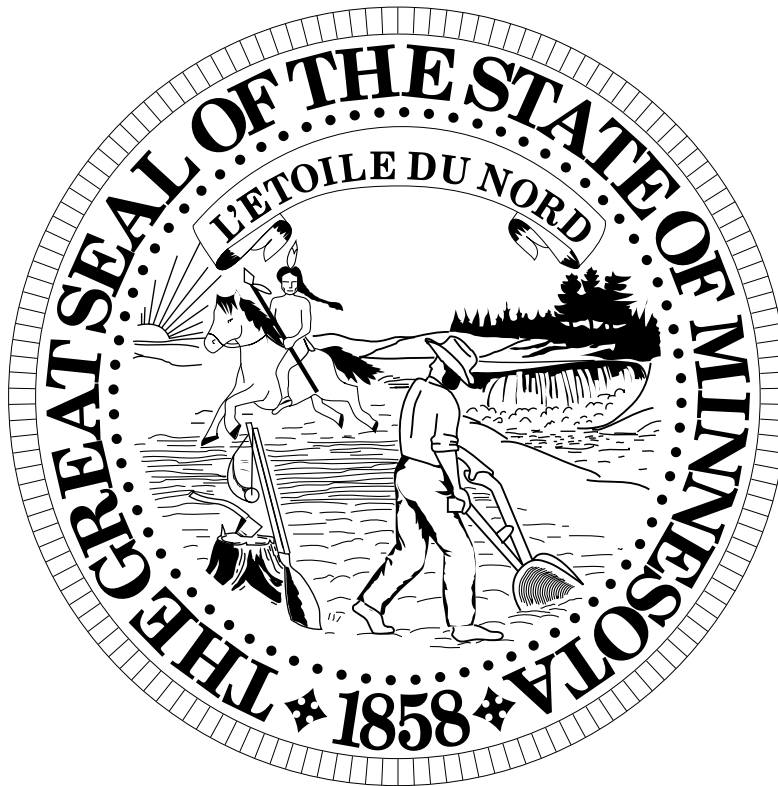


State of Minnesota

State Register

Rules and Official Notices Edition



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State Register

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- commissioners' orders
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#22	Monday 25 November	Noon Tuesday 19 November	Noon Wednesday 13 November
#23	Monday 2 December	NOON MONDAY 25 NOVEMBER	Noon Wednesday 20 November
#24	Monday 9 December	Noon Tuesday 3 December	NOON TUESDAY 26 NOVEMBER
#25	Monday 16 December	Noon Tuesday 10, December	Noon Wednesday 4 December

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

The *State Register* is the official source, and only complete listing, for all state agency rulemaking in its various stages. State agencies are required to publish notice of their rulemaking action in the *State Register*. Published every Monday, the *State Register* makes it easy to follow and participate in the important rulemaking process. Approximately 80 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. The current 1999 set is a 13-volume bound collection of all adopted rules in effect at the time. Supplements are published to update this set of rules. Generally speaking, proposed and adopted exempt rules do not appear in this set because of their short-term nature, but are published in the *State Register*.

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, or within 60 days of the effective date of any new statutory grant of required rulemaking.

When rules are first drafted, state agencies publish them as **Proposed Rules**, along with a notice of hearing, or a 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 most current edition of 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 issues #1-39; issues #40-51 inclusive; and issues #1-52 (or 53 in some years), cumulative for issues #1-52 (or 53). An annual subject matter index for rules was separately printed usually in August, but starting with Volume 19 now appears in the final issue of each volume. For copies or subscriptions to the *State Register*, contact Minnesota's Bookstore, 117 University Avenue, St. Paul, MN 55155 (612) 297-3000, or toll-free 1-800-657-3757.

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Proposed Rules

Comments on Planned Rules or Rule Amendments

An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency (*Minnesota Statutes* §§ 14.101). It does this by publishing a notice in the *State Register* at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking.

Rules to be Adopted After a Hearing

After receiving comments and deciding to hold a public hearing on the rule, an agency drafts its rule. It then publishes its rules with a notice of hearing. All persons wishing to make a statement must register at the hearing. Anyone who wishes to submit written comments may do so at the hearing, or within five working days of the close of the hearing. Administrative law judges may, during the hearing, extend the period for receiving comments up to 20 calendar days. For five business days after the submission period the agency and interested persons may respond to any new information submitted during the written submission period and the record then is closed. The administrative law judge prepares a report within 30 days, stating findings of fact, conclusions and recommendations. After receiving the report, the agency decides whether to adopt, withdraw or modify the proposed rule based on consideration of the comments made during the rule hearing procedure and the report of the administrative law judge. The agency must wait five days after receiving the report before taking any action.

Rules to be Adopted Without a Hearing

Pursuant to *Minnesota Statutes* § 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing. An agency must first solicit **Comments on Planned Rules** or **Comments on Planned Rule Amendments** from the public. The agency then publishes a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register*. 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*.

Department of Health

Division of Environmental Health

Proposed Permanent Rules Relating to Explorers and Exploratory Borings

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Proposed Amendment to Rules Governing Explorers and Exploratory Borings, *Minnesota Rules*, Parts 4727.0050 to 4727.1250

Introduction. The Department of Health intends to adopt rules without a public hearing following the procedures set forth in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. You may submit written comments on the proposed rules and may also submit a written request that a hearing be held on the rules until December 26, 2002.

Agency Contact Person. Comments or questions on the rules and written requests for a public hearing on the rules must be submitted to the agency contact person. The agency contact person is:

Proposed Rules

Ronald D. Thompson, P.G.
Division of Environmental Health
Minnesota Department of Health
1645 Energy Park Drive
St. Paul, MN 55108
Email: ronald.thompson@health.state.mn.us
Phone: (651) 643-2108
Fax: (651) 643-2153
TTY: (651) 215-0707, or toll free through the Minnesota Relay Service at 1-800-627-3529 and ask for (651) 215-0707.

Subject of Rules and Statutory Authority. The proposed rules pertain to explorers and exploratory boring. Exploratory boring is the process of drilling a hole in the earth for the purpose of prospecting or exploring for metallic minerals, oil, natural gas, or kaolin clay. Explorers are defined as persons licensed by MDH to conduct exploratory boring within the state.

The proposed amendments to *Minnesota Rules*, chapter 4727, modify the standards for certifying responsible individuals, registering equipment, and notifying MDH of drilling; adopt new standards for construction and use of exploratory borings including safety, drilling fluid regulation, and prohibition of injection or disposal; modify standards for temporarily sealed (abandoned) borings, including adding specifications for casing and grout; and revise the sealing (abandonment) standards. These changes are necessary to incorporate new construction materials and methods, improve public and worker safety, protect groundwater quality, and eliminate unnecessary restrictions on explorers. The revisions also promote consistency with new and amended statutory language in *Minnesota Statutes*, chapter 103I.

The statutory authority to adopt the rules can be found in *Minnesota Statutes*, section 103I.101. A copy of the proposed rules is published in the *State Register* and attached to this notice as mailed.

Comments. You have until 4:30 p.m. on December 26, 2002, to submit written comments in support of or in opposition to the proposed rules and any part or subpart of the rules. 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 rules addressed and the reason for the comment. You are encouraged to propose any change desired. Any comments that you would like to make on the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that a hearing be held on the rules. 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 December 26, 2002. Your written request for a public hearing must include your name and address. You must identify the portion of the proposed rules to which you object or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and cannot be counted by the agency when determining whether a public hearing must be held. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, a public hearing will be held unless a sufficient number withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format. Upon request, this Notice can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

Modifications. The proposed rules may be modified as a result of public comment. The modifications must be supported by comments and information submitted to the agency, and the adopted rules may not be substantially different than these proposed rules, unless the procedure under *Minnesota Rules*, part 1400.2110, has been followed. If the proposed rules affect 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 agency contact person. This statement contains a summary of the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules.

Adoption and Review of Rules. If no hearing is required, the agency may adopt the rules after the end of the comment period. The rules and supporting documents will then be submitted to the Office of Administrative Hearings for review for legality. You may ask to be notified of the date the rules are submitted to the office. If you want to be so notified, or want to receive a copy of the adopted rules, or want to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Dated: 6 November 2002

Julie Brunner, Deputy Commissioner
Minnesota Department of Health

4717.7000 VARIANCE REQUEST.

Subpart 1. **Request.** A party may ask the commissioner of health to grant a variance from the following rules:

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

- ~~O.~~ ~~explorers and exploratory borings, parts 4727.0100 to 4727.1300;~~
- ~~P.~~ explorers and exploratory borings, parts ~~4727.0100~~ 4727.0050 to ~~4727.1300~~ 4727.1250;
- ~~Q.~~ ~~P.~~ ionizing radiation, parts 4730.0100 to 4730.3610, except parts 4730.0400 and 4730.0600; and
- ~~R.~~ Q. lead poisoning prevention, parts 4761.1000 to 4761.1200, except part 4761.1100.

[For text of subs 2 and 3, see M.R.]

4727.0050 GENERAL.

Parts 4727.0050 to 4727.1250 are adopted pursuant to, and must be read in conjunction with, *Minnesota Statutes*, chapter 103I, relating to wells, borings, and underground uses.

4727.0100 DEFINITIONS.

Subpart 1. **Scope.** ~~For the purpose of The terms used in parts 4727.0100 to 4727.1300, the following terms or phrases shall 4727.0050 to 4727.1250 have the meaning given them, except where the context clearly indicates otherwise in this part and in *Minnesota Statutes*, section 103I.005.~~

Subp. 2. [See repealer.]

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

Subp. 4. [See repealer.]

Subp. 5. **Aquifer.** “Aquifer” means a ~~water bearing formation (soil or rock horizon)~~ stratum of saturated, permeable rock or unconsolidated material having a recognizable water table or potentiometric surface that is capable of producing water to supply a well.

Subp. 5a. **Bentonite.** “Bentonite” means an aluminum silicate clay that contains at least 85 percent of the mineral montmorillonite and meets API Specification 13A.

Subp. 6. **Casing.** “Casing” means an impervious durable pipe placed in ~~a~~ an exploratory boring to prevent the walls from caving and to seal off surface drainage or undesirable water, gas, or other fluids to prevent their entering the boring and the groundwater.

Subp. 7. **Commissioner.** “Commissioner” means the commissioner of health or ~~his or her~~ an authorized representative.

Subp. 8. **Concrete grout.** “Concrete grout” means a mixture of Portland cement ~~meeting the standard specifications of ASTM C150-69a,~~ and an equal volume of dry sand and not more than six gallons of clean water. ~~Where large volumes are required to fill annular openings, gravel not larger than one half inch size may be added. Admixtures to reduce permeability or control setting time must meet ASTM Standard C494-86.~~

Subp. 8a. **Confining layer.** “Confining layer” means a geological material that restricts water movement. A confining layer includes:

A. a stratum of unconsolidated materials or rock ten feet or more in vertical thickness that has a vertical hydraulic conductivity of 10^{-6} centimeters per second or less;

B. a stratum of clay, sandy clay, or silty clay ten feet or more in vertical thickness, as defined in the Soil Survey Manual, incorporated by reference under part 4727.0150, item I; or

C. any portion of the Decorah, Glenwood, St. Lawrence, or Eau Claire sedimentary rock formations as described in Paleozoic Lithostratigraphy of Southeastern Minnesota, incorporated by reference under part 4727.0150, item H.

Subp. 9. [See repealer.]

Subp. 9a. **Drilling machine.** “Drilling machine” means a machine or mechanical device that is used to excavate, drill, or bore an exploratory boring and is mounted on a truck, trailer, crawler, or skid. A drilling machine includes a core drill, cable tool, hollow rod, auger, or rotary tool.

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[For text of subp 10, see M.R.]

Subp. 11. **Exploratory boring.** ~~“Exploratory boring” means any surface drilling done for the exploration of oil, natural gas, or metallic minerals as defined~~ has the meaning given in *Minnesota Statutes*, section ~~456A.02~~ 103I.005, subdivision 9.

Subp. 12. **Explorer.** ~~“Explorer” means a person who has the right to drill any~~ has the meaning given in *Minnesota Statutes*, section 103I.005, subdivision 10. For the purposes of this chapter, explorer includes a person licensed to construct or seal an exploratory boring.

Subp. 13. [See repealer.]

Subp. 14. **Groundwater.** ~~“Groundwater” means the water in the zone of saturation in which all of the pore spaces of the subsurface material are filled with water~~ has the meaning given in *Minnesota Statutes*, section 115.01, subdivision 6.

Subp. 15. **Grout.** “Grout” means a material used to fill the annular space around a casing or between casings or to seal an exploratory boring. Grout is either neat cement grout, concrete grout, heavy drilling fluid, or heavy high solids bentonite slurry grout.

Subp. 16. [See repealer.]

Subp. 16a. **High solids bentonite grout.** “High solids bentonite grout” means a fluid mixture of water and a minimum of 15 percent by weight of bentonite, with no additives to promote temporary viscosity. The bentonite must be marketed as a grout or well sealant and must be mixed according to the manufacturer’s specifications.

Subp. 16b. **Hoist.** “Hoist” means a machine or mechanical device that is mounted on a truck, trailer, crawler, or skid and used to:

- A. remove or install a pump, pumping equipment, or casing;
- B. remove an obstruction from an exploratory boring;
- C. install a tremie pipe when sealing an exploratory boring; or
- D. conduct any other activity that requires an explorer’s license.

A hoist does not include a drilling machine.

Subp. 16c. **Igneous or metamorphic rock.** “Igneous or metamorphic rock” means a rock solidified from a molten state or formed as a result of pronounced changes in pressure and temperature, including granite, greenstone, and slate.

Subp. 16d. **Kaolin clay.** “Kaolin clay” means a hydrous aluminum silicate chiefly comprised of the mineral kaolinite.

Subp. 16e. **Licensee.** “Licensee” means a person who is licensed as an explorer under this chapter and *Minnesota Statutes*, chapter 103I.

Subp. 17. [See repealer.]

Subp. 18. **Neat cement grout.** ~~“Neat cement grout” means a mixture of one bag (in the proportion of 94 pounds) of Portland cement meeting the standard specifications of ASTM C150-69a, and not more than six gallons of clean water. Bentonite up to two five percent by weight of cement (4.7 pounds of bentonite per 94 pounds of Portland cement) may be used to reduce shrinkage. Other~~ Admixtures meeting the standard specifications of ASTM C494-68 Standard C494-86 may be used to reduce permeability and/or control time of set.

Subp. 18a. **Permanent sealing.** “Permanent sealing” means the process of preparing an exploratory boring to be filled with grout and filling the exploratory boring with grout.

Subp. 19. **Person.** ~~“Person” means any natural person, an individual, firm, partnership, association, or corporation, partnership, or other business association or any other entity including the United States government, any interstate body, the state, and any agency, department, or political subdivision of the state.~~

[For text of subp 20, see M.R.]

Subp. 20a. **Portland cement.** “Portland cement” means a construction material that conforms to ASTM Standard C150-85a.

Subp. 20b. **Potable water.** “Potable water” means water that is safe for human consumption in that it is free from impurities in amounts sufficient to cause disease or harmful physiological effects.

Subp. 20c. **Rapid setting cement.** “Rapid setting cement” means a Type III Portland cement as designated in ASTM Standard C150-85a, a cement labeled as an API Class C cement, or any Portland cement containing calcium chloride, sodium chloride, or gypsum in an amount between two and four percent by weight of Portland cement.

Subp. 20d. **Regional flood.** “Regional flood” has the meaning given in *Minnesota Statutes*, section 103F.111, subdivision 10.

Subp. 21. **Responsible individual.** “Responsible individual” means a person who has met the qualifications prescribed in part 4727.0600 and has been approved for ~~designation certification~~ certification by the commissioner ~~in accordance with the terms of~~ according to part ~~4725.0700~~ 4727.0700.

Subp. 22. **Rock.** “Rock” means a consolidated or coherent, hard, naturally formed aggregation of mineral matter including rock described in part 4727.0920, subpart 4, item B. Rock does not include alluvium, glacial drift, glacial outwash, or glacial till.

Subp. 23. **Sealing.** “Sealing” means permanent sealing or temporary sealing.

Subp. 24. **Sedimentary rock.** “Sedimentary rock” means a consolidated or coherent, naturally-formed aggregation of mineral matter formed of clastic fragments of other rock or sediment or minerals formed by precipitation from solution in water and includes sandstone, shale, and limestone. Sedimentary rock does not include mineral matter deposited during, or more recently than, the Cretaceous geologic period.

Subp. 25. **Temporary sealing.** “Temporary sealing” means protecting an exploratory boring by following the construction and operation practices under parts 4727.0950 to 4727.0985 until the boring is permanently sealed.

Subp. 26. **Tremie pipe.** “Tremie pipe” means a pipe or hose used to insert grout into an annular space or to seal an exploratory boring.

Subp. 27. **Unconsolidated materials.** “Unconsolidated materials” means geologic materials that are not rock, including alluvium, glacial drift, glacial outwash, glacial till, loess, and those materials specified in part 4727.0920, subpart 4, item A.

4727.0150 INCORPORATION BY REFERENCE AND ABBREVIATIONS.

This part lists documents, specifications, and standards that are incorporated by reference in this chapter. The material is not subject to frequent change and is available for loan or inspection through the Minitex interlibrary loan system. The abbreviations listed in parentheses after the source names are used in this chapter.

A. Dictionary of Geological Terms (Robert L. Bates and Julia A. Jackson, eds., 3d ed. 1984).

B. American Petroleum Institute (API), distributed by Global Engineering Documents, 15 Inverness Way East, Englewood, CO 80112-5776:

(1) API Specification 13A, “Oil Well Drilling Fluid Materials,” 11th Edition, July 1985 and Supplement One to the 11th Edition; and

(2) API Specification 5L, “Line Pipe” (May 31, 1985).

C. American National Standards Institute (ANSI), 1819 L Street NW, Suite 600, Washington, DC 20036:

(1) ANSI Schedule 5 and Schedule 40, “Dimensions of Welded and Stainless Steel Pipe” as contained in the appendix to ASTM Standard A312-86a; and

(2) ANSI Standard Z34.1-1987, “Third-Party Certification Program.”

D. ASTM International (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959:

(1) ASTM Standard A53-90b, “Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless”;

(2) ASTM Standard A589-89a, “Standard Specification for Seamless and Welded Carbon Steel Water-Well Pipe,” specifications for Type I, II, and III only;

(3) ASTM Standard A312-86a, “Standard Specification for Seamless and Welded Austenitic Stainless Steel Pipe,” including the appendix;

(4) ASTM Standard C150-85a, “Standard Specification for Portland Cement”;

(5) ASTM Standard C494-86, “Standard Specification for Chemical Admixtures for Concrete”;

(6) ASTM Standard D2466-90a, “Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 40”;

(7) ASTM Standard D2487-85, “Standard Test Method for Classification of Soils for Engineering Purposes”;

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(8) ASTM Standard F480-88, "Standard Specification for Thermoplastic Water Well Casing Pipe and Couplings Made in Standard Dimension Ratios (SDR)."

E. Canadian Standards Association (CSA), 178 Rexdale Boulevard, Toronto, Ontario, M9W 1R3, Canada: "Diamond Core Drilling Equipment - General." CSA Standard M253.1 - M1981.

F. Diamond Core Drill Manufacturers Association, Inc., DCDMA Technical Manual (1991).

G. NSF International (NSF), 789 Dixboro Road, Ann Arbor, Michigan 48113:

(1) NSF Standard 14-1990, "Plastic Piping System Components and Related Materials";

(2) NSF Standard 60-1988, "Drinking Water Treatment Chemicals - Health Effects"; and

(3) NSF Standard 61-1991, "Drinking Water System Components - Health Effects."

H. George Austin, "Paleozoic Lithostratigraphy of Southeastern Minnesota," in *Geology of Minnesota: A Centennial Volume in Honor of George M. Schwartz* (P.K. Sims and G.B. Morey eds., 1972), pages 459 to 473.

I. United States Bureau of Plant Industry, Soils and Agricultural Engineering, *Soil Survey Manual*, United States Department of Agriculture Handbook, no. 18 (1951), pages 205 to 213.

4727.0200 POLICIES.

Parts ~~4727.0100~~ 4727.0050 to ~~4727.1300~~ shall 4727.1250 apply to all exploratory borings constructed in the state of Minnesota, except those specifically exempted by *Minnesota Statutes*, section ~~456A.02, subdivision 5~~ 103I.113. Those aspects covered are the licensing of explorers, the examination of responsible individuals, the construction of exploratory borings, and the proper ~~abandonment~~ sealing of exploratory borings to protect the quality of groundwater aquifers. ~~The explorer shall be responsible for the construction and abandonment of all exploratory borings completed under the explorer's license.~~

4727.0250 EXPLORER RESPONSIBILITIES.

An explorer is responsible for the construction, maintenance, and sealing of all exploratory borings completed under the explorer's license. The explorer may transfer the responsibility for maintenance and sealing to another explorer. The transfer of responsibility must be described in a written agreement, signed by both parties, that identifies which party is responsible for filing notification, maintaining the boring, and sealing the boring. A copy of the agreement must be submitted to the commissioner.

4727.0350 VARIANCE.

Subpart 1. General. The commissioner shall grant a variance to any provision of this chapter according to the procedures and criteria in parts 4717.7000 to 4717.7050. The variance request must be accompanied by the fee specified in Minnesota Statutes, section 103I.101, subdivision 6.

Subp. 2. Construction, repair, or sealing variance requests. In addition to the requirements of subpart 1, a request to vary a construction, repair, or sealing provision related to an exploratory boring in parts 4727.0925 to 4727.1250 must also include:

A. the location of the exploratory boring in terms of township, range, and three-quarter sections;

B. the Minnesota unique number, if assigned;

C. the name, address, and telephone number of the explorer doing work and the property owner;

D. a scaled map showing the location of the exploratory boring in relation to all property lines and structures;

E. the proposed depth of the exploratory boring;

F. the casing type, diameter, and depth;

G. a description of the method of construction, grout materials, and method of emplacement;

H. a description of the anticipated geologic conditions;

I. the depth to water and hydrogeologic conditions; and

J. information on special construction methods or precautions proposed to prevent contamination of the exploratory boring and groundwater.

LICENSING, CERTIFICATION, AND REGISTRATION OF EXPLORERS AND EQUIPMENT**4727.0400 LICENSING REQUIRED.**

Subpart 1. License required. No person shall drill, construct, or otherwise cause to be made, repair, or seal an exploratory boring unless:

A. the person possesses, or ~~is employed by one~~ performs labor or services for a person who possesses, a valid explorer's license issued by the commissioner;

B. the person is registered with the commissioner of natural resources according to Minnesota Statutes, section 103I.601, subdivision 3; and

C. the construction, repair, or sealing of the exploratory boring is supervised by a responsible individual.

Subp. 2. Licensing requirements. An explorer engaging in exploratory boring shall obtain a license ~~in accordance with~~ according to parts 4727.0100 4727.0500 to 4727.1300 4727.0860.

4727.0500 LICENSE APPLICATION.

A person shall annually apply for an explorer's license by submitting to the commissioner a properly completed application ~~accompanied by a \$50 license fee, payable to the treasurer, state of Minnesota.~~ The application form must include the name, address, and telephone number of the person applying for licensure. The application form must be signed by an officer or other legally authorized representative of the person making application for licensure. An explorer's license ~~shall be~~ is effective for the calendar year for which it is issued. The person applying for an explorer's license shall include the name of the responsible individual who will supervise or oversee the location, construction, and ~~abandonment~~ sealing of exploratory borings on behalf of the explorer. If the person applying for the explorer's license does not designate a responsible individual, the commissioner shall issue a conditional license. ~~Such~~ A conditional license is not considered valid for the purpose of engaging in the construction of exploratory borings until a certified, responsible individual has been designated and the commissioner has been notified of ~~such~~ the designation. The notification of designation shall be made at least ten days prior to the commencement of exploratory boring.

4727.0550 LICENSE RENEWAL.

Explorer's licenses expire on December 31 of each year. A licensee must submit an application for license renewal according to part 4727.0500 no later than December 31 of the year prior to that for which the licensee is seeking renewal.

4727.0600 ~~QUALIFICATION~~ CERTIFICATION AS RESPONSIBLE INDIVIDUAL.

A person who seeks to qualify for ~~designation~~ certification as a responsible individual shall:

A. complete and submit an application for qualification certification to the commissioner, ~~along with a \$50 fee which is payable to the treasurer, state of Minnesota~~ including the name, address, telephone number, and signature of the person applying for certification; and

B. take and pass an examination ~~on the portions of this rule which relate to mineral exploration activities, relating to construction, location, and sealing of exploratory borings~~ or document the fact that ~~he or she~~ the person is a registered professional engineer licensed according to Minnesota Statutes, sections 326.02 to 326.15, or a professional geologist licensed under Minnesota Statutes, sections 326.02 to 326.15, or certified ~~professional geologist, in accordance with Minnesota Statutes, section 156A.071, subdivision 2 by the American Institute of Professional Geologists.~~ A person may take the examination as many times as desired. ~~Each new application for qualification shall be accompanied by a new fee. All applicants in any one examination session will shall~~ be given the same combination of written, oral, or practical work ~~based on the substance of parts 4727.0100 to 4727.1300.~~

4727.0700 COMMISSIONER ACTION; RESPONSIBLE INDIVIDUAL.

The commissioner shall not act upon the application for qualification certification until the commissioner has received all the information required by ~~parts 4727.0100 to 4727.1300~~ part 4727.0600. When the commissioner determines that an individual has met all the qualifications prescribed in part 4727.0600, the commissioner shall notify the person and shall enter that person's name on a list of persons who qualify for designation are certified as responsible individuals. The person remains certified unless the

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person requests in writing that the person's name be removed or unless the certification is revoked or suspended according to part 4727.0830.

4727.0830 DISCIPLINARY ACTION; RETURN OF DOCUMENTS.

Subpart 1. Commissioner action. The commissioner may suspend, revoke, or impose limitations or conditions on a responsible individual or licensee if the responsible individual or licensee:

- A. violates a provision of this chapter or *Minnesota Statutes*, chapter 103I;
- B. obtains a license or certification through error, fraud, or cheating;
- C. provides false or fraudulent information on renewal forms, sealing reports, or other required reports;
- D. knowingly aids or allows an unlicensed person to engage in activities requiring a license under *Minnesota Statutes*, section 103I.601;
- E. engages in conduct, in the course of performing work requiring licensure, that is likely to harm the public or demonstrates a willful or careless disregard for the health or safety of a property owner or other person; or
- F. has been convicted during the previous five years of a felony or gross misdemeanor reasonably related to the business of exploratory boring.

Subp. 2. Revoked license or certification. A suspended or revoked license or certification must be returned to the commissioner when the license or certification is revoked or suspended.

4727.0840 REAPPLICATION AFTER REVOCATION.

A person whose explorer's license has been revoked or whose certification as a responsible individual has been revoked may not reapply for licensure or certification for one year from the date of revocation. A person whose explorer's license has been revoked must reapply for licensure according to part 4727.0500. A person whose certification as a responsible individual has been revoked must reapply for certification according to part 4727.0600.

4727.0850 DRILLING MACHINE AND HOIST REGISTRATION.

Subpart 1. Registration required. A drilling machine or hoist may not be used for exploratory boring, or for any drilling activity requiring a license, unless the drilling machine or hoist is registered with the commissioner. The licensee is responsible for ensuring that each drilling machine or hoist is registered before it is used to conduct exploratory boring. The explorer or drilling contractor must register each drilling machine or hoist used to conduct exploratory boring. The person registering a drilling machine or hoist must pay an annual registration fee for each machine or hoist according to *Minnesota Statutes*, section 103I.545. Drilling machine and hoist registrations expire on December 31 of each year. Upon receipt of the required fee and information, the commissioner shall issue a drilling machine or hoist registration card for identification purposes for each drilling machine and hoist registered. The card shall be carried on the drilling machine or hoist at all times and must be readily available for review by the commissioner.

Subp. 2. Registration not transferable. The registration card and decals furnished for a drilling machine or hoist are not transferable. The card and decals shall be returned to the commissioner when a drilling machine or hoist is sold, traded, or otherwise disposed of.

4727.0860 PLACEMENT OF LICENSE NUMBER AND DECALS.

Subpart 1. License number display. Before beginning exploratory boring, the licensee must place the explorer's license number in a conspicuous location. The license number must be attached to both sides of each drilling machine or hoist or, if the licensee does not own the drilling machine or hoist, the license number must be attached to a portable sign that is displayed near the exploratory boring while work is being conducted. The license number figures must be at least three inches high and 1-1/2 inches wide and must be in a contrasting color to the rest of the machine, hoist, or sign.

Subp. 2. Registration decal display. Before beginning exploratory boring, the person registering the drilling machine or hoist is responsible for affixing the decals issued by the commissioner to the drilling machine or hoist. The licensee may not conduct exploratory boring unless the drilling machine or hoist is registered with the commissioner and has current decals issued by the commissioner.

NOTIFICATION AND REPORTING

4727.0910 NOTIFICATION OF EXPLORATORY BORING.

This part applies to the construction or modification of exploratory borings.

A. An exploratory boring must not be drilled, deepened through a confining layer, or have casing installed or removed until notification is made to the commissioner.

B. The commissioner must be notified at least ten days before exploratory boring begins.

C. When notification is required, the explorer must submit to the commissioner of health and the commissioner of natural resources a written notification containing the following:

(1) a county road map, United States Geological Survey topographic map, or other map, marked as to township, range, and section, having a scale of at least one-half inch to one mile, and showing the location of each proposed exploratory boring to the nearest estimated 40-acre parcel;

(2) the Minnesota unique number of each proposed exploratory boring, except that an explorer may submit the notification without the unique number identified and the commissioner shall assign the unique number and forward the corresponding sealing report form to the explorer;

(3) the name and license number of the explorer;

(4) the name of the certified responsible individual; and

(5) the name and address of the property owner.

D. If notification has been made according to item C and the explorer wishes to construct additional exploratory borings on the property, the explorer is exempt from the ten-day notification period in item B so long as a new or amended map is submitted before drilling.

E. The notification is valid for 18 months from the date it is filed.

4727.0920 TEMPORARY AND PERMANENT SEALING REPORT.

Subpart 1. General.

A. A licensee must submit an exploratory boring sealing report to the commissioner that contains the information in subparts 2 and 3 within 30 days of temporary or permanent sealing. The report must be submitted on a form provided by the commissioner.

B. A permanent sealing report must be filed when a temporarily sealed exploratory boring is permanently sealed. A new temporary sealing report must be filed when a temporarily sealed exploratory boring is drilled deeper or otherwise reconstructed and the explorer again wants to temporarily seal the boring.

C. The average scintillometer reading of waste drill cuttings must be reported only for exploratory borings that are drilled to explore or prospect for uranium or other radioactive metallic minerals.

Subp. 2. Temporary sealing report. If an exploratory boring is not permanently sealed within 30 days of the completion of drilling, the licensee must submit a temporary sealing report to the commissioner. The sealing report must contain the following information:

A. the name and address of the property owner;

B. the name and license number of the explorer doing the work, the name of the drilling contractor performing the work, and the signature of the responsible individual;

C. the date work was completed;

D. the county, township, range, section, and three quartiles where the exploratory boring is located;

E. a description of the geological materials penetrated by the boring according to subpart 4;

F. the original and current exploratory boring depth;

G. the date of construction;

H. the drilling method;

I. the drilling fluids used;

J. the bore hole diameter and depth;

K. the casing type, diameter, and depth, if present;

L. the method of covering and protecting the casing;

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M. the open hole, screen, or perforation depth interval, if present;

N. the static water level;

O. the scintillometer reading, if required by subpart 1; and

P. the materials and methods used to grout the annular space around the casing, if present.

Subp. 3. Permanent sealing report. In addition to the information in subpart 2, a permanent sealing report must contain the following information:

A. the grout or sealing materials, quantities, and intervals where the grout was placed; and

B. a description of any obstructions removed or remaining in the exploratory boring.

Subp. 4. Geological materials. A licensee must report the geological materials penetrated in drilling an exploratory boring. The report must include the rock or sediment types, color, and relative hardness. The grain size must be reported for unconsolidated sediments and may be based on field observation without technical size measurement. Descriptions must use terms contained in items A and B, the Dictionary of Geological Terms, or ASTM Standard D2487-85.

A. Unconsolidated materials:

Material	Diameter	
	Millimeters	Inches
(1) Clay	Up to 0.005	Up to 0.0002
(2) Silt	0.005 to 0.062	0.0002 to 0.0025
(3) Fine sand	0.062 to 0.250	0.0025 to 0.0100
(4) Medium sand	0.250 to 0.500	0.0100 to 0.0200
(5) Coarse sand	0.500 to 1.000	0.0200 to 0.0400
(6) Very coarse sand	1.000 to 2.000	0.0400 to 0.0800
(7) Fine gravel	2.000 to 4.000	0.0800 to 0.1600
(8) Coarse gravel	4.000 to 62.500	0.1600 to 2.5000
(9) Cobbles	62.500 to 250.000	2.5000 to 10.000

B. Rock:

(1) basalt, which is a very fine-grained, dark igneous rock, commonly black, dark gray, or dark red-brown, in which the mineral grains cannot be distinguished with the unaided eye;

(2) carbonate rock, which is a sedimentary rock consisting of limestone, dolomite, or dolostone;

(3) dolomite or dolostone, which is a sedimentary rock composed primarily of the mineral dolomite (calcium-magnesium carbonate), which effervesces weakly in dilute hydrochloric acid;

(4) granite, which is a coarse-grained, light-colored igneous rock composed primarily of the minerals quartz and feldspar;

(5) greenstone, which is a fine-grained, dark-colored metamorphic rock derived from basalt, is typically dark greenish gray in color, and is somewhat slaty or splintery upon breaking;

(6) limestone, which is a sedimentary rock composed primarily of the mineral calcite (calcium carbonate), which effervesces freely in dilute hydrochloric acid;

(7) mica schist, which is a medium-grained metamorphic rock comprised of the minerals feldspar, quartz, and mica and which splits into flat pieces;

(8) sandstone, which is a sedimentary rock consisting of cemented or otherwise compacted sediment and composed predominantly of sand-sized particles generally of quartz;

(9) shale, which is a sedimentary rock consisting of compacted or cemented silt and clay; and

(10) slate, which is a fine-grained, hard, dark-colored metamorphic rock derived from shale and which typically is gray and splits readily into flat pieces.

CONSTRUCTION AND USE OF EXPLORATORY BORINGS

4727.0922 SCOPE.

Parts 4727.0925 to 4727.0985 apply to the construction and use of all exploratory borings until the boring is permanently sealed.

4727.0925 USE OF EXPLORATORY BORINGS.

Subpart 1. Injection or disposal prohibited. An exploratory boring must not be used for injection or disposal of surface water, groundwater, or any other liquid, gas, or chemical.

Subp. 2. Other uses. An exploratory boring must not be used for purposes regulated under chapter 4725, unless the boring is constructed according to that chapter by a person licensed or registered to construct the well or boring.

4727.0930 LOCATION OF EXPLORATORY BORINGS.

The isolation distances in items A and B apply to exploratory borings being constructed and to exploratory borings that are temporarily sealed.

A. An exploratory boring must be at least ten feet horizontally from a pipe with flammable or volatile gas, an overhead or underground electric transmission line, or a liquid propane tank, except a temporary liquid propane tank used during construction or sealing of an exploratory boring. If an electric transmission line is in excess of 50 kilovolts or of unknown voltage, an exploratory boring must be at least 25 feet horizontally from the electric transmission line.

B. An exploratory boring must be at least three feet horizontally from the farthest exterior projection of a building, including the walls, roofs, decks, and overhangs. An exploratory boring must not be located inside a building unless the boring is permanently sealed within 30 days of completion of drilling.

4727.0935 DRILLING FLUIDS.

Subpart 1. Water. Water used for drilling, repair, or sealing of an exploratory boring must:

A. come from a potable water system, the boring itself, an exploratory boring of similar use and construction, or surface water. Surface water may be used only if the exploratory boring is located in a remote area where a potable water source is not available and the water has been disinfected by mixing sufficient chlorine so that after a minimum 30-minute contact time a chlorine residual exists;

B. contain a free chlorine residual at all times, except for water taken from the boring itself; and

C. if transported, be conveyed in clean and sanitary tanks, storage vessels, and water lines.

Subp. 2. Drilling additives. Drilling additives must meet the requirements of NSF Standard 60-1988 as determined by a person accredited by ANSI under ANSI Standard Z34.1-1987. A drilling additive is a substance added to the air or water used in the fluid system of drilling an exploratory boring.

4727.0940 DISPOSAL OF MATERIALS; RECIRCULATION PITS.

Subpart 1. Disposal of materials. Drilling mud, cuttings, treatment chemicals, and discharged water must be disposed of according to applicable federal, state, and local requirements. Drilling mud, cuttings, treatment chemicals, and discharged water must not be disposed of in a manner that creates a health or environmental hazard.

Subp. 2. Backfilling pits. Oil or other hazardous materials must be removed from drilling fluid recirculation pits before backfilling. Pits must be backfilled with clean soil materials, leveled, and graded.

4727.0942 GROUNDWATER PROTECTION.

During the drilling process and until an exploratory boring is permanently sealed, the boring shall be:

A. constructed and maintained to prevent the introduction of surface contaminants into the boring and to prevent the passage of water from one aquifer to another; and

B. covered and protected to prevent vandalism or entry of debris into the boring.

4727.0945 NUCLEAR LOGGING.

Exploratory borings logged with naturally occurring or accelerator-produced radioactive materials, as defined in part 4730.0100, must comply with part 4730.2750.

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CONSTRUCTION OF TEMPORARILY SEALED EXPLORATORY BORINGS

4727.0947 SCOPE.

Exploratory borings that are not permanently sealed within 30 days of the completion of drilling must be temporarily sealed and must be constructed according to parts 4727.0950 to 4727.0985.

4727.0950 CASING REQUIREMENTS FOR TEMPORARILY SEALED EXPLORATORY BORINGS.

Subpart 1. Casing types. If casing is used in a temporarily sealed exploratory boring, the casing must be:

- A. steel casing as specified in subpart 15;
- B. stainless steel casing as specified in subpart 16;

or

- C. plastic casing as specified in subparts 17 and 18.

Subp. 2. Watertight casing required. All casing must be watertight throughout its length, with threaded, solvent welded, or welded joints. Recessed couplings, reamed and drifted couplings, integral flush-threads, or other couplings that match the design, taper, and thread type of the casing must be used on threaded casing. Thread must not be exposed on the exterior of the pipe when the casing is joined to the coupling or when the pipe sections are joined together.

Subp. 3. New casing required. Casing installed in a temporarily sealed exploratory boring must be new casing produced to specifications. Casing removed from an exploratory boring is acceptable for reuse in an exploratory boring if the casing meets the specifications for new casing.

Subp. 4. Casing markings required. Casing must be marked by the manufacturer according to casing specifications in subparts 15 to 18. Markings must be rolled, stamped, or stenciled by the manufacturer.

Subp. 5. Casing testing. Casing rejected by the manufacturer must not be used. The commissioner may require that casing be submitted to an independent testing agency to evaluate whether it meets or exceeds specifications when the casing:

- A. lacks markings or has illegible or altered markings;
- B. contains pits, cracks, patches, partial welds, bends, or other manufacturing defects; or
- C. lacks mill certification papers from the original manufacturer.

Subp. 6. Casing rejection. The commissioner shall reject casing if:

- A. the casing is not submitted for evaluation and verification when required by the commissioner;
- B. the casing fails to meet the specifications in subparts 15 to 18; or
- C. the lot of casing contains defective lengths, including casing with girth-welded joints or casing with welded patches.

Subp. 7. Removed casing. Casing that is installed during drilling, sometimes referred to as surface casing, and that is removed upon completion of drilling is not required to meet the specifications for casing in subparts 15 to 18, but must be of sufficient strength to withstand the structural load imposed by conditions both inside and outside the exploratory boring.

Subp. 8. Outer casing; unconsolidated materials. An outer casing installed in unconsolidated materials is not required to meet the specifications for casing in subparts 15 to 18 if:

- A. the casing is of sufficient strength to withstand the structural load imposed by conditions both inside and outside the boring;
- B. an inner casing meeting the requirements of subpart 1 is installed; and
- C. the annular space between the casings is filled with neat cement.

Subp. 9. Inner and outer casing. The annular space between an inner casing and an outer casing must be grouted for its entire length by pumping neat cement grout through a tremie pipe, a drill rod, or the casing as specified in part 4727.0980.

Subp. 10. Casing height. All casings of a temporarily sealed exploratory boring must extend vertically at least one foot above the established ground surface and at least five feet above the regional flood level. The established ground surface immediately adjacent to the casing must be graded to divert water away from the casing. Termination of the top of the casing below the established ground surface, such as in a vault or pit, is prohibited.

Subp. 11. Casing offsets. Casing offsets are prohibited.

Subp. 12. Minimum casing depth. An exploratory boring that is temporarily sealed must be cased according to items A to C. Borings that flow must meet the special requirements in part 4727.0985.

A. A boring that terminates in unconsolidated materials must be cased from a point one foot above the established ground surface and at least five feet above the regional flood level to the bottom of the boring.

B. A boring that terminates in igneous or metamorphic rock must be cased from a point one foot above the established ground surface and at least five feet above the regional flood level into igneous or metamorphic rock.

C. A boring that terminates in sedimentary rock must be cased from a point of one foot above the established ground surface and at least five feet above the regional flood level into sedimentary rock. When a confining layer is encountered, the boring must be cased according to part 4727.0975.

Subp. 13. Casing cover. The casing of a temporarily sealed exploratory boring must be covered with a water tight and insect-proof cap or cover equivalent to the casing in weight and strength consisting of:

A. an overlapping cap with compression gasket; or

B. a threaded or welded cover or cap.

Subp. 14. Casing protection. The casing of an exploratory boring that is temporarily sealed must be protected by at least one of the following methods:

A. surrounding the casing with a concrete pyramid or cone that has horizontal dimensions of at least 24 inches by 24 inches at the established ground surface, rises 12 inches above the established ground surface at the casing, and has a base with a volume of at least three cubic feet below the established ground surface;

B. installing a steel outer protective casing meeting the specifications of subpart 15 that is at least 3.25 inches in diameter larger than the inner casing, extends at least two feet above the established ground surface and four feet below the established ground surface, and has neat cement grout or concrete grout in the annular space between the casings from the bottom of the outer protective casing to the established ground surface;

C. placing three posts at least four inches square or four inches in diameter around the boring at equal distances from each other and two feet from the exploratory boring. The posts must extend two feet above the established ground surface and four feet below the established ground surface, or to a depth of two feet if each post is set in concrete to a depth of two feet. The posts must be made of reinforced concrete, decay-resistant wood, or steel pipe meeting the specifications of subpart 15. Steel pipe must be covered with an overlapping, threaded, or welded steel or iron cap or be filled with concrete or cement; or

D. extending the casing vertically at least four feet above the established ground surface and reporting the accurate location of the exploratory boring on the temporary sealing report. The location must be determined and reported by using either a differential global positioning system or a survey with bearings and distances taken from property corners or a permanent survey control point.

Subp. 15. Steel casing requirements.

A. Steel casing used in the construction of a temporarily sealed exploratory boring must be produced to the following specifications:

(1) ASTM Standard A53-90b;

(2) ASTM Standard A589-89a, Types I, II, and III;

(3) API Specification 5L;

(4) DCDMA Technical Manual, section B designations C80, R80, or RC100, and section D flush joint casing standards; or

(5) CSA Standard M253.1 - M1981 for flush joint casing.

B. Steel casing must have the minimum weights and thicknesses specified in this item, subject to the tolerance in the specifications in item A.

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Proposed Rules

	Size in Inches	Plain End	Wgt. Lbs. Per Ft.		Thickness in Inches
			Thrds. & Cplgs.*	Thrds. R&D Cplgs.	
S	1	1.68	1.68	1.70	.133
c	1-1/4	2.27	2.28	2.30	.140
h	1-1/2	2.72	2.73	2.75	.145
e	2	3.65	3.68	3.75	.154
d	2-1/2	5.79	5.82	5.90	.203
u	3	7.58	7.62	7.70	.216
l	3-1/2	9.11	9.20	9.25	.226
e	4	10.79	10.89	11.00	.237
	5	14.62	14.81	15.00	.258
4	6	18.97	19.18	19.45	.280
0	8	28.55	29.35		.322
	10	40.48	41.85		.365
S	12	49.56	51.15		.375
t	14	54.57	57.00		.375
a	16	62.58	65.30		.375
n	18	70.59	73.00		.375
d	20	78.60	81.00		.375
a	22	86.61			.375
r	24	94.62			.375
d	26	102.63			.375
	30	118.65			.375
W	32	126.66			.375
g	34	134.67			.375
t	36	142.68			.375

* Nominal weight based on length of 20 feet including coupling.

Steel casing up to ten inches in diameter must be Schedule 40.

Larger diameter casing must be standard weight.

Couplings

Diameter-Inches		Thrds. per Inch	Minimum External Diameter Inches	Minimum Length Inches
External	Internal			
1.315	1.049	11-1/2	1.576	2-5/8
1.660	1.380	11-1/2	1.900	2-3/4
1.900	1.610	11-1/2	2.200	2-3/4
2.375	2.067	11-1/2	2.750	2-7/8
2.875	2.469	8	3.250	3-15/16
3.500	3.068	8	4.000	4-1/16
4.000	3.548	8	4.625	4-3/16
4.500	4.026	8	5.200	4-5/16
5.563	5.047	8	6.296	4-1/2
6.625	6.065	8	7.390	4-11/16
8.625	7.981	8	9.625	5-1/16
10.750	10.020	8	11.750	5-9/16
12.750	12.000	8	14.000	5-15/16
14.000	13.250	8	15.000	6-3/8
16.000	15.250	8	17.000	6-3/4
18.000	17.250	8	19.000	7-1/8
20.000	19.250	8	21.000	7-5/8

<u>22.000</u>	<u>21.250</u>
<u>24.000</u>	<u>23.250</u>
<u>26.000</u>	<u>25.250</u>
<u>30.000</u>	<u>29.250</u>
<u>32.000</u>	<u>31.250</u>
<u>34.000</u>	<u>33.250</u>
<u>36.000</u>	<u>35.250</u>

Subp. 16. Stainless steel casing requirements. Stainless steel casing used in the construction of a temporarily sealed exploratory boring must meet ASTM Standard A312-86a and meet at least:

- A. ANSI Schedule 5 for welded joints; and
- B. ANSI Schedule 40 for threaded joints.

Subp. 17. Plastic casing requirements. Plastic casing and couplings used in the construction of a temporarily sealed exploratory boring must:

- A. meet ASTM Standard F480-88;
- B. withstand internal pressures of 200 pounds per square inch (psi); and
- C. have a minimum standard dimension ratio (SDR) of 21.

Subp. 18. Additional approved plastic couplings. In addition to plastic couplings approved under subpart 17, couplings meeting the following requirements are also approved:

- A. couplings with socket dimensions meeting the requirements of ASTM Standard F480-88, Table 3; and
- B. ANSI Schedule 40, four-inch and five-inch diameter slip x female thread and five-inch diameter slip x male thread couplings meeting the requirements of ASTM Standard D2466-90a.

Subp. 19. NSF standard for plastic material. All plastic casings, couplings, components, and related joining materials, including solvents, cements, or primers, used in the construction of a temporarily sealed exploratory boring must conform with the requirements of NSF Standard 61-1991 or the health effects portion of NSF Standard 14-1990 and be tested as conforming by an agency certified by ANSI. Conformance to the NSF standard must be coded, stamped, or marked on the casings, couplings, and components, as well as on the containers of related joining materials, including solvents, cements, or primers.

Subp. 20. Plastic casing installation.

- A. When preparing to install plastic casing, a person must:

(1) inspect casing and couplings carefully for cuts, gouges, deep scratches, damaged ends, and other major imperfections. Any plastic casing or coupling having such defects or imperfections shall not be used;

(2) use solvent cement meeting the requirements of the specifications for the plastic that will be used;

(3) use only casing and coupling combinations that give interference fits; and

(4) use plastic couplings with molded or formed threads and thread lubricants suitable for the plastic material that will be used.

B. When cutting plastic casing, casing ends must be cut square using fine-tooth blades with little or no set or a plastic pipe cutter equipped with extra wide rollers and thin cutting wheels. Standard steel pipe or tubing cutters must not be used for cutting plastic casing.

C. All dirt, dust, and moisture must be cleaned from casing ends and couplings using chemical or mechanical cleaners suitable for the particular plastic material. All burrs must be removed from casing ends and couplings.

- D. A primer must be used when required or recommended by the solvent cement label instructions.

E. An even coat of solvent cement must be applied to the inside of the couplings to cover the distance of the joining surface only. An even coat of solvent cement must then be applied to the outside of the casing being joined to a distance equal to the depth of the casing coupling socket.

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Proposed Rules

F. When assembling plastic casing, a person must:

- (1) make the joint with solvent cement before the solvent cement dries;
- (2) reapply cement before assembling if the solvent cement dries partially;
- (3) turn the casing to evenly distribute the solvent cement while inserting the coupling into the coupling socket;
- (4) insert the casing to the full depth of the coupling socket and assemble casing;
- (5) remove excess solvent cement from the exterior of the joint with a clean, dry cloth;
- (6) tighten a threaded joint by no more than one full turn using a strap wrench;
- (7) not disturb the coupling joint until after the solvent cement has set; and
- (8) allow sufficient time for the solvent cemented joint to set.

G. Screws must not be used to join plastic casing.

H. A person must not drill inside plastic casing. Drilling tools such as drill bits must not be inserted in plastic casing.

I. Plastic casing must not be used as an outside casing in exploratory borings cased more than five feet into limestone or dolomite. In limestone or dolomite, plastic casing may be used as an inner casing if surrounded by an outer steel casing.

J. Plastic casing must not be driven.

K. A person installing plastic casing must either seal the exploratory boring or remove and replace all casing when:

- (1) the plastic casing cannot be installed without driving the casing; or
- (2) the casing fails during construction.

4727.0975 INTERCONNECTION OF AQUIFERS PROHIBITED.

A temporarily sealed exploratory boring must not be constructed to interconnect aquifers separated by a confining layer.

4727.0980 GROUTING OF TEMPORARILY SEALED EXPLORATORY BORINGS.

Subpart 1. Grouting requirements. All annular space surrounding the casing of a temporarily sealed exploratory boring must be grouted from the bottom of the casing to the established ground surface. When constructing the exploratory boring with a method such as mud or air rotary, auger, coring, or jetting that creates an open annular space, a grouting material specified in subpart 2 and the grouting methods specified in subpart 3 must be used to fill the annular space between the casing and the bore hole. Driven casing must be grouted according to subpart 6.

Subp. 2. Grouting materials. The following grout materials are approved for use in temporarily sealed exploratory borings:

- A. neat cement grout, except that rapid setting cement must not be used with plastic casing;
- B. concrete grout when used in the dry portion of the open annular space; and
- C. high solids bentonite grout when used in unconsolidated materials.

Subp. 3. Grouting methods. Grouting must start immediately on completion of drilling and testing an exploratory boring. Grout must be pumped into the annular space from the bottom up through the casing, drill rods, or a tremie pipe. Neat cement grout or concrete grout must be allowed to set a minimum of 48 hours. Rapid setting cement must be allowed to set a minimum of 12 hours. Drilling is prohibited during the time the cement is setting.

Subp. 4. Alternative methods and materials for grout loss.

A. If the grout level fails to rise after insertion of more than one cubic yard of grout or the quantity of grout necessary to fill ten vertical feet of hole, or if a cavity more than twice the diameter of the bore hole exits, then the following grouting materials and methods may be used in the portions where the conditions exist:

- (1) pouring a mixture of gravel or stone aggregate not larger than one-half inch in diameter while simultaneously pumping neat cement grout or concrete grout in a ratio not to exceed five parts aggregate to one part grout;
- (2) pumping a mixture of gravel or stone aggregate not larger than one-half inch in diameter and concrete grout or neat cement grout in a ratio not to exceed five parts aggregate to one part Portland cement; or
- (3) alternately pumping concrete or neat cement grout and pouring gravel or stone aggregate not larger than one-half inch in diameter in layers of equal thickness. Individual layers of aggregate must not exceed ten feet in thickness. Aggregate must not be placed in a confining layer.

B. Neat cement grout or concrete grout must be pumped through the casing or a tremie pipe. The aggregate must be poured into the bore hole at a rate that prevents bridging.

Subp. 5. Grouting between casings. The annular space between an inner casing and an outer casing must be filled with neat cement grout according to subpart 3.

Subp. 6. Driving casing. When driving casing, a cone-shaped depression or temporary outer casing filled with high solids bentonite grout, bentonite powder, or granular bentonite must be maintained around the outside of the casing. The bottom of driven casing must be equipped with a drive shoe. Casing may only be driven in unconsolidated materials or sandstone.

4727.0985 TEMPORARILY SEALED EXPLORATORY BORINGS THAT FLOW.

Subpart 1. General construction. A temporarily sealed exploratory boring from which groundwater flows above the established ground surface without pumping and which does not require special construction under subpart 2 must be constructed to prevent erosion of the aquifer and confining layer. Casing must be installed into the flowing aquifer to prevent water flowing up the outside of the casing by either:

- A. driving steel casing into the flowing aquifer according to part 4727.0980, subpart 6; or
- B. grouting the annular space surrounding the casing with neat cement grout according to part 4727.0980, subpart 3.

Subp. 2. Special construction required. A temporarily sealed exploratory boring must be constructed according to subpart 3 when:

- A. the artesian flow rate at the established ground surface is greater than 70 gallons per minute;
- B. the artesian pressure at the established ground surface exceeds ten pounds per square inch; or
- C. the commissioner designates an area where the use of standard construction techniques have resulted in uncontrolled flows or where hydrogeologic conditions such as eroded or unstable confining layers require special construction to successfully complete an exploratory boring and confine the artesian pressure.

Subp. 3. Special construction standards. A temporarily sealed exploratory boring requiring special construction under subpart 2 must be constructed by:

A. installing an outer steel casing into, but not penetrating the entire thickness of, the confining layer overlying the flowing aquifer by:

- (1) driving steel casing according to part 4727.0980, subpart 6; or
- (2) drilling a bore hole a minimum of 3.25 inches larger than the outside diameter of the casing or couplings, whichever is larger, installing steel casing into the confining layer, and pumping neat cement grout into the annular space surrounding the casing from the bottom of the casing to the established ground surface;

B. drilling through the confining layer into the aquifer;

C. installing an inner casing, which is 3.25 inches smaller than the bore hole, into the aquifer; and

D. grouting the annular space surrounding the inner casing with neat cement grout according to part 4727.0980, subpart 3.

Subp. 4. Flow control. A temporarily sealed flowing exploratory boring must be provided with flow control capable of stopping all flow.

SEALING EXPLORATORY BORINGS

4727.1000 ABANDONMENT OF SEALING EXPLORATORY BORINGS.

~~Abandonment~~ Sealing of all ~~exploratory borings shall be carried out in accordance with the provisions of~~ according to Minnesota Statutes, chapter 156A, 103I and parts 4727.0100 4727.0050 to 4727.1300 4727.1250. ~~Abandonment~~ Sealing, whether temporary or permanent, shall be undertaken ~~immediately upon~~ within 30 days of completion of drilling activities. The commissioner may order that an exploratory boring be sampled and any contamination be removed prior to ~~abandonment~~ sealing. If an exploratory boring provides a potential or actual source or channel of contamination for an aquifer, the commissioner may order that the boring be permanently ~~abandoned~~ sealed. The explorer is responsible for temporary and permanent sealing of exploratory borings constructed by the explorer except when a written agreement exists, as provided in part 4727.0250, that assigns the responsibility to another.

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Proposed Rules

4727.1100 TEMPORARY ~~ABANDONMENT~~ SEALING OF EXPLORATORY BORINGS.

Subpart 1. General. A temporarily ~~abandoned~~ sealed exploratory boring must be constructed according to parts 4727.0922 to 4727.0985 and shall be maintained whereby so that it is not a source or channel of contamination for any aquifer.

Until a boring is permanently ~~abandoned~~ sealed, all provisions for protection of the groundwater against contamination and pollution and for maintaining satisfactory sanitary conditions around the boring shall be carried out.

~~A boring which is temporarily abandoned shall be constructed to prevent the introduction of surface contaminants into the boring to prevent the passage of water from one aquifer to another. At the minimum, a temporarily abandoned boring shall be cased from bedrock or from the bottom of the boring if the boring terminates in unconsolidated materials, to a point one foot above the ground surface, or if in a floodplain, at least two feet above the level of the highest flood of record. The casing shall be protected with an overlapping cap which will prevent any surface contamination from entering the boring.~~

~~Any boring which is temporarily abandoned shall be marked and protected with four steel posts (schedule 40 steel pipe) of at least four inch diameter at equal distances from each other and which are placed two feet from the center of the casing. Such posts shall be installed to a depth of four feet into solid ground, or to a depth of two feet if each post is surrounded with one foot of concrete to a depth of two feet.~~

~~A boring shall not be temporarily abandoned for more than five years.~~

Subp. 2. Time limit for temporarily sealing. An exploratory boring must not be temporarily sealed for more than ten years. The boring must be permanently sealed at the end of the tenth year, or sooner if:

A. the explorer determines that an exploratory boring need not remain open any longer;

B. any legal or contractual right necessary for the explorer to seal the boring will expire within 30 days;

C. the boring is required to be sealed under *Minnesota Statutes*, chapter 103I;

D. a license or registration required under *Minnesota Statutes*, section 103I.601, will expire within 30 days and the explorer has not applied to renew or is not qualified to renew the license or registration; or

E. any registration bond or security required by the commissioner of natural resources will expire within 30 days and the explorer has not submitted a new bond or security.

4727.1250 PERMANENT SEALING OF EXPLORATORY BORINGS.

Subpart 1. Permanent sealing required. The explorer must permanently seal an exploratory boring that is not temporarily sealed or that is required to be permanently sealed under part 4727.1100, subpart 2.

Subp. 2. Sealing with grout. An exploratory boring must be permanently sealed by filling the boring, including any open annular space, with grout. The grout must be pumped through a tremie pipe or the casing from the bottom of the annular space or boring upward to within two feet of the established ground surface. The bottom of the tremie pipe must remain submerged in grout while grouting.

Subp. 3. Removal of obstruction, debris. Materials, debris, and obstructions that may interfere with permanent sealing must be removed from the exploratory boring. Casing may be salvaged, except casing that has been cemented in place.

Subp. 4. Grouting an annular space. Open annular space surrounding a casing must be grouted by:

A. filling the annular space with grout according to subpart 2;

B. removing the casing and filling the boring with grout. If casing is to be removed from a collapsing formation, grout must be inserted so the bottom of the casing remains submerged in grout;

C. perforating the casing with a minimum of one 1/2-square-inch hole in each foot of casing and forcing grout through the perforations; or

D. ripping a minimum of five feet of casing for every 20 feet of casing and forcing grout through the ripped casing, except that casing must be ripped through the entire length of a confining layer.

Subp. 5. Additional sealing requirements; unconsolidated materials. The additional requirements in items A and B apply to the permanent sealing of a boring in unconsolidated materials.

A. The portion of a boring in unconsolidated material must be filled with high solids bentonite grout or neat cement grout. Concrete grout is approved for grouting only in the dry portion of the hole. The grout must be pumped through a tremie pipe or the casing from the bottom of the boring upward to within two feet of the established ground surface.

B. The portion of a boring in kaolin clay may be sealed with kaolin clay in addition to the grout materials in item A. Up to 20 percent water by volume may be added to the kaolin clay to allow for placement. The kaolin clay, or kaolin clay and water mixture, must be inserted through a tremie pipe or the casing.

Subp. 6. Additional sealing requirements; rock. The additional requirements in items A and B apply to the permanent sealing of a boring in rock.

A. The portion of a boring in rock must be filled and sealed through the entire interval of the rock with neat cement grout, except that:

(1) concrete grout may be used above the water level;

(2) in that portion of an igneous or metamorphic rock that does not contain water-bearing fractures or voids and that is at least 250 feet below the top of the igneous or metamorphic rock, a plug or packer may be installed. The bore hole above the packer must be filled with grout and the bore hole below the packer may be left without grout; and

(3) if the grout level fails to rise after insertion of more than one cubic yard of grout or the quantity of grout necessary to fill ten vertical feet of hole, or if a cavity more than twice the diameter of the bore hole exists, then the following grouting materials and methods may be used in the portions where the conditions exist:

(a) pouring a mixture of gravel or stone aggregate not larger than one-half inch in diameter while simultaneously pumping neat cement grout or concrete grout in a ratio not to exceed five parts aggregate to one part grout;

(b) pumping a mixture of gravel or stone aggregate not larger than one-half inch in diameter and concrete grout or neat cement grout in a ratio not to exceed five parts gravel to one part Portland cement; or

(c) alternately pumping concrete or neat cement grout and pouring gravel or stone aggregate not larger than one-half inch in diameter in layers of equal thickness. Individual layers of aggregate must not exceed ten feet in thickness. Aggregate must not be placed in a confining layer.

B. Neat cement grout or concrete grout must be pumped through the casing or a tremie pipe. The aggregate must be poured into the bore hole at a rate that prevents bridging.

Subp. 7. Sealing flowing boring. An exploratory boring from which groundwater flows above the established ground surface must be permanently sealed with neat cement grout. The discharge from a flowing exploratory boring must be stopped and the boring sealed according to this part.

REPEALER. Minnesota Rules, parts 4727.0100, subparts 2, 4, 9, 13, 16, and 17; 4727.0800; 4727.0900; 4727.1200; and 4727.1300, are repealed.

INCORPORATIONS BY REFERENCE:

Part 4727.0150:

Dictionary of Geological Terms (Robert L. Bates and Julia A. Jackson, ed., 3d ed. 1984)

American Petroleum Institute (API), distributed by Global Engineering Documents, 15 Inverness Way East, Englewood, CO 80112-5776: API Specification 13A, "Oil Well Drilling Fluid Materials," 11th Edition, July 1985 and Supplement One to the 11th Edition and API Specification 5L, "Line Pipe" (May 31, 1985)

American National Standards Institute (ANSI), 1819 L Street NW, Suite 600, Washington, DC 20036: ANSI Schedule 5 and Schedule 40, "Dimensions of Welded and Stainless Steel Pipe" as contained in the appendix to ASTM Standard A312-86a and ANSI Standard Z34.1-1987, "Third-Party Certification Program"

ASTM International (ASTM), 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959: ASTM Standard A53-90b, "Standard Specification for Pipe, Steel, Black and Hot-Dipped, Zinc-Coated, Welded and Seamless"; ASTM Standard A589-89a, "Standard Specification for Seamless and Welded Carbon Steel Water-Well Pipe," specifications for Type I, II, and III only; ASTM Standard A312-86a, "Standard Specification for Seamless and Welded Austenitic Stainless Steel Pipe," including the appendix; ASTM Standard C150-85a, "Standard Specification for Portland Cement"; ASTM Standard C494-86, "Standard Specification for Chemical Admixtures for Concrete"; ASTM Standard D2466-90a, "Standard Specification for Poly(Vinyl Chloride) (PVC) Plastic Pipe Fittings, Schedule 40"; ASTM Standard D2487-85, "Standard Test Method for Classification of Soils for Engineering

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Proposed Rules

Purposes”; and ASTM Standard F480-88, “Standard Specification for Thermoplastic Water Well Casing Pipe and Couplings Made in Standard Dimension Ratios (SDR)”

Canadian Standards Association (CSA), 178 Rexdale Boulevard, Toronto, Ontario, M9W 1R3, Canada: “Diamond Core Drilling Equipment – General,” CSA Standard M253.1 – M1981

Diamond Core Drill Manufacturers Association, Inc., DCDMA Technical Manual (1991)

NSF International (NSF), 789 Dixboro Road, Ann Arbor, Michigan 48113: NSF Standard 14-1990, “Plastic Piping System Components and Related Materials”; NSF Standard 60-1988, “Drinking Water Treatment Chemicals – Health Effects”; and NSF Standard 61-1991, “Drinking Water System Components – Health Effects”

George Austin, “Paleozoic Lithostratigraphy of Southeastern Minnesota,” in *Geology of Minnesota: A Centennial Volume in Honor of George M. Schwartz* (P.K. Sims and G.B. Morey eds., 1972), pages 459 to 473

United States Bureau of Plant Industry, Soils and Agricultural Engineering, Soil Survey Manual, United States Department of Agriculture Handbook, no. 18 (1951), pages 205 to 213.

All of the above are available through the Minitex interlibrary loan system.

Appointments

Minnesota Statutes, Section 15.06, Subd. 5 requires a notice of the designation of a commissioner or acting commissioner, or the assumption of office by a temporary commissioner, shall be filed with the president of the senate and the speaker of the house with a copy delivered to the secretary of state and published in the next available edition of the *State Register*.

Office of the Governor

Notice of Appointment of Jack Uldrich Acting Director to Minnesota Planning

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Jesse Ventura appointed Jack Uldrich acting director to the office of Minnesota Planning effective November 7, 2002. He succeeds Director Dean Barkley. This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled.

The laws governing Minnesota Planning are:

- *Minnesota Statutes*, 4A.01

Acting Director Uldrich is a resident of Hennepin County, Congressional District Five. He can be reached at Minnesota Planning, 658 Cedar Street, St. Paul, MN 55155. **Phone:** (651) 297-2325. Internet home page: <http://www.mnplan.state.mn.us>

Office of the Governor

Notice of Appointment of Mancel Mitchell, Jr. Acting Commissioner to Public Safety Department

NOTICE IS HEREBY GIVEN, pursuant to *Minnesota Statutes*, Section 15.06, Subd. 5, that Governor Jesse Ventura appointed Mancel Mitchell, Jr. to the office of acting commissioner of the Minnesota Department of Public Safety effective November 16, 2002. He succeeds Commissioner Charlie Weaver. This appointment carries with it all rights, powers, duties, and emoluments granted by law and pertaining to this position until this appointment is superseded or annulled.

The laws and rules governing the Department of Public Safety are:

- *Minnesota Statutes*, Chapters 12, 168-71, 299A-299I, 340
- *Minnesota Rules* 7400-7599

Acting Commissioner Mitchell is a resident of Hennepin County, Congressional District Five. He can be reached at the Minnesota Department of Public Safety, North Central Life Tower, Suite 1000, 445 Minnesota Street, St. Paul, MN 55101. **Phone:** (651) 296-6642. Internet home page: <http://www.dps.state.mn.us>

Official Notices

Pursuant to Minnesota Statutes §§ 14.101, an agency must first solicit comments from the public on the subject matter of a possible rulemaking proposal under active consideration within the agency by publishing a notice in the State Register at least 60 days before publication of a notice to adopt or a notice of hearing, and within 60 days of the effective date of any new statutory grant of required rulemaking. The State Register also publishes other official notices of state agencies and non-state agencies, including notices of meetings and matters of public interest.

Department of Administration

Office of Technology

Notice of the Technology Enterprise Board Meeting

NOTICE IS HEREBY GIVEN that the Minnesota Department of Administration and the Office of Technology are holding a Technology Enterprise Board meeting.

The meeting date/time and location are:

December 3, 2002 1:00 p.m. to 4:00 p.m.
Minnesota Office of Technology
First National Bank Building
332 Minnesota Street, Suite E1100
St. Paul, MN

Minnesota Comprehensive Health Association

Notice of Meeting of the Finance Committee

NOTICE IS HEREBY GIVEN that a meeting of the Minnesota Comprehensive Health Association's (MCHA), Finance Committee will be held at 1:30 p.m., on Monday, December 2, 2002. The meeting will take place at the MCHA executive office located at 5775 Wayzata Blvd., Suite 910, St. Louis Park, MN.

For additional information, please call Lynn Gruber at (952) 593-9609.

Official Notices

Department of Health

Public Hearing Regarding the Minnesota Department of Health Application to the Federal Department of Health and Human Services for Federal Fiscal Year 2003 Preventive Health and Health Services Block Grant Funding

The Minnesota Department of Health will sponsor a public hearing to obtain comments on the application for federal fiscal year 2003 Preventive Health and Health Services Block Grant funds. The draft application for those funds is available for inspection upon request.

The public hearing will be conducted as part of a meeting of the State Preventive Health Advisory Committee held Thursday, December 5, 2002 at the Minnesota Department of Health, 121 East Seventh Place, St. Paul, MN, in Meeting Room LL57. The public hearing and meeting will begin at 2:00 p.m. Any person or group may submit either written or oral comments at the meeting.

Written comments may be submitted by Thursday, December 5, 2002 to the address below.

For further information contact:

Debra Burns, Director
Office of Public Health Practice
Minnesota Department of Health
121 E. Seventh Place
P.O. Box 64975
St. Paul, Minnesota 55164-0975
Phone: (651) 296-8209
Email: debra.burns@health.state.mn.us

Executive Council State Board of Investment Land Exchange Board Investment Advisory Council

Official Notice of Meetings of the Executive Council, State Board of Investment, Land Exchange Board, and the Investment Advisory Council

The Executive Council, State Board of Investment and the Land Exchange Board will meet on Tuesday, December 10, 2002 at 10:00 a.m. in Room 107, State Capitol, St. Paul, MN.

The Investment Advisory Council will meet on Monday, December 2, 2002 at 2:00 p.m. in the Board Room (Main Floor), 60 Empire Drive, St. Paul, MN.

Minnesota Department of Natural Resources Regional Operations

Request for Comments on the Department of Natural Resources' Intention to Draft a Rule that Establishes Criteria for Determining Benefits on Consolidated Conservation (Con-Con) Lands

Subject of Rule. The Commissioner of Natural Resources, as directed under *Minnesota Statutes*, sec. 84A.55 subd. 9, is required to establish by rule criteria for determining benefits of proposed drainage projects to state-owned Consolidated Conservation (Con-Con) lands. The benefits of such projects, if any, are to be determined by the commissioner and are to be based

on established criteria that result from this rulemaking process. Con-Con lands are located in parts of Aitkin, Beltrami, Koochiching, Lake of the Woods, Mahnommen, Marshall, and Roseau Counties. The Department of Natural Resources requests comments on proposed criteria.

Persons Affected. The rule establishing the criteria will affect: 1) landowners benefited from any public ditches that are wholly or partly established within the Con-Con areas of Aitkin, Beltrami, Koochiching, Lake of the Woods, Mahnommen, Marshall, and Roseau Counties; 2) Minnesota taxpayers who are ultimately responsible for paying ditch assessments for state-owned lands; 3) individuals and organizations who are concerned with protecting natural resources and maintaining water quality; and 4) the respective ditch authorities.

Statutory Authority. *Minnesota Statutes*, sec. 84A.55, subd. 9 require the department to establish by rule the criteria for determining benefits to Con-Con lands.

Public Comment. Interested persons or groups may submit comments or information on this possible rule in writing, by e-mail, or orally until 4:30 p.m. on January 24, 2003. Direct communication with interested parties, public news releases, and communication via the DNR website will be used to provide updates on progress during this rulemaking process.

Rule Drafts. The department has not yet prepared a draft of the possible rule.

Agency Contact Person. Written or oral comments, requests to receive a draft of the rule when it has been prepared, and requests for more information on this possible rule should be directed to:

Paul Swenson
Department of Natural Resources
2115 Birchmont Beach Road Northeast
Bemidji, MN 56601
Phone: (218) 755-3623
Fax: (218) 755-4024
Email: concon.rule@dnr.state.mn.us
DNR Web Site: www.dnr.state.mn.us
TTY users may call the department at 1-800-657-3929

Alternative Format. Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed. If you submitted comments during the development of the rules and you want to ensure that the Administrative Law Judge reviews the comments, you should resubmit the comments after the rules are formally proposed.

Allen Garber, Commissioner
Department of Natural Resources

Department of Natural Resources

Division of Wildlife

Request for Comments on Planned Rules and Rule Amendments Governing Wildlife *Minnesota Rules, Chapters 6232 and 6234*

Subject of Rule. The Minnesota Department of Natural Resources requests comments on its planned rules and rule amendments governing miscellaneous wildlife matters. These rules will be combined with the rules covering the miscellaneous wildlife issues identified in the Request for Comments that was published in the *State Register* on November 5, 2001. The department is considering rules and rule amendments that:

1. establish provisions for a limited entry prairie chicken hunting season;
2. modify some deer zone, permit, and licensing provisions; and
3. prescribe restrictions for the all-season deer license.

Official Notices

Persons Affected. The rules may affect small game hunters interested in prairie chicken hunting and deer hunters. Individuals or businesses that provide goods and services to hunters may also be affected.

Statutory Authority. The adoption of the proposed rules is authorized by *Laws of Minnesota 2002*, Chapter 351, sections 7, 17, and 19 (secs. 7 and 19 to be codified at *Minnesota Statutes*, sections 97A.434 and 97B.716) and by *Minnesota Statutes*, sections 97B.301, 97B.305, and 97B.311.

Public Comment. Interested persons or groups may submit comments or information on these possible rules in writing, by e-mail, or orally until 4:30 p.m. on January 24, 2003. The Department does not contemplate appointing an advisory committee to comment on the possible rules. Direct communication with interested and affected parties, public news releases, and communication via the DNR website will be used to provide input for the possible rules. Open houses will be held to provide additional information and solicit comments on proposed changes to the southeast Minnesota (Zone 3) deer season.

Rules Drafts. The department has not yet prepared a draft of the possible rules.

Agency Contact Person. Written or oral comments, questions, requests to receive a draft of the rules when it has been prepared, and requests for more information on these possible rules should be directed to:

Ed Boggess
Department of Natural Resources
500 Lafayette Road
St. Paul, Minnesota 55155-4007
Phone: (651) 297-2072 or 1-888-MINNDNR
Fax: (651) 297-4961
Email: ed.boggess@dnr.state.mn.us
DNR Web Site: www.dnr.state.mn.us
TTY users may call the Department of Natural Resources at 1-800-657-3929.

Alternative Format: Upon request, this Request for Comments can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the agency contact person at the address or telephone number listed above.

NOTE: Comments submitted in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The agency is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Dated: 18 November 2002

Allen Garber, Commissioner
Department of Natural Resources

Pollution Control Agency

Division of Policy and Planning

Comments Sought on Planned Proposal of Rules Governing the Disposal of Wood Treated with Wood Preservatives, *Minnesota Rules* ch. 7035 and 7045

Subject of Rules. The Minnesota Pollution Control Agency (MPCA) requests comment on its planned proposal of rules governing the disposal of wood that has been treated with wood preservatives. The MPCA is considering proposing rules to exclude treated wood from hazardous waste regulation and allow the disposal of treated wood in lined solid waste landfills. The rules may incorporate elements of the exemption currently provided in the federal hazardous waste rules for discarded wood treated with arsenical compounds. The MPCA may also consider imposing additional or alternative management standards and may address a more extensive range of waste wood and wood treatment technologies.

The U.S. Environmental Protection Agency has exempted from hazardous waste regulation all “*solid waste which consists of discarded arsenical-treated wood or wood products which fails the test for the Toxicity Characteristic for Hazardous Waste Codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood product for these materials’ intended end use.*” [40 C.F.R. § 261.4 (b)(9)] The state hazardous waste rules (*Minnesota Rules* ch. 7045) do not currently provide this federal exemption for arsenical-treated wood. The MPCA is seeking comment on whether this exemption should be adopted and if there are appropriate modifications and conditions that should also be considered.

Persons Affected. The proposed rules will likely affect all generators of treated waste wood, especially persons involved in the construction and transportation industry. The proposed rules will also likely affect persons and government entities that own or operate solid waste disposal facilities.

Statutory Authority. With respect to solid waste, *Minnesota Statutes* § 116.07, subd. 4 allows the MPCA, pursuant and subject to Chapter 14, to “adopt, amend, and rescind rules and standards having the force of law relating to any purpose with the provisions of *Laws 1969*, chapter 1046, for the collection, transportation, storage, processing, and disposal of solid waste, and the prevention, abatement, or control of water, air, and land pollution which may be related thereto, and the deposit in or on the land of any other material that may tend to cause pollution.”

With respect to hazardous waste, *Minnesota Statutes* § 116.07, subd. 4, further provides the MPCA with the authority to “adopt, amend, and rescind rules and standards having the force of law relating to any purpose within the provisions of this chapter for generators of hazardous waste, the management, identification, labeling, classification, storage, collection, treatment, transportation, processing, and disposal of hazardous waste and the location of hazardous waste facilities. A rule or standard may be of general application throughout the state or may be limited as to time, places, circumstances, or conditions....”

Public Comment. Interested persons or groups may submit comments or information on these planned rules until further notice is published in the *State Register* that the MPCA intends to adopt the rules.

Rules Drafts. The MPCA has not yet prepared a draft of the planned rule amendments, although interested parties may request to be notified when a draft is available

MPCA Contact Person. Written comments, questions, and requests for more information on these planned rules should be addressed to:

Carol Nankivel
Policy and Planning Division
Majors Analysis & Program Support Unit
520 Lafayette Rd N
St. Paul, MN 55155-4194
Phone: (651) 297-8371 or **TTY:** (651) 282-5332

Alternative Format: Upon request, this document can be made available in an alternative format, such as large print, Braille, or cassette tape. To make such a request, please contact the person listed above.

NOTE: Comments received in response to this notice will not necessarily be included in the formal rulemaking record submitted to the administrative law judge when a proceeding to adopt rules is started. The MPCA is required to submit to the judge only those written comments received in response to the rules after they are proposed.

Karen A. Studders
Commissioner

Minnesota State Rehabilitation Council

Applications Sought for Appointments Year 2003

The Minnesota State Rehabilitation Council has an immediate opening for a business member, former or present applicants for or recipients of Vocational Rehabilitation services, advocates, and a representative of Special Education from the Department of Children, Families and Learning.

The State Rehabilitation Council participates in assessment of the state’s Vocational Rehabilitation Program and jointly with RS develops and reviews annually VR Program goals and priorities. Members are appointed by the Governor. The council meets approximately 10 times annually on the fourth Wednesday of the month. A minimum of one meeting per year will be held in Greater Minnesota. Appointments are made to ensure representation of persons with disabilities, Vocational Rehabilitation Program consumers, business, industry, labor, vocational rehabilitation counseling and others. Interested persons may contact Gail Lundeen, State Rehabilitation Council, Rehabilitation Services, 390 North Robert Street, St. Paul, Minnesota 55101, (651) 296-5629 (800) 328-9095, or **email** her at: gail.lundeen@state.mn.us. **TTY:** 1-800-657-3973; (651) 296-3900.

Official Notices

State Rehabilitation Council

January and February Meeting Dates 2003

The State Rehabilitation Council will meet on the following dates designated location. For more information on locations not listed please contact the Minnesota Department of Economic Security at **phone:** 1-800-328-9095; (651) 296-5616. **TTY:** 1-800-657-3973; (651) 296-3900.

January 22, 2003

Kelly Inn
161 St. Anthony Avenue
St. Paul, MN 55103
Phone: (651) 227-8711

February 26, 2003

Kelly Inn
161 St. Anthony Avenue
St. Paul, MN 55103
Phone: (651) 227-8711

Teachers Retirement Association

Notice of Meeting

The Board of Trustees, Minnesota Teachers Retirement Association will hold a meeting on Thursday, December 12, 2002 at 9:30 a.m. in Suite 400, 60 Empire Drive, St. Paul, MN to consider matters which may properly come before the Board.

State Grants & Loans

In addition to requests by state agencies for technical/professional services (published in the State Contracts section), the *State Register* also publishes notices about grants and loans available through any agency or branch of state government. Although some grant and loan 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 and loan notices, and to provide financial estimates as well as sufficient time for interested parties to respond.

Minnesota Board on Aging

Notice of Funds Availability: Opportunity to Sponsor the Retired and Senior Volunteer Program in Beltrami, Cass, Lake-of-the-Woods and Morrison Counties

The Minnesota Board on Aging, a state agency, in collaboration with the Minnesota office of the Corporation for National and Community Service, a federal agency, is seeking a qualifying non-profit public or private organization to assume sponsorship of the Retired and Senior Volunteer Program (RSVP) operating in Beltrami, Cass, Lake-of-the-Woods and Morrison counties.

The Minnesota Board on Aging (MBA) is a state agency that provides state funding and support for the RSVP, Senior Companion, Foster Grandparents and a variety of programs and services for older adults. The Corporation for National and Community Service is a federal government corporation that encourages Americans of all ages and backgrounds to engage in community based service. RSVP, one of three programs of the Corporation's National Senior Service Corps (the Senior Companion and Foster Grandparent programs are the other two), facilitates the engagement of people 55 and older in volunteer opportunities in local communities. A more complete description of RSVP is available from the Corporation for National and Community Service.

A project sponsor administers the recruitment, placement, and support of RSVP volunteers at community locations in the project area. Examples of current sponsors for the twenty-two RSVP projects operating in Minnesota include non-profit organizations and city and county governmental units.

RSVP operating procedures and policy are governed by federal legislation contained in the Domestic Volunteer Service Act of 1973 as amended. RSVP, as well as the Senior Companion and Foster Grandparent programs, operate in Minnesota with additional state support provided through the MBA. The Corporation for National and Community Service (CNCS) will designate the selection of a new sponsor for the four affected counties in consultation with the MBA.

Currently there are approximately 746 active RSVP volunteers serving at 110 different locations or "stations" in the four county area. The sponsor selected to assume operations will be expected to maintain the Retired Senior Volunteers (RSVs) and stations enrolled in the program while seeking new volunteers and assignments in the future. It is anticipated that a total of \$51,236 in state funds will be available from the MBA on an annualized basis (12 months) to support this program in the four county area. It is expected that a new sponsor will assume operations by March 1, 2003. The grant amount up to July 1, 2003 will be negotiated according to sponsor's start date. The sponsor must provide some financial support, cash and/or in-kind, to meet the matching requirements of the state funding (10%). It is anticipated that \$23,410 in federal funds from the Corporation for National and Community Service will be available an annualized basis, as well as the state funds.

An application and further instructions are available from the Corporation for National and Community Service, Room 2480, 431 S. Seventh Street, Minneapolis, MN. 55415; **phone:** (612) 334-4083. A public meeting for all prospective sponsors will be held on Thursday, December 12, 2002 from 10:00 a.m. until noon. The meeting location is the Bemidji Public Library, 509 American Avenue NW, Bemidji, MN, 56601. Interested parties should call the Corporation for National and Community Service for additional details about the public meeting or with other questions.

Minnesota Department of Health

Office of Rural Health and Primary Care Community Clinic Grant Program and Rural Community Health Center Grant Program

Notice of Grant Opportunities

The Minnesota Department of Health (MDH) is seeking applications from eligible community clinics through the Community Clinic Grant Program. The purpose of these grants is to improve the ongoing viability of Minnesota's clinic-based safety net providers.

The level of funding for community clinic applications is estimated to be between \$750,000 and \$1.1 million contingent on state and federal decisions regarding Minnesota's intergovernmental transfer program, through which the program is funded. Grant commitments will not be made by MDH until funding is known. An eligible community clinic means a clinic that provides services under conditions as defined in *Minnesota Rules*, part 9505.0255, and utilizes a sliding fee scale to determine eligibility for charity care; an Indian tribal government or Indian health service unit; or a consortium of clinics. The Office of Rural Health and Primary Care expects that successful applicants will be able to begin their grant projects by April 2003.

The Minnesota Department of Health (MDH) is also seeking applications from eligible community health centers through the Community Health Center Grant Program. The purpose of these grants is to increase health care access for residents of rural Minnesota by creating new community health centers in areas where they are needed and maintaining essential rural health care services. The program is not intended to duplicate the work of current health care providers.

\$250,000 is available to fund community health center grant applications in this grant cycle. An eligible community health center means a nonprofit, governmental or tribal entity located in a rural shortage area outside the Twin Cities, Duluth, St. Cloud, East Grand Forks, Moorhead, Rochester or LaCrosse urbanized areas. The Office of Rural Health and Primary Care expects that successful applicants will be able to begin their grant projects by April 2003.

State Grants & Loans

Prospective applicants for both grants who have questions, and/or would like a copy of the combined Request for Applications and application form may contact:

Sheila Brunelle
Office of Rural Health and Primary Care
Division of Community Health
Minnesota Department of Health
P.O. Box 64975
St. Paul, MN 55164-0975
Phone: (651) 282-3853
Toll Free: 1-800-366-5424 (inside Minnesota only)

The joint application for both grants are also available on the Office of Rural Health and Primary Care **website** at: <http://www.health.state.mn.us/divs/chs/grants.htm>

Both applications are due by January 7, 2003 at 4:00 p.m. to the address above.

Department of Public Safety

Office of Drug Policy and Violence Prevention

Request for Proposals for Reentry Services for Offenders and Justice Training Partnerships

The Minnesota Department of Public Safety, Office of Drug Policy and Violence Prevention, is requesting proposals in two funding categories:

1) Reentry Services for Offenders

Funds are to improve public safety by preparing offenders for successful reentry to communities. Applications should involve a partnership between community organization(s) and a government agency formed to develop and implement strategies that enhance offender reentry. Eligible applications are cities, counties, and tribal governments in partnership with community agencies.

2) Justice Training Partnerships

Funds are to support new criminal justice and community training projects that increase public safety and improve the criminal justice system. Eligible applicants are cities, counties, tribal governments, and state agencies.

Proposals are due January 31, 2003 with project start dates of April 1, 2003. **Late proposals will not be considered.** To receive a copy of the complete Request for Proposal contact Tricia Hummel or download from the website below.

Tricia Hummel
Department of Public Safety
444 Cedar Street, Suite 100
St. Paul, MN 55101
Phone: (651) 284-3323
Email: tricia.hummel@state.mn.us
Website: www.dps.state.mn.us/DrugPol

All questions concerning this RFP should be in writing and must be submitted only to the above address no later than **2:30 p.m., Central Daylight Time on January 17, 2003.** All answers will be published on our website. This Request for Proposals does not obligate the State to complete the proposed projects and the State reserves the right to cancel the solicitation if it is considered to be in the State's best interest. All expenses incurred in responding to this RFP shall be borne by the responder.

State Contracts

Informal Solicitations: Effective March 1, 2002, informal solicitations for professional/technical (consultant) contracts valued at over \$5,000 through \$50,000, may either be published in the *State Register* or posted on the Department of Administration, Materials Management Division's (MMD) website. Interested vendors are encouraged to monitor the P/T Contract section of the MMD website at www.mmd.admin.state.mn.us for informal solicitation announcements.

Formal Solicitations: Department of Administration procedures require that formal solicitations (announcements for contracts with an estimated value over \$50,000) for professional/technical contracts must be published in the *State Register*. Certain quasi-state agency and Minnesota State College and University institutions are exempt from these requirements.

Minnesota State Colleges and Universities

St. Cloud State University

Request for Proposals by St. Cloud State University As Authorized Agent for the St. Cloud State University Foundation for Design-Build Services for an Addition to and Renovation of Atwood Memorial Center, St. Cloud State University, St. Cloud, Minnesota

NOTICE IS HEREBY GIVEN that St. Cloud State University as authorized agent for the St. Cloud State University Foundation is requesting responses to a request for proposal to provide design-build services for the construction of an addition to, and internal renovations of, the Atwood Memorial Center, St. Cloud State University, St. Cloud Minnesota. The approximate area of the addition is 15,923 square feet and the approximate area of the renovation is 18,398 square feet. The approximate total maximum value of all costs is \$4,050,000.00; however, this proposal does not obligate the University to spend the estimated dollar amount.

Responses to the request for proposals will be due in December 23, 2002, with design work to be completed immediately after selection of a design-builder and execution of a contract, and construction must be complete in time for the beginning of the 2004-2005 school year.

Copies of the RFP are available by contacting the Owner's Representative for St. Cloud State University:

John Stelten, Senior Project Manager
CPMI c/o SCSU
Room AS 205
720 Fourth Avenue South
St. Cloud, MN 56301
Phone: (320) 229-5770
Fax: (320) 255-4707

Any questions by prospective vendors should be addressed to Mr. Stelten. Other SCSU or Foundation personnel are NOT allowed to discuss the Request for Proposal with anyone, including responders, before the proposal submission deadline.

Dated: 19 November 2002

Steve Ludwig, Vice President for Administrative Affairs
St. Cloud State University

Minnesota Historical Society

Request for Proposals for Furniture Elements for The North West Company Fur Post Exhibit Project

The Minnesota Historical Society is seeking proposals from qualified vendors with experience in the fabrication and installation of furniture elements for the North West Company Fur Post Exhibit. The project includes the fabrication, finishing, shipping, handling and installation of all furniture elements.

A mandatory pre-proposal meeting will be held at the North West Company Fur Post, Pine City, Minnesota, on Monday, December 9th, 2002.

The Request for Proposal is available by calling or writing Mary Green-Toussaint, Contracting and Procurement Assistant, Minnesota Historical Society, 345 Kellogg Boulevard West St. Paul, MN 55102. **Phone** is: (651) 297-7007 or **email:** mary.green-toussaint@mnhs.org

State Contracts

Proposals must be submitted in the format provided for in the Request for Proposals. Proposals must be received no later than **2:00 p.m., Local Time, Monday December 23, 2002. Late proposals will not be considered.**

Dated: 25 November 2002

Minnesota Historical Society

Request for Proposals for Professional Architectural and Engineering Services for Remodeling of the Forest History Center Interpretive Building at Grand Rapids, Minnesota

The Minnesota Historical Society seeks to contract for architectural and engineering services to assess site and building conditions, develop design and construction documents, and perform construction administration/observation services for remodeling the Interpretive Building at the Forest History Center. Services will also include analysis of the preliminary designs and program recommendations prepared by the Forest History Center Project Exhibit Team to insure efficient use of the building and financial resources.

A mandatory pre-proposal meeting will be held at 1:00 p.m. on December 4, 2002 at the Forest History Center. The Request for Proposals, including attachments, is available by calling (651) 297-7007, or emailing, Mary Green-Toussaint at: mary.green-toussaint@mnhs.org or writing:

Mary Green Toussaint, Contracting and Procurement Assistant
Minnesota Historical Society
345 Kellogg Boulevard West
St. Paul, Minnesota 55102

The deadline for receipt of proposals is **2:00 p.m. on December 12, 2002. Late proposals will not be accepted.**

Dated: 25 November 2002

Department of Transportation

Program Support Group

Notice Concerning Professional/Technical Contract Opportunities

NOTICE TO ALL: The Minnesota Department of Transportation (Mn/DOT) is now placing additional public notices for professional/technical contract opportunities on Mn/DOT's Consultant Services **website** at: www.dot.state.mn.us/consult

New public notices may be added to the website on a daily basis and be available for the time period as indicated within the public notice.

Non-State Contracts & Grants

The *State Register* also serves as a central marketplace for contracts let out on bid by the public sector. The *State Register* meets state and federal guidelines for statewide circulation of public notices. Any tax-supported institution or government jurisdiction may advertise contracts and requests for proposals from the private sector. It is recommended that contracts and RFPs include the following: 1) name of contact person; 2) institution name, address, and telephone number; 3) brief description of project and tasks; 4) cost estimate; and 5) final submission date of completed contract proposal. Allow at least three weeks from publication date (four weeks from date article is submitted for publication). Surveys show that subscribers are interested in hearing about contracts for estimates as low as \$1,000. Contact the editor for further details.

Metropolitan Council

Notice of Request for Proposals for Scheduling and Garage Operations Software

RFP No. 02P070

NOTICE IS HEREBY GIVEN that the Metropolitan Council is soliciting proposals from vendors to replace its current fixed route scheduling and garage operations software for its Metro Transit operations. The Metropolitan Council through its Metro Transit division provides mass transit bus services to the Twin Cities of Minneapolis/St. Paul and outlying areas.

The expectation of the new system is that it will provide long-term stability, significant cost savings over the current system and provide for more efficient and productive work processes. The scheduling system is mandatory; the addition of an integrated garage operations system is a desired option.

All proposals must be submitted in accordance with the RFP. The tentative schedule for this procurement process is:

RFP Release Date	Early December 2002
RSVP for Teleconference Due	December 31, 2002
Mandatory Pre-Proposal Teleconference/Demo	January 8, 2003
Questions Due	January 17, 2003
Answers Issued	January 28, 2003
Proposals Due	February 4, 2003
Evaluation Interviews/Demos if required	Week of February 24 or March 31

Part of the evaluation *may* entail a test with live data. This decision may not be made until the evaluation process itself.

All firms interested in this project should submit a written request for a copy of the solicitation through:

Amanda Houston, Administrative Assistant, Contracts and Procurement Unit
Metropolitan Council
Mears Park Centre, 230 East Fifth Street
St. Paul, MN 55101
Phone: (651) 602-1585
Fax: (651) 602-1138
Email: amanda.houston@metc.state.mn.us

Please provide **one** contact point; complete company name; address / city / state / zip along with phone / fax / mobile / cell phone and pager numbers as well as email information if you wish to be placed on the Solicitation List. **All other inquiries** regarding this procurement shall be directed by **email** to Mary DeMers at: mary.demers@metc.state.mn.us. Any other contact made throughout the entire solicitation process risks vendor disqualification.

This project may be funded in part by local funds, transit revenues generated by the motor vehicle tax per Minnesota State Statute or FTA grant funds, to which federal rules apply. *Minnesota Statutes*, Sections 473.144 and 363.073 and *Minnesota Rules*, Part 5000.3400 to 5000.3600 will be incorporated into any contract based upon the Proposal or any modifications to it. The Minnesota Data Practices Act governs data submitted in response to this RFP. It provides that all information submitted by a Proposer in response to an RFP, with the exception of trade secret data as defined in *Minnesota Statutes*, section 13.37, becomes public at the times specified in the Act and is then available to any person upon request. Any information in its response for which Proposer claims trade secret protection must be limited and set apart in the proposal on separate pages, with a heading that identifies the information as trade secret information. Blanket-type identification on whole pages or sections containing trade secret information will not assure protection. A statement that submitted information is copyrighted or otherwise protected does not prevent public access.

Non-State Contracts & Grants

Metropolitan Council

Snow Plowing at Transit Centers and Park and Ride Lots Along the I-394 Corridor

The Metropolitan Council is soliciting sealed bids for Snow Plowing at various transit facilities along I-394. Bids are due at **2:00 p.m., on December 3, 2002.**

Bids must be submitted in accordance with the Invitation for Bids document available from:

Metropolitan Council
Metro Transit Purchasing Department
515 N. Cleveland Avenue
St. Paul, MN 55114
Phone: (612) 349-5070

University of Minnesota

Notice of Bid Information Service (BIS) Available for All Potential Vendors

The University of Minnesota offers 24 hour/day, 7 day/week access to all Request for Bids/Proposals through its web based Bid Information Services (BIS). Subscriptions to BIS are \$75/year. Visit our web site at bidinfo.umn.edu or call the BIS Coordinator at (612) 625-5534.

Requests for Bids/Proposals are available to the public at no charge each business day from 8:00 a.m. to 4:30 p.m. in Purchasing Services lobby, Suite 560, 1300 S. 2nd Street, Mpls., MN 55454.

University of Minnesota

Small Project Asbestos Pre-Qualification Submittal

NOTICE OF PRE-QAULIFICATION SUBMITTAL

The University of Minnesota is interested in Small Project Asbestos Abatement Services for the Twin Cities (Minneapolis and St. Paul) Campus. The individual projects will be under \$100,000 with an estimated total annual expenditure of \$600,000. The intent of this Asbestos Pre-Qualification Submittal is to pre-qualify firms to perform Asbestos Abatement Services related to Construction/Remodeling/Emergency Repair Projects for the Minneapolis and St. Paul Campus'. Contracts would be for a one-year term with the option of two one-year extensions, for a total of three years.

Email or call your request for the full Pre-Qualification Submittal Packet, which will be sent free of charge to interested vendors.

II. CONTACT FOR RFP INQUIRIES:

Refer questions to:

PURCHASING SERVICES:

Chip Foster
Facilities Management
400 Donhowe Building
319 15th Ave. SE
Minneapolis, MN 55455-1082
Phone: (612) 626-8757
Fax: (612) 624-5796
Email: fosterc@facm.umn.edu

III. TENTATIVE SCHEDULE OF EVENTS

Be advised that these dates are subject to change, as University officials deem necessary.

<i>Pre-Qualification Document Issued</i>	Monday, November 25, 2002
<i>Pre-Qualification Question and Answer Meeting</i>	Wednesday, December 4, 2002
<i>All Questions/Inquiries deadline at 1:00 pm CST</i>	Monday, December 9, 2002
<i>Pre-Qualification Packets Due at 1:00 PM CST</i>	Monday, December 16, 2002
<i>Tentative Award Decision/Notification to Proposers</i>	Friday, December 20, 2002

Non-State Contracts & Grants

The University reserves the right, in its sole discretion, to reject any and all Pre-Qualification packets, accept any Pre-Qualification packets, waive informalities in Pre-Qualification packets submitted, and waive minor discrepancies between a Pre-Qualification packets and these Pre-Qualification packet instructions, as it deems to be in its best interest. Any waiver of the University with respect to the requirements of these Pre-Qualification packets instructions shall apply only to the particular instance for which it was made or given, and no such waiver shall constitute a permanent or future waiver of such requirements.

Executive Orders

The governor has the authority to issue written statements of orders, called Executive Orders, as well as Emergency Executive Orders. The governor's authority is specified in the *Constitution of the State of Minnesota*, Article V, and in *Minnesota Statutes* 4.035. Emergency Executive Orders, for protection from an imminent threat to health and safety, become effective immediately, are filed with the secretary of state, and published in the *State Register* as soon as possible after they are issued. Other Executive Orders become effective 15 days after publication in the *State Register* and filing with the secretary of state. Unless otherwise specified, an executive order expires 90 days after the date the governor who issued the order vacates office.

Office of the Governor

Emergency Executive Order # 02-11 Providing for Assistance to the Stearns, Benton, Crow Wing, and Morrison County Sheriffs

I, JESSE VENTURA, 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, the Stearns County Sheriff has reported a St. John's University student, Josh Guimond, missing in the university campus lake area since midnight on Saturday, November 9; and

WHEREAS, the Crow Wing County Sheriff has reported a 21-year-old woman, Erika Marie Dalquist, missing in the Brainerd area since Wednesday, October 30; and

WHEREAS, the Stearns, Benton, Crow Wing, and Morrison Counties are adjacent to each other; and the exact locations of the missing persons are unknown; and the County Sheriffs' Departments do not have adequate local resources for a search and rescue mission; and

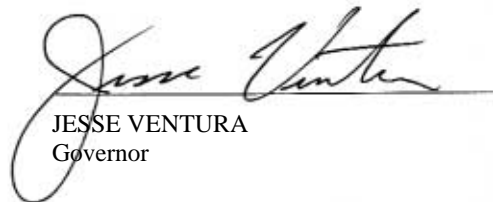
WHEREAS, the Stearns County Sheriff has requested the National Guard's assistance in searching for Josh Guimond;

NOW, THEREFORE, I hereby order that:

1. The Adjutant General of Minnesota order to state active duty on or about November 12, 2002, in the service of the State, such personnel and equipment of the military forces of the State as required to participate in a search and rescue effort.
2. The Adjutant General is authorized to purchase, lease or contract goods or services necessary to accomplish the mission.
3. The cost of subsistence, transportation, fuel, pay and allowances of said individuals shall be defrayed from the general fund of the State, as provided for in *Minnesota Statutes* 2002, Sections 192.49, Subd. 1; 192.52 and 192.54.

Pursuant to *Minnesota Statutes* 2002, Section 4.035, Subd. 2, this Order is effective immediately and shall remain in effect until such date as elements of the military forces of the State are no longer required.

IN TESTIMONY WHEREOF, I have set my hand this 12th day of November, 2002.



JESSE VENTURA
Governor

Filed According to Law:



MARY KIFFMEYER

Secretary of State

