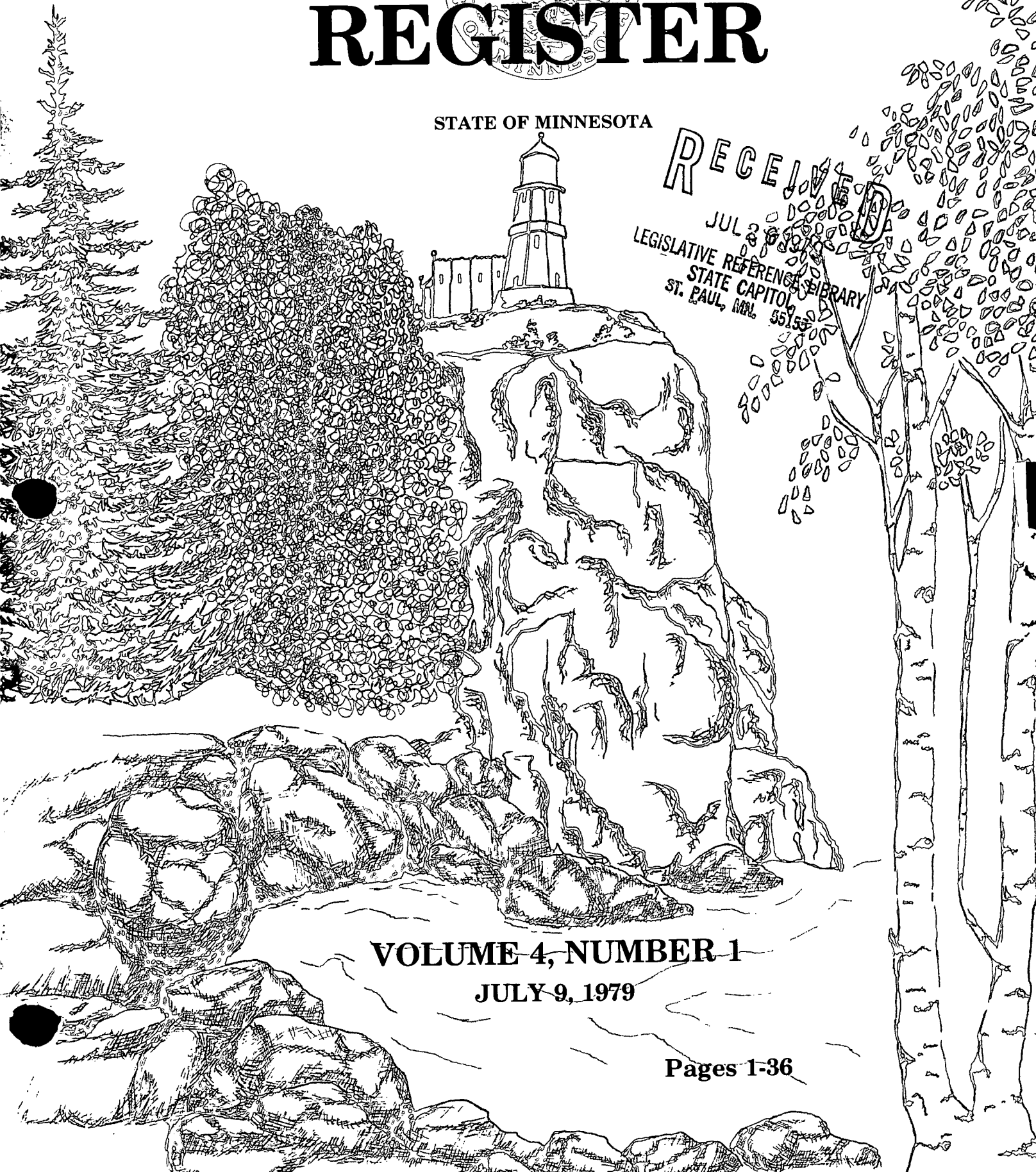


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STATE REGISTER

STATE OF MINNESOTA

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VOLUME 4, NUMBER 1

JULY 9, 1979

Pages 1-36

STATE REGISTER

Volume 4 Printing Schedule for Agencies

Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices.	Issue Date
SCHEDULE FOR VOLUME 4			
2	Monday July 2	Monday July 9	Monday July 16
3	Monday July 9	Monday July 16	Monday July 23
4	Monday July 16	Monday July 23	Monday July 30
5	Monday July 23	Monday July 30	Monday Aug 6

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

**Notices of Public Hearings on proposed rules are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the Office of the State Register, Suite 415, Hamm Building, 408 St. Peter Street, St. Paul, Minnesota 55102.

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The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, and official notices to the public. Judicial notice shall be taken of material published in the *State Register*.

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MCAR AMENDMENTS AND ADDITIONS

The following is a listing of all proposed and adopted rules published in Volume 4, Number 1 of the *State Register*. The listing is arranged in the same order as the table of contents of the *Minnesota Code of Agency Rules* (MCAR). All adopted rules published in the *State Register* and listed below amend the rules contained in the MCAR set. Both proposed temporary and adopted temporary rules are listed here although they

are not printed in the MCAR due to the short term nature of their legal effectiveness. During the term of their legal effectiveness, however, adopted temporary rules do amend the MCAR. A cumulative listing of all proposed and adopted rules is published each quarter and at the end of the volume year.

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LAKE GERVAIS CYCLONE AS SEEN FROM ST. PAUL JULY 13TH 1890.

FREDRICKS & KOLB, 1890.

This chance shot of the Lake Gervais Cyclone was taken about 5:00 p.m. on July 13, 1890. The distance from the point of observation — Cherokee Avenue and Ohio Street — to where the funnel-shaped cloud touched the earth is six miles. The photograph was taken by William F. Koester and donated to the Minnesota Historical Society by D. L. Dennis.

PROPOSED RULES

Pursuant to Minn. Stat. § 15.0412, subd. 4, agencies must hold public hearings on proposed new rules and/or proposed amendment of existing rules. Notice of intent to hold a hearing must be published in the *State Register* at least 30 days prior to the date set for the hearing, along with the full text of the proposed new rule or amendment. The agency shall make at least one free copy of a proposed rule available to any person requesting it.

Pursuant to Minn. Stat. § 15.0412, subd. 5, when a statute, federal law or court order to adopt, suspend or repeal a rule does not allow time for the usual rulemaking process, temporary rules may be proposed. Proposed temporary rules are published in the *State Register*, and for at least 20 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Public Hearings on Agency Rules, July 12-24, 1979

Date	Agency & Rule Matter	Time & Place
July 12	Dept. of Agriculture Disposal of Refuse from Transport Involved in Foreign Commerce	2:00 p.m., St. Louis County Courthouse, Duluth, MN
July 16	Pollution Control Agency Control of Emission of Hydrocarbons Hearing Examiner: Myron Greenberg	9:30 a.m., Board Rm., Pollution Control Agency, 1935 W. Co. Rd. B2, Roseville, MN
July 16	Dept. of Natural Resources Designation, Classification & Management of Cannon River As A Component of State's Wild & Scenic River System Hearing Examiner: Allan Klein	8:00 p.m., Red Wing City Library, 225 Broadway, Red Wing, MN
July 18	Same as above	8:00 p.m., Dakota County Government Center Board Rm., 1560 Highway 55, Hastings, MN
July 19	Same as above	8:00 p.m., Faribault Junior High School, Auditorium, 315 NW 4th Ave., Faribault, MN
July 19	Pollution Control Agency Exemption for Sparsely Populated Areas From Certain Sanitary Landfill Operating Standards Hearing Examiner: Howard Kaibel	10:00 a.m., Board Rm., Pollution Control Agency, 1935 W. Co. Rd. B2, Roseville, MN
July 19	Dept. of Corrections Establishing Minimum Standards for Adult Halfway Houses & Group Foster Homes Hearing Examiner: Peter Erickson	9:00 a.m., Rm. 116A, State Administration Bldg., 50 Sherburne Ave., St. Paul, MN
July 23	Pollution Control Agency Power Plants; Opacity; Malfunctions & Breakdowns of Control Equipment & Process Equipment Hearing Examiner: Myron Greenberg	9:30 a.m., Board Rm., Pollution Control Agency, 1935 W. Co. Rd. B2, Roseville, MN
July 23	Pollution Control Agency Granting an Exemption for Sparsely Populated Areas from Certain Sanitary Landfill Operating Standards Hearing Examiner: Howard Kaibel	1:00 p.m., Mesabi State Community College, Room 135, 9th Ave. & W. Chestnut, Virginia, MN
July 24	Same as above	Bemidji State University, Lower Student Union, Crying Wolf Rm., 14th & Birchmont, Bemidji, MN

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PROPOSED RULES

Board of Accountancy

Proposed Temporary Rule Regarding Application for Certificate and License as a Licensed Public Accountant

Request for Public Comment

These rules are promulgated pursuant to Minn. Stat. §§ 214.06, 326.18, and 326.22 (1978), as amended; Laws of 1979, ch. 326.

Notice is hereby given that the State Board of Accountancy has proposed the following temporary rules governing the application fees for certificate and license and for reciprocal certificate and reciprocal license for licensed public accountants.

The Board of Accountancy hereby affords all interested persons the opportunity to submit data and views concerning the subject matter of the proposed temporary rules.

Data or views must be submitted in writing and shall be mailed or delivered to:

Marian Flanagan, Executive Secretary
Board of Accountancy
Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101

All data and views must be received within twenty (20) days following the publication of this notice and the following rules at *State Register*.

Such publication is hereby ordered.

Thomas D. Spaeth, Member
State Board of Accountancy

Temporary Rules as Proposed

Chapter Eleven: Fee for License and Renewal

4 MCAR § 6.110 Applications shall be accompanied by the fees in the following amounts:

A. Application for certified public accountant examination by first time applicants. \$100.00.

B. Application for certified public accountant re-examination in failed subjects. \$25.00 per subject but not in excess of \$100.00. (Accounting practice is considered to be two subjects.) 4 MCAR § 6.044 D. provides that applicants must apply for re-examination in all failed subjects.

C. Application for reciprocal certificate and license for certified public accountant. \$75.00.

D. Application for certificate and license for licensed public accountant. \$75.00.

E. Application for reciprocal certificate and license for licensed public accountant. \$75.00.

Department of Agriculture Shade Tree Program

Proposed Temporary Rules Governing Sanitation and Reforestation Grants, and Wood Utilization and Disposal System Grants

Request for Public Comment

Notice is hereby given pursuant to Minn. Stat. § 15, subd. 5 (1978) that the Minnesota Department of Agriculture will adopt temporary rules pursuant to Laws of 1979, ch. 257, which will amend the existing rules 3 MCAR §§ 1.0112 and 1.0113 on sanitation and reforestation grants and wood utilization and disposal system grants.

All interested may submit written comment or data on these rules to:

Jane Meyer
Minnesota Department of Agriculture
Shade Tree Program
600 Bremer Building
7th and Robert Streets
Saint Paul, Minnesota 55155

Written statements submitted for consideration must be received by July 31, 1979. The proposed temporary rules may be modified if the modifications are supported by the data and views received by the department. The department shall submit to the Attorney General the proposed temporary rules as published, with any proposed modifications for review as to form and legality. The temporary rules shall take effect upon approval of the Attorney General.

The department will publish at *State Register* the Attorney General's decision and the adopted temporary rules upon receipt of the Attorney General's decision.

June 25, 1979

Mark W. Seetin
Commissioner

Amendments as Proposed

3 MCAR § 1.0112 Grants-in-aid to municipalities for sanitation and reforestation program.

The commissioner may, in the name of the state and within the limits of appropriations provided, make grants-in-aid to a municipality with an approved disease control program for the partial funding of municipal sanitation and reforestation programs. One grant shall be made for all eligible sanitation and reforestation costs.

A. Sanitation and reforestation grants

1. ~~A.~~ Sanitation grants. Grants to any municipality for sanitation shall not exceed ~~forty-five~~ fifty (45 50) percent of the municipality's total cost for sanitation approved by the

PROPOSED RULES

commissioner. The total cost may include any amounts paid for sanitation by special assessments, ad valorem taxes, federal grants, or other funds. A municipality may assess to the abutting property not more than fifty (50) percent of the expense of treating with an approved method or removing diseased shade trees located on street terraces or boulevards to that abutting property.

Grants shall not be made to a municipality if the total cost of tree removal has been incurred solely by the individual property owner and the municipality has not reduced the cost of the property owner via direct subsidy or reduced special assessment. The only amount that may be included in the municipality's total cost for purposes of computing the above described reimbursement is the reduction of the cost to the property owner. Provision is made for municipalities with population of less than 1,000 pursuant to Minn. Stat. § 18.023, subd. 3c, as amended.

2. B. Reforestation grants. Grants to any municipality for reforestation shall not exceed either fifty (50) percent of the cost to the municipality for reforestation; or forty (40) dollars multiplied by the number of trees planted on public lands pursuant to the reforestation programs, whichever is less. The grant for these trees shall not exceed fifty (50) dollars per tree.

1. Reforestation grants to a municipality shall be limited in any calendar year to grants for not more than the number of trees removed from public lands in the sanitation program in the previous calendar year except during the first year of an approved disease control program. During the first year of an approved disease control program, there shall be no restriction upon the number of trees for which grants may be made.

a. 2 Reforestation grants to any county with an approved disease control program may include ninety (90) percent of the cost of planting the first fifty (50) trees on public lands in a town not defined as a municipality of less than 1,000 population, upon the town's application to the county and county's designation of the town as a disease control area. The grant for these fifty (50) trees shall not exceed sixty (60) dollars per tree.

b. 3 Reforestation grants to towns and home rule charter or statutory cities with an approved disease control program which are defined as municipalities in the act and are less than ~~1,000~~ 4,000 in population may include ninety (90) percent of the cost of planting the first fifty (50) trees on public lands. The grant for these fifty (50) trees shall not exceed sixty (60) dollars.

c. Any municipality as defined in this act that receives a grant for reforestation shall appoint up to seven (7) residents of the municipality or designate an existing municipi-

pal board or committee to serve as a reforestation advisory committee to advise the municipality in the administration of the reforestation program.

B. C. Program eligibility. Any municipality is eligible to receive sanitation and reforestation grants upon submitting to the commissioner by November 15 a completed program application form provided by the commissioner, and upon receiving notice of an approved disease control program designation. Extensions shall be granted for good cause shown.

1. The program application shall serve as the basis for approving the municipality's shade tree disease control program.

2. Approval shall be granted only upon the municipality's agreement to conduct its sanitation program in conformance with these rules and disease control practices designated by the commissioner upon the recommendation of the Shade Tree Advisory Committee.

3. Approval shall only be granted upon the municipality's agreement to conduct its reforestation program in a manner consistent with advice and counsel given the commissioner by the Minnesota Agricultural Extension Service.

4. Program approval may be revoked upon a determination by the commissioner that the municipality has failed to conduct its sanitation and reforestation program in conformance with the standards set forth in this rule. Such a determination or disapproval of a municipal program or control area may be appealed by the municipality and upon request, a hearing pursuant to Minn. Stat. ch. 15 shall be granted.

5. Sanitation and reforestation grants may be terminated upon municipality's failure to maintain an approved shade tree disease control program and upon evidence that proper record-keeping and documentation has not been maintained.

C. D. Program application. To receive a sanitation and reforestation grant, a municipality shall submit to the commissioner by November 15 a completed program application form provided by the commissioner.

1. A municipality's program application shall include, but not be limited to, the following information:

a. An inventory of shade trees within the municipality's disease control area and an estimate of the distribution of these shade trees between public and private lands;

b. A complete description of the municipality's sanitation and reforestation programs which shall include:

(1) The method and schedule of diseased trees surveys;

(2) The extent of disease control tree trimming activities;

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PROPOSED RULES

- (3) The policies for removal of trees on public lands;
- (4) The policies for removal of trees on private lands;
- (5) The method and location of disposal tree wastes;
- (6) The policies for planting new shade trees, including:
- (a) The source of nursery stock, if known
 - (b) Species planted;
 - (c) Type of stock planted;
 - (d) Distribution of species; and,
 - (e) Other relevant information;
- (7) The methods of financing sanitation and reforestation programs, including:
- (a) The use of funds derived from general tax levies;
 - (b) Special assessments;
 - (c) Federal funds;
 - (d) Other sources of funding; and,
- (8) A complete description of the municipality's subsidy program, if any.
- (9) The name or names of the person or persons or committee appointed by the municipality to advise the municipality in the administration of the reforestation program.
- c. A statement of planned expenditures for the sanitation and reforestation program for the calendar year.
 - d. A copy of the local ordinances and resolutions authorizing the local shade tree program.
 - e. Other information deemed necessary and relevant by the commissioner.
- ~~2. Grants for sanitation shall be forty-five (45) percent of the applicant's planned expenditures for sanitation, unless forty-five (45) percent of the total planned expenditures for all applicants exceeds the funds designated for sanitation grants; in which case, grants shall be a pro-rata allocation among the eligible applicants.~~
2. 3- Except for the first fifty (50) trees for towns and cities as set forth in 4. 3. below, grants for sanitation and reforestation shall be fifty (50) percent of the applicant's planned expenditures for sanitation and reforestation, unless fifty (50) percent of the total planned expenditures for all applicants exceeds the funds designated for sanitation and reforestation grants; in which case, grants shall be a pro rata allocation among the eligible applicants. Such grants shall not exceed fifty (50) dollars per tree.
3. 4- Grants for reforestation planting the first fifty (50) trees on public lands in eligible towns and cities shall may

be ninety (90) percent of the town's or city's planned expenditures for planting the first fifty (50) trees on public lands those trees, providing the availability of sufficient funding. The grant for these fifty (50) trees shall not exceed sixty (60) dollars per tree.

3 MCAR § 1.0113 Grants-in-aid for wood utilization and disposal systems.

A. The commissioner shall, within the monies appropriated, make grants-in-aid to eligible applicants for the cost of facilities, equipment, and systems for the disposal or utilization of diseased shade trees. Such grants-in-aid shall be made to:

1. Any home rule charter or statutory city of more than 40,000 population in the metropolitan area or a combination of such cities with a combined population of 40,000 under a joint powers agreement pursuant to Minn. Stat. § 471.59 (1976);

~~2. Any home rule charter or statutory city of more than 20,000 population outside the metropolitan area or a combination of such cities with a combined population of 20,000 under a joint powers agreement pursuant to Minn. Stat. § 471.59 as amended;~~

~~3. Any special purpose park and recreation board organized under a charter of a city of the first class;~~

~~4. Any non-profit corporation serving a city of the first class; or,~~

~~5. Any county.~~

B. Such grants shall be made with the following provisions:

1. The city (cities) or county has an approved shade tree disease control program as described in the act or these rules;

2. Grants-in-aid may be less than but shall not exceed fifty (50) percent of the cost of such facility, equipment, or system;

3. Grants-in-aid shall not be made for costs of operating such facility, equipment, or system;

4. Grants-in-aid for site acquisitions shall be made only for land used in the actual operational site;

5. Grants-in-aid shall not be made by the commissioner until he receives certified evidence of the actual cost of the equipment or site; and,

C. Criteria for administration of grants-in-aid:

1. Grants-in-aid to eligible applicants shall be made by the commissioner provided that such wood disposal utilization system meets the following criteria:

a. It aids in the control of shade tree diseases;

b. It aids in the recovery of material or energy from wood;

c. It is located to accomplish the above with maximum efficiency and use of available facilities;

PROPOSED RULES

- d. It is available to all parties, public and private;
- e. It is able to render wood pest-risk free within five (5) days of delivery to the site unless an extension of time has been granted by the commissioner based on existing circumstances of the disposal/utilization site;
- f. It includes adequate manpower to operate and service equipment; and,
- g. It provides for proper handling and the timely removal of processed wood from the site.

2. In addition to the general criteria under C. 1. above, the commissioner, as appropriate, may consider other specific criteria including the following in evaluating grant payment requests:

- a. Sites for wood disposal systems:
 - (1) Shall be selected on the basis of anticipated volumes of wood and/or the need for a wood disposal system;
 - (2) Shall be accessible by roadways that permit year-round truck traffic;
 - (3) Shall have adequate storage areas for both processed wood and equipment;
 - (4) Shall have protective enclosures, adequate control, and supervision to prevent entry of unwanted materials and unauthorized persons;
 - (5) Shall be in compliance with all applicable Federal and State statutes, rules and regulations; and,
 - (6) Shall be in conformance with regional solid waste management plans and requirements.
- b. Equipment for wood disposal systems:
 - (1) Shall, where feasible, be portable so that it can be used for servicing more than one site;
 - (2) Shall be stationary only when the anticipated volume over a five-year period will fully utilize the facility;
 - (3) Shall be capable of processing large-diameter logs; and,
 - (4) Shall include auxiliary units and equipment necessary to the operation of the system.

3. Requests for grant-in-aid payments shall be made on forms provided by the commissioner. Contingent upon the availability of funds, the timeliness of applications and other administrative considerations, the commissioner may set deadlines for consideration of requests which shall be published in the State Register at least thirty (30) days prior to the deadline. Requests for payments shall include the following:

a. An itemized list of the applicant's proposed expenditures for qualifying equipment and/or site, and the total amount of these expenditures; and,

b. Additional documents or other information deemed relevant by the commissioner.

4. Records.

a. Applicants receiving grants-in-aid under this rule shall keep detailed records concerning the operation of the wood disposal and utilization system and shall make these records available to the commissioner at any reasonable time. Such records shall include:

- (1) Hours of operation;
- (2) Clientele served;
- (3) Volume of wood handled; and,
- (4) Other information deemed necessary and relevant by the commissioner.

b. A yearly report containing a summation of these records shall be made to the commissioner by December 1.

Pollution Control Agency

Rules 6 MCAR § 4.0033, Standards of Performance for Coal Handling Facilities, and 6 MCAR § 4.0040, Fugitive Emissions Within Designated Areas

Notice of Hearing

Notice is hereby given that rule hearings in the above-entitled matter will be held in the Board Room of the Minnesota Pollution Control Agency, 1935 W. County Road B2, Roseville, Minnesota, on Monday, August 13, 1979, commencing at 9:00 a.m.; Tuesday, August 14, 1979, commencing at 1:00 p.m., and reconvening at 7:00 p.m. on the same day; Wednesday, August 15, 1979, commencing at 9:00 a.m. An additional day of hearing will be held in Duluth, Minnesota, in the St. Louis County Commissioners Board Room in the St. Louis County Court House commencing at 1:00 p.m., and reconvening at 7:00 p.m. on the same day. The hearing will be continued on subsequent days if necessary in the Board Room of the Minnesota Pollution Control Agency until all persons have had an opportunity to be heard.

All interested or affected persons will have an opportunity to participate at the rule hearing. Statements may be made orally and written materials may be submitted at the hearing. In addition, written materials may be submitted by mail to Mr.

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PROPOSED RULES

Howard Kaibel, Office of Hearing Examiners, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 296-8107, either before or after the hearings until the record is closed. The record will remain open for five working days after the rule hearings end, or for a longer period not to exceed twenty calendar days if ordered by the Hearing Examiner. In the interest of efficiency, it is suggested that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests.

Notice: The proposed rule is subject to change as a result of the rule hearing process. The Agency therefore strongly urges those who are potentially affected in any manner by the substance of the proposed rule to participate in the rule hearing process.

The proposed rule 6 MCAR § 4.0033, if adopted, will establish standards of performance for coal handling facilities with respect to emissions of particulate matter. The proposed rule 6 MCAR § 4.0040, if adopted, will establish standards of performance for certain sources of fugitive particulate emissions resulting from or related to industrial or commercial activity within the Twin Cities Air Quality Control Region, the City of Duluth, and the City of International Falls. Sources of fugitive emissions subject to this proposed rule include: materials transport, building openings, storage pile loading, access areas, roads, parking areas, materials handling, materials transfer (loading, unloading), sandblasting, construction, demolition, and other similar operations.

The Agency's authority to promulgate the proposed rule is contained in Minn. Stat. § 116.07, subd. 4 (1978).

Copies of the proposed rule are now available and one free copy may be obtained by writing to Mr. Brad Beckham, Division of Air Quality, Minnesota Pollution Control Agency, 1935 West County Road B2, Roseville, Minnesota 55113. Additional copies will be available at the hearing at each location.

Notice: Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the Agency may not take any final action on the rule for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the Agency. If you desire to be so notified, you may so indicate at the hearings. After the hearings, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report), or to the Agency (in the case of the Agency's submission or resubmission to the Attorney General).

Notice is hereby given that 25 days prior to the hearings, a Statement of Need and Reasonableness will be available for review at the Agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the Agency at the Hearing justifying both the need for and the reasonableness of the proposed rules. Copies of the State-

ment of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

Please be advised that Minn. Stat. ch. 10A (1978) requires each lobbyist to register with the Ethical Practices Board within five days after he commences lobbying. Lobbying includes attempting to influence rulemaking by communicating or urging others to communicate with public officials. A lobbyist is generally any individual who spends more than \$250.00 per year for lobbying or any individual who is engaged for pay or authorized to spend money by another individual or association and who spends more than \$250.00 per year or five hours per month lobbying. The statute in question provides certain exceptions. Questions should be directed to the Minnesota Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5615.

June 25, 1979

Terry Hoffman
Executive Director

Rules as Proposed

6 MCAR § 4.0033 Standards of performance for coal handling facilities.

A. Definitions. As used in this rule the following words shall have the meanings defined herein:

1. "Class A coals" means a coal which contains less than 4 percent silt.
2. "Class B coals" means a coal which contains 4 percent or more silt.
3. "Coal" means any solid fossil fuel described as anthracite, bituminous, subbituminous, lignite, or coke by ASTM designation: D-388-66 (Appendix A).
4. "Coal handling facility" means a facility where coal is handled such as coal transshipment terminals, electric generating plants, boiler plants, or steam plants.
5. "Coal handling" means operations including, but not limited to, dumping, loading, unloading, storing, reclaiming, transferring, and conveying.
6. "Coal throughput" means the number of tons of coal received plus the number of tons of coal shipped by an owner or operator of a coal handling facility in any one calendar year.
7. "Dust suppression methods" means dust control equipment or measures described as, but not limited to, hoppers, hoods, screens, enclosures, wetting or chemical agents, foam agents, surfactants, pre-cleaning treatment, and watering.
8. "Hauler" means any vehicle capable of reclaiming, moving, or dumping coal within a coal handling facility.
9. "Pneumatic coal-cleaning equipment" means any equipment which classifies coal by size or separates coal from refuse by application of air stream(s).
10. "Silt" means the material in coal which passes

PROPOSED RULES

through a 200 mesh sieve in accordance with ASTM designation: D431-44 (Appendix B) and D410-38 (Appendix C).

11. "Thermal dryer" means any device in which the moisture content of coal is reduced by contact with a heated gas stream which is exhausted to the atmosphere.

B. Standards of performance for certain large coal handling facilities. The owner or operator of a new or existing coal handling facility which has a coal throughput of 50,000 tons or greater and is located within the Minneapolis-St. Paul Air Quality Control Region or within the boundaries of the City of Duluth and the owner or operator of a new coal handling facility located outside the Minneapolis-St. Paul Air Quality Control Region and outside the boundaries of the City of Duluth having a coal throughput of 50,000 tons or greater and the owner or operator of an existing coal handling facility located outside the Minneapolis-St. Paul Air Quality Control Region and outside the boundaries of the City of Duluth having a coal throughput of 100,000 tons or greater shall perform the following abatement measures unless otherwise exempt by portions of this rule:

1. Access areas, roads, parking facilities.

a. Install asphalt or concrete surfaces on all active truck haul roads of the coal handling facility when the coal throughput by truck is 200,000 tons or greater. All paved roads and areas shall be cleaned to minimize the discharge to the atmosphere of fugitive particulate emissions. Such cleaning shall be accomplished in a manner which minimizes resuspension of particulate matter. Access areas surrounding coal stockpiles and parking facilities which are located within a coal handling facility shall be treated with water, oils, or chemical suppressants.

b. No person shall cause or permit the use of access areas surrounding coal stockpiles and use of all active truck haul roads and parking facilities which are located within a coal handling facility whose coal throughput by truck is less than 200,000 tons unless such areas and roads are treated with water, oils, or chemical suppressants.

2. Coal loading stations. Control fugitive particulate emissions from the loading of trucks, haulers, and railcars by dust suppression systems so that emissions from such sources do not exceed 10 percent opacity.

3. Truck and hauler unloading stations. Control fugitive particulate emissions from the unloading of trucks or haulers by dust suppression systems so that emissions from such sources do not exceed 10 percent opacity.

4. Barge or vessel loading stations. Conveyor systems shall utilize loadout spouts with remote control capability for movement sideways, up and down, and telescoping so as to maintain a maximum vertical freefall of coal of 12 inches at all

times during the loadout operation. Choke feeding devices, flood loading or other equivalent equipment or methods may be installed as alternates on conveyor systems to control fugitive emissions. Crane and shovels shall be operated so as to minimize the vertical free fall of coal. Control fugitive particulate emissions during loading by the above reference methods so as not to exceed 10 percent opacity.

5. Barge or vessel unloading stations. Cranes, shovels, and conveyors shall be operated in a manner which minimizes the vertical free fall of coal. Control fugitive particulate emissions during unloading so as not to exceed 10 percent opacity.

6. Stockpiles, stockpile construction and reclaiming.

a. Control fugitive particulate emissions by dust suppression methods on such operations so that fugitive particulate emissions do not exceed 10 percent opacity.

b. In the alternative use an underground bottom feed (plow) of coal to an underground conveyor system provided the exhaust gases from the enclosed spaces do not contain particulate matter in excess of 0.020 grains per dry standard cubic foot (gr/dscf).

7. Enclosed coal handling facilities or emission sources. Control exhaust gases from any enclosed coal handling operation so that particulate emissions in such gases do not exceed 0.020 gr/dscf and 10 percent opacity.

8. Railcar unloading.

a. Unload railcars only within a permanent building or structure and install an exhaust air system such that fugitive particulate emissions from any openings do not exceed 10 percent opacity.

b. Install air pollution control equipment on the exhaust air system such that exhaust gases do not contain particulate matter in excess of 0.020 gr/dscf.

9. Operating practices.

a. Clean up all coal spills as soon as practicable minimizing suspending the dust accumulated on the roadways or haul roads.

b. Maintain air pollution control equipment in proper operating condition and utilize air pollution control systems as designed.

10. Class B coals.

a. Store Class B coals in an enclosed building, silo, or structure; or place Class B coals in open stockpiles provided surface hardening agents are applied over the entire stockpile to the extent that fugitive particulate emissions do not exceed 10 percent opacity.

b. As required, ensure that a cover is placed over all open bed trucks containing Class B coals before leaving the

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

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coal handling facility to minimize fugitive particulate emissions.

c. Apply dust suppression methods to Class B coals during handling to the extent that fugitive particulate emissions do not exceed 10 percent opacity.

d. Apply dust suppression methods to Class B coals prior to shipment by truck, rail, or vessel.

C. Standards of performance for certain small coal handling facilities. The owner or operator of a new or existing coal handling facility which has a coal throughput of less than 50,000 tons and is located within the Minneapolis-St. Paul Air Quality Control Region or within the boundaries of the City of Duluth and the owner or operator of a new coal handling facility having a coal throughput of less than 50,000 tons located outside the Minneapolis-St. Paul Air Quality Control Region and outside the boundaries of the City of Duluth and the owner or operator of an existing coal handling facility located outside the Minneapolis-St. Paul Air Quality Control Region and outside the boundaries of the City of Duluth having a coal throughput of greater than 50,000 tons but less than 100,000 tons shall perform the following abatement measures:

1. Clean up all coal spills as soon as practicable minimizing suspending the dust accumulated on the roadways or haul roads.

2. Maintain air pollution control equipment in proper operating condition and utilize air pollution control systems as designed.

3. Apply dust suppression methods on hauler and rail-car coal loading and unloading stations, barge or vessel loading and unloading stations, conveyor transfer operations and stockpile construction and reclaiming operations so that fugitive particulate emissions from such sources do not exceed 10 percent opacity.

4. Class B coals.

a. Store Class B coals in an enclosed building, silo, or structure; or place Class B coals in open stockpiles provided surface hardening agents are applied over the entire stockpile to the extent that fugitive particulate emissions do not exceed 10 percent opacity.

b. As required, ensure that a cover is placed over all open bed trucks containing Class B coals before leaving the coal handling facility to minimize fugitive particulate emissions.

c. Apply dust suppression methods to Class B coals during handling to the extent that fugitive particulate emissions do not exceed 10 percent opacity.

d. Apply dust suppression methods to Class B coals prior to shipment by truck, rail, or vessel.

5. Access areas, roads, parking facilities. No person shall cause or permit the use of access areas surrounding coal stockpiles and the use of roads and parking facilities

which are located within a coal handling facility unless such areas and roads are treated with water, oils, or chemical dust suppressants.

6. Enclosed coal handling facilities or emission sources. Control exhaust gases from any enclosed coal handling operation so that fugitive particulate emissions do not exceed 0.020 gr/dscf and 10 percent opacity.

D. Standards of performance for small existing outstate coal handling facilities. The owner or operator of an existing coal handling facility which has a coal throughput of less than 50,000 tons and is located outside the Minneapolis-St. Paul Air Quality Control Region and outside the boundaries of the City of Duluth shall comply with the requirements of existing Rule APC 6 for the control of fugitive particulate emissions.

E. Standards of performance for pneumatic coal-cleaning equipment and thermal dryers at any coal handling facility.

1. Pneumatic coal-cleaning equipment. The owner or operator of a coal handling facility shall not cause to be discharged into the atmosphere from any pneumatic coal-cleaning equipment any gases which:

a. Contain particulate matter in excess of 0.040 g/dscm (0.018 gr/dscf); and

b. Exhibit 10 percent opacity or greater.

2. Thermal dryers. The owner or operator of a coal handling facility shall not cause to be discharged into the atmosphere from any thermal dryer any gases which:

a. Contain particulate matter in excess of 0.070 g/dscm (0.031 gr/dscf); and

b. Exhibit 20 percent opacity or greater.

3. The owner or operator shall install pneumatic coal-cleaning equipment and thermal dryers in a manner that performance tests for particulate matter can be run in accordance with applicable procedures and methods set forth in I. and J. of this rule.

4. Monitoring.

a. The owner or operator of any coal handling facility that contains a thermal dryer shall install, calibrate, maintain, and continuously operate monitoring devices as follows:

(1) A monitoring device for the measurement of the temperature of the gas stream at the exit of the thermal dryer on a continuous basis. The monitoring device shall be certified by the manufacturer to be accurate within 3° Fahrenheit.

(2) In the event a venturi scrubber emission control equipment is utilized:

(a) A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the control equipment. The monitoring device shall be certified by the manufacturer to be accurate within 1 inch water gauge.

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(b) A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device shall be certified by the manufacturer to be accurate within 5 percent of design water supply pressure. The pressure sensor or tap shall be located close to the water discharge point.

(3) The owner or operator of a coal handling facility who is required to maintain monitoring devices shall recalibrate each device annually in accordance with the manufacturer's written requirements for checking the operation and calibration of the device.

F. Exemptions.

1. Visible emission (opacity) requirements of this rule shall not apply when the wind speed is greater than 25 miles per hour, as determined by a one-hour average or hourly recorded value at the nearest official station of the U.S. Weather Bureau or by wind speed instruments on or adjacent to the site.

2. During freezing temperatures, owners or operators are not required to apply wetting or chemical agents, foam agents, or water providing precipitation and/or snow cover ensures that fugitive emissions do not exceed 10 percent opacity.

G. Cessation of operations. The owner or operator of a coal handling facility shall not conduct any coal handling operations that are not shielded from the wind or enclosed in a building when steady wind speeds exceed 30 miles per hour, as determined by a one-hour average or hourly recorded value at the nearest official station of the U.S. Weather Bureau or by wind speed instruments on or adjacent to the site.

H. Performance test methods. Unless another method is approved by the Director, any person required to submit performance tests for coal handling facilities shall utilize the following test methods:

1. Method 1 for sample and velocity traverses.
2. Method 5 for the concentration of particulate matter and moisture content.
3. Method 9 for the visual determination of the opacity of emission from stationary sources.

I. Performance test procedures.

1. For Method 1, as referenced in 40 CFR 60, Appendix A.

2. For Method 5, the sampling time for each run shall be at least 60 minutes and the minimum sampling volume shall be 0.85 dscm (30 dscf) except that smaller sampling times or volumes, when necessitated by process variables or other factors, shall be approved by the Agency. The probe and filter holder heating systems in the sampling train shall be set to provide a gas temperature between 100°C and 120°C (212°F and 250°F). Sampling shall not be started until at least 30 minutes after start-up and shall be terminated before shut-down procedures commence. The owner or operator shall eliminate cyclonic flow during performance tests.

3. For Method 9 opacity shall be determined in accordance with APC 21 (b) (7) (bb) (as revised).

J. Dust suppressant agents. Nothing in this rule shall authorize the use of surface hardening agents, wetting or chemical agents, foam agents, and oils that may cause ground water or surface water contamination in violation of any applicable water pollution law.

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APPENDIX A



Designation: D 388 - 66 (Reapproved 1972)⁶

American National Standard M20 1-1973
Approved July 10, 1973
By American National Standards Institute

Standard Specification for CLASSIFICATION OF COALS BY RANK¹

This Standard is issued under the fixed designation D 388; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval.

⁶ NOTE—Editorial changes were made throughout in June 1975.

1. Scope

1.1 This specification covers the classification of coals by rank, that is, according to their degree of metamorphism, or progressive alteration, in the natural series from lignite to anthracite.

2. Applicable Documents

2.1 ASTM Standards:

D 492 Sampling Coals Classified According to Ash Content²

D 1412 Test for Equilibrium Moisture of Coal at 96 to 97 Percent Relative Humidity and 30 C³

D 1756 Test for Carbon Dioxide in Coal³

D 1757 Test for Sulfur in Coal Ash³

D 2013 Preparing Coal Samples for Analysis³

D 2015 Test for Gross Calorific Value of Solid Fuel by the Adiabatic Bomb Calorimeter³

D 3173 Test for Moisture in the Analysis of Coal and Coke³

D 3174 Test for Ash in the Analysis of Coal and Coke³

D 3175 Test for Volatile Matter in the Analysis Sample of Coal and Coke³

D 3177 Test for Total Sulfur in the Analysis Sample of Coal and Coke³

D 3286 Test for Gross Calorific Value of Solid Fuel by the Isothermal-Jacket Bomb Calorimeter³

3. Basis of Classification

3.1 Classification is according to fixed carbon and calorific value (expressed in Btu/lb) calculated to the mineral-matter-free basis. The higher-rank coals are classified ac-

ording to fixed carbon on the dry basis; the lower-rank coals are classed according to calorific value on the moist basis. Agglomerating character is used to differentiate between certain adjacent groups.

4. Classification by Rank

4.1 *Fixed Carbon and Calorific Value*—Coals shall be classified by rank in accordance with Table 1. Classify coals having calorific values of 14,000 Btu/lb or more on the moist, mineral-matter-free basis, and coals having fixed carbon of 69 percent or more on the dry, mineral-matter-free basis, according to fixed carbon on the dry, mineral-matter-free basis; classify coals having calorific values less than 14,000 Btu/lb on the moist, mineral-matter-free basis according to calorific value on the moist, mineral-matter-free basis, provided the fixed carbon on the dry, mineral-matter-free basis is less than 69 percent.

4.2 *Agglomerating Character*—Classify coals having 86 percent or more fixed carbon on the dry, mineral-matter-free basis, if agglomerating, in the low volatile group of the bituminous class. Classify coals having calorific values in the range 10,500 to 11,500 Btu/lb on the moist, mineral-matter-free basis according to their agglomerating character (Table 1).

¹ This specification is under the jurisdiction of ASTM Committee D-5 on Coal and Coke. Current edition effective Sept. 20, 1966. Originally issued 1934. Replaces D 388 - 64 T.

² Discontinued, see 1970 Annual Book of ASTM Standards, Part 19.

³ Annual Book of ASTM Standards, Part 26.

5. Symbols for Expressing Classification

5.1 Express the position of a coal in the scale of rank in condensed form as, for example (62 - 146), in which the parentheses signify that the contained numbers are on the mineral-matter-free basis. The first number represents fixed carbon on the dry basis, reported to the nearest whole percent. The second number represents calorific value on the moist basis, expressed as hundreds of Btu/lb to the nearest hundred; for example, 14,580 Btu/lb would be represented as 146.

4.2 Where it is desired to abbreviate the designation of the ranks of coal by group, the following abbreviations shall be used:

ma—meta-anthracite
 an—anthracite
 sa—semianthracite
 lb—low volatile bituminous
 mvb—medium volatile bituminous
 hvAb—high volatile A bituminous
 hvBb—high volatile B bituminous
 hvCb—high volatile C bituminous
 subA—subbituminous A
 subB—subbituminous B
 subC—subbituminous C
 ligA—lignite A
 ligB—lignite B

6. Sampling

6.1 *Bed Samples*—Classify a coal bed, or part of a coal bed, in any locality based on the average analysis and calorific value (and agglomerating character where required) of not less than three and preferably five or more face samples taken in different and uniformly distributed localities, either within the same mine or closely adjacent mines representing a continuous and compact area not greater than approximately four square miles in regions of geological uniformity. In regions where conditions indicate that the coal probably varies rapidly in short distances, the spacing of sampling points and grouping of analyses to provide average values shall not be such that coals of obviously different rank will be used in calculating average values.

6.1.1 Take samples in accordance with the U. S. Bureau of Mines method* or its equivalent and place in moisture-tight containers in the mine.

6.1.2 Analyses of samples from outcrops or from weathered or oxidized coal shall not be used for classification by rank.

6.1.3 In case the coal is likely to be classified on the "moist" basis, that is, inclusive of its natural complement of inherent or bed

moisture, take samples in a manner most likely to preserve inherent moisture for purposes of analysis. Samples of low-rank coals which appear dry at the time of collection frequently give off moisture which condenses on the inner surface of the sample containers before they are opened for analysis. In the case of coals which were free from visible surface moisture when sampled, but which show moisture on the inner surface of the containers when opened, weigh both the container and the coal before and after air-drying, and report the total loss in weight as air-drying loss.

6.1.4 If it is impossible to sample the coal without including visible surface moisture, or if there may be other reason to question the accuracy of inherent moisture content determinable from the sample, and the coal is likely to be classified on the "moist" basis, the sampler shall include the following statement in the description: "Moisture questionable." Samples so marked shall not be used for classification on a moist basis unless brought to a standard condition of moisture equilibrium at 30 C in a vacuum desiccator containing a saturated solution of potassium sulfate (97 percent humidity) as specified in Method D 1412. Analyses of such samples that have been treated in this manner shall be designated as "samples equilibrated at 30 C and 97 percent humidity."

6.2 *Tipple or Shipment Samples*—The apparent rank of "run of mine" coal and prepared sizes of coal shall be based on representative samples taken in accordance with Methods D 492, and shall be reported in accordance with 6.2.2.

6.2.1 In case the coal is likely to be classified on the "moist" basis, take samples at the tipple or preparation plant and protect against loss of moisture as specified in Section 9 of Methods D 492. Take samples that appear dry at the time of collection in accordance with 6.1.3 to ensure correct determination of total air-drying loss. Mark samples that have visible surface moisture on the coal when sampled, and that are likely to be classified on the "moist" basis, by the sampler, equi-

*J. A. Holmes, "The Sampling of Coal in the Mine," U.S. Bureau of Mines, *Technical Paper No. 1* (1911) in J. M. Schopf, "Field Description and Sampling of Coal Beds," U. S. Geological Survey *Bulletin No. 1111-B* (1960).

brated, and the analyses designated in accordance with 6.1.4.

6.2.2 A standard rank determination cannot be made unless samples have been obtained in accordance with Section 6. However, the relation to standard determinations may be usefully given for tipple or shipment samples, or for specimens or other samples taken under unspecified conditions, providing the same standards of analysis and computation are followed. Designate these comparative indications as "apparent rank." They indicate the correct relative position for the coal sample analyzed but do not imply any standards of bed sampling. Whenever apparent rank is stated, give additional information as to the nature of the sample.

7. Methods of Analysis and Tests

7.1 *Laboratory Sampling and Analysis*—Prepare coal in accordance with Method D 2013 and analyze it in accordance with Methods D 3173, D 3174, D 3175, and D 3177. Determine its calorific value in accordance with either ASTM Method D 2015 or D 3286.

7.2 *Agglomerating Character*—The test carried out by the examination of the residue in the platinum crucible incident to the volatile matter determination shall be used.⁵ Coals which in the volatile matter determination produce either an agglomerate button that will support a 500-g weight without pulverizing, or a button showing swelling or cell structure, shall be considered agglomerating from the standpoint of classification.

8. Calculation to Mineral-Matter-Free Basis

8.1 *Calculation of Fixed Carbon and Calorific Value*—For classification of coal according to rank, fixed carbon and calorific value shall be calculated to the mineral-matter-free basis in accordance with either the Parr formulas,⁶ Eqs 1, 2, and 3, or the approximation formulas, Eqs 4, 5, and 6, that follow. In case of litigation, use the appropriate Parr formula.

8.2 Calculation from "moist" basis:

Parr Formulas:

$$\text{Dry, Mm-free FC} = \frac{(FC - 0.15S)}{100 - (M + 1.08A + 0.55S)} \times 100 \quad (1)$$

$$\text{Dry, Mm-free VM} = 100 - \text{Dry, Mm-free FC} \quad (2)$$

$$\text{Moist, Mm-free Btu} = \frac{(\text{Btu} - 50S)}{100 - (1.08A + 0.55S)} \times 100 \quad (3)$$

NOTE—The above formula for fixed carbon is derived from the Parr formula for volatile matter.

Approximation Formulas:

$$\text{Dry, Mm-free FC} = \frac{FC}{100 - (M + 1.1A + 0.1S)} \times 100 \quad (4)$$

$$\text{Dry, Mm-free VM} = 100 - \text{Dry, Mm-free FC} \quad (5)$$

$$\text{Moist, Mm-free Btu} = \frac{\text{Btu}}{100 - (1.1A + 0.1S)} \times 100 \quad (6)$$

where:

- Mm = mineral matter.
- Btu = British thermal units per pound (calorific value).
- FC = percentage of fixed carbon.
- VM = percentage of volatile matter.
- M = percentage of moisture.
- A = percentage of ash, and
- S = percentage of sulfur.

"Moist" refers to coal containing its natural inherent or bed moisture, but not including water adhering to the surface of the coal. See 6.1.3, 6.1.4, and 6.2.1.

8.3 *Modification for Coals High in Carbonate*—In case of controversy, coal samples containing more than 1.0 percent carbon dioxide occurring as carbonates determined in accordance with Method D 1756 shall be processed in accordance with Method D 3174, Section 5.1, Note 2 (a), or the ash shall be corrected for retained sulfur as determined in accordance with Method D 1757.

⁵R. E. Gilmore, G. P. Connell, and J. H. H. Nicholls, "Agglomerating and Agglutinating Tests for Classifying Weakly Caking Coals," *Transactions, Am. Institute of Mining and Metallurgical Engineers, Coal Division*, Vol. 108, p. 255 (1934).

⁶S. W. Parr, "The Classification of Coal," *Bulletin No. 180, Engineering Experiment Station, University of Ill.* (1928).

TABLE 1 Classification of Coals by Rank*

Class	Group	Fixed Carbon Limits, percent (Dry, Mineral-Matter-Free Basis)		Volatile Matter Limits, percent (Dry, Mineral-Matter-Free Basis)		Calorific Value Limits, Btu per pound (Moist, Mineral-Matter-Free Basis)		Agglomerating Character
		Equal or Greater Than	Less Than	Greater Than	Equal or Less Than	Equal or Greater Than	Less Than	
I. Anthracitic	1. Meta-anthracite	98	2	} nonagglomerating
	2. Anthracite	92	98	2	8	...	...
	3. Semianthracite ^c	86	92	8	14	...	...
II. Bituminous	1. Low volatile bituminous coal	78	86	14	22	} Commonly agglomerating ^d
	2. Medium volatile bituminous coal	69	78	22	31	...	...
	3. High volatile A bituminous coal	...	69	31	...	14 000 ^e	...	
	4. High volatile B bituminous coal	...	...	...	...	13 000 ^e	14 000
	5. High volatile C bituminous coal	...	...	...	...	11 500	13 000
III. Subbituminous	1. Subbituminous A coal	10 500	11 500	} nonagglomerating
	2. Subbituminous B coal	...	...	...	...	9 500	10 500
	3. Subbituminous C coal	8 300	9 500	
IV. Lignite	1. Lignite A	6 300	8 300	} nonagglomerating
	2. Lignite B	6 300	

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* This classification does not include a few coals, principally nonbanded varieties, which have unusual physical and chemical properties and which come within the limits of fixed carbon or calorific value of the high-volatile bituminous and subbituminous ranks. All of these coals either contain less than 48 percent dry, mineral-matter-free fixed carbon or have more than 15,500 moist, mineral-matter-free British thermal units per pound.

^b Moist refers to coal containing its natural inherent moisture but not including visible water on the surface of the coal.

^c If agglomerating, classify in low-volatile group of the bituminous class.

^d Coals having 69 percent or more fixed carbon on the dry, mineral-matter-free basis shall be classified according to fixed carbon, regardless of calorific value.

^e It is recognized that there may be nonagglomerating varieties in these groups of the bituminous class, and there are notable exceptions in high volatile C bituminous group.

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APPENDIX

A.1 PUBLISHED ANALYSES SUITABLE FOR COAL CLASSIFICATION

A.1.1 Only such published analyses as have been made in accordance with standard ASTM methods shall be used in the classification of coal; and if classification is on the basis of moist calorific value, then only those samples which have been taken and transported to the laboratory in such a manner as to preserve the true moisture content of the coal shall be used. In general, the principal sources of published analyses of samples suitable for coal classification are the publications of the U.S. Bureau of Mines, the U.S. Geological Survey, and the Canadian Department of Mines. Suitable analyses are published also by some of the State Surveys and some of the Provinces of Canada. However, it must be kept in mind that many of the bed sample analyses of the governmental organizations are from prospects in which the coal may have been altered by exposure. Such samples shall not be used for classification. Analyses published prior to 1904 are unlikely to represent the true moisture content of coal, and even after this date, analyses from sources other than governmental laboratories are not likely to be representative with respect to moisture.

In view of the importance of the fixed carbon in coal classification, special attention is called to the 1913 revision in this method by the American Chemical Society.⁶ The revision was substantially the same as that introduced by the U.S. Bureau of Mines⁷ a few years earlier, as a result of finding

large discrepancies between results of the Pittsburgh, Pa., and Washington, D. C., laboratories. A considerable number of analyses were made before it was discovered that the natural-gas burners at the Pittsburgh laboratory gave high results for fixed carbon.⁸ For this reason, the fixed carbon results of the U. S. Geological Survey or U. S. Bureau of Mines analyses designated by Laboratory Nos. 5147 to 9120, inclusive, shall not be used for the classification of coal.

All analyses made by any laboratory prior to 1913 should be rejected unless there is positive evidence that the methods of analysis were essentially those adopted by ASTM in 1913.

⁶ Preliminary Report of the Joint Committee on Coal Analysis of the American Society for Testing and Materials and the American Chemical Society, *Journal of Industrial and Engineering Chemistry*, Vol. 5, p. 517 (1913); see also Report of Subcommittee IV on Volatile Matter, *Proceedings, Am. Soc. Testing Mats.*, Vol. XIV, Part I, p. 424 (1914).

⁷ A. C. Fieldner and W. A. Selvig, "Notes on the Sampling and Analysis of Coal," U. S. Bureau of Mines, *Technical Paper No. 586*, p. 9 (1938).

⁸ S. W. Lord, J. A. Holmes, F. M. Stanton, A. C. Fieldner, and S. Sanford, "Analyses of Coals in the United States," U. S. Bureau of Mines, *Bulletin No. 22*, Part I, p. 28 (1913).

By publication of this standard no position is taken with respect to the validity of any patent rights in connection therewith, and the American Society for Testing and Materials does not undertake to insure anyone utilizing the standard against liability for infringement of any Letters Patent nor assume any such liability.

APPENDIX B



Designation: D 431 - 44
(Reapproved 1976)

American National Standard M20 3-1944 (R1969)
American National Standards Institute

Standard Method for DESIGNATING THE SIZE OF COAL FROM ITS SIEVE ANALYSIS¹

This Standard is issued under the fixed designation D 431; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval.

NOTE—Editorial change in title was made in June 1970.

1. Scope

1.1 This method covers the designation of coal sizes from the results of sieve analysis tests of samples taken to represent the condition of the coal as sold. The method applies only to natural continuous ranges of sizes as produced by mining, handling, crushing, screening, etc. In the case of special mixtures, or where the sieve analysis indicates a substantial deviation from a normal gradation of sizes, a sufficiently complete sieve analysis to properly describe the size composition shall be made and reported in accordance with ASTM Method D 410, Test for Sieve Analysis of Coal.²

1.2 This method does not cover the standardization of sieves used in the commercial preparation of coal.

NOTE 1—The values stated in U.S. customary units are to be regarded as the standard.

2. Sampling and Sieve Analysis

2.1 Perform sampling and sieve analysis in accordance with ASTM Method D 410, Test for Sieve Analysis of Coal.²

3. Sieves

3.1 Size designations in terms of sieves of the following series, shall conform to ASTM Specification E 11, for Wire-Cloth Sieves for Testing Purposes², or ASTM Specification E 323, for Perforated-Plate Sieves for Testing Purposes.²

Round-Hole Screens:

8-in. (...)	1½-in. (37.5-mm)
6-in. (...)	1¼-in. (31.5-mm)
5-in. (125-mm)	1-in. (25.0-mm)
4-in. (100-mm)	¾-in. (19.0-mm)
3-in. (75-mm)	½-in. (12.5-mm)
2½-in. (63-mm)	⅜-in. (9.5-mm)
2-in. (50-mm)	

Wire-Cloth Sieves with Square Openings:

No. 4 (4.75-mm)
No. 8 (2.36-mm)
No. 16 (1.18-mm)
No. 30 (600-μm)
No. 50 (300-μm)
No. 100 (150-μm)
No. 200 (75-μm)

4. Size Designation

4.1 The designation shall indicate the range of the size by giving the upper and lower limiting sieves between which more than 80 percent of the sample is retained by actual test, the limiting sieves being selected as follows:

4.1.1 The sieve defining the upper limit shall be the smallest sieve of the series given in Section 3 upon which is retained a total of less than 5 percent of the sample. The sieve defining the lower limit shall be the largest sieve of the series given in Section 3 through which passes a total of less than 15 percent of the sample.

4.1.2 The terms for defining sizes shall be

¹ This method is under the jurisdiction of ASTM Committee D-5 on Coal and Coke.

Current edition effective Sept. 15, 1944. Originally issued 1936. Replaces D 431 - 38.

² Annual Book of ASTM Standards, Part 26.



D 431

written with the upper limiting sieve first, followed by an "X" and that followed by the lower limiting sieve. The abbreviation "in." shall follow the lower limiting sieve but may be omitted after the upper limiting sieve. For sieves of the U.S. standard sieve series (No. 4 and smaller), the abbreviation "No." shall be used each time a sieve is indicated. If the total retained on the 8-in. sieve is 5 percent or greater the size shall be designated by the lower limiting sieve preceded by the word "plus" and followed by an expression in parenthesis giving the percentage over 8 in. to the nearest 1 percent.

4.1.3 The following examples illustrate the system of size designation:

Examples:

- plus $\frac{1}{2}$ in. (12.5 mm) (10 percent over 8 in.)
- plus 4 in. (100 mm) (24 percent over 8 in.)

- plus No. 16 (6 percent over 8 in.)
- 4 × 2 in. (100 mm × 50 mm)
- 3 × $\frac{1}{2}$ in. (75 mm × 12.5 mm)
- 2 in. (50 mm) × No. 4
- No. 4 × No. 30
- 1 in. (25.0 mm) × No. 50

NOTE 2—On the basis of the relationship between square-mesh sieves and round-hole screens as determined by tests on coal, No. 4 sieve is roughly equivalent to $\frac{1}{4}$ -in. (6.3-mm) round screen, No. 8 to $\frac{1}{8}$ -in. (3.35-mm) round, No. 16 to $\frac{3}{16}$ -in. round, and No. 30 to $\frac{1}{16}$ -in. round.

NOTE 3—Anthracite is commonly tested at the point of preparation or reparation to determine whether the sizing conforms to the specifications of the Anthracite Committee of the Production Control Plan for the Anthracite Industry by means of a series of special round-hole screens adopted by the Anthracite Committee, none of which screens have the same size openings as the screens specified in Section 3. The methods of sampling and testing are given in ASTM Method D 310, Test for Size of Anthracite.²

By publication of this standard no position is taken with respect to the validity of any patent rights in connection therewith, and the American Society for Testing and Materials does not undertake to insure anyone utilizing the standard against liability for infringement of any Letters Patent nor assume any such liability.

APPENDIX C



Designation: D 410 - 38 (Reapproved 1976)

American National Standard K20 8-1970
American National Standards Institute

Standard Method of SIEVE ANALYSIS OF COAL¹

This Standard is issued under the fixed designation D 410; the number immediately following the designation indicates the year of original adoption or, in the case of revision, the year of last revision. A number in parentheses indicates the year of last reapproval.

NOTE—An editorial change in 6.3 was made in June 1947, and the title was changed in July 1969.

1. Scope

1.1 This method for sieve analysis is applicable to all coal except anthracite, powdered coal as used in boiler plants, and crushed coal as charged into coke ovens.

NOTE—The values stated in U.S. customary units are to be regarded as the standard.

2. Apparatus

2.1 Sieves of the following series shall be used conforming to ASTM Specification E 11, for Wire-Cloth Sieves for Testing Purposes², or ASTM Specification E 323, for Perforated-Plate Sieves for Testing Purposes².

Round-Hole Screens:

8-in. (...)	1½-in. (37.5-mm)
6-in. (...)	1¼-in. (31.5-mm)
5-in. (125-mm)	1-in. (25.0-mm)
4-in. (100-mm)	¾-in. (19.0-mm)
3-in. (75-mm)	½-in. (12.5-mm)
2½-in. (63-mm)	⅜-in. (9.5-mm)
2-in. (50-mm)	

Wire-Cloth Sieves with Square Openings:

4.75-mm (No. 4)
2.36-mm (No. 8)
1.18-mm (No. 16)
600-μm (No. 30)
300-μm (No. 50)
150-μm (No. 100)
75-μm (No. 200)

3. Time of Sampling

3.1 Sample coal when it is being loaded into or unloaded from railroad cars, ships, barges, or wagons, or when discharged from supply bins, or from industrial railway cars, or grab buckets, or from any coal-conveying equipment, as the case may be. It is not feasible to collect representative samples for

screen analysis from the surface of coal in piles or from loaded cars or bins.

4. Collection of Gross Sample

4.1 Collect increments regularly and systematically, so that the entire quantity of coal sampled will be represented proportionately in the gross sample, and with such frequency that a gross sample of the required amount shall be collected. The number of increments collected shall be not less than 20. When the coal is passing over a conveyor or down a chute, increments the full width and thickness of the stream of coal shall be taken either by stopping the conveyor and removing all coal from a transverse section of it, or by momentarily inserting a suitable container into the stream. If it is impracticable to collect increments the full width and thickness of the coal stream, increments shall be systematically collected from all portions of the stream.

5. Weight of Gross Sample

5.1 The weight of the gross sample collected shall conform to the following:

Run-of-mine coal	not less than 4000 lb (1800 kg)
Screened coal with upper limit larger than 4-in. (100-mm) round	not less than 4000 lb (1800 kg)
Coal smaller than 4-in. (100-mm) round	not less than 2000 lb (900 kg)
Coal smaller than 2-in.	not less than 1000 lb

¹ This method is under the jurisdiction of ASTM Committee D-5 on Coal and Coke.
Current edition effective Sept. 1, 1938. Originally issued 1935. Replaces D 410-35 T.

² Annual Book of ASTM Standards, Part 26.

By publication of this standard no position is taken with respect to the validity of any patent rights in connection therewith, and the American Society for Testing and Materials does not undertake to insure anyone utilizing the standard against liability for infringement of any Letters Patent nor assume any such liability.



(50-mm) round	(450 kg)
Coal smaller than 1-in. (25-mm) round	not less than 500 lb (215 kg)
Coal smaller than 1/2-in. (12.5-mm) round	not less than 100 lb (45 kg)

6. Reduction of Gross Sample

6.1 Coal Larger than 1-in. (25-mm) Round—Screen without mixing or dividing.

6.2 Coal Smaller than 1-in. Round—Divide in amount to not less than 125 lb (56.5 kg) by riffing or by arranging it in a long, flat pile and successively halving it or quartering it by the alternate-shovel method as follows: Take successive shovelfuls in passing around the pile (advancing a distance equal to the width of the shovel for each shovelful), and retain alternate shovelfuls or every fourth shovelful for the sample.

6.3 Coal Smaller than 1/2-in. (12.5-mm) Round—Divide to not less than 25 lb (11.4 kg) by passing it through a riffle or equally accurate dividing device, or by hand-quartering as described in ASTM Method D 346, Sampling Coke for Analysis.²

6.4 Coal Smaller than No. 4 Sieve—Divide to not less than 2 lb (1000 g) by riffing or hand-quartering.

6.5 Coal Smaller than No. 8 Sieve—Divide to not less than 1 lb (500 g) by riffing or hand-quartering.

7. Drying Sample

7.1 In case the coal is wet, the sample may be tested on sieves 1 in. (25 mm) round and larger, without drying, but dry the sample of coal smaller than 1-in. round (divided in amount to 125 lb (56.5 kg), as described in Section 6.2), sufficiently to remove surface moisture which causes small particles to cling to the larger pieces. In cases of lignite, subbituminous, and high volatile C bituminous coals, take care not to over-dry and cause weathering of the coal.

8. Sieve Analysis

8.1 Accurately weigh the sample before screening. Starting with the largest sieve, screen the sample in such amounts as will allow the pieces to be in direct contact with the openings at the completion of the screening of each amount. Determine the

smallest sieve through which all of the sample passes by actual test, in accordance with 8.2, 8.3, and 8.4.

8.2 Coal Larger than 2 1/2-in. (63-mm) Round—Try by hand pieces of coal not passing readily through sieves 2 1/2-in. round and larger to see if they will pass through the openings in any position. Do not shake sieves 2 1/2-in. round and larger except for whatever jiggling may be necessary to clear the sieves of fine coal.

8.3 Coal Smaller than 2 1/2-in. Round—Test coal passing the 2 1/2-in. round sieve with sieves down to and including 1-in. (25-mm) round as follows: Move the sieve horizontally a distance of about 8 in. at just sufficient rate to cause the pieces of coal to tumble or roll on the sieve. Stop the motion of the sieve without impact. After ten such shakes (five in each direction), screening of the increment shall be considered complete.

8.4 Coal Smaller than 1-in. Round—Coal passing the 1-in. round and smaller sieves may be weighed and then divided in amount as provided in Section 6 and then dried as provided in Section 7. Shake sieves smaller than 1-in. round gently with a reciprocating horizontal motion until practically no more coal will pass through the openings. When both 150-μm (No. 100) and 75-μm (No. 200) sieves are used, use the latter first in order to facilitate screening.

9. Report

9.1 Report the sieve analysis results to the nearest 0.1 percent as follows:

	Percent
Retained on in. round	0
Retained on in. round, passing in. round
.
.
.
Retained on No , passing in. round
Retained on No , passing No
Passing No.
Total

9.2 If the sum of the weights shows a loss of over 2 percent, reject the analysis and make another test.

PROPOSED RULES

6 MCAR § 4.0040 Fugitive emissions within designated areas.

A. Definitions. As used in this rule the following words shall have the meanings defined herein:

1. "Fugitive emissions" means emissions of particulate matter resulting from or related to industrial or commercial activity, other than agricultural farming operations, which are not captured and exhausted to the atmosphere through a stack but which escape directly to the atmosphere either through openings such as doors, windows and building ventilators or from outdoor operations including materials handling or from sources such as storage piles and haul roads.

2. "Material" means a bulk commodity consisting of pieces and particles not of uniform size, including particles in the size range known as silt, which are capable of passing a 200-mesh screen. Materials include, but are not limited to, sand, gravel, crushed rock, soil, clay, grain, fertilizer, salt, limestone, ore and taconite pellets.

3. "Reasonably available control technology (RACT)" is the lowest emission limit that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.

4. "Minimize" means, with respect to the control of fugitive emissions, to reduce such emissions to a level consistent with RACT.

B. Applicability. This rule applies to sources of fugitive emissions in the Minneapolis-St. Paul Air Quality Control Region, the City of Duluth, and the City of International Falls for which standards of performance have not been promulgated in a specific rule. Fugitive emission sources not specifically covered in this rule or in a separate rule are subject to the requirements of Minn. Rule APC 6.

C. Standards of performance.

1. Materials transport. No person shall cause or permit the transporting of materials in a motor vehicle in a manner which allows the release of particulate matter from the vehicle into the atmosphere or onto a roadway. As required, such escape of material shall be minimized by means such as watering, applying dust suppressants or covering the load.

2. Building openings. No person shall cause or permit the discharge into the atmosphere of any visible fugitive emissions having a density of greater than five (5) percent opacity from building openings such as doors, windows and vents.

3. Storage piles and storage pile loading. The requirements of this subsection apply to operations producing, processing or storing more than 100,000 tons of a material per year.

a. No person shall cause or permit the storage of materials unless such storage piles are enclosed or covered, or sprayed with water or dust suppressants, or treated by a practicable equivalent method, as required to minimize the discharge into the atmosphere of fugitive emissions.

b. No person shall cause or permit the loading of materials onto storage piles unless such loading operations utilize telescopic chutes or other equivalent methods to minimize the fall of material or utilize spray systems or equivalent methods to minimize the discharge into the atmosphere of fugitive emissions.

4. Access areas, roads, parking facilities. No person shall cause or permit the use of access areas surrounding storage piles and the use of roads and parking facilities which are located on mining, manufacturing, industrial or other commercial properties unless such areas and roads are paved or treated with water, oils or dust suppressants. All paved roads and areas shall be cleaned to minimize the discharge to the atmosphere of fugitive emissions. Such cleaning shall be accomplished in a manner which minimizes resuspension of particulate matter.

5. Materials handling. No person shall cause or permit the moving, transferring or handling of any materials in the outdoors using bulk material moving equipment unless reasonable measures such as applying water or dust suppressants to the material or utilizing practices which minimize disturbance of the storage pile are taken to minimize the discharge into the atmosphere of fugitive emissions.

6. Materials transfer—unloading, loading. No person shall cause or permit the discharge into the atmosphere of any visible fugitive emission having a density of greater than ten (10) percent opacity from railcar or truck dumping or bottom unloading operations or from the transfer of materials from a storage hopper or similar container to a truck, trailer, railcar, ship or barge.

7. Miscellaneous operations. No person shall cause or permit the discharge into the atmosphere of any visible fugitive emission having a density of greater than ten (10) percent opacity from crushers, screening operations, bucket elevators or conveyor transfer points.

8. Sand blasting. No person shall cause or permit any sand or other abrasive blasting, preparation before such blasting, or clean up following such blasting, unless reasonable measures such as water injection, enclosing or vacuuming are taken to minimize the discharge into the atmosphere of fugitive emissions.

9. Construction and demolition. No person shall cause or permit the operation of a construction site or demolition project, including earthmoving, grading and site preparation, unless reasonable measures such as watering or treatment with dust suppressants are taken to minimize the discharge into the atmosphere of fugitive emissions.

10. Exemptions. Visible emission (opacity) requirements of subsections C.6. and C.7. shall not apply when the wind speed is greater than 25 miles per hour, as determined by a one-hour average or hourly recorded value at the nearest official station of the U.S. Weather Bureau or by wind speed instruments on or adjacent to the site.

PROPOSED RULES

Board of Psychology

Proposed Amendments Relating to Examinations for Licensure as Psychologists and Consulting Psychologists

Notice of Hearing

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (1978), in Room 105, Minnesota Department of Health Building, 717 Delaware Street Southeast, Minneapolis, Minnesota, on August 10, 1979, commencing at 9:30 a.m.

All interested or affected persons will have an opportunity to participate concerning the adoption of the proposed amendments to Psych 6 (7 MCAR § 10.006) captioned above. Statements may be made orally and written material may be submitted. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to Natalie Gaull, Hearing Examiner, at Room 300, 1745 University Avenue, Saint Paul, Minnesota 55104, telephone (612) 296-8114, either before the hearing or within five (5) working days after the close of the hearing or for a longer period not to exceed 20 calendar days if ordered by the hearing examiner at the hearing. All such statements will be entered into and become part of the record. Testimony or other evidence to be submitted for consideration should be pertinent to the matter at hand. For those wishing to submit written statements or exhibits, it is requested that at least three (3) copies be furnished. In addition, it is suggested, to save time and avoid duplication, that those persons, organizations, or associations having a common viewpoint or interest in these proceedings join together where possible and present a single statement in behalf of such interests. The conduct of the hearing shall be governed by the rules of the Office of Hearing Examiners, 9 MCAR §§ 2.101-2.109.

A copy of the proposed amendments is attached.

Copies of the proposed amendments are now available and at least one free copy may be obtained by writing to Harriette Hartung, Minnesota Board of Psychology, 717 Delaware Street Southeast, Minneapolis, Minnesota 55414. Additional copies will be available at the door on the date of the hearing.

Notice: The proposed amendments are subject to change as a result of the rule hearing process. The Agency therefore strongly urges those who are potentially affected in any manner by the substance of the proposed amendments to participate in the rule hearing process.

The statutory authority of the Board to promulgate and

adopt these amendments is contained in Minn. Stat. § 148.90 (1978).

Notice is hereby given that 25 days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed amendments. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge.

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. A lobbyist is defined in Minn. Stat. § 10A.01, subd. 11, as any individual:

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

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

Notice: Any person may request notification of the date on which the hearing examiner's report will be available, after which date the agency may not take any final action on the rules for a period of five working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the hearing examiner (in the case of the hearing examiner's report), or to the agency (in the case of the agency's submission or resubmission to the Attorney General).

The promulgation of these proposed amendments will not result in the expenditure of public monies by local government units.

June 25, 1979.

Harriette Hartung
Executive Secretary

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

PROPOSED RULES

Amendments as Proposed

Psych 6 Examinations.

(a) Examination dates will be announced by the Board. The examination schedule will establish: time(s), place(s), the amount of the application fee, the final date by which the Board must receive the applicant's ~~written intention to be examined,~~ completed Application for License form, and other pertinent information and/or instructions.

(b) If an applicant fails to appear for the scheduled examination, he/she will forfeit his/her application fee for the examination so scheduled unless he/she provides the Board within fifteen (15) days with an explanation acceptable to the Board.

(c) Application for any required examination will be denied or deferred if in the Board's judgment, the applicant lacks the required education and/or experience.

(1) If application for examination is denied or deferred, the applicant shall be notified in writing within thirty

(30) days after the Board's action, and shall be apprised of the reasons for the Board's action.

(d) The examination will be composed of ~~three (3)~~ two (2) sections:

(1) A written, objective section, and

~~(2) A written, subjective examination, and,~~

~~(3) (2)~~ (2) An oral examination conducted by the Board or its duly constituted representative(s).

~~(4) (3)~~ (3) In order to qualify for licensing, the applicant will be required to perform satisfactorily on the ~~three~~ two sections of the examination.

(e) The Board will notify the applicant in writing, as soon as possible, of the results of the examination.

(f) Persons determined by the Board not to have performed satisfactorily on the examination may reapply for the next examination by the Board. The Board may at its discretion, require reexamination on any or all parts of the examination.

STATE CONTRACTS

Pursuant to the provisions of Minn. Stat. § 16.098, subd. 3, an agency must make reasonable effort to publicize the availability of any consultant services contract or professional and technical services contract which has an estimated cost of over \$2,000.

Department of Administration procedures require that notice of any

consultant services contract or professional and technical services contract which has an estimated cost of over \$10,000 be printed in the *State Register*. These procedures also require that the following information be included in the notice: name of contract person, agency name and address, description of project and tasks, cost estimate, and final submission date of completed contract proposal.

Department of Education Vocational-Technical Education Division Notice of Request for Proposals for Evaluation of Special Projects

The Program Improvement and Information Section, Division of Vocational-Technical Education, Minnesota Department of Education is seeking proposals for the study of alternatives and preparation of recommendations concerning administration and financing of the following special projects:

- a. Minnesota Instructional Materials Center
- b. Vocational Student Organization Center
- c. Area Agricultural Coordinators
- d. Statewide Curriculum Articulation Center

A final report is required by November 15, 1979.

The amount of the contract is estimated to be \$10,000 plus expenses. Proposals must be received by 4:00 p.m., July 30, 1979. For further information on the special projects contact Dr. Melvin E. Johnson, Director, Program Improvement and Information Section, Division of Vocational-Technical Education, Minnesota Department of Education, Capitol Square Building, 550 Cedar Street, St. Paul, Minnesota 55101. Telephone (612) 296-2421.

Office of the Governor

**Notice of Request for Proposals
for Consultant Services**

Pursuant to 1979 session legislation (H. F. 233, Article VI, Section 33), proposals are requested for the evaluation of the development of the Minnesota Educational Computing Consortium (MECC) regional management information system. The evaluation shall consider the efficiency and cost effectiveness to the State, school districts and any other governmental computer consortia of: the use of centralized systems in comparison to less centralized systems, the assignment of districts to regional management information centers, the hardware procurement decisions of regional management information centers, and the development, maintenance and implementation of software systems. Consultant will confer with MECC staff, Lauderdale, MN, State Department of Education, St. Paul, regional centers and school district offices. Consultant will report to the appropriate legislative committees, governing boards and the Governor.

For further information, contact:

Catherine Tisinger
Office of the Governor
130 State Capitol
St. Paul, Minnesota 55155
Telephone: (612) 296-3391

The final submission date for proposals is August 3, 1979,
5 p.m.

Office of Hearing Examiners

Notice of Request for Proposals for Actuarial/Accounting Consultant

The Minnesota Office of Hearing Examiners is seeking the services of an actuarial/accounting consultant for the 1980 fiscal year ending June 30, 1980. The consultant will assist a hearing examiner during the pendency of a forthcoming workers' compensation insurance rate-setting hearing. Those applying must have experience in workers' compensation insurance rate matters and must be available for consultation at all times during the hearing process as may be needed. Compensation is uncertain at the present time but is not expected to exceed \$20,000.00. Persons or firms desiring to submit Proposals to the office should notify Myron S. Greenberg, Hearing Examiner, Minnesota Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone (612) 296-8109. All persons inquiring will be sent a Request for Proposal which will give more specifics. The final submission date for Proposals is July 23, 1979.

Office of the Legislative Auditor

Notice of Availability of Contract to Provide Professional and Technical Assistance in an Evaluation of the Metropolitan Transit Commission (MTC)

The Program Evaluation Division of the Office of the Legislative Auditor will be conducting an evaluation of MTC. The evaluation will focus on a) bus operations management, b) financial management, c) planning, coordination, and evaluation activities, and d) management service contracts. A consulting firm specializing in transportation is sought to conduct research for the bus operations component of this project, using primarily existing data, and to provide consultation to Program Evaluation Division staff who will conduct research for the remaining components.

The evaluation is to be completed for presentation to the legislature during the 1980 session. The consulting contract is expected to last approximately four months from September through December 1979 and will not exceed \$30,000 in total costs.

For a more detailed description of the project and to ar-

range interviews, interested parties should contact:

Thomas M. Sims, Project Manager
Office of the Legislative Auditor
Program Evaluation Division
Room 228, Minnesota Building
4th and Cedar Streets
St. Paul, Minnesota 55101
Telephone: (612) 296-8503

The final submission date for proposals is July 23, 1979.

Minnesota Department of Health

Notice of Availability of Funds for Family Planning Special Project Grants

The Minnesota Department of Health requests that any eligible agency interested in administering a Family Planning Special Project in calendar year 1980 contact the Minnesota Department of Health by July 31, 1979.

Purpose and Eligibility

Family planning is voluntary planning and action by individuals to *attain* or *prevent pregnancy*. Family Planning Special Project Grants will be made available to local government agencies and non-profit corporations to develop or expand pre-pregnancy family planning services to Minnesota residents in accordance with the Family Planning Services Act (Minn. Stat. § 145.925) and the Family Planning Rule (Chap. 27, Part II: 7 MCAR § 1.457).

How to Apply for Funds

A potential applicant should submit a Letter of Intent to apply to the Commissioner of Health by July 31, 1979. Agencies expressing an intent will be provided with a copy of the Family Planning Act, Family Planning Rule, and application materials and asked to send a representative to a meeting at the Minnesota Department of Health on August 15, 1979, from 9:00 a.m. to 4:00 p.m. At this meeting, the Family Planning Unit staff will review the Act, Rule, and application form and provide technical assistance concerning preparation of the grant application. Completed applications must be submitted to the appropriate Regional Development Commission, Health Systems Agency, and local board(s) of health prior to submission to the Commissioner. Completed applications must be submitted to the Department on or prior to October 15, 1979.

Applications will be reviewed and grants awarded in accordance with the Criteria for Award of Family Planning Special Project Grants found in the Family Planning Rule (7 MCAR § 1.457 E.). Applicant agencies will be notified in writing of the status of the application by December 31, 1979.

Further information regarding family planning and application for Family Planning Special Project Grants may be ob-

STATE CONTRACTS

tained by contacting Judi Kapuscinski, Supervisor, Family Planning Unit, 717 Delaware Street S.E., Minneapolis, Minnesota, 55440, (612) 296-5285.

Duration of Funding

Funds for approved grants for these purposes will be available for the period of January 1, 1980, through December 31, 1980.

Metropolitan Council

Notice of Request for Proposals for Developing Methods for Monitoring Occupancy Characteristics in the Rental and Ownership Market in the Seven County Metropolitan Area

The Metropolitan Council of the Twin Cities Area is soliciting a proposal for entering into a contract for the development of methods for monitoring occupancy characteristics in the rental and ownership market in the seven county Metropolitan Area. The consultant will be asked to review possible methods, and suggest the most feasible methods, including sampling techniques and survey questionnaires.

The Metropolitan Council desires to have this work performed for no more than \$19,000 and to have the work completed within three (3) months following the execution of a contract.

For further details regarding this work program or to obtain

a Request for Proposals, please contact Chuck Ballentine (612-291-6381) at the Metropolitan Council.

All proposals received by 4 p.m. on July 27, 1979 will be considered by the Metropolitan Council.

Request for Proposals for the Development of Transportation Performance Measures and Data Collection Alternatives to A 1980 Travel Behavior Inventory

The Metropolitan Council of the Twin Cities Area is soliciting a proposal for entering into a contract for the development of transportation performance measures and the delineation of data collection alternatives to a 1980 Travel Behavior Inventory. The consultant will be asked to review and aid in the formulation of transportation system performance measures, to devise a data collection strategy and methodology to implement these performance measures, and to explore and define data collection alternatives to a 1980 Travel Behavior Inventory.

The Metropolitan Council desires to have this work performed for no more than \$55,000 and to have the work completed within six (6) months following the execution of a contract.

For further details regarding this work program or to obtain a Request for Proposal, please contact John Hoffmeister (612-291-6344) at the Metropolitan Council.

All proposals postmarked no later than 8:00 a.m. on August 10, 1979 will be considered by the Metropolitan Council.

OFFICIAL NOTICES

Pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on

the subject, either orally or in writing.

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

Department of Health Emergency Medical Services Section

Notice of Filing of Application for Licensure

On June 20, 1979, North Memorial Medical Center filed application with George R. Pettersen, M.D., Commissioner of Health, for a license to operate an emergency land ambulance service with a base of operation in both the Community of Long Lake and the Community of Minnetonka, Minnesota.

This notice is made pursuant to Minn. Stat. § 144.802 (Supp. 1977). Please be advised that subd. 2 of that statute states, in part: The Commissioner may grant or deny the license 30 days after notice of the filing has been fully published. If the Commissioner receives a written objection to the application from any person within 20 days of the notice having been fully published, the license shall be granted or denied only after a contested case hearing has been conducted on the application. The Commissioner may elect to hold a contested case hearing if no objections to the application are received. If a timely objection is not received, the Commissioner may grant or deny the requested license based upon the information contained in the license application. If licensure is denied without hearing, the applicant, within 30 days after receiving notice of denial, may request and shall be granted a contested

OFFICIAL NOTICES

case hearing upon the application, at which hearing all issues will be heard de novo.

Any objections to this service, pursuant to Minn. Stat. § 144.802 (Supp. 1977) may be made in writing to George R. Pettersen, M.D., within the time period outlined by statute.

Department of Health Tuberculosis Control Division

Notice of Intent to Solicit Outside Opinion on Proposed Rules Relating to Tuberculosis Examination of School Employees

Notice is hereby given pursuant to the provisions of Minn. Stat. § 15.0412, subd. 6 (1978), that the Commissioner of Health will develop and propose rules relating to Tuberculosis Examination of School Employees.

All interested parties desiring to submit data or views related to the promulgation of rules relating to Tuberculosis Examination of School Employees should address their comments, either written or oral, to the Minnesota Department of Health, Division of Personal Health Services, 717 Delaware Street S.E., Minneapolis, Minnesota 55440, by writing or calling the person designated. Evidence submitted for consideration should be pertinent to the matter at hand. Any materials received by the Department will become part of the hearing record.

Contact: Allain M. Hankey
Tuberculosis Control Program
(612) 296-5206

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five (5) days after he commences lobbying. A lobbyist is defined in Minn. Laws of 1978, ch. 463, § 11 as any individual:

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

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

The statute provides certain exceptions. Questions should be directed to the Ethical Practices Board, 41 State Office Building, Saint Paul, Minnesota 55155, telephone (612) 296-5615.

George R. Pettersen, M.D.
Commissioner of Health

Minnesota State Retirement System

Special Meeting, Board of Directors

Notice is given that the Chairman of the Board of Directors, Minnesota State Retirement System, has called a special meeting of the Board to be held at 9:00 a.m., on Friday, July 27, 1979, in the office of the System, 529 Jackson, St. Paul, Minnesota.

The purpose of the meeting is to discuss the progress of the Participant Account System and any other matters which may properly come before the Board.

Department of Public Service Public Service Commission

Notice Regarding Complaint/Petition of the Minnesota Permit Truckers Association Requesting Increases in Minimum Grain and Class Rates

Notice is hereby given that a public hearing will be held on the above entitled matter, pursuant to Minn. Stat. § 221.161, subd. 4, in the Large Hearing Room, 7th Floor, American Center Building, 160 East Kellogg Boulevard, St. Paul, Minnesota on Monday, August 6 and Tuesday, August 7 commencing at 9:30 a.m. and continuing until all persons have had an opportunity to be heard.

The complaint/petition of the Minnesota Permit Truckers Association (T9000/GR-79-92) alleges that present prescribed minimum rates of all permit truckers engaged in the transportation of *grain and general commodities*, except livestock, are below a minimum reasonable level and noncompensatory in violation of applicable Minnesota Statutes governing motor common carriers. The petition requests, after public hearing, that the Commission amend present prescribed minimum

OFFICIAL NOTICES

rates (Docket GR-78-212 Level) by prescribing the following changes: (1) grain rates, generally 20% through 50 miles and graduated increases from 26% at 55 miles to 40% at 500 miles, (2) class rates, 10%, minimum charge increase from \$7.00 to \$8.50 per shipment.

The Hearing will be conducted by Richard DeLong, a Hearing Examiner of the State Office of Hearing Examiners. Any person desiring to participate as a party in this proceeding must file with the Hearing Examiner a notice of appearance and a petition to intervene at least ten (10) days before the date of the hearing with a duplicate simultaneously filed with the Secretary of the Commission and a copy served on each party of record. Petitions to intervene filed less than 10 days prior to the hearing will be reviewed by the Hearing Examiner for timeliness. The petition to intervene must state how the petitioner's legal rights, duties, or privileges may be determined or affected by the contested case, and shall set forth the grounds for which intervention is sought and shall indicate petitioner's statutory right to intervene if one exists. All documents and requests relating to this hearing should be submitted to the Examiner at: Office of Hearing Examiners, Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, (612) 296-8107.

For further information, please contact Jerome Pedersen, at (612) 296-2349.

Stephen A. Finn
Acting Secretary

Department of Public Welfare Executive Division

Notice of Intent to Solicit Outside Opinion Concerning Community Social Services

Notice is hereby given that the Minnesota Department of Public Welfare is seeking ideas/suggestions concerning draft rules to implement the Community Social Services Act and amendments to the Human Service Act. The proposed rules will require each board of commissioners to develop and update biennially a plan relating to the identification, reduction, remedy, and prevention of public social problems, will require public participation in county plan development; and will prescribe certain duties of county boards and certain required reports.

All interested or affected persons or groups are requested to participate. Statements of information and comment may

be made orally or in writing. Written statements of information and comment may be addressed to:

Gary Haselhuhn
Assistant Commissioner
Social Service Bureau
Department of Public Welfare
4th Floor, Centennial Office Building
St. Paul, Minnesota 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-2338.

All statements of information and comment must be received by July 30, 1979. Any written material received by the Department shall become part of the hearing record concerning these rules.

Notice of Intent to Solicit Input Concerning Issues Related to Nursing Home Reimbursement

Notice is hereby given that the Minnesota Department of Public Welfare is considering the appointment of a Task Force to examine several issues in connection with Rule 49 (12 MCAR § 2.049).

This rule governs reimbursement to nursing homes by the Medical Assistance program. The proposed Task Force Charge is to analyze the conclusions of the Legislative Audit Commission Study and the proposed revisions to Rule 49 contained in four bills introduced during the 1979 legislative session and to submit recommendations to the Commissioner of Public Welfare based on that analysis.

All interested or affected persons or groups are requested to participate by providing information or comments on the Task Force charge.

Statements of information and comment may be made orally or in writing.

Written statements of information and comment may be addressed to:

Maria Gomez
Office of Policy Analysis and Planning
Department of Public Welfare
4th Floor, Centennial Building
St. Paul, MN 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-5724.

All statements of information and comment must be received by July 23, 1979.

Department of Public Welfare Social Services Bureau

Notice of Intent to Solicit Outside Opinion Concerning Temporary Sliding Fee Schedule Rule

Notice is hereby given that the Minnesota Department of Public Welfare is considering drafting a temporary rule concerning day care sliding fee schedules.

It is anticipated that the temporary rule will include provisions regarding family eligibility, fee schedule and distribution formula.

All interested or affected persons or groups are requested to participate. Statements of information and comment may be made orally or in writing. Written statements of information and comment may be addressed to:

Jerry Ferguson
Minnesota Department of Public Welfare
Social Services Division
4th Floor, Centennial Office Building
St. Paul, Minnesota 55155

Oral statements of information and comment will be received during regular business hours over the telephone at (612) 296-5766.

All statements of information and comment must be received by July 30, 1979.

Office of the Secretary of State Election and Legislative Manual Division

Notice of Vacancy in Multi- Member Agency—Application and Appointment Procedures

Notice is hereby given to the public that vacancies have occurred in multi-member state agencies, pursuant to Minn. Stat. § 15.0597, subd. 4. Application forms may be obtained at the Office of the Secretary of State, 180 State Office Building, St. Paul, MN, 55155; (612) 296-2805. Application deadline is Tuesday, July 24, 1979.

Apprenticeship Advisory Council: One vacancy open immediately for a representative of an employee organization, for a term expiring October 1, 1980. The council proposes minimum standards for apprenticeship programs, proposes

occupational classifications for apprenticeship programs and advises the Commissioner of Labor and Industry on policies and rules. Meetings are held quarterly. Members are compensated \$35 per diem and expenses. The appointing authority is the Commissioner of Labor and Industry. For specific information, contact James Harris, 561 Space Center Bldg., St. Paul, 55101; (612) 296-2371.

Board of Residential Utility Consumers: One vacancy open immediately for a term expiring January 3, 1983. The member must be a resident of the fifth Congressional district and may not be a member of the Democratic-Farmer-Labor party. The board establishes policy guidelines concerning utility-related activities of the commerce department's consumer services section. Meetings are held monthly. Members are compensated \$35 per diem plus expenses. The appointing authority is the governor. For specific information, contact Norrine McCarthy, 128 Metro Square, St. Paul, 55101; (612) 454-8990.

Minnesota Corrections Board: One vacancy open August 1, 1979 for a term expiring January 7, 1980. Applicants should have knowledge or experience in corrections or related fields. This is a full-time, forty hour per week position. Travel to corrections institutions is required. Members receive \$25,600 per year. The appointing authority is the governor and senate approval is required. For specific information, contact Monty Martin, 130 Capitol, St. Paul, 55155; (612) 296-3391.

SUPREME COURT

**Decisions Filed Friday,
June 29, 1979**

Compiled by John McCarthy, Clerk

**48951/225 William J. Hagerty, petitioner, vs.
Claire Hagerty, Appellant. Hennepin
County.**

Untreated alcoholism cannot defeat a finding of irretrievable breakdown within the meaning of the marriage dissolution statute, Minn. Stat. 1976, § 518.06, which eliminated consideration of the cause of serious marital discord as well as fault.

As extensions of statutory provisions are properly within the province of the legislature, we decline the invitation to carve a judicial exception to the statute.

Affirmed. Maxwell, J. Took no part, Otis, J.

49300/242 Donald Olson, by Ruby Olson, His General Conservator, Appellant, vs. St. Joseph's Hospital, F. B. Spieler, M.D. Crow Wing County.

Where expert testimony was equivocal with respect to the cause of plaintiff's lesions and other evidence suggested they were burns from scalding water, jury could reasonably infer that plaintiff suffered thermal burns.

Res ipsa loquitur instruction was proper although plaintiff had not eliminated all other possible causes of his lesions where jury found, by preponderance of evidence, that the lesions resulted from thermal burns.

Reversed. Maxwell, J. Took no part, Otis, J.

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