to items A and B.

A. To determine the allowable operating cost per day that is recognized in outlier payments, add the amounts calculated in subpart 1, item B, ~~subitem (2)~~, and divide the total by the total number of days of inpatient hospital services in excess of the trim point.

### 9500.1120 DETERMINATION OF HOSPITAL COST INDEX.

Subp. 2. **Determination of hospital cost index.** For the period from the midpoint of each hospital's base year to the midpoint of the rate year, or, when the base year is not rebased, from the midpoint of the prior rate year to the midpoint of the current rate year, the department shall determine the hospital cost index according to items A to F.

E. For ~~each annual~~ the period beginning October 1, 1992, through June 30, 1993, add 0.01 to the medical assistance index, excluding general assistance medical care, in item D.

### 9500.1128 DETERMINATION OF PAYMENT RATES.

#### Subp. 2. Rate per admission.

C. The day and cost outlier rates are in addition to the rate per admission and will be determined by program or specialty group as follows:

~~(3) Payment for cost outliers is determined according to units (a) to (g).~~

~~(a) Add the operating cost for each hospital's admissions in part 9500.1110, subpart 1, item E, subitem (5), and divide that total by the total charges on the corresponding claims to determine the overall operating cost to charge ratio for each hospital.~~

~~(b) For out-of-area hospitals and hospitals that do not have medical assistance admissions in the base year, add the operating cost for all admissions at part 9500.1110, subpart 1, item E, subitem (5), and divide that total by the total charges on the corresponding claims to determine the overall operating cost to charge ratio.~~

~~(c) Multiply the allowable charges of the admission by the applicable cost to charge ratio of either unit (a) or (b) and round the resulting amount to whole dollars.~~

~~(d) Subtract from the amount calculated in unit (c) the cost outlier trim point in part 9500.1110, subpart 1, item L.~~

~~(e) Multiply the amount calculated in unit (d) by 90 percent for neonate and burn diagnostic categories. For all other diagnostic categories, multiply the amount by 70 percent or the hospital elected percentage.~~

~~(f) For out-of-area hospitals and hospitals that do not have medical assistance admissions in the base year, multiply the amount calculated in unit (d) by the average outlier percent. The average outlier percent is calculated by multiplying each hospital's~~

outlier percent by the number of admissions, excluding neonate and burn diagnostic category admissions. Add the products for all hospitals and divide this total by the total of all admissions.

(g) Multiply the final amount determined in unit (e) or (f) by the disproportionate population adjustment.

(4) If an admission is both a day and cost outlier, the payment will be determined at the higher amount except that a cost outlier shall not be applicable to admissions that are partially denied under parts 9505.0500 to 9505.0540.

Subp. 4. **Rebasing adjustment.** The difference due to rebasing in part 9500.1131 will be added to each admission.

Subp. 5. **Readmissions.** An admission and readmission of the same patient to the same or a different hospital within 15 days, excluding the days of discharge and readmission, is eligible for reimbursement according to the criteria in parts 9505.0500 to 9505.0540.

#### **9500.1131 DETERMINATION OF DIFFERENCES DUE TO REBASING.**

Subpart 1. **Operating costs before and after rebasing.** The department will determine the difference between the operating costs before rebasing and after rebasing for each Minnesota and local trade area hospital according to items A to D.

A. Determine the operating cost per admission for each hospital using data from the base year in effect on June 30, 1992, according to subitems (1) and (2).

(1) Assign each admission to the medical assistance, aid to families with dependent children, or general assistance medical care program and divide the total operating cost by the total corresponding admissions.

(2) Multiply the quotients of subitem (1) by the hospital cost index that corresponds to each hospital's fiscal year end to June 30, 1993.

B. Determine the operating cost per admission for each hospital using data from the base year in effect on July 1, 1993, according to subitems (1) to (5).

(1) Determine the operating cost for all admissions, including the cost of transfer admissions and part 9500.1116, according to part 9500.1110, subpart 1, items A to E.

(2) Assign each admission at subitem (1) to the medical assistance, aid to families with dependent children, or general assistance medical care program and add the results for each program for each hospital.

(3) Add the admissions and subtract from that total rehabilitation distinct part admissions and newborn admissions that have been separated from another admission.

(4) Divide the results of subitem (2) by subitem (3) for each program.

(5) Multiply the quotients of subitem (4) by the hospital cost index that corresponds to each hospital's fiscal year end to June 30, 1993.

C. Subtract item A, subitem (2), from item B, subitem (5), for each program.

D. Determine the operating cost per admission for hospitals that do not have admissions in a program in a base year by substituting metropolitan statistical area or nonmetropolitan statistical area hospital data in that base year for each hospital's program data under items A and B.

Subp. 2. **Effect of rebasing property costs.** The department will determine the effect of rebasing the property costs for each Minnesota and local trade area hospital according to items A to E.

A. Determine the property cost for all admissions, including the costs of transfer admissions and neonatal transfers at part 9500.1124, according to part 9500.1122, subpart 1, item A, subitems (1) to (3), and multiply the results by part 9500.1122, subpart 1, item C, subitem (3).

B. Assign each admission at item A to the medical assistance, aid to families with dependent children, or general assistance medical care program and add the results for each program.

C. Add the admissions and subtract from that total rehabilitation distinct part admissions and newborn admissions that have been separated from another admission.

D. Divide the results of item B by item C for each program.

**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.

## Adopted Rules

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E. Determine the property cost per admission for hospitals that do not have admissions in a program in a base year by substituting metropolitan statistical area or nonmetropolitan statistical area hospital data in that base year for each hospital's program data under items A to D.

Subp. 3. **Cost differences before and after rebasing.** The department will determine the difference between the costs, the isproportionate population adjustment, and small rural increase before rebasing and after rebasing for each Minnesota and local trade area hospital according to items A and B.

A. Adjust the medical assistance and aid to families with dependent children costs by the disproportionate population adjustment and the small rural increase according to subitems (1) to (13).

(1) Multiply the result of subpart 1, item A, subitem (2), by the disproportionate population adjustment in effect on July 1, 1992, and add the property rate in effect on July 1, 1992.

(2) Add the results of subpart 1, item A, subitem (2), and the property rate in effect on October 1, 1992, and multiply the result by the disproportionate population adjustment in effect on October 1, 1992.

(3) Multiply the result of subitem (1) by .25 and the result of subitem (2) by .75 and add the two products.

(4) Multiply the result of subpart 1, item B, subitem (5), by the rebased disproportionate population adjustment under the laws in effect on July 1, 1992, and add this amount to the result of subpart 2, item D, for each program.

(5) Add the result of subpart 1, item B, subitem (5), and subpart 2, item D, for each program and multiply the result by the rebased disproportionate population adjustment under the laws in effect on October 1, 1992.

(6) Multiply the result of subitem (4) by .25 and the result of subitem (5) by .75 and add the two products.

(7) Subtract one from the disproportionate population adjustment in effect on October 1, 1992, and subtract the result from the applicable .15 or .20 small rural increase.

(8) Multiply the result of subitem (7), if positive, by .75 and add one.

(9) Multiply the result of subitem (3) by subitem (8).

(10) Subtract one from the rebased disproportionate population adjustment under the laws in effect on October 1, 1992, and subtract the result from the applicable .15 or .20 small rural increase.

(11) Multiply the result of subitem (10), if positive, by .75 and add one.

(12) Multiply the result of subitem (6) by subitem (11).

(13) Subtract subitem (9) from subitem (12).

B. Adjust the general assistance medical care costs by the disproportionate population adjustment according to subitems (1) to (7).

(1) Multiply the result of subpart 1, item A, subitem (2), by the disproportionate population adjustment in effect on July 1, 1992, and add the property rate in effect on July 1, 1992.

(2) Multiply the result of subpart 1, item A, subitem (2), by the disproportionate population adjustment in effect on October 1, 1992, and add the property rate in effect on October 1, 1992.

(3) Multiply the result of subitem (1) by .25 and the result of subitem (2) by .75 and add the two products.

(4) Multiply the result of subpart 1, item B, subitem (5), by the rebased disproportionate population adjustment under the laws in effect on July 1, 1992, and add the result of subpart 2, item D.

(5) Multiply the result of subpart 1, item B, subitem (5), by the rebased disproportionate population adjustment under the laws in effect on October 1, 1992, and add the result of subpart 2, item D.

(6) Multiply the result of subitem (4) by .25 and the result of subitem (5) by .75 and add the two products.

(7) Subtract subitem (3) from subitem (6).

Subp. 4. **Rebasing difference.** The department will determine the total difference that results from rebasing according to items A and B.

A. Determine the medical assistance and aid to families with dependent children payment adjustment for each admission occurring from July 1, 1993 to June 30, 1994, according to subitems (1) to (4).

(1) Subtract the medical assistance cash flow add-on in effect on July 1, 1992, from subpart 3, item A, subitem (13).

(2) Multiply the result of subitem (1) by the result of subpart 1, item B, subitem (3).

(3) Divide the product of subitem (2) by the result of subpart 1, item B, subitem (2), and round to whole dollars.



(4) A change to the cash flow add-on will result in a change to the subtraction at subitem (1) for the same length of time that it was in effect.

**B. Determine the general assistance medical care payment adjustment for each admission occurring from July 1, 1993 to June 30, 1994, according to subitems (1) to (4).**

(1) Subtract the general assistance medical care cash flow add-on in effect on July 1, 1992, from subpart 3, item B, subitem (7).

(2) Multiply the result of subitem (1) by the result of subpart 1, item B, subitem (3).

(3) Divide the product of subitem (2) by the result of subpart 1, item B, subitem (2), and round to whole dollars.

(4) A change to the cash flow add-on will result in a change to the subtraction at subitem (1) for the same length of time that it was in effect.

**Subp. 5. Adjustments.** The department will adjust the results of subparts 1 to 4 in circumstances occurring under items A and B.

**A. If the implementation date of the Medicaid management information system is later than July 1, 1993, adjustments will be made according to subitems (1) to (3).**

(1) Redetermine the hospital cost index in subpart 1 to the day prior to the implementation date of the Medicaid management information system.

(2) Redetermine the time weights calculated in subpart 3 by dividing three months by the number of months between July 1, 1992, and the implementation date of the Medicaid management information system. Subtract this amount from one.

(3) Redetermine the length of time that the adjustment in subpart 4 is in effect as the same length of time that the implementation date of the Medicaid management information system was delayed from July 1, 1993.

**B. If changes are made to a hospital's disproportionate population adjustment or if appeal settlements are made after July 1, 1992, to the implementation date of the Medicaid management information system, adjustments will be made according to subitems (1) and (2).**

(1) Redetermine the effect of the change by inserting the revisions and dates of change in subpart 3 after converting the payment to a per admission basis.

(2) Redetermine the time weights in subpart 3 as the number of months that the change was in effect divided by the number of months between July 1, 1992, and the implementation date of the Medicaid management information system.

#### **9500.1140 APPEALS.**

**Subp. 3. Case mix appeals.** A hospital may appeal a payment change that results from a difference in case mix between the base year and rate year. The appeal must be received by the commissioner or postmarked no later than 120 days after the end of the appealed rate year. A case mix appeal will apply to all medical assistance patients that who received inpatient hospital services from the hospital and the appeal is effective for the entire rate year. The results of case mix appeals do not automatically carry forward into later rate years. Separate case mix appeals must be submitted for each rate year based on the change in the mix of cases for that particular rate year. An adjustment will be made only to the extent that the need is attributable to circumstances that are separately identified by the hospital. The hospital must demonstrate that the average acuity or length of stay of patients in each rate year appealed has increased or services have been added or discontinued according to items A to C.

**REPEALER.** *Minnesota Rules*, parts 9500.1100, subparts 4, 4a, 7, 8, 8a, 10, 12, 13, 15, 17, 20, 21, 23, 24, 24a, 28, 30, 30a, 33a, 39, 40, 41, 42, 43, 43a, 44, 46, 47, 47a, 48, 49, and 52; 9500.1110, subpart 3; 9500.1120, subpart 3; 9500.1125; 9500.1130, subparts 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12; and 9500.1135, are repealed.

**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.

Focus on  
**Rulemaking**



An overview and discussion of  
state administrative rulemaking  
for agency staff.

November 9, 1993  
12 noon to 4:30 p.m.  
Room 5 State Office Building

Sponsored by the Office of the Revisor of Statutes.  
Space is limited. For information, call Paul Marinac, (612) 296-0948.  
For registration materials, call the Revisor's Office, (612) 296-2868.

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Executive Orders

Executive Department

Emergency Executive Order 93-26: Providing for Assistance to State Officials

I, ARNE H. CARLSON, GOVERNOR OF THE STATE OF MINNESOTA, by virtue of the authority vested in me by the Constitution and the applicable statutes, do hereby issue this Executive Order:

WHEREAS, Metro Mobility, a Twin Cities transportation service for the disabled, faces a critical shortage of drivers after switching to a new centralized delivery system; and

WHEREAS, this service provides essential transportation for the disabled to their jobs and medical care; and

WHEREAS, the transition has created a breakdown in the system, leaving many disabled without essential transportation services; and

WHEREAS, officials from the State of Minnesota request assistance in providing transportation for the disabled;

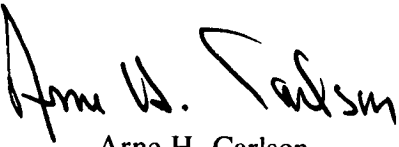
NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to state active duty, on or after October 5, 1993, in the service of the State, such elements of the military forces of the State, as required, to assist and support Metro Mobility in transporting disabled persons, for such period of time as necessary for Metro Mobility to effectively reorganize its services and provide essential transportation.

2. The cost of subsistence, transportation, fuel, and pay and allowances of said individuals shall be defrayed from the general fund of the State as provided for in *Minnesota Statutes* 1992, Sections 192.49, subd. 1; 192.51, and 192.52.

Pursuant to *Minnesota Statutes* 1992, Section 4.035, subd. 2, this Order shall be effective October 5, 1993, and shall remain in effect until such date as elements of the military forces of the State are no longer required or until rescinded by proper authority.

IN TESTIMONY WHEREOF, I have set my hand this sixth day of October, 1993.



Arne H. Carlson  
Governor

Filed According to Law:

Joan Anderson Growe  
Secretary of State

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## 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.

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### Ethical Practices Board

#### Request for Advisory Opinion Re: Campaign Finance

The Ethical Practices Board solicits comments regarding the following request for an advisory opinion received from Nancy J. Miller. Written comments should arrive at the Board office, 1st Floor South, Centennial Building, 658 Cedar Street, St. Paul, MN 55155-1603, prior to November 5, 1993, for consideration at the Board's meeting of November 18, 1993. October 4, 1993—We have been asked by our client, a labor organization, to request an advisory opinion on its obligations under the Campaign Reform Act of 1993 ("Act"). 1. Prior to the enactment of the Act, our client's political committee received individual contributions in excess of \$100 per year. The individuals in question want to continue making contributions in excess of \$100 per year, and the political committee wants to provide a method for receiving such contributions, that is consistent with the provisions of the Act. Is it permissible under the Act for that political committee to create several subsidiary or related political committees, so that those individuals who contribute more than \$100 per year, can continue to contribute the same annual amount to political committees, by contributing \$100 or less to each subsidiary or related political committee? 2. Is it permissible for a political committee of a labor organization to receive unlimited contributions from the general funds of its local unions, or are local unions subject to a contribution limit of \$100 per each union member? Does the answer to this question depend upon whether the local union is registered as a supporting association of the political committee?

### Department of Health

#### Notice of Application for Antitrust Exception filed by HealthSpan Health Systems Corporation Pursuant to *Minnesota Statutes, Section 62J.2911, et seq.*

**NOTICE IS HEREBY GIVEN** that HealthSpan Health Systems Corporation ("HealthSpan") has filed an application for an antitrust exception regarding the merger of its predecessor corporations, LifeSpan Inc. ("LifeSpan"), Abbott-Northwestern Hospital, Inc. ("Abbott-Northwestern"), and Health One Corporation ("Health One") to form HealthSpan. The application is submitted pursuant to *Minnesota Statutes, section 62J.2911 et seq.*

HealthSpan was created in 1993 as a result of a combination of mergers and divestitures involving nonprofit hospital systems controlled by Health One and LifeSpan, both of which were engaged in the operation of hospital systems in the Minneapolis/St. Paul metropolitan area (the "Metro Area").

At the time of the merger, Health One controlled and operated five distinct hospitals within the Metro Area: United Hospital in downtown St. Paul, Health One Mercy Hospital in Coon Rapids, Health One Unity in Fridley, River Falls Hospital in River Falls, Wisconsin and Health One Buffalo Hospital in Buffalo, Minnesota. Shortly before the negotiations which resulted in the agreement to merge with LifeSpan, Health One had closed a sixth hospital, Metropolitan-Mt. Sinai Medical Center in downtown Minneapolis.

## Official Notices

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Prior to the merger, LifeSpan controlled four Metro Area hospitals: Abbott-Northwestern Hospital and Minneapolis Children's Medical Center, located near downtown Minneapolis, Methodist Hospital in St. Louis Park and Cambridge Memorial Hospital in Cambridge, Minnesota.

In connection with the merger, LifeSpan severed its corporate relationships with Minneapolis Children's Medical Center and Methodist Hospital. As a result of the merger of Health One, Abbott-Northwestern and LifeSpan to form HealthSpan, HealthSpan now owns and operates as separate divisions the following hospitals in the Metro Area: Abbott-Northwestern Hospital, Unity, Mercy, United, HealthSpan Buffalo and River Falls Hospital. In addition, HealthSpan operates Cambridge Memorial as a separate corporation in the Metro Area.

HealthSpan asserts that based on a geographic market of eleven counties including, Hennepin, Ramsey, Anoka, Dakota, Washington, Wright, St. Croix, Chisago, Scott, Isanti and Carver, the post-merger aggregate of the market shares of the HealthSpan hospitals for inpatient acute care is approximately 26%—an increase of approximately 5 percentage points beyond that which LifeSpan, the larger party to the merger, possessed by itself prior to the merger. HealthSpan further asserts that the increase in market concentration, using standard economic measurements, is relatively modest resulting in a moderately concentrated market. HealthSpan asserts that tempering factors such as large buyers, excess hospital bed capacity, divestitures of Methodist Hospital and Minneapolis Children's Medical Center, direct contracting and the development of integrated service networks (ISNs), prices established by government programs, health maintenance organizations (HMOs), preferred provider organizations (PPOs) and other managed care programs with strong bargaining power, and increased state and federal regulation, prevent HealthSpan's increase in market share from adversely affecting competition.

HealthSpan asserts that the probable annual savings from the merger are \$27 million and that one time nonrecurring savings are \$4.5 million. These savings are a result of 1) consolidation of patient support services within system and personnel realignment, 2) centralized general administrative and support departments, 3) materials management, improved purchasing contracts and system-wide contracting, 4) technological economies of scale, 5) sharing of best practices information and development of patient focused care, 6) pension and other employee benefits, and 7) refinancing. In addition, the one time savings are the result of reduced professional liability reserves and refinancing. HealthSpan asserts the cost savings will be passed on to the consumer, either by the same health care at a lower cost, or increasing the availability of patient care services.

HealthSpan asserts that the consolidated system of providers will be able to undertake a variety of community benefit activities and programs, thereby expanding access to health care services to persons and geographic areas not currently served. Specifically, HealthSpan will 1) contract directly with purchasers, 2) improve public access to health information through Medformation, 3) improve access through community clinics, 4) improve HIV disease prevention activities, 5) improve access for HIV/AIDS patients, 6) enhance community health status, 7) participate in Senior Partners Care Program which provides medical services for the elderly who cannot afford the Medicare co-payments or deductibles, 8) develop an influenza vaccine program, 9) sponsor geriatric support groups, 10) provide basic and advanced life-support transportation services, 11) develop post-acute care strategy to improve the transition from hospital to post-acute care settings, 12) expand residency programs, 13) develop telemedicine services that permit rural hospitals to be linked to urban health care delivery systems for such services as diagnostic imaging, specialist consultation, continuing medical education for health care providers, and improved delivery of administrative and clinical data, 14) improve access to childhood immunization, and 15) expand perinatal program.

HealthSpan asserts that quality will be enhanced through 1) improved practice parameters based on a systematic gathering and system-wide sharing of information and comparison of detailed processes at the various HealthSpan hospitals, 2) the development of telemedicine services, 3) enhanced in-home geriatric services, 4) central credentialing, and 5) integrated library and media services.

Written comments with respect to this application will be accepted by the Department of Health for twenty (20) days from the publication of this notice in the *State Register*. Comments should be addressed to Mary Jo O'Brien, Commissioner, Minnesota Department of Health, 717 SE Delaware Street, P.O. Box 9441, Minneapolis, MN 55440-9441. Copies of all comments must also be submitted to Mark G. Mishek, General Counsel, HealthSpan Health Systems Corporation, 2810 57th Avenue North, Minneapolis, MN 55430.

## Minnesota Historical Society

### State Review Board Regular Meeting

A meeting of the State Review Board of the Minnesota Historical Society to consider nominations to the National Register of Historic Places will be held on Thursday, November 18, 1993, in the Minnesota Historical Society History Center, Cargill Commons, MacMillan Education Wing, St. Paul, Minnesota. The State Review Board will meet for a light dinner at 5:30 p.m. and an informational presentation on program activities will be made by the Preservation Office staff. The meeting will be called to order and consideration of the meeting's agenda will begin at 7 p.m. For further information contact the State Historic Preservation Office, Minnesota Historical Society, 345 Kellogg Boulevard West, St. Paul, MN 55102, (612) 296-5434.

## Department of Human Services

### Notice of Disproportionate Population Adjustment

The purpose of this notice is to provide information concerning the disproportionate population adjustment (DPA) that is paid for inpatient hospital services under the Medical Assistance (MA) and General Assistance Medical Care (GAMC) programs. The listed DPA factors are effective for admissions occurring from October 25, 1993 through December 31, 1994. The DPA is based on the MA inpatient days utilization rate of a hospital compared to the mean utilization rate of all non-state owned hospitals. The utilization rate of each hospital is calculated by dividing MA patient days by total patient days as derived from Medicare cost report data from the base year that is used for all rate setting.

Federal law requires hospitals to meet section 1923(d) of the Social Security Act at the time that an admission occurs in order to qualify for a DPA payment. Basically, section 1923(d) requires the hospital to meet criteria regarding the provision of obstetric services or specific exemptions. However, *Minnesota Statutes* provide for a hospital payment adjustment that is equal to the DPA for hospitals that do not meet the federal criteria. Since a hospital may change eligibility status over time, both the DPA and hospital payment adjustment are listed. The federal requirements do not affect DPA payments under GAMC.

The MA DPA is calculated as the difference between a hospital's utilization rate and the mean utilization rate. The DPA for a hospital with a utilization rate that is above the mean plus one standard deviation is increased by 10 percent. The MA inpatient total rate of each hospital is increased by the indicated percentage.

The GAMC DPA is calculated as the difference between the hospital's utilization rate and the mean plus one standard deviation utilization rate. The inpatient operating rate of each hospital is increased by the indicated percentage.

In addition to the listed DPA percentage, an intergovernmental transfer of \$1,010,000 that is considered to be a DPA is paid each month to a hospital that received more than 13% of total 1991 MA inpatient payments (Hennepin County Medical Center) and a hospital that received more than 8% of total 1991 MA inpatient payments and is affiliated with the University of Minnesota (University Hospital).

Questions or comments may be directed to:

Paul Olson  
 Health Care Policy Division  
 Department of Human Services  
 444 Lafayette Road  
 St. Paul, Minnesota 55155-3853  
 (612) 296-5620

#### DISPROPORTIONATE POPULATION ADJUSTMENT

October 25, 1993

#### Minnesota and Minnesota Local Trade Area Hospitals

Mean	0.0713
Std Dev	0.0610
Mean + Std Dev	0.1323

		MA DPA PERCENT	GAMC DPA PERCENT
0100978	St. Gabriel's, Little Falls	0.06	
0100548	North Memorial Medical Center, Minneapolis	0.08	
0101745	St. Francis, Breckenridge	0.14	
0109380	Dell Rapids	0.22	
0100559	Northwestern, Minneapolis	0.37	
0100774	Lakeview Memorial, Two Harbors	0.38	
0101202	United Hospital, St. Paul	0.42	
0100650	Northern Itasca, Bigfork	0.43	
0100843	Tracy Municipal	0.48*	
0101337	Northfield City	0.52	
0100118	Sioux Valley, New Ulm	0.78	
0122572	Long Prairie Memorial	0.79	
0100093	St. Joseph's, Mankato	0.79	
0100526	Metro/Mt. Sinai, Minneapolis	0.89*	

# Official Notices

		MA DPA PERCENT	GAMC DPA PERCENT
0101020	Worthington Regional	0.89	
0101574	Health Central, Owatonna	1.06	
0101756	Winona Community Memorial	1.22	
0101122	Northwestern, Thief River Falls	1.23	
0101698	Waseca Memorial	1.23	
0101166	Riverview, Crookston	1.24	
0109609	Vernon Memorial, Wiroqua, Wisconsin	1.28	
010478X	Apple River Valley	1.29	
0101155	First Care Medical Service, Fosston	1.34	
0100162	Mercy, Moose Lake	1.37	
0102057	Burnett, Grantsburg	1.49	
0100071	Ortonville Municipal	1.58	
0100300	Divine Redeemer, South St. Paul	1.76	
0101031	Ada Municipal	1.84	
0101472	White Community, Aurora	1.95	
0101701	Memorial, Forest Lake	2.06	
0100708	Rice Memorial, Willmar	2.14	
0100628	Cambridge Memorial Hospital	2.18	
0100468	Riverside Medical Center, Minneapolis	2.18	
0100672	Jackson Municipal	2.30	
0102647	Osceola Community, Sibley Iowa	2.36	
0122801	Health One Buffalo	2.56	
0101778	Monticello/Big Lake	2.72	
0100694	Kanabec County, Mora	2.85	
0101177	Glacial Ridge, Glenwood	3.14	
0100016	Aitkin Community	3.47	
0101279	St. Joseph's, St. Paul	3.48	
0100027	Mercy Hospital, Coon Rapids	3.49	
0100785	Trinity, Baudette	3.51	
0100989	St. Olaf, Austin	3.60	
0101552	St. Cloud	3.87	
0100945	Mille Lacs Hospital, Onamia	3.87	
0100275	Cuyuna Range, Crosby	4.02	
0102705	Holy Family, Estherville	4.03	
0100231	Cook County North Shore, Grand Marais	4.27	
0100832	Weiner Memorial, Marshall	4.71	
0101836	Superior Memorial, Superior Wisconsin	4.86*	
0110396	St. Joseph's Arcadia, Wisconsin	4.99	
0100151	Cloquet Community	5.50	
0101042	Olmsted Community, Rochester	5.50	
0103119	Coteau Des Prairies, Sisseton	5.56	
0101450	St. Mary's, Duluth	5.56	
0101687	Tri-County, Wadena	5.88	
0100606	St. Joseph's, Park Rapids	6.09	
0101199	Bethesda Lutheran, St. Paul	6.90	0.17
0101869	St. Francis, La Crosse	7.13	0.38
0100399	Naeve Hospital Association, Albert Lea	7.77	0.96
0100220	Clearwater Memorial, Bagley	8.95	2.04
0101428	Central Mesabi, Hibbing	9.15	2.22
0100424	Zumbrota Community	9.60	2.63
0101439	Miller/Dwan, Duluth	10.47	3.42
0101643	Greater Staples Hospital	10.54	3.48
010005X	Bemidji Hospital	11.06	3.95
0100570	University of Minnesota, Minneapolis	11.06	3.95
0102192	St. Croix Valley, St. Croix Falls	11.11	4.00

		MA DPA PERCENT	GAMC DPA PERCENT
0100887	Mahnomen County and Village	11.55*	4.40
0101825	Minneapolis Children's Medical Center	14.03	6.65
0100730	International Falls Memorial	14.11	6.73
0101290	St. Paul Ramsey	18.44	10.66
0100490	Hennepin County Medical Center, Minneapolis	19.56	11.68
0100297	St. Joseph's, Brainerd	20.86	12.86
0103323	Buffalo, Mondovi, WI	22.31	14.18
0102002	Gillette Children's, St. Paul	25.93	17.47
0101213	St. Paul Children's	26.32	17.83
0101133	Pine County, Sandstone	35.42*	26.10

\*Hospital Payment Adjustment

## Department of Human Services

### Family and Children's Services Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendment of Rules Related to the Administration and Provision of Foster Care Services to Children and Their Families

**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 amendments to rules related to the administration and provision of foster care services to children and their families, *Minnesota Rules*, parts 9560.0500 to 9560.0630 and part 0560.0670. The proposed amendments of *Minnesota Rules*, parts 9560.0500 to 9560.0630 and part 9560.0670 will establish criteria for removal of children from their homes and return of children to their homes and establish standards for relative foster care placement, conducting relative searches, and recruiting foster and adoptive families of the same racial or ethnic heritage as the child. The adoption of the proposed amendments is authorized by *Minnesota Statutes*, sections 257.071, subdivision 8 and 257.072, subdivision 9.

The State Department of Human Services requests information and opinions concerning the subject matter of the rules. Interested persons or groups may submit data or views in writing or orally. Written statements should be addressed to:

Eleanor Weber  
 Rules and Bulletins Division  
 Department of Human Services  
 444 Lafayette Road  
 St. Paul, MN 55155-3816

Oral statements will be received during the regular business hours over the telephone at (612) 297-4301 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 the rule is adopted.

Dated: October 1993

Eleanor Weber  
 Rules and Bulletins

## State Board of Investment

### Meeting Notice

The State Board of Investment will meet on Wednesday, October 27, 1993 at 1:30 p.m. in Room 125, State Capitol, Saint Paul, MN.

## Minnesota Job Skills Partnership Board

### Meeting Cancellation

The Minnesota Job Skills Partnership Board is hereby serving notification of cancellation of the November 15, 1993 meeting. Grant applications will not be considered by the Minnesota Job Skills Partnership Board until further notice. Future grant rounds will be announced in the *State Register*.

The Minnesota Job Skills Partnership Board solicits grant proposals from educational and other non-profit organizations for training programs designed for specific businesses. Please contact the Partnership office at 612/296-0388 for details regarding this notice.

## Labor and Industry Department

### Labor Standards Division

### Notice of Prevailing Wage Certifications for Commercial Construction Projects

Effective October 18, 1993 prevailing wage rates are certified for commercial construction projects in: Hennepin county: U of M Middlebrook Hall & University Store South 1994 Reroofing-Minneapolis. Ramsey county: Galtier Elementary School Administrative Office Remodeling, MWWTP Compressor Building Locker Room Addition, and U of M St. Paul Dining Center 1994 Reroofing-St. Paul.

Copies of the certified wage rates for these projects 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

## Department of Labor & Industry

### Labor Standards Division

### Notice of Correction to Prevailing Wage Rates

Prevailing wage rate certified August 2, 1993 for labor class codes 204—BTMNOUS SPREADER & FINISHER, 205 — BTMNOUS SPREAD & FINISHER HELPER, 211—FRONT END LOADER UP TO INCL 1 CU, 217—GRADER/MOTOR PATROL, MULTI USE, 222—MECHANIC OR WELDER, 226—ROLLER, SELF PROP FOR COMPACTION, and 228 BTMNOUS ROLLER 8 TONS & OVER for New Sugar Lodge-Grand Rapids. Project for Commercial construction has been corrected.

Copies of the corrected certification may be obtained by contacting the Minnesota Department of Labor and Industry, Prevailing Wage Section, 443 Lafayette Road, St. Paul, Minnesota 55155-4306, or calling (612) 296-6452.

John B. Lennes, Jr.  
Commissioner

## Minnesota Comprehensive Health Association

### Notice of Actuarial Committee Meeting

NOTICE IS HEREBY GIVEN that a meeting of the Actuarial Committee of the Minnesota Comprehensive Health Association (MCHA), will convene at 2:30 p.m. on Thursday, October 21, 1993 at Blue Cross Blue Shield of Minnesota, 3535 Blue Cross Road, Eagan, Minnesota in the 4th floor board room.

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

## Pollution Control Agency

### Water Quality Division

### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Amendment to



## **Rules Governing Issuance of Section 401 Water Quality Certifications**

**NOTICE IS HEREBY GIVEN** that the Minnesota Pollution Control Agency (MPCA) is seeking opinions, information and comments from sources outside the MPCA to assist in the preparation of amendments to the rules that govern the processing of certifications by the agency as specified under section 401 of the Clean Water Act, *United States Code*, title 33, section 1341. These rules are found in *Minnesota Rules* parts 7001 and amendment of these rules is authorized by *Minnesota Statutes* 115.03, subd. 1 items (e) and (g), which enables the MPCA to prescribe and alter rules within the scope of its powers. Amendments to these rules are intended to clarify the process used to issue Section 401 water quality certifications. Projects and activities requiring Section 401 water quality certifications will not be changed.

*Minnesota Rules* pt. 7001.0010 include applicable definitions and pts. 7001.1400 to 7001.1470 include requirements for certifying compliance with state water quality standards during application for a federal permit to engage in activities which may result in a discharge to waters of the state and not required to be reviewed for as a state issued National Pollutant Discharge Elimination System permit. Applicable permit examples include dredge disposal and fill activities under section 404 of the Clean Water Act, *United States Code*, title 33, section 1341, hydropower facility permits issued as licensure or relicensure under the Federal Power Act, *United States Code*, title 16, section 808 and for permitting placement of structures into navigable waters which may impede navigation as identified in Section 10 of the National Rivers and Harbors Act.

The MPCA 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 directed to:

Mark Gernes  
Minnesota Pollution Control Agency  
Assessment and Planning Section  
520 Lafayette Road North  
St. Paul, Minnesota 55155-4194

Oral statements will be received during regular business hours over the telephone at (612) 297-3363 and in person at the above address.

Draft rule amendments are tentatively scheduled to be completed by the end of May 1994.

All rule amendment topics have not been decided at this time. Amendments currently under consideration include:

1. Include direct references to state water quality standards.
2. Make the rule easier to read and clearly describe the process.
3. Outlining the information submittal requirements for 401 applications.
4. Clarifying minimum certification conditions.
5. Modification of MPCA public notice practices for 401 certifications.

All statements of information and opinion will be accepted until 4:30 p.m. on November 17, 1993. Any written materials received by the MPCA shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule amendments are adopted.

Dated: 11 October 1993

Charles W. Williams  
Commissioner

## **Department of Public Service**

### **Public Hearing Notice: In the Matter of the Proposed Rule Governing Weights and Measures Inspection Fees, *Minnesota Rules*, Part 7602.0100**

#### **NOTICE OF ADDITIONAL HEARING DATE**

**NOTICE IS HEREBY GIVEN** that the Department of Public Service, Weights and Measures Division, will hold an additional public hearing concerning the above-entitled matter at 10:00 a.m. on October 25, 1993 at 121 7th Place East, Suite 200, St. Paul, Minnesota. Interested persons who did not participate in the October 20, 1993 hearing will have an opportunity to participate, and any persons participating on October 20 may submit additional evidence. This Notice supplements the Notice of Hearing published at 18 *State Register* 893 on September 20, 1993, which was mailed to all persons registered with the Department to receive such notices on September 24, 1993.

## Official Notices

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### Department of Revenue

#### Meeting Notice

The Capital Equipment Advisory Council meets on the following dates:

- Tuesday, Oct. 26, 1993, 8:30 a.m., Room 112, State Capitol, St. Paul.  
Discussion: "Tax principles by which to guide capital equipment exemption status."
- Wednesday, Nov. 10, 1993, 1 p.m., Room 200, State Office Building, St. Paul.  
Presentation: "Evaluating State Sales Tax Changes," Dr. William Fox, economist, University of Tennessee.
- Tuesday, Nov. 23, 1993, 8:30 a.m., Room 112, State Capitol, St. Paul.  
Discussion: "Discussion of alternatives."

Refer questions to Kathryn Kmit, 434 State Office Building, St. Paul, MN 55155, or call (612) 296-5376.

Dated: 18 October 1993

### Secretary of State

#### Election Division

#### Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Establishing the Form of the Voter Registration Card

**NOTICE IS HEREBY GIVEN** that the Secretary of State is seeking information or opinions from sources outside the agency in preparing to propose the adoption of rules governing the form of the voter registration card. The adoption of the rules are authorized by *Laws of 1993*, Chapter 223, section 1 which requires the Secretary of State to adopt rules on this subject.

The Secretary of State 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:

Joseph Mansky	180 State Office Building
Director, Election Division	St. Paul, MN 55155

Oral statements will be received during regular business hours over the telephone at (612) 296-2805 and in person at the above address.

All statements of information and opinions shall be accepted until November 8, 1993. Any written material received by the Secretary of State shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event the rule is adopted.

Dated: 11 October 1993

Joan Anderson Growe  
Secretary of State

## State Grants

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In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grant funds available through any agency or branch of state government. Although some grant programs specifically require printing in a statewide publication such as the *State Register*, there is no requirement for publication in the *State Register* itself.

Agencies are encouraged to publish grant notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

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### Bureau of Mediation Services

#### Announcement: Applications Being Sought for Total Quality (TQM) Grants for Small Organizations Pursuant to *Session Laws 1993*, Chapter 146, Article 4, Section 4

The Bureau of Mediation Services announces the availability of grants for a state-assisted series of highly interactive and practical

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## Professional, Technical & Consulting Contracts

workshops on key elements of Total Quality. The workshops are designed to teach front-line employees, union leaders, and managers of public and private small organizations how to apply the tools and approach of Total Quality directly to their work.

Total Quality for Small Organizations is funded by the State of Minnesota. It is administered through a partnership of the Bureau of Mediation Services, State of Minnesota; the Minnesota Council for Quality; and Process Management International.

This series of workshops is focused on the needs of public and private small organizations (unionized or unrepresented employees) throughout the State of Minnesota.

The workshop series will include:

- The State of Minnesota will award grants of \$250 toward the \$500 per participant course fee. Course fee includes instruction and materials. All other expenses are the responsibility of the participating organizations. Sessions will be limited to 30 people.
- Participants will be scheduled for a total of 18 workshop hours, conducted in three six-hour sessions held two weeks apart. The workshop will require each organizational team to devote several additional hours during the period between sessions to assigned projects.
- Total Quality for Small Organizations will be offered at eight different locations in the state, four of which will be outside the Twin Cities metropolitan area.
- A minimum of two participants is required from every organization interested in attending. Participants must represent both employees and management. Larger teams are strongly encouraged.

For more information, contact:

Julie Erler, Keith Setterholm, or Carol Muth  
Process Management International  
7801 East Bush Lake Road  
Suite 360  
Minneapolis, MN 55439-3115  
(612) 893-0313

## Professional, Technical & Consulting Contracts

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Department of Administration procedures require that notice of any consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contact person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal. Certain quasi-state agencies are exempted from some of the provisions of this statute.

In accordance with *Minnesota Rules* Part 1230.1910, certified Targeted Group Businesses and individuals submitting proposals as prime contractors shall receive the equivalent of a 6% preference in the evaluation of their proposal. For information regarding certification, call the Materials Management Helpline (612) 296-2600 or [TDD (612) 297-5353 and ask for 296-2600].

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### Department of Administration

#### Building Codes and Standards Division

#### Request for Proposals to Contract for Inspection Services

**NOTICE IS HEREBY GIVEN** that proposals are being solicited to provide Contract Inspection Services for public buildings in jurisdictions that do not have inspection agreements with the Department of Administration, Building Codes and Standards Division. Inspections are to be conducted in accordance with the Minnesota State Building Code. (*Minnesota Statutes* 16B.61 Subd. 1A and 16B.62 Subd. 1.) This Request for Proposals does not obligate the state to complete the contracts, and the state reserves the right to open the Request for Proposals in 6 months. Multiple contracts will be awarded.

A. Proposals will be accepted from individuals only. Any firm or corporation submitting a proposal must stipulate a specific person to perform service(s) and his/her specific experience.

B. Public buildings for this contract means a building and its grounds the cost of which is paid for by the state or a state agency regardless of its cost, and a school district building project the cost of which is \$100,000 or more. (*Minnesota Statutes* 16B.60 Subd. 6).

For complete details and application information contact this Division at the address listed below.

Ms. Margaret White, Office Services Supervisor

## Professional, Technical & Consulting Contracts

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Building Codes and Standards Division  
408 Metro Square  
7th and Robert Streets  
St. Paul, MN 55101  
612/296-4626

Please note only Ms. White is authorized to answer questions. Responses to this request are due in our offices by 4:30 p.m. on November 19, 1993.

## Environmental Quality Board

### Public Notice of Request for Proposals (RFP) for Consulting Services Assisting with Land Use and Economic Impact Analysis Portion of University of Minnesota Environmental Impact Statement

The Environmental Quality Board is anticipating hiring consulting services to assist in the evaluation of the land use and socio-economic impacts due to the University of Minnesota's proposed renovation of its Twin City campus steam facilities. The analysis will be part of an Environmental Impact Statement (EIS) for the proposed project. The work is anticipated to include the preparation of technical reports and summary documents, assistance at public meetings, and coordination with other aspects of the planned EIS.

The Request for Proposals are available by calling or writing John N. Wachtler, Project Manager, Minnesota Environmental Quality Board, 300 Centennial Building, 658 Cedar Street, St. Paul, MN 55155. Telephone (612) 296-4095 Fax (612) 296-3698. Proposals are due no later than 4:30 p.m., Friday, November 5, 1993. Details concerning submission requirements and work scope are included in the Request for Proposals. A pre-proposal meeting with the EQB staff team has been scheduled for 1:30 to 3:30 on Wednesday, October 20, 1993, for those interested in submitting proposals.

## Department of Finance

### Request for Proposals for Collection Agencies to Collect Outstanding Liabilities Owed by Individual and/or Businesses for All Types of Receivables for All Funds of the State of Minnesota

Copies of the detail RFP can be requested by calling the Department of Finance receptionist at (612) 296-5900.

## Minnesota Department of Jobs and Training

### Rapid Response Survey

#### 1. Background

The Department of Jobs and Training's Dislocated Worker Unit, in its statutorily mandated rapid response activities, conducts surveys of workers impacted by plant closings and substantial layoffs. The purpose of the worker surveys is to gather information which can be used to make decisions on employment and training services and activities to be offered to those who are affected.

#### 2. Purpose

The purpose of this Request for Proposals (RFP) is to obtain specific proposals for the development of the following deliverables, including cost quotations:

- a. Survey Questions and Methodology.
- b. Development of Survey Instrument.
- c. Development of Survey Data Repository.
- d. Standardized Reports.
- e. Staff training on operation of the developed systems.

#### 3. Hardware and Software

The work associated with #2 will involve the following hardware and software:

- a. OPSCAN 5/20 from National Computer Systems (NCS).

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## Non-State Public Bids and Contracts

- b. SCANTOOLS V.2.6—NCS's operating software for the OPSCAN 5.
- c. It is proposed that the repository will be constructed using Statsoft's STATISTICA product.

### 4. RFP Communication

All communications concerning this Request for Proposals must be addressed to:

Minnesota Department of Jobs & Training  
Community Based Services Division/Dislocated Worker Unit  
390 North Robert St., Rm. 125,  
St. Paul, MN 55101  
ATTN: Filiberto Chairez  
Phone Number: (612) 296-7335

All questions or additional information needed to complete this RFP must be submitted to the state in writing, a response to all vendors will be mailed within three working days after receiving the request.

**To request a copy of this Request for Proposals please call Jodi Swenson at (612) 297-2056.**

### 5. Term of Contract

The activities in a contract that results from this RFP cover the period from November 1, 1993 and shall remain in effect until all obligations set forth have been satisfactorily fulfilled. It is anticipated that the contract requirements will be fulfilled within six (6) months of the execution of the contract.

### 6. Procurement Schedule

RFP Release Date	October 18, 1993
Proposal Submission Date	November 5, 1993
Evaluation of Proposals	November 8–November 18, 1993
Tentative Vendor Selection Date	November 19, 1993

**ALL PROPOSALS MUST BE RECEIVED BY 4:00 p.m. C.S.T. NOVEMBER 5, 1993 AT THE ADDRESS GIVEN IN #4.**

### 7. Cost Parameters

This RFP has a funding level of approximately fifty thousand dollars.

### 8. Evaluation

The proposals will first be reviewed to determine if mandatory requirements are met. Failure to meet mandatory requirements may result in the proposals being rejected. Accepted proposals will be graded by the State's evaluators on a preliminary basis as to their responsiveness to the RFP.

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## 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.

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## Regional Transit Board

### Request for Proposals for Consultant Assistance in Developing a Transit Station at Brookdale Shopping Center

The Regional Transit Board (RTB) is requesting proposals for consultant assistance in developing a transit station at Brookdale Shopping Center. Project scope includes identifying a hub location to include bus staging and passenger waiting areas and park-and-ride spaces; evaluating existing conditions; translating objectives into plans and specifications and participating in construction inspection services.

## Non-State Public Bids and Contracts

As a major transit facility, the hub should facilitate time-transfers for local and express regular route bus routes and paratransit services while integrating these services with the center in a safe and convenient manner. The proposer should have applicable experience in a project of this type.

All firms interested in being considered for this project are invited to submit a Letter of Interest (LOI) asking for the project Request for Proposal (RFP). An informational meeting will be held at 2:00 p.m. on Monday, 11-1-93 at the Regional Transit Board, 230 East Fifth Street, St. Paul, MN, in Room 2A. A maximum of 2 representatives from your Project Team may attend this informational meeting. A final proposal must be submitted by 11-17-93.

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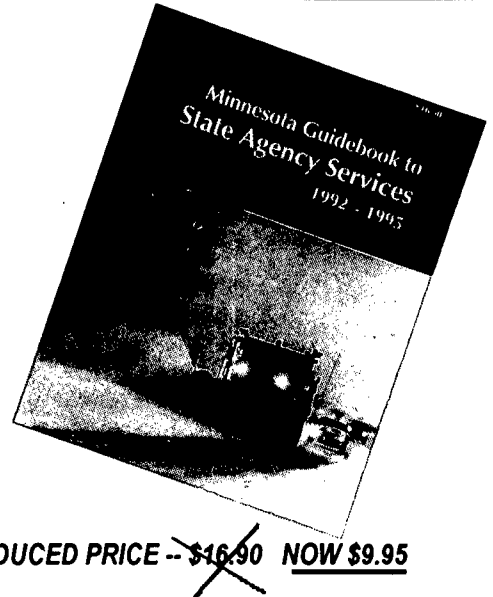
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This directory lists all state of Minnesota government agencies. Features a greatly expanded FAX section with over 250 numbers, alphabetical employee listings, a classified section, organized by department, and "yellow pages" listing state offices in greater Minnesota. 296pp. **Stock No. 1-87-SR \$12.95**  
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